

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

***Supplemental
CF 18-1088-S1***

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2015-2025-DB-MCUP-CU-SPR	ENV-2015-2026-EIR SCH No. 2015101073	13 – O'Farrell
PROJECT ADDRESS:		
1540 – 1552 Highland Avenue, 6700 – 6760 Selma Avenue, 6663 – 6675 Selma Avenue, 6660 Selma Avenue, 1543 – 1553 McCadden Place, 1542 – 1546 McCadden Place, 1501 – 1573 Las Palmas Avenue, 1500-1570 Las Palmas Avenue, 1600 – 1608 Las Palmas Avenue, 6665 – 6713 ½ Sunset Boulevard		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Bill Myers, CRE-HAR, Crossroads SPC, LLC 6363 Wilshire Boulevard, Suite 600 Los Angeles, CA 90048 <input type="checkbox"/> New/Changed	323-658-1511	
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Kyndra Casper, DLA Piper, LLP 550 South Hope Street, Suite 2400 Los Angeles, Ca 90071	213-330-7700	kcasper@sheppardmullin.com
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
Hollywood Media Center, LLC		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
Ellis Raskin Angel Law 2601 Ocean Park Boulevard, Suite 205 Santa Monica, CA 90405	310-314-6433	Eraskin@angellaw.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		

FINAL ENTITLEMENTS NOT ADVANCING:**ITEMS APPEALED:**

Entire Decision

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☐ Letter of Determination
- ☐ Findings of Fact
- ☐ Staff Recommendation Report
- ☐ Conditions of Approval
- ☐ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☐ Mailing List
- ☐ Land Use
- ☒ Other

- ☐
- ☐
- ☐
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- ☐
- ☐
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- ☐ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other

- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

NOTES / INSTRUCTION(S):**FISCAL IMPACT STATEMENT:**☐ Yes☐ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
LAST DAY TO APPEAL:	APPEALED:
TRANSMITTED BY:	TRANSMITTAL DATE:

ORIGINAL



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☐ Area Planning Commission ☐ City Planning Commission ☒ City Council ☐ Director of Planning

Regarding Case Number: CPC-2015-2025-DB-MCUP-CU-SPR; ENV-2015-2026-EIR (Rel. Case: VTT-73568-1A)

Project Address: 1540-1552 Highland Ave.; 6663-6675 Selma Ave., 1543-1553 McCadden Pl.; etc.

Final Date to Appeal: 11/15/2018

Type of Appeal: ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Ellis Raskin

Company: Angel Law

Mailing Address: 2601 Ocean Park Blvd., Suite 205

City: Santa Monica

State: CA

Zip: 90405

Telephone: (310) 314-6433

E-mail: eraskin@angellaw.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☐ Self

☒ Other: Hollywood Media Center, LLC

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☐ No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: _____

Date: 11/13/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: \$89.00	Reviewed & Accepted by (DSC Planner): Sarah Goldman	Date: 11/13/18
Receipt No: 0302140994	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

EXHIBIT 1: GROUNDS FOR APPEAL

ANGEL LAW

**2601 Ocean Park Blvd., Suite 205
Santa Monica, CA 90405-5269
Tel: (310) 314-6433**

**fangel@angellaw.com
eraskin@angellaw.com**

November 13, 2018

Honorable President Herb Wesson and
Members of the Los Angeles City Council
Los Angeles City Hall
200 N. Spring St.
Los Angeles, CA 90012

**RE: Grounds for Appeal of Case Nos. VTT-73568-1A & CPC-2015-2025-DB-MCUP-CU-SPR
(CEQA File No. ENV-2015-2026-EIR; SCH No. 2015101073)**

Dear President Wesson and Honorable Councilmembers:

On behalf of the Hollywood Media Center, LLC (HMC), we respectfully appeal the City Planning Commission's (CPC) decisions to sustain the approval of a vesting tentative tract map (VTTM; No. 73568), certify a final environmental impact report (EIR; File No. ENV-2015-2026-EIR; SCH No. 2015101073), and approve discretionary entitlements for the Crossroads Hollywood Project (Project).

This letter provides reasons and justifications for our appeal. We will show that the CPC approved a substantially defective EIR that fails to comply with the requirements of the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.), and the State CEQA Guidelines (Guidelines; Cal. Code Regs., tit. 14, § 15000 et seq.).¹ The EIR fails to disclose, evaluate, and mitigate direct, indirect, and cumulative Project impacts on the environment. We will also show that the CPC's decision to sustain the approval of VTTM No. 73568, and its approval of other discretionary entitlements, violated state law and the Los Angeles Municipal Code (LAMC).

Given the Project's scale, intensity, and projected lifespan, we urge this council to take this opportunity to correct serious deficiencies in this Project's environmental review. This Project will

¹ We hereby re-adopt and incorporate by reference HMC's previous comment letter and appeal to the CPC.

dramatically re-shape Hollywood for generations to come, and it is crucial that the City of Los Angeles (City) adequately inform its residents of the Project's environmental effects.

I. Background Information About the Crossroads Project

"They're destroying one community to create another"

– *Ged Kenslea, Spokesman for the AIDS Healthcare Foundation, commenting on the Crossroads Project*²

The Crossroads Project would bring over 1.2 million square feet of new development to an 8.3-acre site in Hollywood. The press has referred to the Project as a collection of "glassy monoliths," "behemoth towers," "exceedingly large towers," and "monster towers."³ They will stand in stark contrast to existing structures in the neighborhood.

On August 15, 2018, the Advisory Agency certified the Project's final EIR, approved VTTM No. 73568, and approved other discretionary entitlements for the project. HMC and Livable LA appealed the Advisory Agency's decisions to the CPC. Our appeals explained that the EIR contained numerous deficiencies and that the Advisory Agency prejudicially abused its discretion by certifying a legally inadequate EIR and by approving a VTTM and entitlements that did not comply with state and local law.

The CPC held a hearing on our appeals on September 13, 2018. At the hearing, many members of the Hollywood community spoke out against the Project and asked the CPC to scale back the Project, to protect the irreplaceable rent-stabilized units located at the project site, and to remedy information disclosure inadequacies in the EIR. Despite the large public outcry, the CPC denied the appeals. On October 31, 2018, the CPC issued letters of determination for its decisions of September 13, 2018. Livable LA and HMC have timely appealed the CPC's determinations.

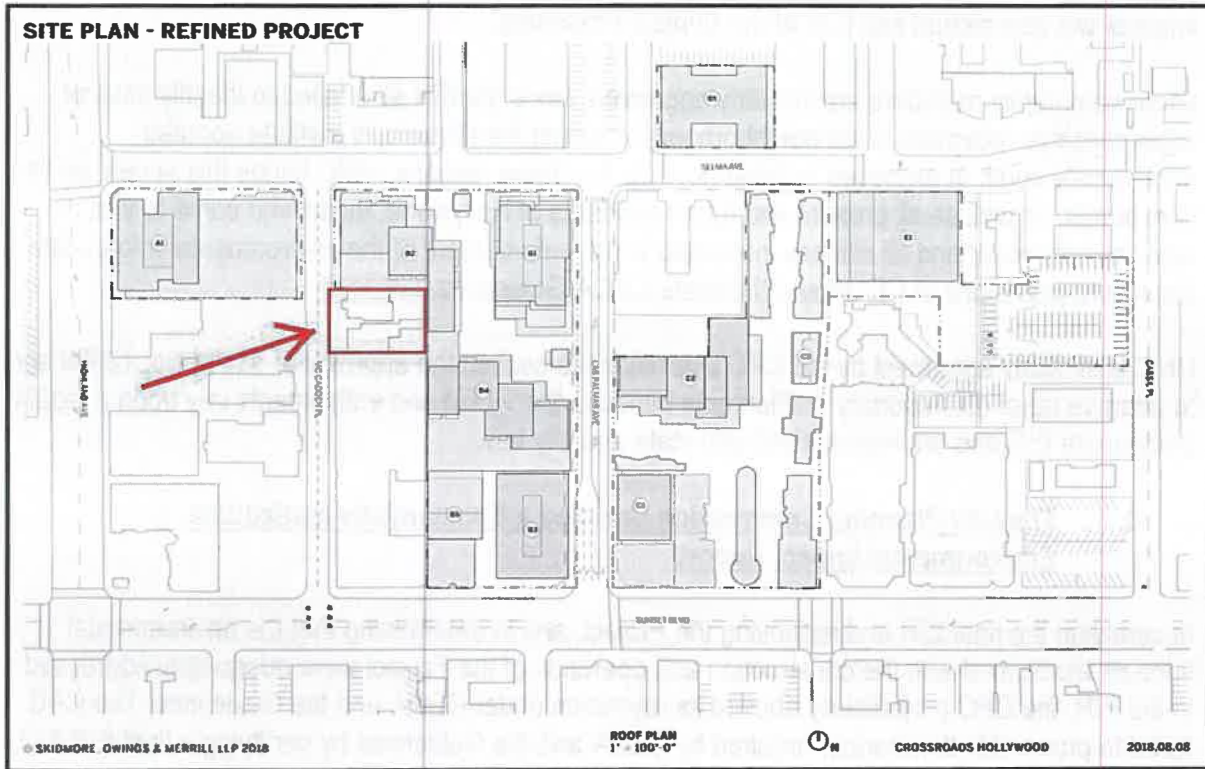
II. Background Information About HMC

HMC owns 1534 and 1540 N. McCadden Place, Hollywood, CA 90028 (collectively, the **Subject Properties**), which are located adjacent to the Project site (immediately southwest of proposed building no. B2). On the following page, we have provided a map showing the location of the Subject Properties relative to the Project site; the Subject Properties are outlined in red.

² Zahniser, *L.A. Officials Back Three-tower Hollywood Project with 950 Apartments*, L.A. Times (September 13, 2018), available at <http://www.latimes.com/local/lanow/la-me-ln-crossroads-hollywood-20180913-story.html>.

³ Johnson, *Show Business is Returning to a Glitzier, Taller Hollywood*, Variety (Nov. 04, 2015), available at <https://variety.com/2015/digital/news/hollywood-development-netflix-viacom-1201632106/>; Wattenhofer, *All the Details on the Huge Redevelopment Coming to Hollywood's Crossroads of the World*, Curbed L.A. (Oct. 23, 2015), available at <https://la.curbed.com/2015/10/23/9908052/crossroads-of-the-world-redevelopment>.

Location of 1534 and 1540 N. McCadden Place:



The property at 1540 N. McCadden Place is a creative artists space that houses a well-known production company that occupies a majority of the building. 1540 N. McCadden contains a recording studio that hosts live and delayed broadcasting indoors and outdoors from the facility, as well as music and sound recording and editing. Additionally, there is currently an up-scale restaurant located at 1534 N. McCadden Place, for which the City has issued a renewed Conditional Use Permit (CUP) for the property, including an outdoor dining area of approximately 3000 square feet.

The City's failure to adequately disclose and analyze the Project's adverse environmental effects on the local community frustrates residents' and decisionmakers' abilities to make informed decisions about this Project and other development projects in Hollywood. The City's failure to mitigate those adverse environmental effects severely detracts from local residents' quality of life, health, wellbeing, and personal satisfaction. This is especially true for HMC and members of the public who utilize the services at the Subject Properties, since the City has repeatedly refused to acknowledge that the Subject Properties are sensitive receptors for noise, vibration, light, dust, and other airborne pollutants. In light of these information disclosure inadequacies, the EIR fails to

provide easily-implementable mitigation measures that could reduce the severity of adverse environmental effects. During the project's lengthy 5-7 year-long construction period, the Project's adverse environmental effects will severely disrupt services at the Subject Properties. Operational impacts will also disrupt services at the Subject Properties.

Other community members are similarly aggrieved, since the EIR also failed to identify several other sensitive receptors in the neighborhood, including the Musician's Institute (located immediately south of proposed building no. A1). For these reasons, HMC brings this appeal on its own behalf, as well as all present and future residents of Hollywood, those who come to visit or work in Hollywood, and all citizens interested in the enforcement of the environmental information disclosure provisions of CEQA and the State CEQA Guidelines.

HMC is similarly aggrieved by the CPC's decisions to sustain the approval of VTTM No. 73568 and to approve other discretionary entitlements because the VTTM and entitlements rely upon a legally inadequate EIR and are inconsistent with state and city law.

III. The City Planning Commission Certified a Substantially Inadequate Environmental Impact Report

In certifying the final EIR and approving the Project, and in determining that the environmental impacts associated with the construction and operation of the Project were adequately addressed in the EIR, the CPC prejudicially abused its discretion under CEQA and the Guidelines. The CPC failed to proceed in the manner required by CEQA and the Guidelines by certifying a final EIR that falls substantially short of CEQA's and the Guidelines' standards of environmental disclosure and impact assessment, and the Guidelines' EIR content requirements.

CEQA compliance "serve[s] an important purpose in helping to shape and inform [public officials'] exercise of discretion." (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 122.) To that end, "the public and decision-makers, for whom the EIR is prepared, should . . . have before them the basis for [EIR conclusions] so as to enable them to make an *independent, reasoned judgment*." (*Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831, emphasis added.) Even if City staff or the EIR drafters know the answers to those questions, to paraphrase *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, "the critical point" is that the public and the City Council "must be equally informed." (*Id.* at 404.) The EIR is a "document of accountability." (*Id.* at 392; accord, *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1164-1165.)

"[T]he ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." [Citation.] (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 88.) "CEQA is enforced with powerful

remedies to ensure that the review process is completed appropriately and the various findings are made before projects go forward. Litigants, including members of the public, may apply to courts to order agencies to void, either in whole or in part 'any determination, finding, or decision . . . made without compliance' with CEQA. [Citations.]” (*Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 713.)

As we will show in further detail below, many aspects of the EIR fall far short of the standards required by CEQA and the Guidelines.

a. Failure to Provide an Adequate and Stable Project Description

An EIR must provide a description of “the project’s technical, economic, and environmental characteristics” (Guidelines § 15124, subd. (c).) “An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.)

Here, the EIR provides a substantially defective project description that denies City decisionmakers and members of the public a meaningful opportunity to scrutinize the Project’s environmental effects. Many key questions about the Project’s scope, layout, design, and operation remain unanswered. These questions include (but are not limited to) the following:

- Where will the 22 “alcohol-related uses” be located? How do we know that they are not inappropriately concentrated in one specific portion of the project site, and how do we know that they are not inappropriately located in close proximity to a school or church?
- What types of illuminated signage will be used at the Project site, how big will the signs be, and where will they be located?⁴
- Will the buildings on the Project site utilize exterior cladding that minimizes the risk of bird collisions?⁵
- To what extent will the retail, entertainment, and dining venues be affordable to low- and moderate-income members of the community?⁶

⁴ The City may argue that environmental effects of signage are merely aesthetic impacts that are exempt from scrutiny under Senate Bill 743. Not so. The public needs to know the type, size, and location of signage to determine whether the Project is consistent with General Plan and LAMC provisions that regulate signage.

⁵ For more information about bird deaths caused by collisions with buildings, see American Bird Conservancy, *Up to One Billion Birds May Be Killed Annually in Building Collisions, New Study Says*, available at <https://abcbirds.org/article/up-to-one-billion-birds-may-be-killed-annually-in-building-collisions-new-study-says/>.

⁶ See Harris, *Environmental Justice at the Local and Regional Level Legal Background*, available at https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf.

- During the construction phase, what direction will vehicles travel on McCadden Place (north to south, or south to north)?
- Where, specifically, will on-street parking be removed?⁷
- Where will taxis and ridesharing services queue while waiting to pick up guests and patrons from residential, hotel, restaurant, or entertainment facilities?
- How can the project possibly squeeze 176 trees (each of which will be planted in a 24-inch box) onto a single roof deck? (See draft EIR at p. IV.K.5-19.)
- What is the albedo of ground-level and rooftop surfaces?
- In the modified Project, will the subsurface vacation of Las Palmas Avenue to construct subterranean parking necessitate the removal or relocation of the underground gas lines that run along Las Palmas? (See draft EIR at p. IV.M.4-17 [disclosing existence of underground gas lines].)

The EIR also fails to provide a stable project description. In lengthy, last-minute errata published in August 2018 – shortly before the CPC’s hearing on September 13 – the City introduced significant modifications to the Project’s design and made substantial revisions to its analysis of the Project’s environmental effects. CEQA does not permit these types of significant last-minute changes, introduced long after the close of the public comment period. If a Public Agency makes significant changes to an EIR after the close of the public comment period, the EIR must be recirculated to allow the public and other public agencies a meaningful opportunity to comment on the EIR. (See Guidelines § 15088.5, subds. (a) & (b).)

b. Failure to Provide an Adequate Description of the Project’s Environmental Setting

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (Guidelines § 15125, subd. (a).) “Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.” (*Id.* at subd. (c).) Here, the EIR fails to provide a legally adequate description of the Project’s environmental setting.

⁷ Bureau of Engineering Standard Condition S-3 requires the sidewalks on some streets to be widened. (CPC Letter of Determination for VTT-73568-1A at p. 52.) We presume this will result in the loss of on-street parking on those streets, but the EIR doesn’t specifically identify the on-street parking spaces that will be eliminated.

i. Failure to Disclose Sensitive Receptors Adjacent to the Project Site

As discussed in further detail below in our arguments regarding air quality, noise, and vibration impacts, the EIR fails to disclose the existence of sensitive receptors located immediately adjacent to the Project site.

ii. Failure to Disclose Related Projects

In its discussion of a project's environmental setting, an EIR must disclose the existence of related projects. An EIR must do so to account for the fact that "[t]he possible effects of a project [may be] individually limited but cumulatively considerable." (Pub. Resources Code, § 21083, subd. (b)(2).) Consequently, an EIR must discuss cumulative, incremental impacts caused by a project when effects are combined with the effects of other, closely related past, present, and reasonably foreseeable future projects. (*Id.*; see *North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 682; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 [EIR held inadequate where it "improperly focused upon the individual project's relative effects and omitted facts relevant to an analysis of the collective effect this and other sources will have upon air quality"].)

Here, the EIR fails to disclose the existence of at least 11 other related projects. (See list of related projects in DEIR at pp. III-8 to III-19; see also map of related projects at p. III-20.)⁸

Project Name	Env. No.	Address	Link to CEQA Document(s)
Coronel Apartment Project	ENV-2012-110-EIR	1600-1608 N. Serrano Ave. & 1601-1605 N. Hobart Boulevard, Los Angeles, CA 90027	Final EIR: http://planning.lacity.org/eir/CoronelApt/FEIR/index.html Draft EIR: http://planning.lacity.org/eir/CoronelApt/DEIR/index.html

⁸ We discovered these 11 undisclosed related projects by checking the following City Planning Department websites:

- List of final EIRs: <https://planning.lacity.org/eir/TocFeir.htm>
- List of draft EIRs: <https://planning.lacity.org/eir/TocDeir.htm>
- List of Notices of Preparation: <https://planning.lacity.org/eir/nops/TOCNOP.htm>

Project Name	Env. No.	Address	Link to CEQA Document(s)
SunWest Project	ENV-2015-2448-EIR	5509, 5511, 5515, 5517, 5519, 5521, 5523, 5525, 5527, 5529 West Sunset Boulevard; 1505, 1507, 1509, 1511, 1515, 1523, 1525, 1527, 1529, 1531, 1535 North Western Avenue; and 5518 West Harold Way, Los Angeles, California, 90028	Final EIR: https://planning.lacity.org/eir/SunWest/FEIR/FEIR%20SunWest%20Project.html Draft EIR: https://planning.lacity.org/eir/sunwest/DEIR/DEIR%20SunWest%20Project.html
6200 West Sunset Boulevard Project	ENV-2015-3603-EIR	6200–6218 W. Sunset Boulevard, 1437–1441 N. El Centro Avenue, 6211 W. Leland Way, Los Angeles, California 90028	Final EIR: https://planning.lacity.org/eir/6200WestSunset/FEIR/Index.html Draft EIR: https://planning.lacity.org/eir/6200WestSunset/Deir/index.html
1375 St. Andrews Project	ENV-2015-4630-EIR	1365–1375 St. Andrews Place, 5604-5632 W De Longpre Avenue, and 5605-5607 W. Fernwood Avenue, Los Angeles, CA 90028	Draft EIR: https://planning.lacity.org/eir/1375_St_Andrews_Apts/Deir/DEIR%20Website.html
Edinburgh Avenue SLS	ENV-2016-1367-EIR	750-756 North Edinburgh Avenue, Los Angeles, CA 90046	Draft EIR: https://planning.lacity.org/eir/EdinburghAve/Deir/LA%20DEIR%20Posting%20Edinburgh%20Avenue%20SLS.html
citizenM Hollywood & Vine	ENV-2016-2846-EIR	1718 N. Vine Street, Los Angeles, CA 90028	Initial Study: https://planning.lacity.org/eir/nops/citizenM_HollywoodAndVine/is.pdf
Hollywood and Wilcox Project	ENV-2016-3177-EIR	6430–6440 W. Hollywood Boulevard and 1624–1648 N. Wilcox Avenue, Los Angeles, California, 90028	Initial Study: https://planning.lacity.org/eir/nops/HwdWilcox/ls.pdf

Project Name	Env. No.	Address	Link to CEQA Document(s)
6400 Sunset	ENV-2016-3631-EIR	6400 W. Sunset Boulevard, Los Angeles, California, 90028	<p>Initial Study: https://planning.lacity.org/eir/nops/6400Sunset/Initial_Study.pdf</p> <p>Sustainable Communities Project CEQA Exemption: https://planning.lacity.org/eir/SCPEs/documents/6400_Sunset_Blvd/Exemption.pdf</p>
1360 N. Vine Street Project	ENV-2016-3778-EIR	1360 N. Vine Street, Los Angeles, California, 90028-8140	<p>Initial Study: https://planning.lacity.org/eir/nops/1360%20Vine%20Street/InitialStudy_Checklist.pdf</p>
5420 Sunset Project	ENV-2017-1084-EIR	5420–5450 West Sunset Boulevard, 1418–1440 North Western Avenue, and 1441 North Serrano Avenue, Los Angeles, California, 90027	<p>Initial Study: https://planning.lacity.org/eir/nops/5420Sunset/5420%20Sunset%20Project%20Initial%20Study.pdf</p>
Sunset Gower Studios Enhancement Plan	ENV-2017-5091-EIR	6010, 6050 and 6060 Sunset Boulevard, 1455 North Beachwood Drive, 1455 Gordon Street, and 1438 and 1440 North Gower Street, Los Angeles, CA 90028	<p>Initial Study: https://planning.lacity.org/eir/nops/Sunset_Gower_Studios_EP/InitialStudy.pdf</p>

The absence of data about these related projects' environmental effects undermines the accuracy of the EIR's determinations regarding the significance of the Crossroads Project's environmental effects. By omitting these 11 related projects from its discussion of the Project's environmental setting, the EIR *understates* the significance of cumulative impacts.

Furthermore, the omission of these 11 related projects is especially prejudicial because many environmental resources in the region are already severely degraded. Courts have recognized time and again that the more degraded a natural public resource has become, the greater the potential for cumulative harm from an individual project that incrementally increases the harm, and the

greater the need to reverse the past trend and protect the resource from future incremental degradation. (E.g., *Kirkorowicz v. California Coastal Com.* (2000) 83 Cal.App.4th 980, 994-995 [degraded wetlands]; *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 507-508 [degraded environmentally sensitive habitat area]; *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1027-1028 [degraded urban acoustic environment]; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721 [degraded air basin]; *Coastal Southwest*, 55 Cal.App.3d 525 at 536, 538, 542 [degraded visual setting; loss of one of the last remaining vista points for viewing oceanfront area; upholding the Commission's reversal of a local government permit for a hotel].)

c. Failure to Disclose, Evaluate, and Mitigate Impacts to Aesthetics, Views, Light/Glare, and Shading

The EIR fails to disclose that the restaurant located at 1534 N. McCadden Place is a sensitive receptor with respect to light, shade, and glare. In fact, the City's CEQA Thresholds Guide specifically identifies restaurants with outdoor dining areas as a sensitive receptor with respect to shading:

"Facilities and operations that are sensitive to the effects of shading generally include, but are not limited to, routinely useable outdoor spaces associated with residential, recreational or institutional land uses; commercial uses such as pedestrian-oriented outdoor spaces or **restaurants with outdoor eating areas**; nurseries; and existing solar collectors."

(CEQA Thresholds Guide at p. A.3-3, emphasis added.) Moreover, the EIR fails to provide easily-implementable mitigation measures to eliminate or reduce the severity of these impacts.

d. Failure to Disclose, Evaluate and Mitigate Impacts to Air Quality

For the reasons discussed below, the EIR's disclosures with respect to air quality impacts are severely deficient.

i. Failure to Disclose Effects of Project Changes to Localized Wind Patterns

As a preliminary matter, the EIR fails to disclose, analyze, or mitigate ways in which Project building designs may change localized wind patterns, such that pollutants may be directed toward or away from nearby sensitive receptors. Nor does it disclose, analyze, or assess the ways in which changed wind patterns might exacerbate CO "hot spots." (See draft EIR at p. IV.B-40.)

ii. Failure to Disclose, Analyze, or Mitigate Cumulative Impacts

The EIR claims that the Project will not contribute to cumulative considerable impacts with respect to NO₂, CO, PM₁₀, and PM_{2.5} because operational impacts, on an individual Project-level basis, would not exceed SCAQMD's thresholds. This analysis profoundly misconstrues CEQA. A project's effects can be cumulatively considerable even when project-level impacts are less than significant, viz., are "individually limited" (§ 21083 (b)(2)) or "individually minor." (Guidelines, § 15355.) The whole point of cumulative impact analysis is to ensure assessment of environmental impacts from sources that " 'appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact.' " (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720.)

When viewed in conjunction with other related projects, Project air quality emissions are cumulatively considerable. For example, if you add CO emissions from the Project and the neighboring Highland Selma Project (located across the street from proposed building no. A1; related project no. 45 in the draft EIR), the combined emissions exceed SCAQMD's significance threshold:

Source	Total CO Emissions (Pounds Per Day)
Crossroads Project (EIR errata at p. 10)	403
Highland Selma Project ⁹	156.73
SCAQMD Threshold	550
Combined Total	559.73
Threshold Exceeded?	Yes

The EIR's failure to utilize a legally adequate cumulative impacts methodology and analysis is a significant error. It never should have been certified.

iii. Failure to Disclose, Analyze, or Mitigate Construction Dust and Particulate Impacts on Sensitive Receptors

First of all, the EIR fails to disclose the existence of a sensitive receptor located at 1534 N. McCadden Place. That property contains a restaurant space with an outdoor dining area of approximately 3000 square feet. Consequently, the EIR's analysis of construction impacts relies upon the false premise that "Maximum active construction activities would occur on approximately 5 acres at a distance of approximately 25 meters from sensitive land uses." (Draft EIR at p. IV.B-

⁹ Highland Selma MND at p. IV-34, available at http://clkrep.lacity.org/online/docs/2013/13-1134_misc_3_06-19-2015.pdf.

35.) In fact, the construction activities would occur at a location that is immediately adjacent to a sensitive receptor.

The EIR also completely fails to provide adequate mitigation for construction-related dust and particulate matter. It proposes, without any evidence – let alone substantial evidence – that dust control measures delineated in Section IV.B, Air Quality, of the EIR, and SCAQMD Rule 403, would be enough to mitigate the excessive dust the Project plans to emit into the already degraded air quality in the Project area. Likewise, City staff responses to our comments in the CPC staff report rely on the conclusory assumption that the dust control measures will be adequate for mitigating impacts. Again, the City has provided no basis for its assertion.

Furthermore, the EIR and the staff response completely ignore site-specific conditions that may inhibit the effectiveness of such mitigation measures, such as localized wind conditions that may direct or concentrate particulate matter at a specific location or building materials that release additional particulate matter.

To make matters worse, the proposed mitigation measures for controlling dust, such as the wetting of dirt twice a day, only propose the bare minimum required by CEQA. Common sense should tell you that on warm days (of which there are many in California), the topsoil will quickly dry out, rendering this mitigation measure completely ineffective. More frequent watering is clearly feasible, as are other more robust mitigation plans. For example, covering topsoil with plastic tarps is one possible environmentally superior alternative. Utilizing timed, remote-controlled, automatic sprinklers is yet another option. Another possibility would be to construct a physical barrier along the property line between 1534 N. McCadden Place and the Project site to control the spread of fugitive dust.

Yet another feasible, environmentally superior mitigation measure would be to eliminate the haul route along McCadden Place. The MND for the Highland Selma Project included just such a mitigation measure (at p. IV-123, emphasis added):

12-6: All construction truck traffic shall be restricted to truck routes approved by the City's Department of Building and Safety, which shall avoid residential areas *and other sensitive receptors to the extent feasible*.

This will mitigate impacts to the sensitive receptors along McCadden place by preventing exposure to air pollutants from idling trucks that are queuing along the haul route, and it will also mitigate exposure to fugitive dust from trucks carrying dirt and other materials.¹⁰ It may also mitigate

¹⁰ The EIR assumes that trucks will not idle for more than five minutes at a time. (Draft EIR at p. IV.B-16.) However, it is widely accepted that trucks rarely comply with idling restrictions, and recent research has found that it is not uncommon for truckers to idle for several hours every day. (United States Office of

ancillary traffic and noise impacts caused by queuing trucks that will block the single lane of traffic on McCadden Place during the Project's construction phase.

e. Failure to Disclose, Evaluate and Mitigate Impacts to Biological Resources

The EIR did not analyze impacts to biological resources because the Project's Initial Study (IS) (erroneously) determined that Project would not have the potential to cause significant impacts related to biological resources. (Draft EIR at p. I-2.) The EIR's failure to disclose, analyze, and mitigate impacts to biological resources is a serious flaw.

i. Failure to Disclose, Evaluate, and Mitigate Impacts Caused by Removal of Trees

According to the protected tree report attached to the Project's IS as "appendix IS-1," the project will remove 59 of the 71 trees located on the project site, as well as "many" of the 18 street trees located along the perimeter of the Project site. Once the Project is completed, the project will provide a total of 246 trees (see draft EIR at p. IV.K.5-19), but the EIR completely overlooks environmental impacts that will occur during the lengthy construction period as a result of cutting down the vast majority of trees on site (i.e., the years-long period between the trees' removal and the planting of new trees). Even if these impacts could in good faith be called "temporary," or "short-term," which they cannot, this does not permit the city to decline to assess them. (See *No Oil, Inc. v. Los Angeles* (1974) 13 Cal.3d 68, 85.)

The loss of the 59 (or more) trees will exacerbate the heat island effect, it will diminish the urban forest's capacity to absorb airborne pollutants, and it will result in the loss of habitat for urban wildlife. It will also add to the significant, cumulative, neighborhood-wide and City-wide loss of canopy cover.¹¹ The EIR does not disclose these impacts. Nor does it disclose potential impacts

Energy Efficiency and Renewable Energy, *Work Truck Daily Idle Time by Industry*, available at <https://www.energy.gov/eere/vehicles/fact-917-march-21-2016-work-truck-daily-idle-time-industry>.)

¹¹ According to one recent study, between the years 2000 and 2009, Council District 13 lost nearly 20 percent of its canopy cover, and hardscape increased by nearly 20 percent. (Lee, et al., *Increased home size and hardscape decreases urban forest cover in Los Angeles County's single-family residential neighborhoods* (2017) 24 Urban Forestry & Urban Greening 222, available at <http://johnwilson.usc.edu/wp-content/uploads/2018/03/Increased-home-size-and-hardscape-decreases-urban-forest-cover-in-Los-Angeles-Countys-single-family-residential-neighborhoods.pdf>.)

associated with replacing large, mature trees with potentially small, immature trees.¹² Depending on the species, it may take decades for the new trees to mature.¹³

To make matters worse, the EIR does not provide a landscape plan for the 176 trees that will purportedly be planted on the roof deck. (See draft EIR at p. IV.K.5-19.) There is no way for the public or City decisionmakers to scrutinize whether it will be possible to place that many trees on the deck, whether the trees will have enough space to thrive, or whether tree growth may be inhibited by other environmental factors, such as strong winds on the top of the building.

ii. Failure to Disclose Impacts Caused by Bird Collisions with Buildings

Research indicates that collisions with clear and reflective sheet glass cause more anthropogenic bird deaths than any other activity, except habitat destruction.¹⁴ The City anticipates that migratory birds may nest in trees located throughout the Project site, but the EIR provides no discussion whatsoever about potential collisions between these migratory birds and the tall, unobstructed towers at the project site.

iii. Failure to Disclose Indirect and Cumulative Impacts to Biological Resources

The EIR does not disclose or analyze (much less mitigate) indirect and cumulative Project impacts on biological resources caused by project effects on other aspects of the environment (e.g., impacts to regional air quality, contributions to urban sprawl caused by population and housing displacement, contributions to regional light pollution, etc.).¹⁵

¹² Large, mature trees provide ecological services that smaller, immature trees do not. (See United States Forest Service Center for Urban Forest Research, *The Large Tree Argument*, available at https://www.fs.fed.us/psw/topics/urban_forestry/products/cufr_511_large_tree_argument.pdf.)

¹³ Bowman et al., *Detecting trends in tree growth: not so simple* (2013) 18 trends in Plant Science 11, available at http://www.t-forces.net/upload/publication-store/2013/Bowman/Bowman_et_al_tree_growth_trends_TPS_2013.pdf; see also Black et al., *Relationships between radial growth rates and lifespan within North American tree species* (2008) 15 *Ecoscience* 349, available at <http://www.bioone.org/doi/full/10.2980/15-3-3149>.

¹⁴ Klem Jr., et al., *Architectural and Landscape Risk Factors Associated with Bird-Glass Collisions in an Urban Environment*, 127 *J. Field Ornithol.* 76(2):127–133, 2005, available at https://www.sf-planning.org/ftp/files/publications_reports/bird_safe_bldgs/Klem-glassCollisionRiskFactors-WJO-2009.pdf.

¹⁵ For example, airborne pollutants can potentially disrupt the endocrine systems of local wildlife. (See Colborn, et al., *Developmental Effects of Endocrine-Disrupting Chemicals in Wildlife and Humans*, available at <https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.93101378>.)

f. Failure to Disclose, Evaluate and Mitigate Project Contributions to Climate Change, Including Greenhouse Gas Emissions

The EIR fails to disclose, analyze, or mitigate several key issues with respect to Project GHG emissions and contributions to climate change. First of all, the EIR fails to disclose or analyze (much less mitigate) the ways in the albedo of ground-level and rooftop surfaces will contribute to climate change.¹⁶ Nor does the EIR disclose how landscaping features will impact albedo at the Project site.

Second, the EIR's decision to amortize construction GHG emission impacts over a 30-year period fails to account for the immediate impact that those emissions will have. (See draft EIR at p. IV.C-45.) Even though the practice of amortizing GHG emissions is purportedly recommended by the SCAQMD, this practice conflicts with the duty of lead agencies to provide meaningful information about the immediate effect of emitting large quantities of GHG emissions during the construction phase of the project. (See CEQA § 21002.1, subd. (e).)

Third, the disclosures of direct, indirect, and cumulative impacts with respect to GHG emissions fail to account for GHG emissions that occur during the manufacturing and distribution processes for products that are sold at retail establishments at the project site. Nor does it account for GHG emissions that occur while producing and transporting food products used in bars, restaurants, and hotel facilities. The failure to include these sources of GHG emissions severely understates the significance of the Project's environmental impacts.

g. Failure to Disclose, Evaluate and Mitigate Project Impacts on Human Health

When disclosing and assessing a project's environmental effects, an EIR must also assess "human health and safety." (*California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, 386; § 21083 (b)(3); see *San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1372 [human health is among the many "environmental values" protected by CEQA and the Guidelines].)

In our discussion of population and housing impacts, we will show that the displacement of human beings causes direct, indirect, and cumulative adverse impacts on human health. But the Project also has the potential to adversely affect human health in other ways. Some examples include (but are not limited to) the following – none of these potential impacts were disclosed or analyzed in the EIR (much less mitigated):

¹⁶ See Winton, *Amplified Arctic climate change: What does surface albedo feedback have to do with it?* (2006) 33 Geophysical Research Letters 1, available at, <https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1029/2005GL025244>.

- Whether the creation of large gathering spaces or entertainment venues will facilitate the transmission of communicable diseases, thereby increasing the risk for potential pandemics in the region.
- Whether the vegetation at the Project site could potentially serve as habitat for vermin or insects that act as disease vectors in the region.
- Whether the concentration of 22 venues with alcohol licenses on the Project site will lead to adverse human health impacts by increasing the prevalence of violent crime in the neighborhood.
- Whether traffic conflict between vehicles, pedestrians, bicycles, or other shared mobility devices create an unacceptable risk of injury.
- Whether the potential placement of shared mobility devices on sidewalks and other public spaces creates an unacceptable risk of injury.
- Whether the potential pollutant discharges into the underlying groundwater basin could adversely affect human health in the region.
- Whether (and the extent to which) Project traffic and circulation impacts may adversely affect the human health of drivers who are forced to spend more time in their cars while driving through Hollywood.
- Whether (and the extent to which) Project noise and vibration impacts may adversely affect the health of residents in the surrounding neighborhood.
- Whether (and the extent to which) light pollution from the project site may adversely affect human health.

Additionally, "CEQA calls upon an agency to evaluate existing conditions in order to assess whether a project could exacerbate hazards that are already present." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 388.) The EIR fails to disclose, analyze, or mitigate the ways in which Project impacts could exacerbate conditions on the Project site that adversely affect human health, such as increased ambient levels of airborne pollutants.

h. Failure to Disclose, Evaluate and Mitigate Project Impacts on Hydrology and Water Quality

In its analysis of impacts to groundwater, the EIR notes that the Project overlies the Hollywood Subbasin, which is part of the Los Angeles Coastal Plain Groundwater Basin. (Draft EIR at pp. IV.G-22 to IV.G-23.) This groundwater basin is hydrologically connected to Ballona Creek, a navigable Public Trust surface waterway.¹⁷

¹⁷ See California Department of Water Resources, Groundwater Bulletin 118: Coastal Plain of Los Angeles Groundwater Basin, Hollywood Subbasin (2004), available at <https://water.ca.gov/LegacyFiles/groundwater/bulletin118/basindescriptions/4-11.02.pdf> [noting connection

In August 2018, the Court of Appeal held in *Environmental Law Foundation v. State Water Resources Control Bd.* that Public Trust protections extend to groundwater that is hydrologically connected to Public Trust surface waters, and trustees of Public Trust groundwater have a legal duty to prevent adverse impacts to groundwater that will also adversely affect Public Trust surface water. (26 Cal.App.5th 844, 859.) Therefore, if Project impacts to groundwater lead to adverse effects on Public Trust surface waters (e.g. by excessive dewatering or by contaminating groundwater), the City will have violated its obligations as a trustee of a Public Trust resource. (See *Ibid*; see also *Nat'l Audubon Soc'y v. Superior Court* (1983) 33 Cal.3d 419, 441 [The Public Trust Doctrine "is an affirmation of the duty of the state to protect the people's common heritage of streams, lakes, marshlands and tidelands"].)

The EIR admits that excavation during the construction phase (which will go as deep as 78 feet below the natural grade) may require dewatering or "other withdrawals of groundwater." (Draft EIR at pp. IV.G-31 to IV.G-32.) The EIR does not disclose how much groundwater could be withdrawn from the aquifer in a worst-case-scenario, or how this might affect Public Trust surface waters.¹⁸ Furthermore, the EIR does not disclose how the use of pervious materials at the Project site might indirectly affect Public Trust surface waters by inhibiting groundwater basin recharge. (See draft EIR at p. IV.G-38.) The EIR also admits that hazardous materials used during construction and leaks from fuel storage tanks located onsite might adversely affect groundwater quality. (Draft EIR at pp. IV.G-32 to IV.G-33; IV.G-39.) The EIR does not disclose potential adverse effects on Public Trust surface waters caused by groundwater contamination at the Project site.

In summary, the EIR should have disclosed, analyzed, and mitigated any Project activities that conflict with the City's Public Trust obligations. It's failure to do so is a serious error.

i. Failure to Disclose, Evaluate and Mitigate Project Impacts with Respect to Land Use, Including General Plan Consistency

An "EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." (CEQA Guidelines, § 15125, subd. (d).) Here, the EIR fails to adequately disclose, analyze, or mitigate project inconsistencies with respect to City and State land use policies, including elements of the General Plan.

"[T]he requirement of consistency is the linchpin of California's land use and development laws. It is the principle which infused the concept of planned growth with the force of law." (*Debottari v. City*

to Ballona Creek]; U.S. Army Corps of Engineers, *Navigable Waters in Los Angeles District*, available at <https://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/Navigable-Waterways/> [identifying Ballona Creek as a navigable waterway].

¹⁸ Nor does the EIR disclose, analyze, or mitigate the Project's effects on *cumulative* overdraft of the Hollywood Subbasin or the Los Angeles Coastal Plain Groundwater Basin.

of *Norco* (1985) 171 Cal.App.3d 1204, 1213.) Our high court thus articulated the hierarchical consistency principle in *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553: “[T]he keystone of regional planning is consistency – between the general plan, its internal elements, subordinate ordinances, and all derivative land-use decisions. [Citations.]” (*Id.* at 572-573; see Gov. Code, § 65567; *Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184 [“permit action taken without compliance with the hierarchy of land use laws is ultra vires as to any defect implicated by the uses sought by the permit”]; *Save El Toro Assn. v. Days* (1977) 74 Cal.App.3d 64, 73 [“without an inventory of available open space resources there cannot be a plan as contemplated by the Open Space Lands Act – only isolated uncoordinated projects – the type of development the act was specifically intended to prevent”].)

**i. Failure to Disclose Inconsistencies with the Hollywood
Redevelopment Plan**

The Project must be consistent with the Hollywood redevelopment plan. The EIR asserts that the “Findings are consistent with the Redevelopment Plan” at page 1-18 of the Executive Summary. Not so. This project does not meet Hollywood Redevelopment Plan goals (1), (3), (4), (5b), (5g), (7g), (9), (10), (11), (12), (13), (14), (15), and (16).

These Hollywood redevelopment plan goals include:

“1) Encourage the involvement and participation of residents, business persons, property owners, and community organizations in the redevelopment of the community.

“3) Promote a balanced community meeting the needs of the residential, commercial, industrial, arts and entertainment sectors.

“4) Support and encourage the development of social services with special consideration given to participating in projects involving community based organizations that serve runaways, the homeless, senior citizens and provide child care services and other social services.

“5) Improve the quality of the environment, promote a positive image for Hollywood and provide a safe environment through mechanisms such as:

“b) promoting architectural and urban design standards including: standards for height, building setback, continuity of street facade, building materials, and compatibility of new construction with existing structures and concealment of mechanical appurtenances;

“g) promoting rehabilitation and restoration guidelines;

"h) integrate public safety concerns into planning efforts.

"7) Promote the development of Hollywood Boulevard within the Hollywood commercial core as a unique place which:

"g) recognizes and reinforces its history and architecture.

"9) Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, *especially for persons with low and moderate incomes*; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population.

"10) Promote the development of sound residential neighborhoods through mechanisms such as land use, density and design standards, public improvements, property rehabilitation, sensitive in-fill housing, *traffic and circulation programming*, development of open spaces and other support services necessary to enable residents to live and work in Hollywood.

"11) Recognize, promote and support the retention, restoration and *appropriate reuse of existing buildings*, groupings of buildings and other physical features especially those having significant historic and/or architectural value and ensure that new development is sensitive to these features through land use and development criteria.

"12) *Support and encourage a circulation system which will improve the quality of life in Hollywood*, including pedestrian, *automobile, parking* and mass transit systems with an emphasis on *serving existing facilities and meeting future needs.*

"13) Promote and encourage the development of health, education, child and youth care, and senior citizen facilities and programs to enable the development of a community with a variety of lifestyles.

"14) Promote and encourage development of recreational and cultural facilities and open spaces necessary to support attractive residential neighborhoods and commercial centers.

"15) Promote the development of the *varied ethnic communities in Hollywood.*

16) To the maximum extent feasible, seek to build replacement housing within the Project Area *prior to* the destruction or removal of dwelling units which house low- and moderate-income people...."

The Project is blatantly inconsistent with the redevelopment plan that requires 30% of all new housing construction be reserved for “affordable” and 14% of that for “very low income.” The Project does not meet mandated housing targets. The Project also does not include enough parking and projected growth needs for automobile and parking usage as is required by the Hollywood Redevelopment Plan. The Project Objectives section offers no discussion or substantial evidence supporting Population, Households, Jobs, Affordability, and Traffic projections for existing 2040 General and Hollywood Community Plans (Future Setting without Project) and for Plans plus the Project.

HMC raised these inadequacies in their comments to the CPC. In response, City staff imply argued that “a project does not need to be in perfect conformity with each and every policy.” (Staff Response 2-14.) While it is true that an EIR must look holistically at General Plan compliance, that does not mean that the EIR can ignore large-scale inconsistencies between a project and *many* policies of the general plan. As we have shown, the EIR does not live up to this well-established standard.

ii. Failure to Disclose Inconsistencies with the Hollywood Community Plan

The EIR ignores numerous inconsistencies between the Project and the Hollywood Community Plan. These have been pointed out by many other commentators throughout the EIR review process, and we hereby adopt their arguments by reference. The comments that show the Project is not consistent with the scale and character of the surrounding community are especially relevant.

Furthermore, there is no economic setting and assessment of 2040 growth of the City and for the Hollywood Community Plan. In fact, the City here rushes the Project to approval before approval of the Hollywood Community Plan Update now undergoing public review, contrary to the fundamental planning rule that “[t]he tail does not wag the dog.” (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 541.) If “[t]he general plan is the charter to which [an] ordinance must conform” (*ibid.*), then the general plan most certainly is the charter to which an individual project must conform.”

iii. Failure to Disclose Inconsistencies with the Plan for a Healthy Los Angeles

The City recently adopted the *Plan for a Healthy Los Angeles* as an element of the City’s General Plan.¹⁹ The EIR here fails to disclose inconsistencies with several of the new plan’s key policies.

¹⁹ The *Plan for a Healthy Los Angeles* is available at:
<https://planning.lacity.org/cwd/gnlpln/PlanforHealthyLA.pdf>.

Policy 1.7 -- Displacement and Health (p. 32): This policy calls for “expanding and preserving existing housing opportunities available to low-income residents; preserving cultural and social resources; and creating and implementing tools to evaluate and mitigate the potential displacement caused by large-scale investment and development.” The EIR fails to disclose the inconsistency of the permanent loss of 82 RSO units, and the two-year gap between eviction and construction of new housing, with this fundamental environmental justice policy. “‘[E]nvironmental justice’ means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” (Gov. Code, § 65040.12, subd. (e).) At the local level, environmental justice means fairness in the distribution of environmental benefits and burdens. (California Department of Justice entitled, “Environmental Justice at the Local and Regional Level: Legal Background” (July 10, 2012).) The Plan for a Healthy Los Angeles seeks to achieve just that. The project does not.

Policy 2.2 -- Healthy Building Design and Construction (p. 42): This policy calls for facilitating and increasing “positive psychological and social experiences” with the built environment. The EIR fails to disclose the fact that the project’s significant environmental impacts (e.g., to traffic, parking, noise, and air pollution) are incompatible with this policy; they significantly obstruct positive psychological and social experiences.

Policy 5.1 -- Air Pollution and Respiratory Health (p. 88): This policy calls for “[R]educ[ing] air pollution from stationary and mobile sources; protect human health and welfare and promote improved respiratory health.” The Project’s significant impacts to air quality -- including regional operational emissions of volatile organic compounds, nitrous oxide, and carbon monoxide that exceed established SCAQMD thresholds -- cannot possibly be found compatible with this policy. The EIR, again, fails to disclose this inconsistency.

HMC identified these inconsistencies (and the EIR’s failure to disclose them) in its appeal to the CPC. In response, City staff simply offered the conclusory remark that “[t]he Draft EIR does assess the Project’s consistency with the General Plan’s Health and Wellness Element in Section IV.H.” (Response 2-15.) This staff completely misses the point that the EIR failed to identify inconsistencies and only assumes that the Project will not adversely affect human health or wellbeing. HMC’s comments are substantial evidence showing that the Project’s significant, adverse environmental impacts are conditions that are inherently inconsistent with the policies of the *Plan for a Healthy Los Angeles* cited above.

j. Failure to Disclose, Evaluate and Mitigate Noise Impacts

The EIR's disclosures and analyses of noise and vibration impacts are severely deficient. Likewise, the mitigation measures proposed in the EIR are completely inadequate.

i. Third-party Expert Analysis Has Found the EIR to Be Inadequate

We have retained a noise expert to review the adequacy of the EIR and the noise study that was prepared by the City's noise consultant, Acoustical Engineering Services (AES). After conducting a preliminary review, our expert consultant informed us that the AES noise study does not adequately address anticipated noise impacts associated with the Project, and the noise study should be revised to reflect a more realistic representation of anticipated noise impacts from the Project. Specifically, our expert identified the following deficiencies:

- The construction noise analysis understates the adverse noise impacts associated with the construction of a project of this magnitude. Noise associated with dump trucks and materials delivery trucks has not been incorporated into the noise analysis, and it is anticipated that there will be additional equipment used during construction of the project than what is shown in the noise analysis (additional concrete trucks and other equipment are expected, based on the scale of the project).
- Regarding the analysis of operational noise from the proposed project, the noise study assumes that persons located in outdoor gathering areas will use "raised" voices. While this may be an appropriate assumption for the majority of outdoor gathering areas, it is not representative of the anticipated noise levels that will occur in the Main Pool Deck at the Upper Podium, Roof Deck Lounge and Pool, and Roof Deck on Parcel A, as well as the Pedestrian Paseo (ground level) on Parcel B, and the Pedestrian Paseo (ground level) and Crossroads on Parcel C. Due to the large crowds expected in these areas, as well as the proposed use of amplified music in these areas, it is expected that persons gathered in these areas will most likely use a combination of loud and shouted voices in order to be heard over the amplified music, and other persons.

Our expert informed us that after a preliminary review of the noise study prepared for the Project, several potentially significant issues have been discovered that warrant further revisions to the noise study, in order to determine whether additional potential impacts were overlooked or understated, and to what extent. It should be noted that these issues have been discovered after only a preliminary review of the noise study for the Project, and that additional issues with the noise study are expected to be discovered upon a more thorough review.

ii. Failure to Adequately Measure and Disclose Baseline Roadway Noise

The EIR does not provide real-world measurements of existing noise levels at offsite roadway segments. Instead, it uses the Federal highway Administration's Traffic Noise Model Software Version 2.5 (FHWA TNM 2.5) to estimate baseline conditions. But research by Shu et al. (2007) has shown that FHWA TNM 2.5 over-predicts the absolute noise levels by an average error of 2.0 dBA compared to field measurements.²⁰ A report prepared by Hankard et al. (2006) for the Colorado Department of Transportation (CDOT) also criticized the reliability of FHWA TNM 2.5: "The routine that predicts the location of noise level contours in TNM is cumbersome, error-prone, and does not agree with predictions at individual locations. It should not be used to determine impacts on CDOT projects."²¹ Without accurate baseline data, the EIR will not be able to inform the public and City decisionmakers about the full scope and severity of construction and operational noise impacts.²²

Obtaining accurate measurements of existing baseline conditions is especially important because the EIR shows that the net increase in roadway noise is very close to exceeding the Community Noise Equivalent Level (CNEL) threshold of significance, which states that a significant impact would occur if sensitive receptors are exposed to an increase of at least 3-dBA compared to existing conditions. (Draft EIR at p. IV.I-53.) On McCadden Place (between Sunset Boulevard and Selma Avenue), where several sensitive receptors are located, the EIR projects an increase of 2.8-dBA compared to existing conditions. (Draft EIR at p. IV.I-60 [existing plus project conditions].) At the very least, the city's noise consultants should recalculate anticipated roadway noise impacts using alternative (reliable) modeling software to confirm whether the Project's impacts fall below the 3-dBA CNEL threshold of significance.

iii. Failure to Disclose, Analyze, and Mitigate Impacts to Sensitive Receptors Located Adjacent to the Project Site

In its comments to the CPC as well as a prior letter to the Department of City Planning (dated June 12, 2017), HMC advised the City that the EIR ignores sensitive receptors immediately adjacent to the Project site. Omitted sensitive receptors include (but are not limited to):

²⁰ Shu et al., *Comparative evaluation of the ground reflection algorithm in FHWA Traffic Noise Model (TNM 2.5)* (November–December 2007) 68 *Applied Acoustics* 1459.

²¹ Hankard et al., Colorado Dept. of Transportation Final Report No. CDOT-2005-21: *Evaluation of the FHWA Traffic Noise Model (TNM) for Highway Traffic Noise Prediction in the State of Colorado* (2006), p. 79.

²² By relying on computer models instead of real-world measurements, the EIR also fails to account for site-specific conditions that may amplify or soften ambient noise (e.g. neighboring buildings that reflect sound waves).

- The recording studio located at 1540 N. McCadden Place, which provides services for both indoor and outdoor live and delayed broadcast production.
- The restaurant located at 1534 N. McCadden Place, with hours from 8am to 2am with a large outdoor patio abutting the construction.
- The Kings Los Angeles language school located at 1555 Cassil Place.
- Multiple facilities at the Musicians' Institute, located at 6752 Hollywood Boulevard; its campus includes recording studies, classrooms, and performance halls.

In response to HMC's comments regarding the sensitive receptors at 1534 and 1540 N. McCadden, City staff wrote: "As commercial uses, the HMC properties are not considered to be noise-, vibration-, light- or air quality-sensitive receptors." (CPC staff report for VTT-73568-1A [Response 2-10].)²³ The City's response makes no sense. The *L.A. CEQA Thresholds Guide's* definition of sensitive receptors does not distinguish between commercial and non-commercial sensitive receptors. (*L.A. CEQA Thresholds Guide* at p. I.1-3; draft EIR at p. IV.I-10.) The definition of noise-sensitive land uses in the Noise Element of the General Plan also does not distinguish between commercial and non-commercial sensitive receptors. (*Noise Element, City of Los Angeles General Plan*, Chapter IV, p. 4-1; draft EIR at pp. IV.I-10 to IV.I-11.)

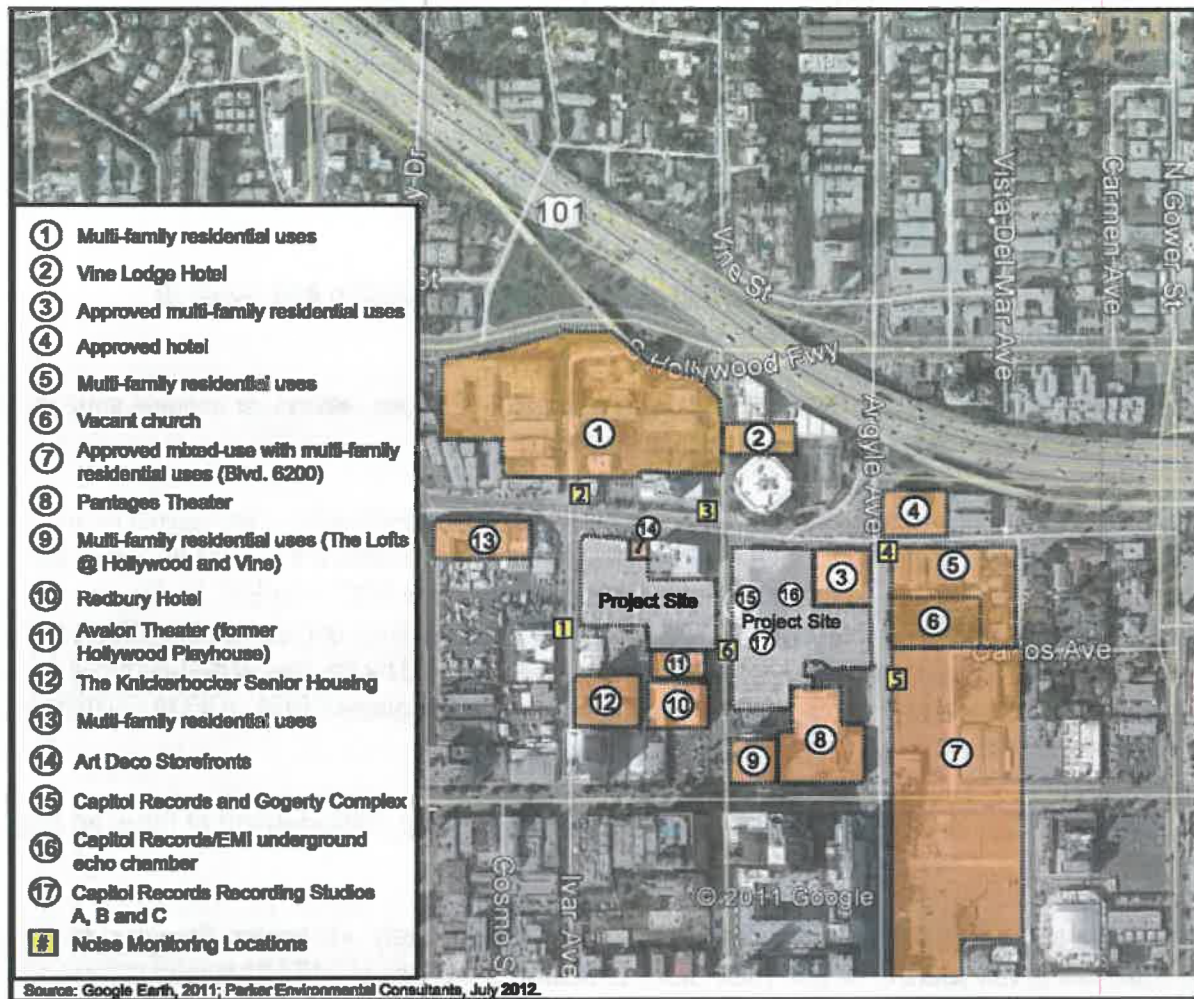
In CEQA documents for other projects in Hollywood, the City has identified commercial recording studios as sensitive receptors. In the mitigated negative declaration (**MND**) for the Highland Selma Project (related project no. 45; see draft EIR at p. III-11 and III-20), which is located across the street from the Crossroads Project, the city identified the Musicians Institute and nearby recording studios as sensitive receptors. (Highland Selma MND at p. IV-121, available at <http://clkrep.lacity.org/online/docs/2013/13-1134_misc_3_06-19-2015.pdf>.) Likewise, the Millennium Project EIR identified Capitol Records' recording studios as a sensitive receptor (no. 17 in the map on the following page, which is reproduced from the Millennium project's draft EIR).²⁴

Despite the presence of a performance venue and sound recording/editing studios being located contiguously to the proposed construction site, the EIR and Vesting Tentative Tract Map approval fail to recognize the subject properties as sound sensitive and fail to even assess Project generated noise levels at these locations.

²³ Staff also wrote: "The HMC properties are not considered to be either noise- or vibration-sensitive; therefore, Project generated noise and vibration levels at these locations were not assessed or mitigated, and mitigation measures NOI-MM-1 and NOI-MM-2 are not required to include the HMC properties within the scope of their protections." (*Ibid.*)

²⁴ Figure IV.H-1, available at http://cityplanning.lacity.org/eir/Millennium%20Hollywood%20Project/DEIR/DEIR%20Sections/Millennium%20Hollywood%20DEIR_Volume%201_COMPILED.pdf

Map of Sensitive Receptors Identified in the Millennium Project EIR:



The developer excuses the lack of any attempt to mitigate such impacts because they believe the Project noise levels will be temporary. However, the projected construction time of 5 to 7 years is not "temporary" by any stretch of the imagination, especially since heavy equipment is proposed to be driving down McCadden at all hours of the day creating noise and vibrations. The minimal proposed mitigation measures are wholly inadequate. With regard to vibrations and potential land related issues, the City should require shoring for any excavation done adjacent to the Subject Properties, and any approval should specifically identify the 1534 and 1540 N. McCadden side and rear property in order to protect them from any grading earth related impacts.

Although the City plans to construct temporary impermeable sound barriers at a number of locations along the perimeter of the project site (see NOI-MM-1), it does not plan to install a

temporary barrier between the Project site and the Subject Properties. It would be very easy to do so. However, if the City does plan to use temporary barriers to mitigate noise and vibration impacts, they must be at an appropriate height. The EIR proposes that 12-foot high barriers would be sufficient (draft EIR at p. IV.I-84), but the City's noise consultant, AES, pointed out in a comment letter on the Ivar Gardens project that a single 16-foot high barrier designed to protect the Los Angeles Film School from noise impacts was insufficient, and a second 10-foot barrier should also be installed to mitigate impacts. AES should follow its own advice for the Crossroads Project and use similar standards when proposing temporary sound barriers.²⁵

k. Failure to Disclose, Evaluate and Mitigate Population and Housing Displacement Impacts

As shown in further detail below, the EIR fails to adequately disclose, assess, or mitigate impacts with respect to population and housing displacement.

The project will permanently remove from the housing market 82 residential units subject to the City's Rent Control Ordinance (RSO).²⁶ Although it states that 905 units will be built as part of the project, only 105 units are said to replace the units covered by the RSO. The EIR disclosure, assessment and mitigation of the project's substantially adverse direct and cumulative effects on human beings – low-income tenants already disparately impacted by the loss of rent-controlled housing in Hollywood and the city – is woefully inadequate and violates CEQA. (CEQA Guidelines, § 15065, subd. (a)(4).)

i. Failure to disclose, assess, and mitigate displacement of housing and people during construction

According to the EIR, construction is expected to last "approximately" 48 months, though in reality, it could last seven years or longer. (See DEIR, Executive Summary, p. I-17.) That means there will be a gap of *at least* four years between (1) the time tenants are evicted from the existing 82 rent-stabilized units on site and (2) the time that new units at the project site enter the housing market. The EIR does not disclose or assess (much less mitigate) how the lag time between displacement and the availability of new units will impact the City's severely depleted supply of affordable housing. (DEIR, Housing Impacts, pp. IV.J.2-13 to 2-14 [construction-related housing impacts]; DEIR, Population Impacts, pp. IV.J.3-6 to 3-16 [construction-related population impacts].)²⁷ At the very least, the developer and the City should mitigate these displacement impacts by providing

²⁵ AES Comment letter on Ivar Gardens Project, available at http://clkrep.lacity.org/online/docs/2017/17-0029_misc_08-01-2017.pdf.

²⁶ According to the EIR 84 RSO units exist on site.

²⁷ See City of Los Angeles Housing Needs Assessment, available at <https://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch1.pdf>.

interim housing while the current residents at the Project site wait for new housing to become available.

ii. Failure to disclose, assess, and mitigate the permanent loss of rent-stabilized units on site and compliance with the RSO

The project will bulldoze 82 units that are currently subject to the RSO. The EIR does not definitely disclose whether the new housing to be constructed on-site will also be subject to the RSO, but implies it will not be. Subsequent City reports confirmed that they will not be subject to the RSO. The FEIR's global response to comments regarding the RSO states (FEIR pp. II-23 to II-24):

"[S]ince the Applicant is removing current RSO units from the market, the Applicant can either apply the RSO to all new Project rental units, or, as an alternative, can provide replacement covenanted affordable units on-site. In order to comply with the regulations applicable to the Project, it would have to include 82 affordable units for very low income households with an annual income at or below 50 percent of the Area Median Income, as established by the California Department of Housing and Community Development. However, the Modified Project would provide 105 affordable units for very low income households."

The EIR misleadingly suggests that replacing the 82 RSO units with 105 affordable replacement units will be sufficient to replace existing rent-stabilized housing, but it completely ignores the fact that by replacing RSO units with covenanted affordable units, it is replacing apples with oranges. The two cannot be compared. The EIR hints at the fact that there is a "distinction between RSO units and affordable housing" (FEIR, p. II-24), but the EIR does not disclose, assess, or mitigate population and housing impacts caused by replacing RSO units with affordable units that will lose their affordability restrictions in 55 years (see FEIR, p. II-23 [noting that affordability covenants need only last 55 years].) The EIR does not disclose, assess, or mitigate impacts that will occur when the restrictions expire.

Nor does the EIR adequately assess, disclose, or mitigate the Project's cumulative contributions to the ongoing depletion of the City's RSO stock. It does not analyze how this project contributes to City-wide trends.

iii. Failure to disclose, assess, and mitigate the permanent loss of rent-stabilized units on site and compliance with the RSO

The EIR failed to adequately disclose, analyze, or mitigate adverse human health impacts associated with housing displacement. These adverse health effects include:

- Overcrowding in replacement housing
- Increased susceptibility to communicable diseases

- Increased susceptibility to chronic diseases, and indirect health impacts caused by stress and anxiety
- Lack of access to safe drinking water and hot water for washing
- Lack of effective waste disposal (allowing for intrusion of disease vectors)
- Inadequate food storage
- Food insecurity (when housing is unaffordable, people often sacrifice other material needs including food, clothing, and health care services)
- Increased susceptibility to mental illness
- Impediments to development in children and adolescents

The City has provided no evidence whatsoever, much less substantial evidence, to show that residents who will be displaced from their homes will not suffer these adverse health impacts. (See *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 734 [significant impact caused by noise from temporary events at winery estate located near wildlife habitat established by studies indicating that noise may induce stress-related illness in mountain lions and bobcats, and their displacement from favored habitats].)

At the very least, the EIR should adopt the mitigation recommendations for housing and population displacement in the City's CEQA Thresholds Guide, and the City should remove the expiration dates for the affordability covenants to ensure that the City permanently retains a stable quantity of housing that will be affordable to the majority of Angelenos.

I. Failure to Disclose, Evaluate and Mitigate Impacts to Public Safety, Including Impacts to Police and Fire Services

As noted above, the Project will include 22 "alcohol-related uses." But the EIR completely fails to disclose where they will be located, or the nature of the establishments that will utilize them. Nor does the EIR disclose impacts of such a high concentration of alcohol-related uses on public safety, or the need for police and fire services. The EIR does not disclose or analyze whether existing community emergency resources (including police and fire staff) will be sufficient serve the large quantity of guests that will frequent the bars, restaurants, and nightclubs on site. Furthermore, the EIR does not disclose, assess, or mitigate the extent to which the closing times of these establishments will affect public safety or the demand for public safety services. Consequently, the EIR does not inform us whether potentially significant demands can be mitigated by adjusting closing times.

The EIR does not provide any realistic mitigation to address the high-demand for public safety services that the Project will generate. It does not guarantee that security, police, or fire staff will be able to respond to the Project site, or how many will be stationed in the neighborhood at any given time. Additionally, the EIR does not disclose, assess, or mitigate potential impacts caused by placing "alcohol-related uses" in close proximity to schools and churches.

Finally, the EIR fails to disclose how traffic and circulation impacts will affect the ability of police and firefighters to respond to emergencies at the Project site in a timely manner. If the surrounding streets are clogged with traffic, it is unlikely that emergency responders will be able respond to emergencies in a sufficient period of time.

m. Failure to Disclose, Evaluate and Mitigate Traffic Impacts

The EIR's disclosures, analysis, and proposed mitigation measures for traffic and circulation impacts are severely inadequate.

i. Failure to Adequately Estimate Future Trips Generated by the 22 "Alcohol-related Uses" at the Project

The EIR's trip generation projections does not specifically list trips associated with the 22 venues that will serve alcohol (eight of which will include live entertainment), but we assume they are included in the "High Turnover Restaurant" category of uses (ITE Code 932). Based on the Institute of Transportation Engineers' (ITE) trip generation figures (9th Ed.), the EIR estimates that all high-turnover restaurants on site will generate 2,315 daily trips (2,572 trips minus 257 trips eliminated through TDM program). (See traffic study in EIR errata at Table 4; see also Table IV.L-22 at p. IV.L-134 in the draft EIR's traffic chapter; see also Table IV.L-10 at p. IV.L-56.) These projections likely underestimate the number of trips to and from the new bars and nightclubs, which regularly attract hundreds of patrons each night. For example, on one night in 2012, City fire inspectors found more than 1,000 customers inside the Hollywood Supper Club.²⁸

ii. Failure to Adequately Disclose Cumulative Impacts

Of the 11 undisclosed related projects that were omitted from the Project's EIR (see Part XX, *ante*), City CEQA records show that five of those projects generate a combined total of 4,771 daily trips. Those five projects are listed on the chart on the following page:

²⁸ See Walton, *Hollywood's wild nightclub scene brings crackdown from city*, available at <http://www.latimes.com/local/california/la-me-hollywood-nightclubs-20151019-story.html>.

Project Name	Project Address	Number of New Trips Generated	Source
SunWest Project (ENV-2015-2448-EIR)	5509, 5511, 5515, 5517, 5519, 5521, 5523, 5525, 5527, 5529 West Sunset Boulevard; 1505, 1507, 1509, 1511, 1515, 1523, 1525, 1527, 1529, 1531, 1535 North Western Avenue; and 5518 West Harold Way, Los Angeles, California, 90028	2,562 Net New Daily Trips	See supplemental traffic study at p. 16, available at https://planning.lacity.org/eir/SunWest/FEIR/FEIR%20Appendices/SunWest%20FEIR%20Appendices_Compiled.pdf
6200 West Sunset Boulevard Project (ENV-2015-3603-EIR)	6200–6218 W. Sunset Boulevard, 1437–1441 N. El Centro Avenue, 6211 W. Leland Way, Los Angeles, California 90028	1,243 Net New Daily Trips	EIR Traffic Chapter at p. 28, available at https://planning.lacity.org/eir/6200WestSunset/DEIR/files/D_IVJ.pdf
1375 St. Andrews Project (ENV-2015-4630-EIR)	1365–1375 St. Andrews Place, 5604-5632 W De Longpre Avenue, and 5605-5607 W. Fernwood Avenue, Los Angeles, CA 90028	800 Net New Daily Trips	EIR Traffic Chapter at p. 35, available at https://planning.lacity.org/eir/1375_St_Andrews_Apts/Deir/DEIR%20Sections/IV.L%20Traffic%20(1375%20St%20Andrews)%20Public%20Review.pdf
Coronel Apartment Project (ENV-2012-110-EIR)	1600-1608 N. Serrano Ave. & 1601-1605 N. Hobart Boulevard, Los Angeles, CA 90027	143 Net New Daily Trips	Traffic Assessment at p. 2, available at http://planning.lacity.org/eir/CoronelApt/DEIR/assets/Appendix%20G_Traffic%20Assessment.pdf
Edinburgh Avenue SLS (ENV-2016-1367-EIR)	750-756 North Edinburgh Avenue, Los Angeles, CA 90046	23 Net New Daily Trips	EIR Traffic Chapter at p. 13, available at https://planning.lacity.org/eir/EdinburghAve/Deir/IV.E%20Transportation%20and%20Traffic.pdf

These new daily trips were not studied in the Project's analysis of cumulative, regional traffic impacts. Additionally, the EIR does not account for cumulative, regional traffic impacts from six other undisclosed related projects that have not undergone EIR review. However, the initial studies for all six of those projects state: "Implementation of the Project has the potential to generate additional vehicle trips, which could potentially add more than 50 trips to a CMP roadway intersection or more than 150 trips to a CMP freeway segment." Those six projects are:

Project Name	Project Address	Source
citizenM Hollywood & Vine (ENV-2016-2846-EIR)	1718 N. Vine Street, Los Angeles, CA 90028	Initial Study at p. B-42, available at https://planning.lacity.org/eir/nops/citizenM_HollywoodAndVine/is.pdf
Hollywood and Wilcox Project (ENV-2016-3177-EIR)	6430–6440 W. Hollywood Boulevard and 1624–1648 N. Wilcox Avenue, Los Angeles, California, 90028	Initial Study at p. B-50, available at https://planning.lacity.org/eir/nops/HwdWilcox/ls.pdf
6400 Sunset (ENV-2016-3631-EIR)	6400 W. Sunset Boulevard, Los Angeles, California, 90028	Initial Study at p. B-39, available at https://planning.lacity.org/eir/nops/6400Sunset/Initial_Study.pdf
1360 N. Vine Street Project (ENV-2016-3778-EIR)	1360 N. Vine Street, Los Angeles, California, 90028-8140	Initial Study at p. B-50, available at https://planning.lacity.org/eir/nops/1360%20Vine%20Street/Initial_Study_Checklist.pdf
5420 Sunset Project (ENV-2017-1084-EIR)	5420–5450 West Sunset Boulevard, 1418–1440 North Western Avenue, and 1441 North Serrano Avenue, Los Angeles, California, 90027	Initial Study at p. B-49 to B-50, available at https://planning.lacity.org/eir/nops/5420Sunset/5420%20Sunset%20Project%20Initial%20Study.pdf

Project Name	Project Address	Source
Sunset Gower Studios Enhancement Plan (ENV-2017-5091-EIR)	6010, 6050 and 6060 Sunset Boulevard, 1455 North Beachwood Drive, 1455 Gordon Street, and 1438 and 1440 North Gower Street, Los Angeles, CA 90028	Initial Study at p. B-47, available at https://planning.lacity.org/eir/nops/Sunset_Gower_Studios_EP/InitialStudy.pdf

Due to these omissions, the EIR understates the Project's cumulative, regional impacts to traffic and circulation impacts. Therefore, mitigation measures will likely need to be modified to account for higher levels of cumulative congestion in surrounding streets.

iii. Failure to Disclose, Analyze, and Mitigate Impacts of Ridesharing and Shared Mobility Services on Traffic and Circulation Impacts

The EIR fails to disclose, analyze, or mitigate the consequences of the proliferation of ridesharing and shared mobility services in Hollywood. In urban areas like Los Angeles, research have identified trends that show residents are using shared mobility services more frequently, and they are using buses and light-rail transit less frequently.²⁹ That means that there will likely be more cars, scooters, and bicycles on the road in the future. The EIR does not discuss this paradigm shift and relies heavily on the (unsubstantiated) assumption that the Project will successfully implement a Transportation Demand Management System that *reduces* the number of automobile trips to and from the Project.

The EIR also fails to disclose, analyze, or mitigate circulation impacts or traffic conflicts caused by queuing ridesharing services (and taxis) that pick up and drop off from residential, hotel, dining, and entertainment facilities at the Project site. In Hollywood, it is not uncommon for bars and nightclubs to see a steady stream of Ubers and Lyfts lining up on the street to pick up or drop off patrons.³⁰ The EIR does not disclose how this type of queuing would affect traffic patterns and circulation.

²⁹ Clewlow & Mishra, *Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States*, available at https://itspubs.ucdavis.edu/wp-content/themes/ucdavis/pubs/download_pdf.php?id=2752.

³⁰ Ryzik, *How Uber is Changing Night Life in Los Angeles*, available at <https://www.nytimes.com/2014/11/02/fashion/how-uber-is-changing-night-life-in-los-angeles.html>.

Moreover, the EIR fails to disclose, analyze, or mitigate potential traffic conflicts between automobiles and shared dockless bicycle or scooter services. The EIR also does not disclose, analyze, or mitigate conflicts that may occur between pedestrians and dockless scooters and bicycles on sidewalks and other ground-level public spaces. At the very least, this Project's mitigation plan should involve procedures for removing dockless devices that block public rights of way.

iv. Failure to Disclose, Analyze, and Mitigate Impacts of Eliminating Parking and Lanes of Traffic

The EIR treats SB 743 as a license to completely ignore impacts caused by eliminating on-street parking. Consequently, the EIR fails to disclose secondary circulation impacts caused by cars that queue while waiting to enter and exit parking garages, by drivers who circle the project site in the hopes that they find on-street parking, or by drivers who venture out into the surrounding neighborhood in the hopes that they can find on-street parking there. Furthermore, CEQA requires that "secondary parking impacts caused by ensuing traffic congestion ('air quality, noise, safety, or any other impact associated with transportation') must be addressed" in an appropriate CEQA document. (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728) The EIR's failure to disclose these types of secondary impacts from the loss of on-street parking is a serious error.

The lack of an adequate project description regarding the elimination of parking and streetscape enhancements also frustrate the ability of the public and decisionmakers to scrutinize the Project's adverse environmental effects. For example, the EIR does not say whether, during the operational phase of the Project, one lane of traffic or on street parking (or both) will be removed from McCadden Place, where sidewalks on both sides of the street will be widened from approximately five feet to 12 feet in width. Consequently, there is no way to reasonably or meaningfully evaluate how these Project elements will effect the environment.

v. Failure to Implement Appropriate or Sufficient Mitigation

Although the developer has stated that the Project would implement a Construction Management Plan, as identified in Project Design Feature TRA-PDF-1 on pages IV.L-82 through IV.L-84 in Section IV.L, Traffic, Access, and Parking, of the Draft EIR, to ensure adequate access and circulation in areas and streets immediately adjacent to the Project Site, there is no substantial evidence showing that such plan would effectively resolve actually address such concerns for the immediately adjacent areas and streets. City staff simply guesses that the Construction Management Plan will successfully mitigate impacts, but it has provided no substantial evidence to substantiate this claim.

Additionally, HMC informed the CPC that “the loss of access and parking would also make it near impossible for disabled patrons having safe proper ingress and egress from and to same during the proposed 5 to 7 years of construction.” Staff responded simply by saying that the Construction Management Plan will ensure that access is provided. But how will this be possible if the sidewalks along McCadden are closed and there is nowhere to safely offload passengers because the street is filled with construction vehicles? The EIR does not provide answers to these questions.

The mitigation plan should, at the very least eliminate use of N. McCadden Place for construction traffic as to substantially mitigate against noise, exhaust, and pollution adversely impacting effecting the outdoor dining and production facility with indoor and outdoor sound production and recording. City staff alleges that “noise and air quality effects from construction trucks would be limited,” but again, this is a guess that is not substantiated by any evidence. (See response 2-8.)

n. Failure to Disclose, Evaluate and Mitigate Impacts to Public Utilities

Shockingly, the EIR discloses that the Los Angeles Department of Water and Power can only guarantee sufficient water supplies up the year 2040. That means that if the Project is completed by 2024, residents will only be able to enjoy life in their homes for less than two decades before the taps may run dry. What will happen after 2040? The EIR does not say, and therefore is silent with respect to potential impacts that occur after the year 2040.

Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th 412, 441 is directly on point. There, the Court of Appeal held that an EIR was legally inadequate because the lead agency could not show, with certainty, that long-term water supplies would be available by the year 2030 to meet total demand. The court wrote:

“Without an explanation that shows at least an approximate long-term sufficiency in total supply, the public and decision makers could have no confidence that the identified sources were actually likely to fully serve this extraordinarily large development project. An EIR that neglects to explain the likely sources of water and analyze their impacts, but leaves long-term water supply considerations to later stages of the project, does not serve the purpose of sounding an ‘environmental ‘alarm bell’ ”’ (*Laurel Heights I, supra*, 47 Cal.3d at p. 392) before the project has taken on overwhelming ‘bureaucratic and financial momentum’ (*id.* at p. 395).”

(*Ibid.*) The Crossroads EIR suffers from this exact same flaw. By failing to disclose that long-term water supplies are available, it fails to assure the public that the Project is viable in the long term.

Furthermore, HMC has noted that there will extensive disruption of services at the Subject Properties and in the surrounding neighborhood. Such disruptions – especially to the impacted food establishments – are not addressed and no mitigation efforts are proposed, again, because

the developer misleadingly describes the disruptions as temporary without identifying how temporary or proposing any alternatives to offset the impact of losses of water, electricity, and gas service.

In this regard, the entire Bureau of Engineering conditions fail to provide proper mitigation for the drastic consequences for the loss of and disruption of services for water, electric, sewage, gas, and other utilities and services, as they affect surrounding businesses and residents. At the very least, the developer should be required to put into escrow mitigation funds to reimburse any business for the loss of revenue associated with these disruptions and related Project impacts. No effort has been made to assess the severity of service disruptions and their own direct and indirect impacts, including public health risks.

Finally, the failure to identify the 11 related projects listed above completely undermines the accuracy of the EIR's disclosures regarding cumulative demands for utilities, including water, electricity, sewage, and the need for new public infrastructure to supply these utilities.

o. Failure to Provide Feasible Mitigation Measures and Impermissible Deferral of Mitigation

Because it has significant impacts even after mitigation, disapproval of the Project is required unless there are no feasible mitigation measures or alternatives, *and* specific benefits outweigh the significant impact. (Pub. Resources Code, § 21081.) That is because CEQA requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. (Pub. Resources Code, § 21002; *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) The Legislature has stated:

"The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . . The Legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

(Pub. Resources Code, § 21002.) CEQA mandates that:

"Pursuant to the policy stated in [Public Resources Code] Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless both of the following occur:

“(a)... (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.”

(Pub. Resources Code § 21081.) The Guidelines that implement CEQA restate this requirement. (Guidelines, § 15091, subd. (a)(3).) Specifically, mitigation measures must be “required in, or incorporated into” the project. (Pub. Resources Code, § 21081, subd. (a)(1); *Federation of Hillside and Canyon Assoc. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) Deferral of the analysis of the feasibility and adoption of mitigation measures violates CEQA. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 306-308.)

In this case, many of the mitigation measures are no more than a vague promise to “comply with the law.” These measures do not meet CEQA’s mandate for effective, enforceable mitigation measures, and it is a prejudicial abuse of discretion for the City to rely on same in approving the subject Vesting Tentative Tract Map.

p. Failure to Assess a Reasonable Range of Alternatives

The EIR fails to assess a reasonable range of alternatives that reduce adverse impacts on sensitive receptors in the neighborhood, and it fails to assess alternatives that allow for the Project to be built incrementally, over a period several decades, while waiting for the City to improve the infrastructure and services needed to support such a large project.

q. Failure to Provide Adequate Overriding Considerations

The Project’s statement of overriding considerations is legally inadequate. It contrives justifications for the Project’s existence, despite a large public outcry that has advised the City a project of this magnitude is inappropriate for the community.

The statement of overriding considerations says that the project will help satisfy the market demand for housing in the region. But the project doesn’t provide the type of housing that the market is looking for (affordable housing) – it primarily provides high-end residential housing that is unaffordable to those who need housing the most, or those who are priced out of the local market.

IV. The City Planning Commission’s Decision to Sustain the Advisory Agency’s Approval of Vesting Tentative Tract Map No. 73568 Violates the Subdivision Map Act and the Los Angeles Municipal Code

The approval of Vesting Tentative Tract Map No. 73568 is severely flawed in several respects, including it being based on a legally inadequate EIR, and its failure to comply with Government

Code § 66474. As such, the Advisory Agency prejudicially abused its discretion in approving Vesting Tentative Tract Map No.73568.

The Project site is not suitable for the proposed changes to the area and increased density of the Project. The EIR does not show otherwise. There is no substantial evidence establishing that the proposed density of the development can be supported by the public infrastructure and public services, including mass transit, traffic conditions even now, schools, and level of emergency services and policing required to accommodate the Project.

By way of example, the proposed floor area ratio for portions of the Project far exceed what is allowable under the Municipal Code. They even exceed what was granted to the Millennium. What is more, because allowable floor area ratios would be far exceeded, the City would be required to proceed under the variance procedures of Municipal Code section 12.27. However, no variance could be properly granted because there is no hardship other than one that is self-imposed by the applicant's massive Project design, and the grant of a variance would impermissibly give the applicant special privileges not enjoyed by other property owners in the same zone. Los Angeles City Charter section 562 and Municipal Code section 12.27 prohibit the grant of a special privilege to a property owner.

The City's findings also violate Government Code sections 66473.5 and 66474, subsections (c), (d), (f) and (g) in that the Project is inconsistent with the City's general plan and long-term planning goals.

Finally, pursuant to LAMC section 17.06, the City should deny approval of the VTTM because the City has failed to substantiate that there will be "adequate water supply" past the year 2040, and given the unmitigable traffic congestion in the neighborhood, the City has not substantiated that there will be "adequate access" to the Project site. Nor has the City substantiated that the Project will be served by adequate fire protection, or that fire services won't be blocked from the Project site by traffic congestion in the neighborhood.

V. The City Planning Commission Erred in Approving the Project's Density Bonus Compliance Review

The Project's Density Bonus Compliance Review is legally deficient. The City's findings fail to recognize that the Project's unmitigable adverse environmental impacts are "adverse impact[s] upon public health and safety" that preclude a finding that the bonus is appropriate under the second criterion for granting the bonus. Additionally, approval of the bonus is legally deficient because it relies on an EIR that is legally inadequate under CEQA and

VI. The City Planning Commission Erred in Approving Master Conditional Use Permits for the On-site and Off-site Sale, Dispensing, and Consumption of Alcohol and Uses with Public Dancing and Live Entertainment.

First of all, the LAMC does not provide a procedure for granting a so-called “master conditional use permit.” The City’s decision in the present case to combine 22 separate permits into a single CUP is legally improper, and it frustrates the basic purpose of individually examining whether each permit, on its own, satisfies the required findings under LAMC 12.24(E). The City’s failure to describe the location and proposed uses also makes it impossible to determine whether granting the permit was proper. In any event, the so-called “master CUP” cannot meet the required findings.

For the first finding, there is no substantial evidence in the record that all 22 licenses will allow the project to provide a service that is “essential.” On the contrary, there are hundreds of establishments in the neighborhood that already provide the same services.

For the second finding, the absence of any information about where the locations at which the licenses will be used precludes a finding that “the project’s location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.”

For the third finding, as discussed above, the Project does not conform to General Plan policies.

VII. The City Planning Commission Erred in Approving a Major Development Project Conditional Use Permit

Again, the City cannot make the required findings for this Conditional use permit. There is no substantial evidence in the record showing that 250 hotel rooms will provide an essential service, and the Project does not conform to General plan policies.

VIII. The City Planning Commission Erred in Approving the Project’s Site Plan Review

The findings for the site pan review are legally deficient, and they rely upon a legally deficient EIR and VTTM.

IX. The Record Does Not Contain Substantial Evidence Showing that the Project Complies with the Public Trust Doctrine

As noted above in our discussion of the EIR’s information disclosure inadequacies, the groundwater basin underlying the Project site is subject to the Public Trust doctrine because it is hydrologically connected to Public Trust surface waters. Substantive Public Trust violations will occur if Project activities adversely affect Public Trust Surface Waters. The City has provided no

substantial evidence to show that it will comply with its Public Trust obligations to groundwater and surface water.

The Public Trust Doctrine also encompasses a duty to protect wildlife. (*Environmental Protection Information Center v. California Department of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 515 ["There is doubtless an overlap between the two public trust doctrines – the protection of water resources is intertwined with the protection of wildlife."].) Therefore, the City will also violate its Public Trust obligations if Project activities harm wildlife (e.g. by causing deaths of migratory birds that collide with tall buildings). The City has provided no substantial evidence to show that it will comply with its Public Trust obligations to wildlife.

The City also has an obligation to provide written findings that Project activities will not adversely affect Public Trust resources. Administrative agencies that issue quasi-judicial decisions must "set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order." (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) In these findings, agencies must demonstrate "the analytic route the administrative agency traveled from evidence to action." (*Ibid.*) Appellate bodies may not presume "that an agency's rulings rest upon the necessary findings" when such agencies "must expressly state their findings and must set forth the relevant supportive facts." (*Broadway, Laguna, Vallejo Assn. v. Board of Permit Appeals* (1967) 66 Cal.2d 767, 773; accord, *Walnut Acres Neighborhood Assn. v. City of Los Angeles* (2015) 235 Cal.App.4th 1303, 1312-1313.) The CPC's failure to make these required findings was prejudicial error. More importantly, given that the City has provided no substantial evidence to show that it will comply with its Public Trust obligations, the City will not be able to make legally adequate findings in the absence of such evidence.

X. SB 743 Is Facially Unlawful

The Crossroads Project EIR relies heavily on SB 743 as an excuse to avoid its duty to disclose, evaluate, and mitigate the project's direct, indirect, and cumulative impacts on the environment. We object to SB 743 as being facially invalid; it is inherently inconstant with CEQA's fundamentally purposes, goals, and requirements. Likewise, it conflicts with due process protections enshrined in the California and Federal constitutions. It permits public agencies and project proponents to avoid public disclosure of adverse effects on humans and the environment, as well as requirements to implement mitigations that would prevent harm to human health and wellbeing. It also conflicts with CEQA requirements to not approve projects when there are feasible alternatives available that would substantially lessen a project's adverse environmental effects. (See § 21002.)

The legislature cannot pick and choose what is considered part of the physical environment. It cannot limit CEQA by ordaining that a specific species or a specific location is less deserving of environmental protection. All aspects of the physical environment are interconnected; if the law ignores project effects on one aspect of the environment, lead agencies will invariably use it as an

Honorable President Herb Wesson and
Members of the Los Angeles City Council
November 13, 2018
Page 40

opportunity to duck their obligations to disclose, evaluate, and mitigate secondary and indirect impacts on other aspects of the environment.

XI. Conclusion

For the reasons shown above, we respectfully request that this honorable council grant HMC's appeal, deny certification of the Crossroad Project EIR, deny approval of VTTM No. 73568, and deny approval of all project entitlements.

This Project is simply too big, and the City doesn't have infrastructure to support it. We should not rush it through the approval process. It is simply too consequential, and we cannot afford errors in its environmental review.

Sincerely,

ANGEL LAW

A handwritten signature in cursive script, appearing to read "Ellis Raskin".

Ellis Raskin



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: **OCT 31 2018**

Case No. CPC-2015-2025-DB-MCUP-CU-SPR

Council District: 13 – O'Farrell

CEQA: ENV-2015-2026-EIR; SCH No. 2015101073

Plan Area: Hollywood

Related Case: VTT-73568-1A

Project Site:

1540–1552 Highland Avenue
6663–6675 Selma Avenue,
1543–1553 McCadden Place,
1501–1573 Las Palmas Avenue,
1600–1608 Las Palmas Avenue,

6700–6760 Selma Avenue,
6660 Selma Avenue,
1542–1546 McCadden Place,
1500–1570 Las Palmas Avenue,
6665–6713½ Sunset Boulevard

Applicant:

Bill Myers, CRE-HAR Crossroads SPV, LLC

Representative: Kyndra J. Casper, DLA Piper, LLP

At its meeting of **September 13, 2018**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

The Project retains and rehabilitates Crossroads of the World, the former Hollywood Reporter Building and the Bullinger Building and removes all other existing improvements on the Project Site to construct a mixed-use development on a 8.34-acre site in the Hollywood Community Plan Area. The Project (including existing uses to be retained within the Crossroads of the World complex and the uses to be included in the former Hollywood Reporter Building and the Bullinger Building) includes approximately 1,381,000 square feet of floor area, consisting of 950 residential units, 308 hotel rooms, and approximately 190,000 square feet of commercial/retail uses and a new above-ground parking structure on the eastern side of the Project Site. Included among the residential units are 105 dwelling units for Very Low Income Households, to replace the existing 82 residential units covered by the City's Rent Stabilization Ordinance. The proposed floor area ratio (FAR) is approximately 3.81:1 averaged across the Project Site. The Project results in a net increase of approximately 1,208,427 square feet of floor area on site.

1. **Found**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the previously certified Crossroads Hollywood Project Environmental Impact Report (EIR) which includes the Draft EIR, ENV-2015-2026-EIR, SCH No. 2015101073, dated May 11, 2017, the Final EIR, dated May 4, 2018, and the Errata, dated August 2018, certified on September 13, 2018; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, or addendum is required for approval of the Project;
2. **Approved**, pursuant to Section 12.22 A.25 of the Los Angeles Municipal Code (LAMC), a Density Bonus Compliance Review, reserving 11 percent, or 105 units, for Very Low Income Households, and utilizing Parking Option 1, with the following incentives:
 - a. An On-Menu Incentive to permit a 35 percent increase in the maximum allowable Floor Area Ratio (FAR) from 2:1 to 2.7:1 FAR (for the C4-2D-SN portion of the site and Parcel E1) and from 3:1 to 4.05:1 FAR (for the C4-2D portion of the site);

- b. An On-Menu Incentive to permit the averaging of floor area for an average FAR of approximately 3.26:1 across the site, density, parking and open space on two or more contiguous lots and permitting vehicular access from a less restrictive zone to a more restrictive zone; and
 - c. A Waiver of Development Standard (Off-Menu) to permit an approximately 16.51 percent increase of 3.8:1 FAR in lieu of approximately 3.26:1 FAR averaged across the site.
3. **Approved**, pursuant to LAMC Section 12.24 W.1, a Master Conditional Use to permit the on-site and off-site sale, dispensing and consumption of a full line of alcoholic beverages in connection with a total of 22 establishments associated with the Project's proposed hotel and commercial uses;
 4. **Approved**, pursuant to LAMC Section 12.24 W.18, a Master Conditional Use to permit eight uses with public dancing and live entertainment;
 5. **Approved**, pursuant to LAMC Section 12.24 U.14, a Major Development Project Conditional Use Permit for a project creating 250 or more hotel guest rooms, and 100,000 square feet or more of floor area in other nonresidential uses in the C4 Zone;
 6. **Approved**, pursuant to LAMC Section 16.05, a Site Plan Review for a project that would result in an increase of 50 or more dwelling units;
 7. **Adopted** the attached Conditions of Approval as modified by the Commission; and
 8. **Adopted** attached the Findings.

The vote proceeded as follows:

Moved: Khorsand
 Second: Ambroz
 Ayes: Choe, Mack, Mitchell, Perlman, Millman
 Nays: Padilla-Campos, Dake Wilson

Vote: 7 – 2



 James K. Williams, Commission Executive Assistant II
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission regarding the Off-Menu Waiver is not appealable.* The decision of the Commission regarding the remainder of the actions is appealable to the City Council within 15 days of the mailing of this determination letter. The filing of an appeal stays proceedings in the matter until the appellate body makes a decision. An appeal not filed within the 15-day period shall not be considered by the Council.

Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: NOV 15 2018

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable and the decision is final.**

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, Findings

c: Charles Rausch Jr., Principal City Planner
Heather Bleemers, Senior City Planner

CONDITIONS OF APPROVAL

As modified by the City Planning Commission September 13, 2018

Density Bonus Conditions of Approval

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code or the project conditions.
 - a. To reduce the heat island effect, pathways, courtyards, driveways and other paved areas shall ensure that a minimum of 50 percent of materials be used with a minimum initial solar reflectance value of 0.35 in accordance with the American Society for Testing and Materials standards (ASTM standards).
 - b. The project shall be constructed with an operable recycled water pipe system for on-site greywater use, to be served from onsite non-potable water sources such as showers, washbasins, or laundry and to be used as untreated subsurface irrigation for vegetation or for cooling equipment. The system specifics shall be required as determined feasible by the Department of Water and Power, the Bureau of Engineering, and the Department of Sanitation in consultation with the Department of City Planning.
2. **Residential Density.** The project shall be limited to a maximum of 950 residential units.
3. **Hotel Density.** The project shall be limited to a maximum of 308 guest rooms.
4. **Residential Automobile Parking.** Vehicle parking shall be provided consistent with LAMC 12.22-A.25(d) Density Bonus Parking Option 1, which permits one on-site parking space for each restricted affordable unit of 0-1 bedroom, and two on-site parking spaces for each restricted affordable unit of 2-3 bedrooms, for a minimum of 1,013 code-required parking spaces.
5. **Unbundled Parking.** Residential parking shall be unbundled from the cost of the rental units, with the exception of parking for residential units that are set aside for Very Low Income and workforce households.
6. **Bicycle Parking.** Bicycle parking shall be provided consistent with LAMC 12.21-A,16. Long-term bicycle parking shall be provided at a rate of one per dwelling unit or guest room. Additionally, short-term bicycle parking shall be provided at a rate of one per ten dwelling units or guest rooms, with a minimum of two short-term bicycle parking spaces. Short-term and long term bicycle parking for general retail stores and restaurants requires one bicycle parking per 2,000 square feet, with a minimum of two bicycle parking spaces for both long- and short-term bicycle parking. Based upon the number of dwelling units and commercial square footage, 1,048 long-term and 193 short-term bicycle parking spaces shall be provided on-site.
7. **Hotel Parking.** Vehicle parking shall be provided consistent with LAMC 12.22-A,4(b), for a minimum of 256 code-required parking spaces.

8. **Commercial Uses.** The project shall be limited to 190,000 square feet of commercial uses. The use of the subject property shall be limited to those uses permitted in the C4 Zone as defined in Section 12.16.A of the LAMC.
9. **Commercial Parking.** A minimum of 567 parking for commercial uses shall be provided. In the event that the commercial area is reduced, parking shall be provided in compliance with LAMC Section 12.21-A,4.
10. **Floor Area Ratio (FAR).** The requested Off-Menu waiver of development standard allows for the Floor Area Ratio to be limited to a maximum of 3.8:1 averaged across the site.
11. **Affordable Units.**
 - a. A minimum of 105 units, that is 11 percent of the 950 base dwelling units, shall be reserved as affordable units, as defined by the State Density Bonus Law 65915 (c)(1) or (c)(2).
 - b. Changes in Restricted Units. Deviations that increase the number of restricted affordable units or that change the composition of units or change parking numbers shall be consistent with LAMC Section 12.22-A,25.
 - c. Adjustment of Parking. In the event that the number of Restricted Affordable Units should increase, or the composition of such units should change (i.e. the number of bedrooms, or the number of units made available to Senior Citizens and/or Disabled Persons), or the applicant selects another Parking Option (including Bicycle Parking Ordinance) and no other Condition of Approval or incentive is affected, then no modification of this determination shall be necessary, and the number of parking spaces shall be re-calculated by the Department of Building and Safety based upon the ratios set forth pursuant to LAMC Section 12.22-A,25.
12. **Calculation of Residential Density.** For the purposes of calculating the total number of dwelling units allowed at the site, any land required to be dedicated for street or alley purposes may be included as lot area.
13. **Housing Requirements.** Prior to issuance of a building permit, the owner shall execute a covenant to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA) to make 105 units available to Very Low Income Households, for sale or rental as determined to be affordable to such households by HCIDLA for a period of 55 years. Enforcement of the terms of said covenant shall be the responsibility of HCIDLA. The applicant will present a copy of the recorded covenant to the Department of City Planning for inclusion in this file. The project shall comply with the Guidelines for the Affordable Housing Incentives Program adopted by the City Planning Commission and with any monitoring requirements established by the HCIDLA. Refer to the Density Bonus Legislation Background section of this determination.
14. The applicant shall coordinate with the Department of City Planning, in consultation with the Council Office of District 13, to ensure that residents residing in the Courtyard Apartments located at 6200 Selma Avenue and 1535 Las Palmas Avenue are given first right of first refusal to return to a new unit once the proposed development has been constructed. Returning tenants, if qualified, shall be offered a unit reserved for Very Low Income Households. All other tenants shall be offered a new unit at a rate no higher than their last rent payment in their RSO unit. These requirements shall apply to a minimum of 40 units. The

applicant shall procure written approval of their first right of refusal plan from Council District 13 at the time of condition clearances.

Master Conditional Use Conditions

15. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
16. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
17. Approved herein is the following: the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a maximum of eighteen (18) proposed restaurants, including the pool deck and rooftop of the hotel (Type 47 – bona fide public eating place); the sale and dispensing of a full line of alcoholic beverages for on-site consumption within the hotel including meeting room and conference facilities for two (2) portable units and hotel minibars; the sale and dispensing of a full line of alcoholic beverages for on-site consumption in a maximum of two (2) proposed bars (Type 48 – General Public Premises); the sale of a full line of alcoholic beverages for off-site consumption at two (2) off-sale retail uses (Type 21 – off site general). The Type 47 restaurants may operate from 6:00 a.m. to 2:00 a.m. daily, with the sale of alcoholic beverages from 6:00 a.m. to 2:00 a.m., daily. The Type 48 bars may operate from 6:00 a.m. to 2:00 a.m., daily. The retail store/market may operate from 6:00 a.m. to 2:00 a.m. daily.
18. Approved herein is a Master Conditional Use Permit for public dancing and live entertainment within any restaurant or bar within the hotel or within a maximum of eight restaurants/bars in the Project.
19. Beer and wine sales may be sold in lieu of a full line of alcoholic beverages at any of the approved alcohol-serving venues.
20. A public hearing for any Approval of Plans request may be waived at the discretion of the Chief Zoning Administrator.
21. The Applicant or Operator shall not sublet the premises for any nightclub activity.
22. No portion of the public areas of the project site shall be used exclusively for private parties in which the general public is excluded. This condition shall not prohibit the Applicant, Owner, or Operator from occasionally renting out portions of the public areas the project site for private parties if approved for a Special Event pursuant to Condition No. 27 below.
23. No coin-operated games, video machines, pool or billiard tables are permitted unless approved by the Zoning Administrator as part of the Plan Approval for any specific venue located within the project site.
24. Dancing and live entertainment shall be conducted subject to the issuance of a Dance Hall and Café Entertainment permit by the Police Commission, respectively, and as applicable for each individual approved establishment.

25. Dancing and live entertainment shall be conducted in conjunction with the specific establishments identified in Condition No. 16 and 17 above of this grant, and not as a freestanding activity.
26. Background ambient music is permitted in the outdoor portions of the project site that are under the control of the Applicant, provided it is not audible beyond the subject premises and shall not exceed the levels prohibited by the City's noise regulations (Section 116.01 of the Los Angeles Municipal Code). For the purposes of these operating conditions background ambient music will be defined as low-volume music that is complementary to dining experience. Recorded music will no longer be considered ambient when the volumes of the music interfere with activities such as dining and/or low volume conversation.
27. Live entertainment and public dancing featured, endorsed, or otherwise provided in the public outdoor areas of the project site not covered by a Plan Approval, that are under the Applicant's control is prohibited except in those instances wherein the petitioner has secured LAPD Hollywood Vice approval to organize and provide a Special Event (see Condition No. 27 below) in the outdoor areas of the project site.
28. The number of outdoor Special Events permitted on the subject property shall be limited to a maximum of 24 events per year. A Special event is any event which is held weekly, monthly or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal project operations, including but not limited to hours of operation, any significant live entertainment or public dancing features, or any outdoor events that would stipulate an ABC one-day permit application or some other special endorsement. An event wherein the Applicant(s) or Operator charges an admission fee from patrons to any public portion of the project site will be considered a Special Events as will any events that involve the exclusion of the general public from gaining admission to any public portion of the project site. Special Event shall not include a farmers market, sidewalk sale or any similar type use of the project site. The Applicant or Operator shall seek approval from the Hollywood Vice Unit for all Special Events 14 days in advance of the date of each Special Event, in writing. Hollywood Vice Unit shall respond to requests for Special Events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or under the direct employ of the applicant(s).
29. Any ambient or amplified music, sound, vibration or noise emitted that is under the control of the Applicant or Operator shall not be audible or otherwise perceivable beyond the subject project site. Any sound, vibration or noise emitted that is under the control of the petitioner, which is discernible outside of the subject premises, shall constitute a violation of Section 116.01 of the Los Angeles Municipal Code, including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The petitioners shall make every effort to control any unnecessary noise made by project site and retail premises staff or any employees contracted by any of the project site facilities located within the properties developed by the petitioner, or any noise associated with the operation of the project site, the project site facilities, and/or equipment of the hotels, restaurants, bars and market.
30. There shall be no use of the subject premises which involves Section 12.70 of the Los Angeles Municipal Code (Adult Entertainment).

31. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This provision applies to all outdoor areas of the establishment that are used in conjunction with food service and/or the consumption, dispensing, or sale of alcoholic or non-alcoholic beverages.
32. The Applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting ashes or cigarette/cigar butts within the interior portions of any of the project site facilities/structures.
33. Within six months of operation of each venue, all employees involved with the sale of alcoholic beverages shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR). Upon completion of such training, the applicant shall request the Police Department to issue a letter identifying which employees completed the training. The applicant shall transmit a copy of the letter from the Police Department to the Zoning Administrator as evidence of compliance. Employees shall attend the training on an annual basis.
34. Security. Prior to issuance of a certificate of occupancy for any phase of the project, the Police Department shall have approved the Owner's written plan for security for such phase and the project, including security equipment installed within such Phase and the balance of the Project, the type, number and hours of security personnel to be provided by the Owner, and coordination with the Police Department. A copy of the security plan approved by the Police Department shall be included with all Approval of Plans. The security plan for each phase shall include a camera installation plan. Surveillance cameras shall be installed which cover all common areas of the establishments, including all high-risk areas, entrances and exits to each tenant space, and including cameras that provide a view of the street. The Owner shall maintain a one-month tape library and such tapes shall be made available to Police or other enforcement agency upon request. The security plan for each phase shall include the type, number and hours of security personnel to be provided by the Owner. In addition to the private security staffing, the Owner shall provide for the hiring of Law Enforcement personnel as part of the security plan staffing for the project site during all hours of operation. Hollywood Vice Office and the Police Department reserve the right to revise the approved security plan for any phase of the project if it is determined by the Hollywood Vice Office that the security plan is ineffective or inadequate as it pertains to the safety of patrons, residents and/or the employees of the project site. If the plan is determined to be ineffective or inadequate, the Owner will submit a modified security plan to be approved by the Police Department.
35. The project site security personnel/guards staffing the Security Plan shall not have any other duties other than those that are security related. Security personnel/guards shall be licensed in accordance with State Law and Police Commission standards and maintain valid Bureau of Security and Investigative Services Guard Credentials along with active first-aid credentials. Project site security personnel/guards shall be dressed in such a manner as to be readily identifiable as project site security personnel/guards to patrons, residents, visitor, employees and law enforcement personnel.
36. The project site Law Enforcement staffing the Security Plan shall not have any other activities other than those that are security/law enforcement related. Law Enforcement personnel shall be employed in a uniformed capacity in accordance with State Law and Police Commission

standards. Project site Law Enforcement personnel shall be dressed in full uniform when employed to perform law enforcement functions on the project site.

37. Electronic age verifications device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premise at each point-of-sale location. This device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.
38. The Applicant and tenants shall monitor the areas under their control to prevent loitering activities. Loitering is prohibited on or around these premises and any area under the control of the Applicant.
39. The Applicant shall maintain on the premises, and present upon request to the Police or other enforcement agency, a copy of the Business Permit, Insurance Information, and valid emergency contact phone number for any Valet Service utilized and for any Security Company Service employed.
40. A copy of these conditions shall be maintained within each licensed premise. Additionally, a copy shall be provided to all employees who shall sign an acknowledgement form stating that they have read and understood all of the ABC and conditional use permit conditions. Said form shall be maintained at the location by the owner and /or manager who shall present it to Police personnel, ABC investigators, or any other City agency upon request. All licenses, permits, and conditions shall be posted in a conspicuous location at the subject establishment.
41. Prior to issuance of a certificate of occupancy for the earlier to be completed of (a) the second residential tower to be constructed on Parcel B of the Project (Building B-1 or Building B-3) or (b) the retail project on Parcel C (Crossroads of the World), the Owner shall make available up to 1,200 square feet (useable) to the Police Department for a substation. The substation shall be a shared facility for both Law Enforcement and private security. Once approved by the Police Department, the location and amenities of the substation shall be included in the security plan for the project. The Owner shall improve the Substation to the satisfaction of the Police Department.
42. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
43. **Master Plan Approval (MPA) Requirement.** Each individual venue shall be subject to a Master Plan Approval (MPA) determination pursuant to Section 12.24-M of the Los Angeles Municipal Code in order to implement and utilize the Master Conditional Use authorization granted herein for alcohol sales and/or public dancing unless otherwise noted. The purpose of the Master Plan Approval determination is to review each proposed venue in greater detail and to tailor site-specific conditions of approval for each of the premises including but not limited to hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval.
44. Prior to the utilization of this grant, 24-hour "hot line" shall be provided for complaints or concerns from the community regarding the operation. The 24-hour phone number shall be

posted at the following locations: a) entries, visible to pedestrians; b) customer service desks, front desks or near the hostess stations. The applicant shall maintain a log of all calls, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was resolved. This log shall be made available to law enforcement personnel upon request and presented as part of the application if and when a new application to continue the operation is submitted to the Department of City Planning. Complaints shall be responded to within 24 hours.

- 45. MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.
- 46.** Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center or the BESt (Beverage and Entertainment Streamlined Program) for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center or BESt (Beverage and Entertainment Streamlined Program) for inclusion in the case file.

Site Plan Review Conditions

- 47. Public Improvements.** Prior to the issuance of any building permits, public improvements and dedications for streets and other rights-of-way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department.
- 48. Electric Vehicle Charging Stations.** The project shall include at least 20 percent of the total automobile parking spaces developed on the project site capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. In addition, five percent of the total automobile parking spaces developed on the project site, and all parking spaces in excess of LAMC-required spaces for the use, shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EV CAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
- 49. Solar.** The Project shall provide a minimum of 135 kilowatts of photovoltaic panels on the Project Site, unless additional kilowatts of photovoltaic panels become feasible due to

additional area being added to the Project Site. The system shall be installed prior to the issuance of a certificate of occupancy.

- 50. Tree Maintenance.** All newly planted trees must be appropriately sized, staked and tied; provided with a watering moat; and shall be properly watered and maintained.
- 51. Tree Wells.** All areas containing trees shall be at minimum depth of 48 inches.
- 52. Graffiti Removal.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
- 53. Aesthetics.** The structure, or portions thereof shall be maintained in a safe and sanitary condition and good repair and free of graffiti, trash, overgrown vegetation, or similar material, pursuant to Municipal Code Section 91,8104. All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
- 54. Trash/Storage.**
 - a. All trash collection and storage areas shall be located on-site and not visible from the public right-of-way.
 - b. Trash receptacles shall be stored in a fully enclosed building or structure, constructed with a solid roof, at all times.
 - c. Trash/recycling containers shall be locked when not in use.
- 55. Mechanical Equipment.** Any structures on the roof, such as air conditioning units and other equipment, shall be fully screened from view of any abutting properties and the public right-of-way. All screening shall be setback at least five feet from the edge of the building.
- 56. On-site Landscaping.** All planters containing trees shall have a minimum depth of 48 inches.
- 57. Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
- 58. Signs.** There shall be no off-site signs for portions of the project that are outside of the Hollywood Signage Supplemental Use District (HSSUD). All signs within the HSSUD shall comply with the provisions of that district. All other signs are subject to the provisions of LAMC Section 14.4.
- 59. Parking Structure Design.**
 - a. Facades of parking structures shall be screened to minimize their visual impact on the public realm.
 - b. Parking and loading access shall be a minimum of 25 feet from a primary building entrance, pedestrian paseo or public plaza.

- c. Entrances, elevators and stairs for parking structures shall be easily accessible and highlighted architecturally.
- d. Any above ground parking structure shall be designed to be utilized and easily repurposed to other uses. The conversion of floor area from parking into new uses may be subject to additional discretionary actions.
- e. Above ground parking structures shall have flat parking levels, not including the driveway ramps.
- f. The height of the above ground parking levels shall have sufficient clearance to be adaptable to non-parking uses. Once converted, the building shall permit a minimum floor to ceiling height of 9 feet for commercial uses and 8 feet for residential uses.

Environmental Conditions

60. Mitigation Monitoring Program. The project shall be in substantial conformance with the project design features and mitigation measures in the attached Mitigation Monitoring Program (MMP), stamped "Exhibit B". The enforcing departments or agencies may determine substantial conformance with project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, complies with CEQA Guidelines, Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance to analyze the impacts from the modifications to or deletion of the project design features or mitigation measures. Any addendum or subsequent CEQA clearance shall explain why the project design feature or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a project design feature or mitigation measure shall not require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the project design features or mitigation measures results in a substantial change to the project or the non-environmental conditions of approval.

61. Mitigation Monitor (Construction). During the construction phase and prior to the issuance of building permits, the applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the applicant and Construction Monitor and be included as part of the applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the mitigation measures and project design features within two businesses days if the applicant does not correct the non-compliance within a reasonable time of notification to the applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

62. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that

may be tribal cultural resources are encountered during the course of any ground disturbance activities¹, all such activities shall temporarily cease on the project site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning at (213) 473-9723.
- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.
- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

Administrative Conditions

63. Approval, Verification and Submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.

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- 1 Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity

- 64. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 65. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 66. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 67. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 68. Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
- 69. Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
- 70. Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

(i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

(ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.

(iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the

nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

(v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

FINDINGS

1. Density Bonus/Affordable Housing Incentives Program Findings

Pursuant to Section 12.22-A,25(g)(2)(i)(c) of the LAMC and Government Code Section 65915(d), the City Planning Commission shall approve a density bonus and requested incentive(s) unless the City Planning Commission finds that:

- a. **The incentives do not result in identifiable and actual cost reductions to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5 or Section 50053 for rents for the affordable units.**

The record does not contain substantial evidence that would allow the City Planning Commission to make a finding that the requested incentive is not required to provide for affordable housing costs as defined in California Health and Safety Code Section 50052.5, which defines “affordable housing cost” having the same meaning as affordable rent as defined in Section 50053. Section 50053 of the California Health and Safety Code defines affordable rent, including a reasonable utility allowance shall not exceed 30 percent times 50 percent of the area median adjusted for family size appropriate for the unit for Very Low Income Households. Affordable housing costs are a calculation of residential rent or ownership pricing to not be less than 15 percent of gross income nor exceed 25 percent gross income based on area median income thresholds. The list of on-menu incentives in 12.22-A,25 were pre-evaluated at the time the Density Bonus Ordinance was adopted to include types of relief that minimize restrictions on the size of the project. As such, the City Planning Commission will always arrive at the conclusion that the density bonus on-menu incentives are required to provide for affordable housing costs because the incentives by their nature increase the scale of the project.

Pursuant to LAMC Section 12.22-A,25(f)(4)(i), a project qualifies for a percentage increase in the allowable floor area ratio equal to the percentage of Density Bonus for which the housing development is eligible, not to exceed 35 percent. The Project is setting aside 105 units for Very Low Income Households (11 percent). In exchange, the Project is eligible for a 35 percent Density Bonus (635 additional units). However, the Project is not utilizing the Density Bonus to provide additional units. Specifically, the Project Site lot area consists of 363,277 square feet, which would permit 1,816 units (363,277 square feet / 200 square feet, per LAMC 12.22-A,18(a)). With the additional units, the Project could provide up to 2,451 units (1,816 + 635). However, the Project is proposing 950 units. With the 11 percent set aside for Very Low Income Households, the project is eligible for two on-menu incentives. In this instance, the Project is seeking approval of an On-Menu Incentive to permit a 35 percent increase in the maximum allowable Floor Area Ratio (FAR) from 2:1 to 2.7:1 FAR (for the C4-2D-SN portion of the site and Parcel E1) and from 3:1 to 4.05:1 FAR (for the C4-2D portion of the site), and an On-Menu Incentive to permit the averaging of floor area for an average FAR of approximately 3.26:1 across the site, density, parking and open space on two or more contiguous lots and permitting vehicular access from a less restrictive zone to a more restrictive zone. The C4-2D-SN portion of the site and Parcel E1 permits a 2:1 FAR, and the C4-2D portion of the site permits a 3:1 FAR, resulting in a maximum floor area of 877,998 square feet. Approval of the On-Menu Incentive to permit a 35 percent increase in the maximum allowable FAR would permit a maximum floor area of approximately 1,185,297 square feet, which, in combination with the Waiver of Development Standard (Off-Menu) Incentive described below, would allow the construction of the Project. The increase in FAR will allow the mixed-use development to be built, allowing for the ground level retail around most of the Project’s frontages. In addition, without the increased FAR there would be a reduction in the Project’s ability to provide the range of unit configurations or a reduction in the marketable commercial area that will be

providing a commercial resource for on-site residents, visitors and community members in the neighborhood.

In addition, the Project is requesting an On-Menu Incentive to permit the averaging of floor area for an average FAR of approximately 3.26:1 across the site, density, parking and open space on two or more contiguous lots and permitting vehicular access from a less restrictive zone to a more restrictive zone. Pursuant to LAMC 12.22-A,25(f)(8), the Project may average the floor area on two or more contiguous lots because the Project includes 11 percent Very Low Income Household units (105 units) and all the proposed residential, hotel and commercial uses are permitted by the underlying C4-2D and C4-2D-SN Zones. Since the "D" Limitation limits FAR to 2:1 for the C4-2D-SN portion of the site and Parcel E1 and to 3:1 for the C4-2D portion of the site, when the floor area of the existing and proposed buildings is averaged across the Project with all off the On-Menu and Off-Menu Incentives, the average FAR of the Project Site will be 3.81:1. The Project also meets the requirements for averaging density pursuant to 12.22-A,25(f)(8), which would allow Parcel B of the Project Site to have sufficient density for the proposed residential units. Specifically, this averaging of density is necessary because Parcel A would allow 195 units, but is only proposing hotel and commercial uses. Similarly; Parcel C would allow 640 units, while Parcel E would allow 299 units, but neither will contain any residential uses. Parcel D, on the other hand, would allow 89 units, but only 76 are proposed. Finally, Parcel B would only allow 593 units, but is proposing 873 units. Therefore, the averaging of density is needed to allow the proposed number of units in Parcel B. The averaging of parking, for which the Project is eligible under the same requirements of LAMC 12.22-A,25(f)(8), is needed to distribute the parking across the Project Site; i.e., as shown in Exhibit A, through a combination of underground parking structures under Parcels A, B, C, D and a stand-alone parking structure in Parcel E. With the retention of the Las Palmas alignment, underground parking that had been proposed to go under and connect both Parcels B and C was eliminated, resulting in a reduction in the number of parking spaces under Parcel C. Therefore, 130 parking spaces that had been proposed under Parcel C were relocated to the standalone parking structure in Parcel E. The averaging of open space is also necessary in order to be able to accommodate the provided open space that would otherwise not be able to be physically located within each of the individual parcels that constitute the Project Site. The averaging of open space will allow for the provision of the publicly accessible courtyards and paseos, which are an important component of the Project. Finally, also pursuant to LAMC 12.22-A,25(f)(8), permitting vehicular access from a less restrictive zone to a more restrictive zone is necessary because of the two different C4-2D and C4-2D-SN Zones that comprise the Project Site. In order to allow the code-required vehicular access across the Project Site, vehicular access across contiguous lots from less restrictive zones to more restrictive zones is necessary.

Waiver/Modification of any Development Standard(s) Not on the Menu (Floor Area Ratio)

The requested Waiver of Development Standard (Off-Menu), which requests an approximately 16.51 percent increase of 3.8:1 FAR in lieu of approximately 3.26:1 FAR averaged across the site, are not expressed in the Menu of Incentives Per LAMC Section 12.22-A,25(f) and are not limited as to the number of requests that can be made. The Off-Menu provisions in LAMC Section 12.22-A,25(g)(3) state that that the decision-maker (City Planning Commission) shall approve a Density Bonus and requested waiver or modification of any development standard(s) unless the City Planning Commission, based on substantial evidence, makes either of the two findings set forth in LAMC Section 12.22-A,25(g)(2)(i)(c).

The requested incentives and waiver would result in building design or construction efficiencies that would physically allow the construction of the project that contains the permitted densities and incentives. The Project Site contains D Limitations that restrict FAR to 2:1 and 3:1. Because

the Project will retain historical resources on the Project Site, the amount of construction of new building envelope on some of the parcels is limited. Specifically, Development Parcel A will contain the hotel and ground floor retail. Development Parcel B will contain residential floor area, but the remainder of that parcel will contain the former Hollywood Reporter Building, which will be retained and rehabilitated, in addition to ground floor retail, the primary loading dock, and the open space paseo. The majority of Parcel C contains the existing Crossroads of the World buildings and Bullinger Building, which will both be retained and rehabilitated, and the courtyards and paseo between the historic Crossroads buildings. Parcel D proposes residential floor area with ground floor retail. The Project contains up to six subterranean levels throughout the Project Site but, because of the retention of the Bullinger Building, the Crossroads of the World complex and the retention of the Las Palmas Avenue alignment, parking which was originally proposed underneath those historical resources and Las Palmas Avenue was relocated to Parcel E. Under the existing allowable FAR, the Project would be limited to 877,998 square feet with the aforementioned Project Site conditions. The waiver request to permit an approximately 16.51 percent increase to 3.8:1 FAR allows the developer to expand the building envelopes on Parcels B and D so the affordable units can be constructed. The increase in FAR would also physically enable the Project to provide the commercial/retail spaces on the ground floor, while providing a mix of residential unit types, on-site parking and publicly accessible open space, resulting in total floor area of 1,381,000 square feet. The incentives and waiver support the applicant's decision to set aside 105 dwelling units for Very Low Income Households for 55 years.

There is no substantial evidence that the proposed incentive will have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22-A,25(b)). The comments on record do not identify any written objective health or safety standards that are exceeded or violated. Nor does the record provide any evidence that significant, quantifiable, direct and unavoidable impacts will occur. Finally, pursuant to the CEQA clearance prepared for the project, substantial evidence supports that the project will not result in a specific adverse impact to public health or safety caused by physical impacts on the environment from the project. Therefore, there is no substantial evidence that the proposed project will have a specific adverse impact on public health and safety.

b. The Incentive will have a specific adverse impact upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there are no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Very Low, Low and Moderate Income households. Inconsistency with the zoning ordinance or the general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

As required by Section 12.22-A,25(e)(2), the Project meets the eligibility criterion that is required for projects requesting on-menu incentives in that the Project: i) provides facade articulation through the use varying materials and architectural differentiation between the ground floor and upper stories of the buildings; ii) provides street orientation by including glazed storefront frontages along Sunset Boulevard, Highland Avenue, Las Palmas Avenue and Selma Avenue; iii) does not involve a contributing structure in a designated Historic Preservation Overlay Zone and, even though properties on the City of Los Angeles list of Historical-Cultural Monuments are included (the former Hollywood Reporter Building and the Crossroads of the World complex), is proposing to retain and rehabilitate those properties; and iv) is not located on a substandard street in a Hillside Area or Very High Fire Hazard Severity Zone, as recorded in the City's Zoning

Information and Map Access System. Therefore, there is no substantial evidence that the incentives for the Project will have a specific adverse impact on the physical environment, or on public health and safety, or on any property listed in the California Register of Historical Resources.

2. Section 12.24 of the LAMC Findings (Alcohol Sales, Live Entertainment and Dancing, and “Major” Development Project)

- a. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

Alcohol Sales and Live Entertainment and Dancing

The Applicant requested the approval of a Master Conditional Use to permit the on-site and off-site sales, dispensing and consumption of a full line of alcoholic beverages in conjunction with a total of 22 establishments associated with the Project’s proposed hotel and commercial uses, and to permit eight uses with public dancing and live entertainment. Based on the application, the Master Conditional Use is limited to 1) the on-site and off-site sale of a full line of alcoholic beverages and public dancing and live entertainment in conjunction with proposed hotel and commercial uses, specifically:

- A maximum of eighteen (18) proposed restaurants, including the pool deck and rooftop of the hotel (Type 47 – bona fide public eating place);
- The sale and dispensing of a full line of alcoholic beverages for on-site consumption within the hotel including meeting room and conference facilities for two (2) portable units and hotel minibars;
- The sale and dispensing of a full line of alcoholic beverages for on-site consumption in a maximum of two (2) proposed bars (Type 48 – General Public Premises);
- The sale of a full line of alcoholic beverages for off-site consumption at two (2) off-sale retail uses (Type 21 – off site general); and
- Public dancing and live entertainment within any restaurant or bar within the hotel or a within a maximum of eight restaurants/bars.

Each individual establishment is required to file an application with the Department of City Planning for and obtain an Approval of Plans, as conditioned by this grant.

The Hollywood Community Plan, page HO-2, states that “the focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street.” Therefore, the Project Site is located within the Hollywood Center. In addition, the Hollywood Community Plan, page HO-2, states that “this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.” The mixed-use Project includes hotel and commercial uses, such as restaurants and bars to encourage residents, hotel guests and employees to remain on-site to meet their retail and entertainment needs. In addition, the Project is located in a highly-urbanized area identified in the Hollywood Community Plan as an entertainment center for the

entire region where residents, visitors, tourists and employees that are within walking distance to the Project Site from various Hollywood tourist attractions. Adjacent residential areas will also be able to take advantage of the retail, hotel and entertainment services included in the Project. Specifically, the proposed project is located within the Regional Commercial Center in the heart of Hollywood, and, from its proposed hotel at the corner of Selma and Highland, is two blocks immediately south of the Hollywood & Highland complex and other entertainment destinations, which house multiple restaurants, theaters and bars. As the entertainment center of the Hollywood Community Plan Area, the project site and surrounding area are a destination for local workers, residents, visitors, and businesses, providing a 24-hour, seven days-a-week regional center of dining, entertainment, and activity.

The availability of alcoholic beverages and public dancing and live entertainment in conjunction with the project's hotel and commercial uses is a customary and incidental component of these uses. For example, restaurant patrons expect the ability to order alcoholic beverages in conjunction with food service. In addition, the ability to offer alcoholic beverages to patrons is essential in attracting top quality dining establishments, and bars to the project. Similarly, nightclub, restaurant or bar patrons expect the ability for public dancing and/or live restaurant. Alcohol service, dancing, and live entertainment are expected and required amenities to stay competitive with other nearby hotels such as Loews Hollywood and The Hollywood Roosevelt. The Project's commercial uses will serve as an attraction for visitors, tourists and neighbors in the area and will reduce the need for local residents to travel to other areas for dining and entertainment experiences. In addition, customers expect that retail uses will offer a full line of alcoholic beverages for purchase and consumption off the premises. The proposed restaurants and bar uses will provide desired food, beverage, and entertainment options for visitors to the Hollywood Center, as identified by the Hollywood Community Plan, and will help achieve the Community Plan's land use goals for this area as a commercial and entertainment center.

The Master Conditional Use permit provides an umbrella entitlement with conditions that apply to all establishments within the Project. Specific physical and operational conditions will be included as part of the Approval of Plans determination required for each establishment pursuant to the Master Conditional Use permit provisions. The proposed hotel and commercial uses, in conjunction with the imposition of operational conditions as part of the Approval of Plans, will provide a service that is essential or beneficial to the community.

"Major" Development Project

The findings for a "Major" Development Project Conditional Use Permit apply to a project creating 250 or more hotel guest rooms, and 100,000 square feet or more of floor area in other nonresidential uses in the C4 Zone. The Hollywood Community Plan, page HO-2, states that "the focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street." Therefore, the Project Site is located within the Hollywood Center. In addition, the Hollywood Community Plan, page HO-2, states that "this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region." The proposed project will result in the redevelopment of Parcels A through E into a new unified mixed-use development with a hotel and having retail and commercial space that will help achieve the Hollywood Community Plan's goal for this area of Hollywood to be the commercial and entertainment center. Therefore, the Project helps perform a function or provide a service that is essential or beneficial to the community, City, or region. Specifically, the Project will provide the needed hotel rooms to meet the demand in the City generally, and within an area that is planned and zoned for such uses. The hotels in the immediate vicinity of the Project Site within the

Hollywood Center (Loews Hollywood hotel and The Hollywood Roosevelt hotel) provide a portion of the needed hotel rooms, and the project will contribute 308 guest rooms to help meet the demand, thereby supporting the larger capacity within Hollywood to serve as an entertainment center in the region. In addition, the Project will provide new retail opportunities to current and future residents, thereby benefiting the community and greater region, specifically by contributing toward and facilitating the City's long-term fiscal and economic viability by creating a total of approximately 190,000 square feet of commercial floor area. In addition, in order to help achieve the Hollywood Community Plan's goal for this area to be an entertainment center for the region, the Project will provide a 30,000-square foot entertainment venue and a 30,000-square foot movie theatre. As such, the project will perform a function and provide a service that is essential and beneficial to the community, city, and the region as a whole. In addition, the proximity of the Hollywood & Highland Red Line Station allows the project to function as a node connecting residents to the regional rail transportation network while providing high-quality space for a growing employment base and a destination for local residents and visitors. As such, the Project will perform a function and provide a service that is essential and beneficial to the community, City, and the region as a whole.

- b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

Alcohol Sales and Live Entertainment and Dancing

The Hollywood Community Plan, page HO-2, states that "the focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street." In addition, the Hollywood Community Plan, page HO-2, states that "this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region." Therefore, the Project Site is located in this center of the Hollywood Community Plan Area, which is envisioned as both the commercial center for Hollywood and surrounding communities and as an entertainment center for the entire region. Adjacent developments which support these goals are complexes such as the Hollywood & Highland commercial center, which is located two blocks to the northwest of the Project's proposed hotel, in addition to many restaurants and tourist locations located along Hollywood Boulevard and Sunset Boulevard. The project includes 950 residential units, a 308 guest room hotel, and 190,000 square feet of commercial uses, in line with the commercial and entertainment center goals of the Hollywood Community Plan. The proposed sale of alcoholic beverages and location of live entertainment and public dancing will be controlled within the bounds of the project site. The proposed restaurants, bars and retail uses will be desirable to the public convenience and welfare because they will help achieve the Hollywood Community Plan's vision for this area as the commercial and entertainment center of the Hollywood Community Plan Area. Outdoor courtyards fronting Sunset Boulevard and the courtyards and paseos around the Crossroads of the World and Development Parcel B will help activate the sidewalks along Las Palmas, McCadden Plan and Selma Avenue during the day and evening hours, contributing toward making this the entertainment center of the region. The bars and restaurants within the hotel and other buildings on the Project Site are in convenient locations that residents, visitors, and employees can patronize by walking, biking or taking public transit.

In addition, project design features identified in the EIR are imposed herein as conditions of this grant to further minimize potential impacts to the surrounding neighborhood. The grant also includes conditions that are generally recommended by the Los Angeles Police Department

(LAPD). In addition, these conditions will be supplemented by more specific conditions designed to address the characteristics of each individual establishment through an Approval of Plans determination. The additional conditions may include, but are not limited to security measures, hours of operation, seating, size and any other conditions that are intended to minimize impacts on surrounding uses. Under each review, the Zoning Administrator and LAPD have the opportunity to comment and recommend any conditions. The sale of alcohol is regulated by the State of California through the issuance of an Alcohol Beverage Control (ABC) license. ABC has the authority to impose further alcohol related conditions on the applicant. Thus, as conditioned, combined with the enforcement authority of ABC and LAPD, the approval for the sale of alcohol and the inclusion of live entertainment and public dancing within restaurant, bar and club establishments in the Project's hotel and commercial uses will not be detrimental to the public health, safety and welfare.

"Major" Development Project

The proposed Project will contain approximately 190,000 square feet of commercial spaces, primarily on the ground floor, and 308 hotel guest rooms. The Hollywood Community Plan, page HO-2, states that "the focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street." In addition, the Hollywood Community Plan, page HO-2, states that "this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region." As proposed, the Project's location and commercial and hotel operations are compatible with the surrounding development that, as defined by the Hollywood Community Plan, make up the Hollywood Center, with an emphasis on this location as a center for both commercial and entertainment functions. This is evidenced by the highly-urbanized and dense entertainment and tourist attractions along Hollywood Boulevard that are only 2 blocks to the north of the Project's hotel, proposed at the corner of Highland Avenue and Selma Avenue. The Project's proposed 190,000 square feet of commercial area would be compatible with these existing uses, consistent with the Hollywood Community Plan's goal to make this area a commercial center. The approval of the Conditional Use Permit will not adversely affect or further degrade adjacent uses or properties because it enables the development of uses that help achieve the Hollywood Community Plan's goal to make the Hollywood Center a commercial and entertainment center. For example, the Project's proposed 308 hotel guest rooms will be complementary to the nearby Loews Hollywood hotel and The Hollywood Roosevelt hotel. In addition, the development of a mixed-use project with a hotel component at this site will redevelop the site and will enhance the pedestrian experience along the adjoining public rights-of-way, consistent with recently approved projects already under construction or recently completed in the immediate area along Selma Avenue (i.e., 1600 Highland Avenue, 1601 Las Palmas Avenue). Finally, the Project's proposed entertainment uses – specifically, a 30,000-sf entertainment venue and 30,000-sf movie theatre – are compatible with the Hollywood Community Plan's vision for this area as an entertainment center for the region.

The project's proximity to Metro's Hollywood & Highland Red Line Station and other transit connections will reduce vehicle miles traveled, thereby reducing air pollution. In addition, the proximity of the Red Line Station allows the project to function as a node connecting residents, hotel guests and tourist to the regional rail transportation network while providing high-quality commercial space for a growing employment base and a destination for local resident, tourists and visitors to find neighborhood-serving amenities. Therefore, the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

Alcohol Sales and Live Entertainment and Dancing

There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The Hollywood Plan Community Plan Map designates the property for Regional Center Commercial land use with the corresponding zones of C2, C4, P, PB, RAS3, and RAS4. The project is consistent with the underlying C4-2D-SN and C4-2D Zones, which are intended to provide for commercial uses, including residential uses. The Hollywood Community Plan text is silent with regards to alcohol sales. In such cases, the decision-maker must interpret the intent of the plan.

The sale of a full line of alcoholic beverages and live entertainment/public dancing in conjunction with the proposed commercial and hotel uses are consistent with the following objectives of the Community Plan:

Objective No. 1: To further the development of Hollywood as a major center of population, employment, retail service and entertainment.

Objective No. 4: To promote economic well-being and public convenience through allocating and distributing commercial lands for retail service and office facilities in quantities and patterns based on accepted planning principles and standards.

The Community Plan encourages new uses which strengthen the economic well-being and promote development of Hollywood as a major center of population, employment, retail service and entertainment. The project is located within the Hollywood Center, as identified by the Hollywood Community Plan, which includes Hollywood attractions such as the Hollywood & Highland complex, the Hollywood Walk of Fame, TCL Chinese Theatre, Dolby Theatre, etc., promoting visitors to Hollywood for business, entertainment events such as the Academy Awards, and tourism. Objective No. 4 also encourages the promotion of retail service, and the Project will provide restaurants and bars and with alcohol sales and live entertainment and public dancing to further the existing pockets of activity with the heart of Hollywood. The request achieves the objectives of the Hollywood Community Plan, which seeks to promote the development of Hollywood as a major center of population, employment, retail service and entertainment, and that promotes the economic well-being and public convenience through allocating and distributing commercial lands for retail service.

"Major" Development Project

The Project is located in the Hollywood Center of the Hollywood Community Plan Area, which is dominated by a mix of commercial and entertainment uses. The area is a thriving tourist attraction. The ultimate objective of the Community Plan is to "to further the development of Hollywood as a major center of population, employment, retail service and entertainment." The project substantially conforms with this objective of the Community Plan as it will result in the development of a high density, transit-oriented mixed-use development that will provide much needed hotel rooms, and commercial uses that will serve the adjacent Hollywood tourist

entertainment uses. The project also advances the goals and policies of the Community Plan by providing significant employment opportunities from the retail uses for the community. Specifically, the development of the project is consistent with and will advance the following objectives of the Community Plan:

Objective No. 1: To further the development of Hollywood as a major center of population, employment, retail service and entertainment.

Objective No. 4: To promote economic well-being and public convenience through allocating and distributing commercial lands for retail service and office facilities in quantities and patterns based on accepted planning principles and standards.

The project is consistent with and advances the above objectives because it will add 308 hotel rooms and 190,000 square feet of commercial uses to the Community Plan Area. The addition of these guest rooms will address the needs of all the visitors to Hollywood for business, entertainment events, and tourism. In addition, the Project will provide a 30,000-sf entertainment venue and a 30,000-sf movie theatre. The project's location within the Hollywood Center and proposed commercial and entertainment uses will help achieve the Hollywood Community Plan's goals for this area as a commercial and entertainment center for the region.

Additionally, the Project will include ground floor retail, bars, and restaurant uses. The restaurants and bars that will be part of the project will complement surrounding uses and promote a 24-hour walkable and safe experience. The project's improvements to the sidewalks along Sunset Boulevard, Las Palmas, McCadden, Selma and Highland prioritize the pedestrian and create a critical linkage along the Highland Boulevard and Selma Avenue corridors. Further, the project's location adjacent to Metro's Hollywood & Highland Red Line Station not only provides linkages to the rest of the Community Plan Area, but also to the greater Los Angeles metropolitan area. Therefore, the request achieves the objectives of the Hollywood Community Plan, which seeks to promote the development of Hollywood as a major center of population, employment, retail service and entertainment, and that promotes the economic well-being and public convenience through allocating and distributing commercial lands for retail service.

ADDITIONAL FINDINGS FOR ALCOHOL SALES:

d. The proposed use will not adversely affect the welfare of the pertinent community.

The project site is planned for a Regional Center Commercial land use with the corresponding C2, C4, P, PB, RAS3, and RAS4 Zones. The mixed-use project includes 950 residential units, a 308-room hotel, and commercial uses that offer the sale of alcohol for on- or off-site consumption, as well as live entertainment and public dancing. The subject property is zoned for commercial uses and will be redeveloped with a new mixed-use development in a Regional Center Commercial area. The proposed uses will not adversely affect the economic welfare of the community, since a vibrant regional development is anticipated to positively impact the financial health of the property and improve the economic vitality of the Hollywood area via increases in taxable revenue and local employment. The hotel guest rooms, dining, bar and retail establishments will help to establish the site as a lodging, retail and entertainment destination, containing a balanced mix of uses and services. Ample parking, lighting, security and supervision will be provided to ensure that there will be no adverse effect on the welfare of the surrounding community. The Project is located within the Hollywood Center, as identified by the Hollywood Community Plan, which includes Hollywood attractions such as the Hollywood & Highland complex, the Hollywood Walk of Fame, TCL Chinese Theatre, Dolby Theatre, etc., promoting

visitors to Hollywood for business, entertainment events such as the Academy Awards, and tourism. In addition, the Hollywood Community Plan, page HO-2, states that “this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.” The Project’s 190,000 square feet of commercial uses and entertainment venue and movie theatre will help achieve this vision for the area as a commercial and entertainment center.

Conditions are herein imposed to integrate the uses into the community as well as protect community members from adverse potential impacts including the requirement to remove graffiti within 24 hours and provide a 24-hour hotline number, and giving the Director’s designee the authority to require a Plan Approval should impacts or operational issues arise. Additional conditions may also be recommended for consideration by the California Department of Alcoholic Beverage Control that regulate the sale of alcoholic beverages to prevent adverse impacts to the neighborhood. Other entitlement conditions will require maintenance and ensure cleanliness of the project and its surroundings. All future operators are required to file an Approval of Plans prior to receiving a Certificate of Occupancy to allow for the review of the mode of operation, security, and the floor plan. The State of California Department of Alcohol Beverage Control will also have the opportunity to impose additional conditions upon each establishment, including limitations on hours of alcohol sales. The limited term of the grant for each individual plan approval allows the City to review the operation of the establishment and consider any changes in the surroundings. Therefore, as conditioned, the Master Conditional Use to allow the sale of alcohol will not adversely affect the welfare of the surrounding community.

- e. The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control’s guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California State Department of Alcoholic Beverage Control website, there are 56 active on-site licenses and one off-site license in subject Census Tract No. 1907. The number of active licenses exceeds the number of licenses authorized (three on-site and two off-site) for the census tract due to the concentration of commercial activity – specifically, restaurants, bars, clubs, theaters – in the immediate area.

The project site has a Regional Center Commercial land use designation, which is intended to be for a focal point of regional commerce, identity and activity and containing a diversity of uses such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services. Given the diversity of uses permitted and encouraged within the Regional Center Commercial land use, a higher concentration of alcohol licenses is anticipated. The Project Site is within a highly-developed regional commercial and entertainment district identified as the Hollywood Center by the Hollywood Community Plan. For example, at the corner of Hollywood Boulevard and Highland Avenue, only 2 blocks to the Project’s proposed hotel at Selma and Highland, are a variety of hotels, event venues, theaters, restaurants, and retail establishments (bars, nightclubs) which have resulted in the existing on-site alcohol licenses to exceed the maximum number allocated. The daytime and nighttime population in the immediate vicinity includes the visitors and

employees to this Hollywood Center, which is envisioned as both a commercial and entertainment center by the Hollywood Community Plan, as evidenced by attractions such as the Hollywood Walk of Fame, TCL Chinese Theatre, Dolby Theatre, etc.

Statistics from the Los Angeles Police Department's Central Division reveal that in Crime Reporting District No. 646, which has jurisdiction over the subject property, a total of 662 crimes were reported in 2017, compared to the citywide average of 191 crimes and the high crime reporting district average of 229 crimes for the same period. Of the 662 crimes reported, 58 arrests were made for liquor laws, 27 arrests were made for drunkenness, and 29 arrests were for driving under the influence.

The above figures indicate that the mixed-use project is located in a high-crime reporting district. As a dense, high-population and tourist destination neighborhood, the crime numbers above that of the average neighborhood are to be expected. However, concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such a license benefits the public welfare and convenience. No information was provided by LAPD showing that the approval of the two permits would negatively impact the neighborhood. Of the 662 arrests in the crime district, 17% of the total were for alcohol-related offenses, with 29 of those for driving under the influence (DUI). DUI offenses cannot be blamed in this case as the crime district includes Sunset Boulevard, Hollywood Boulevard and Highland Avenue, which are major traffic access routes through Hollywood to adjacent residential areas with freeway access to other major entertainment areas such as the Central City, Koreatown, Silver Lake and Echo Park. Nonetheless, due to high crime statistics, conditions typically recommended by the Los Angeles Police Department, such as those related to the STAR Program, installation of surveillance cameras and age verification, have been imposed in conjunction with this Master Conditional Use Permit approval. Each establishment is part of a larger development that will benefit from oversight of the project as a whole. In addition, concerns associated with any individual establishment will be addressed in more detail through the required Approval of Plans determination. A Zoning Administrator will have the opportunity to consider more specific operational characteristics as each tenant is identified and the details of each establishment are identified. Security plans, floor plans, seating limitations and other recommended conditions, as well as the mode and character of the operation, will be addressed and assured through site-specific conditions.

f. The proposed use will not detrimentally affect nearby residentially zoned communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The following sensitive uses are located within a 500-foot radius of the project:

- Hollywood High School, Selma Avenue Elementary School, Larchmont Charter School, Kings Los Angeles
- Blessed Sacrament Church and School
- Hollywood First Baptist Church
- Selma Park

In addition, there are residentially zoned properties within 500 feet of the project site, in particular the residential areas south of Sunset Boulevard. The sale of alcoholic beverages at the proposed

restaurants, bars and retail establishments will not adversely affect the nearby residential buildings or the sensitive uses listed above because they will operate within the confines of the project site and will be subject to numerous conditions of approval. To further ensure that the sensitive uses are not adversely affected, each of the individual establishments is required to file an Approval of Plans with the Department of City Planning and will be subject to additional conditions of approval. The Hollywood Community Plan, page HO-2, states that “the focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street.” In addition, the Hollywood Community Plan, page HO-2, states that “this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.” The Project is therefore located in this identified Hollywood Center and, with its proposed uses, helps achieve the functions of this area as both an entertainment and commercial center. Therefore, the proposed restaurant, bar, club and retail establishments will not detrimentally affect nearby residential uses or other sensitive uses.

ADDITIONAL FINDINGS FOR MAJOR DEVELOPMENT PROJECT

g. The project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

The findings for a Major Development Project Conditional Use Permit apply to a project creating 250 or more hotel guest rooms, and 100,000 square feet or more of floor area in other nonresidential uses in the C4 Zone. The Project Site and surrounding area, primarily north of Sunset Boulevard, have a Regional Center land use designation in the General Plan Framework. The Long-Range Land Use Diagram shows that the Project Site is within a Regional Center. According to the General Plan Framework, different types of Regional Centers fall within the FAR range of 1.5:1 to 6.0:1 and are characterized by 6- to 20-story buildings (or higher). Regional Centers are usually near major transportation hubs. The Regional Center Commercial land use designation is intended to be for a focal point of regional commerce, identity and activity and containing a diversity of uses such as corporate and professional offices, residential, retail commercial malls, government buildings, major health facilities, major entertainment and cultural facilities, and supporting services. In total, the Project will include approximately 1,381,000 square feet of developed floor area (including existing uses to be retained) corresponding with a total FAR of approximately 3.8:1 averaged across the Project Site. Therefore, the Project is within the FAR acceptable in a Regional Center. While the General Plan Framework states that buildings are 6 to 20 stories, existing buildings in the immediate vicinity are not taller than 12-13 stories because they were built before the City removed a 1911 height limit that prohibited buildings taller than 150 feet. Nonetheless, the General Plan Framework states that buildings may taller than 20 stories. Therefore, the Project buildings are compatible with the character and scale of the Regional Center land use designation. Furthermore, the Metro Red Line Hollywood & Highland Station is located approximately 1,000 feet northwest of the Project Site’s proposed hotel. The Metro Red Line had a ridership of 44,861,106 in 2017. The Project is also well-served by public transit provided by Metro and LADOT, including bus stops along Sunset Boulevard, Highland Avenue, and Hollywood Boulevard. Therefore, the Project Site is within a major transportation hub area. As explained further below, the Project’s proposed commercial and entertainment uses are also compatible with the Regional Center Commercial land use designation, which states that the focal point of this land use is regional commerce with residential, retail and major entertainment facilities. As such, the Project’s commercial and entertainment uses will be

compatible with the arrangement of uses and buildings that are envisioned for the Regional Center in the General Plan Framework.

The Hollywood Community Plan, page HO-2, states that “the focal point of the Community is the Hollywood Center, located generally on both sides of Hollywood and Sunset Boulevards between La Brea and Gower Street.” In addition, the Hollywood Community Plan, page HO-2, states that “this center area shall function as: 1) as the commercial center for Hollywood and surrounding communities and 2) as an entertainment center for the entire region.” The Project’s uses will be compatible with the land use vision in the Hollywood Community Plan for this area as a commercial and entertainment center for the region. Specifically, the Project consists of 308 hotel rooms, and approximately 190,000 square feet of commercial/retail uses consisting of 70,000 square feet of restaurant space, 40,000 square feet of retail space, a 20,000-square foot market, a 30,000-square foot entertainment venue and a 30,000-square foot movie theatre. This Hollywood Center contains many developments that contribute toward making the area a commercial and entertainment center, such as the Hollywood & Highland complex, Loews Hollywood hotel, The Hollywood Roosevelt hotel, the 7021 Hollywood development, Dolby Theatre, etc. which are located 2 blocks to the north of the Project’s hotel proposed at Selma Avenue and Highland Avenue. In addition, the area surrounding the Project Site immediately to the north, along Selma Avenue, is undergoing rapid transition with the ongoing current construction of new mixed-use buildings with residential and commercial uses, as well as new proposed projects on the remaining lots that are currently surface parking lots. The Project’s location near the Hollywood and Highland Metro Red Line Station allows for regional access to the hotel and 190,000 square feet of commercial space. Therefore, the Project’s uses are compatible with this area that is identified by the Hollywood Community Plan as the commercial and entertainment center of the Hollywood Community Plan Area. Finally, the Project proposes an arrangement publicly accessible open spaces that are compatible. Specifically, the Project includes the retention and rehabilitation of the Crossroads of the World complex, which includes courtyards and paseos between its historic buildings. The Project will retain this open space and remove gates that currently exist, in order to reactivate the Crossroads of the World complex. In addition, the Project will develop a new paseo on Parcel B and new courtyards adjacent to the former Hollywood Reporter Building and the Crossroads of the World Early American Building, as well as provide a wide sidewalk in front of the hotel to activate Selma Avenue. The Project therefore builds upon the historical pattern of open space created by the original Crossroads of the World complex. The nearby Hollywood & Highland complex also uses this open space idea in its design, with an open space at the center of the development. In addition, the Project’s new courtyards next to the former Hollywood Reporter and the Early American Building provide open space similar to the courtyards in front of the Chinese Theatre and the Egyptian Theatre. In order to create the paseos, courtyards and other open space, the Project’s high-rise buildings are setback from the property lines and, as in Building B1, the massing of the building becomes narrower as it reaches the top. Thus, the Project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

h. The project complies with the height and area regulations of the zone in which it is located.

The Long-Range Land Use Diagram shows that the Project Site is within a Regional Center. According to the General Plan Framework, different types of Regional Centers fall within the FAR range of 1.5:1 to 6:1 and are characterized by 6- to 20-story buildings (or higher). The Project Site is zoned C4-2D-SN and C4-2D; Height District 2 within the C4 Zone does not have a height

limitation. While the General Plan Framework states that buildings in a Regional Center are 6 to 20 stories or higher, existing buildings in the immediate vicinity are not taller than 12-13 stories because they were built before the City removed a 1911 height limit that prohibited buildings taller than 150 feet. The Project's proposed 308-key hotel is 26 floors, which is consistent with the Regional Center description that buildings are 6 to 20 stories or higher. Furthermore, to retain the integrity of the Crossroads of the World historic complex, the proposed hotel is located at the corner of Highland Avenue and Selma Avenue, the point farthest away from the historic Crossroads buildings. The Project's 190,000 square feet of commercial uses are distributed mostly on the ground floor of the Project buildings (i.e., the hotel, Building B1, Building B2, Building B3 and Building B4), with the tallest of the new commercial buildings being only 2 floors (i.e., Buildings C1 and C2). Regarding area regulations, the Development "D" Limitation in the zoning prefix indicates that development shall not exceed a FAR of 2:1 and 3:1. The Project Site would otherwise have a maximum FAR of 6:1 under Height District 2, which is in line with the intent of the General Plan Framework for Regional Centers. When subtracting the residential uses, the combined total floor area of the 308-key hotel and commercial uses would be 510,000 square feet (320,000 sf hotel + 190,000 sf commercial uses). With the most restrictive of the "D" Limitations of 2:1, the maximum total floor area would be 726,580 square feet (363,290 sf lot x 2). Therefore, the floor area of the hotel and commercial uses could be accommodated within this 2:1 FAR. In addition, the Project as a whole includes requests for On-Menu and Off-Menu Incentives as part of its Density Bonus Compliance Review to: 1) permit a 35 percent increase in the maximum allowable FAR from 2:1 to 2.7:1 (for the C4-2D-SN portion of the site and Parcel E1) and from 3:1 to 4.05:1 (for the C4-2D portion of the site); 2) to permit the averaging of floor area for an average FAR of approximately 3.26:1 across the site; and 3) to permit an approximately 16.51 percent increase of 3.8:1 FAR in lieu of approximately 3.26:1 FAR averaged across the site. Therefore, even when including the residential uses, the overall 3.8:1 FAR of the Project would be within the FAR range of 1.5:1 to 6:1 identified in the General Plan Framework for Regional Centers. For the reasons stated above, the proposed Project would comply with the height and area regulations.

i. The project is consistent with the City Planning Commission's design guidelines for Major Development Projects.

The City Planning Commission has not adopted design guidelines for Major Development Projects; however, the Project is consistent with the following goal from the Urban Form and Neighborhood Design Chapter of the General Plan Framework:

Goal 5A: A livable City for existing and future residents and one that is attractive to future investment. A City of interconnected, diverse neighborhoods that builds on the strengths of those neighborhoods and functions at both the neighborhood and Citywide scales.

Objective 5.8: Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

Objective 5.9: Encourage proper design and effective use of the built environment to help increase personal safety at all times of the day.

The Project is located in the Hollywood community, a high density area featuring a mix of land uses, including residential, retail, restaurants, entertainment, and other commercial offices and services. The Project is an infill redevelopment that will revitalize the Project Site by providing a new hotel, residential uses, and neighborhood-serving retail and commercial uses to the surrounding community, which will create a new development that will be attractive to future investment, as well as contribute to a transit-oriented mixed-use neighborhood at both the local and citywide scale when considered with other mixed-use and commercial developments within a 0.5-mile radius of the Project Site. As a development within a Regional Center land use designation, the Project will result in an improved and aesthetically appealing streetscape that will promote pedestrian activity by providing ground floor retail that features extensive windows to encourage pedestrian activities and create a human-scale frontage design. In addition, the Project will promote walkability by encouraging the use of public transit, since the Project Site is near many transit options, particularly the Metro Red Line Hollywood/Highland Station. The Project will also include a pedestrian paseo to the historic Crossroads of the World along the eastern end of the Project Site to promote and enhance pedestrian activity. Within the pedestrian paseo, there will be areas designed to promote gathering and socializing, which can serve as a focus of activity for the surrounding community. These areas consist of interactive water features, seating, planting, and trees. Finally, the Project will incorporate elements that promote individual and community safety. Specifically, the Project will incorporate design strategies established in the City's initiative, "Design Out Crime," which includes the techniques of Crime Prevention Through Environmental Design (CPTED). These design strategies within the Project design will include, but not be limited to, (1) limiting and locating secure access points to areas of high visibility; (2) designing hallways and corridors to be straight forward with no dark corners, as possible; (3) providing clear transitional zones between public, semi-public, and private spaces; and (4) properly lighting and providing proper signage to interior and exterior spaces to direct flow of people and reduce opportunities for crime.

3. Site Plan Review Findings

In order for the Site Plan Review to be granted, all three of the legally mandated findings delineated in LAMC Section 16.05 F must be made in the affirmative.

a. The project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan, and any applicable specific plan.

The Project Site is located within the Hollywood Community Plan Area, which was adopted by the City Council on August 2, 2014 (pursuant to Council File 12-0303 S4). The Plan Map designates the subject property for Regional Center Commercial land use with corresponding zones of C2, C4, P, PB, RAS3, and RAS4. The Project Site is zoned C4-2D-SN and C4-2D. The zone permits uses consistent with commercial and multi-family residential uses. The Project is consistent with the land use and zoning and in substantial conformance with the intent and provisions of the General Plan as reflected in the adopted Community Plan.

General Plan Text. The Hollywood Community Plan, a part of the Land Use Element of the City's General Plan, states the following objectives that are relevant to the Project:

Hollywood Community Plan

Objective No. 1: To further the development of Hollywood as a major center of population, employment, retail service and entertainment.

Objective No. 3: To make provision for the housing required to satisfy the varying needs and desires of all economic segments of the community, maximizing the opportunity for individual choice.

Objective No. 4: To promote economic well-being and public convenience through allocating and distributing commercial lands for retail service and office facilities in quantities and patterns based on accepted planning principles and standards.

The project site is located within an area of Hollywood that is seeing many new developments, including mixed-use projects, that are either built (such as the Columbia Square Project and the Eastown Apartments), under construction (such as the South Block Development and 6250 Sunset Project) or proposed. Several of these projects, like Crossroads Hollywood, involve the retention, rehabilitation and adaptive reuse of iconic historic buildings such as the Columbia Square Project and the 6250 Sunset Project. This project will help achieve Objective No. 1 above to revitalize the Hollywood Center by creating a lively, pedestrian-oriented area by rehabilitating the historic Crossroads of the World complex, the Hollywood Reporter Building and the Bullinger Building, and making them the anchor of a mixed-use development. Specifically, the project includes eight mixed-use buildings with residential, hotel, commercial/retail, entertainment and restaurant uses around a pedestrian paseo that runs through the middle of the project site. The Hollywood Community Plan also states that proposed development in excess of 4.5:1 up to 6:1 FAR may be permitted for Regional Center Commercial development if the development meets objectives in the Redevelopment Plan. The project site has a "D" Limitation pursuant to Ordinance No. 182,173 that limits the FAR to 3:1, but a project may exceed the 3:1 FAR provided that the project is approved by the City Planning Commission, or the City Council on appeal, pursuant to the procedures set forth in LAMC 12.32 D; and conforms with Hollywood Community Plan policies. However, the applicant may utilize the State Density Bonus Law to average floor area across the site. In addition, the applicant may request a waiver of development standards to allow for increased FAR.

The Project will also help achieve Objective No. 3 above by resulting in the construction of 950 residential units, including 11 percent, or 105 units, for Very Low Income Households. In addition, the applicant is required to provide right of first refusal to existing tenants residing in the apartment buildings located at 6200 Selma Avenue and 1535 Las Palmas Avenue, which will ensure that at least 40 tenants are offered a new unit in the completed development at either a Very Low Income rate, if qualified, or at a rent equal or less than the rent that they are currently paying. According to the City's Housing Element 2013-2021, "[i]t is the overall housing vision of the City of Los Angeles to create for all residents a city of livable and sustainable neighborhoods with a range of housing types, sizes and costs in proximity to jobs, amenities and services." The project achieves this vision by providing needed housing, including both affordable housing pursuant to State Density Bonus measures and replacement of rent stabilized units to residents who previously lived in rent stabilized units on the site, along a major transit corridor, Sunset Boulevard, and within a quarter mile radius of several high-capacity transit lines including the Metro Rapid Bus and Metro Red Line. Specifically, the project is located two blocks south of the Hollywood and Highland Metro Subway Station, where the Red Line connect Hollywood to Union Station and North Hollywood. This type of development is also consistent with the City's Framework Element which states that anticipated growth should be directed toward high-density, mixed-use centers and to the neighborhoods around its 80 rail stations.

The Project is also consistent with Objective No. 4 above because of its mixed-use nature which will promote economic well-being by providing commercial uses in a commercially zoned property. In addition, the project's uses are consistent with the adjacent properties which are primarily within

the C4 Zone and are generally developed with commercial, institutional (i.e., churches and schools) and office uses. Finally, the project also promotes public convenience as it is located along a major transit corridor, Sunset Boulevard, and within walking distance (less than half a mile) of high-capacity transit, including the Metro Red Line located at the intersection of Hollywood Boulevard and Highland Avenue.

In addition to achieving the objectives of the Hollywood the Community Plan, the Project would also support and be consistent with the following objectives identified in subsection 506.2.3: Regional Center Commercial Density of the Hollywood Redevelopment Plan:

Objective a: To concentrate high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities or which effectively utilize transportation demand management programs.

Objective b: To provide for new development which complements the existing buildings in areas having architecturally and/or historically significant structures.

Objective d: To encourage the development of appropriately designed housing to provide a balance in the community.

Objective e: To provide for substantial, well designed public open space in the Project Area.

The Project achieves Objective “a” above because it locates high-density commercial and residential uses near high capacity transportation facilities like the Metro Subway station at Hollywood and Highland. In addition, as listed above in the MMP, the project includes Mitigation Measure, TRA-MM-1, which requires that the project prepare and implement a TDM Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. The project accomplishes Objective “b” above because it retains and rehabilitates existing, historic buildings on the project site, specifically the Crossroads of the World complex, the former Hollywood Reporter Building and the Bullinger Building. The proposed new buildings would have varying materials, colors and facade plane variations to complement the eclectic architectural styles of the Crossroads of the World Complex and the former Hollywood Reporter Building. The Crossroads of the World Complex and the former Hollywood Reporter Building will be rehabilitated and integrated into the new buildings in accordance with the Secretary of Interior’s Standards.

As previously stated, the Project will also help achieve Objective “d” above by developing 950 residential units with 11 percent, or 105 units, for Very Low Income Households. The residential portion of the project is appropriately designed to accommodate tenants who wish to live near public transit, near employment centers in Hollywood, and near commercial establishments that would be created by the project. In addition, the unit mix of the project includes studios, one bedrooms and two bedrooms to create a housing balance to serve several segments of the population.

Finally, in conformance with Objective “e” above, the Project provides well-designed public open space. Specifically, the project will provide a pedestrian paseo with courtyards connecting the historic Crossroads of the World complex and the new proposed hotel at the corner of Selma Avenue and Highland Avenue. The pedestrian paseo will be accessible from Las Palmas Avenue, McCadden Place, and Selma Avenue and will be designed to feature pedestrian seating areas

with hardscape and landscape areas, as well as feature entry pavilions and other commercial uses at the ground floor to activate the open space.

Therefore, the Project is consistent with the General Plan, the Hollywood Community Plan and the Hollywood Redevelopment Plan.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the Project Site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services. Specifically, the proposed development would be consistent with the following objectives and policies of the Framework Element:

Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.

Policy 3.1.3: Identify area for the establishment of new open space opportunities to serve the needs of existing and future residents. These opportunities may include a citywide linear network of parkland and trails, neighborhood parks, and urban open spaces.

Policy 3.1.4: Accommodate new development in accordance with land use and density provisions of the General Plan Framework Long-Range Land Use Diagram (Figures 3-1 to 3-4) and Table 3-1.

Objective 3.2: Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled, and air pollution.

Policy 3.2.3: Provide for the development of land use patterns that emphasize pedestrian/bicycle access and use in appropriate locations.

Objective 3.4: Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts.

Policy 3.7.1: Accommodate the development of multi-family residential units in areas designated in the community plans in accordance with Table 3-1 and Zoning Ordinance densities indicated in Table 3-3, with the density permitted for each parcel to be identified in the community plans.

Objective 3.10: Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

Policy 3.10.1: Accommodate land uses that serve a regional market in areas designated as "Regional Center" in accordance with Tables 3-1 and 3-6. Retail uses and services that support and are integrated with the primary uses shall be permitted. The range and

densities/intensities of uses permitted in any area shall be identified in the community plans.

Policy 3.10.4: Provide for the development of public streetscape improvements, where appropriate.

Objective 4.2: Encourage the location of new multi-family housing development to occur in proximity to transit stations, along some transit corridors, and within some high activity areas with adequate transitions and buffers between higher-density developments and surrounding lower-density residential neighborhoods.

Objective 5.8: Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers, and pedestrian-oriented subareas within regional centers, so that these districts and centers can serve as a focus of activity for the surrounding community and a focus for investment in the community.

Policy 7.2.3: Encourage new commercial development in proximity to rail and bus transit corridors and stations.

Objective 2: Mitigate the impacts of traffic growth, reduce congestion and improve air quality by implementing a comprehensive program of multi-modal strategies that encourages physical and operational improvements as well as demand management.

Policy 3.13: Enhance pedestrian circulation in neighborhood districts, community centers, and appropriate locations in regional centers and along mixed-use boulevards; promote direct pedestrian linkages between transit portals/platforms and adjacent commercial development through facilities orientation and design.

The Project will achieve these objectives and policies by developing a new mixed-use infill development across four City blocks. Specifically, the Project will develop a total of 1,381,000 square feet of floor area, consisting of 950 residential units, 308 hotel rooms, and approximately 190,000 square feet of commercial/retail uses. The Project will also include active and passive recreational spaces, including roof decks and pools, community rooms and recreational facilities, courtyards, and common open space with gathering and seating areas to serve the needs of existing and future residents. In addition, the Project will develop new publicly accessible courtyards and a pedestrian paseo that will lead to the Crossroads of the World, as well as landscaped public walkways that will connect the entire Project Site, while promoting access from Sunset Boulevard, Las Palmas Avenue, Selma Avenue, and McCadden Place. The pedestrian paseo and courtyard will contain different hardscape and landscaped areas. Groupings of trees will emphasize the path, and lower planters and hardscape areas will demarcate seating and gathering spaces. Hardscape elements will consist of a varied palette of materials. In total, the amount of publicly accessible paseo open space will be 65,300 square feet, with 23,500 square feet between Buildings B1, B2, B3, B4 and B5, and 41,800 square feet around the Crossroads of the World complex. Within the pedestrian paseo, there will be areas designed to promote gathering and socializing, which can serve as a focus of activity for the surrounding community. These areas will consist of interactive water features, seating, and landscaping. The Project will therefore support the needs of existing and future residents, businesses, and visitors of the Hollywood community.

The Long-Range Land Use Diagram shows that the Project Site is within a Regional Center. Generally, different types of Regional Centers fall within the FAR range of 1.5:1 to 6.0:1 and are characterized by 6- to 20 story buildings (or higher). Regional Centers are usually near major transportation hubs. In total, the Project will include approximately 1,381,000 square feet of developed floor area (including existing uses to be retained) corresponding with a total FAR of approximately 3.8:1 averaged across the Project Site. Therefore, the Project is within the FAR acceptable in a Regional Center. Furthermore, the Metro Red Line Hollywood/Highland Station is located approximately 1,000 feet northwest of the Project Site. The Project is also located in an area well-served by public transit provided by Metro and LADOT, including bus stops along Sunset Boulevard, Highland Avenue, and Hollywood Boulevard. As such, the Project, which will create additional housing to meet a growing demand in the Hollywood community and short- and long-term employment opportunities, will be consistent with the type of development that is envisioned for the Regional Center in the General Plan Framework.

In addition, the Project will provide a total of 1,241 spaces (1,048 long-term and 193 short-term) for bicycle parking and a bicycle hub on the ground level of Building E1, the standalone parking structure. As such, the Project will provide opportunities for the use of alternative modes of transportation, thereby promoting an improved quality of life and facilitating a reduction in vehicle trips, vehicle miles traveled, and air pollution. As mentioned above, the Project will include a series of walkways, courtyards and public paseos with access across the Project Site to the surrounding neighborhood to encourage and promote walkability in a high-activity area in the Project vicinity. Furthermore, the Project will result in an improved and aesthetically appealing streetscape that would promote pedestrian activity and enhance the urban lifestyle and livability of the surrounding neighborhood. One of the Project's specific objectives is to enhance the public realm by introducing new amenities, such as streetscape improvements. The Project will provide street trees in accordance with Urban Forestry Division requirements. The Project will be located along Sunset Boulevard, which is characterized as a high pedestrian area and also within proximity to the Hollywood Entertainment District to the north. Thus, the Project will encourage and promote walkability in the high-activity Project Site vicinity, particularly between the Metro Red Line Hollywood/Highland Station, Hollywood & Highland Center, tourist attractions, and other entertainment-related uses along Hollywood Boulevard and the Project Site. In addition, the Project will promote pedestrian activity by providing ground floor retail that will feature extensive glazing to encourage pedestrian activities and create a human-scaled frontage.

The Project will include development of 950 multi-family residential units in accordance with Table 3-1 and Table 3-3 of the General Plan Framework. The Project, which results in a density of approximately 119 units per acre, falls under the High Density designation identified in Table 3-1. This density is also consistent with the corresponding R5 Zone, as identified in Table 3-3. Although the Project Site is currently zoned C4-2D (Commercial, Height District 2 with Development Limitation) and C4-2D-SN (Commercial, Height District 2 with Development Limitation, Signage Supplemental Use District) by the LAMC, the C4 Zone allows for residential development at the density permitted in the R5 Zone when a mix of commercial and residential uses is developed, pursuant to LAMC section 12.22-A,18(a). Height District 2 within the C4 Zone does not impose a height limitation and has a maximum FAR of 6:1. The Development "D" Limitation in the zoning prefix indicates that development shall not exceed a FAR of 2:1 and 3:1. However, the applicant may utilize the State Density Bonus Law to request increased FAR and averaging of floor area across the site. In addition, the applicant may request a waiver of development standard to allow for increased FAR. Thus, the Project will be developed within the allowable density and, with approval of the requested On-Menu and Off-Menu Incentives pursuant to 12.22-A,25(F) and 12.22-A,25(G), will comply with the Framework Element Long-Range Land Use Diagram.

As discussed in Section IV.L, Traffic, Access, and Parking, of the Draft EIR, traffic impacts resulting from the Project would be mitigated to the extent feasible by a combination of physical improvements and implementation of a mitigation program for the Project that includes a Transportation Demand Management program to promote peak period trip reduction; transit system improvements, including the provision of new buses to increase public transit along a key corridor within the Project area; Transportation System Management improvements, including signal controller updates and installation of closed circuit television at key intersections within the Project area; and specific intersection improvements, including physical mitigations and signal phasing enhancements. These mitigation measures are consistent with the City's policies and procedures that support improvements to reduce greenhouse gas emissions by reducing the use of single-occupant vehicle trips, encourage developers to construct transit and pedestrian-friendly projects with safe and walkable sidewalks, and promote other modes of travel.

Housing Element. The 2013-2021 Housing Element, the Housing Element of the General Plan, is the City's blueprint for meeting housing and growth challenges. The Housing Element identifies the City's housing conditions and needs, identifies goals, objectives, and policies that are the foundation of the City's housing and growth strategy, and provides an array of programs the City has committed to in order to implement and create sustainable, mixed-income neighborhoods across Los Angeles. The Project is consistent with the following objectives and policies of the Housing Element:

Objective 1.1: Produce an adequate supply of rental and ownership housing in order to meet current and projected needs.

Policy 3.10.4: Provide for the development of public streetscape improvements, where appropriate.

Policy 1.1.4: Expand opportunities for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards.

Objective 2.2: Promote sustainable neighborhoods that have mixed-income housing, jobs, amenities services and transit.

Objective 2.3: Promote sustainable buildings, which minimize adverse effects on the environment and minimize the use of non-renewable resources.

Policy 2.3.2: Promote and facilitate reduction of water consumption in new and existing housing.

Policy 2.3.3: Promote and facilitate reduction of energy consumption in new and existing housing.

Policy 2.4.3: Develop and implement sustainable design standards in public and private open space and street rights-of-way. Increase access to open space, parks and green spaces.

Objective 2.5: Promote a more equitable distribution of affordable housing opportunities throughout the City.

Policy 2.5.1: Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed-use development, Transit Oriented Districts and designated Centers.

The Project is a mixed-use development that will provide new residential, hotel, and commercial retail uses to serve the surrounding community. The Project will provide these uses in proximity to other similar and compatible land uses, which include residential, office, and commercial uses. Specifically, the Project will develop a total of 950 residential units, 105 of which will be set aside for Very Low Income Households to replace the existing rent-stabilized units located in Development Parcel B that would be removed. The Project will therefore meet a growing demand for housing units in the Hollywood Community Plan Area by providing both market-rate and affordable housing options in a variety of unit types (i.e., studios, 1-bedroom and 2-bedroom units). The Project expands residential development opportunities in a designated Regional Center. In addition, the Project will be located in an urbanized commercial area that is well-served by local transit options provided by Metro and LADOT along Sunset Boulevard, Hollywood Boulevard, and Highland Avenue. Therefore, the Project will promote housing next to transit options. Furthermore, the Project will incorporate environmentally sustainable design features required by the Los Angeles Green Building Code and the sustainability intent of the U.S. Green Building Council's LEED green building program, using both LEED-H v2010 and LEED-NC v2009 rating systems, to achieve LEED Silver certification equivalency. Design features in compliance with LEED standards will be incorporated to reduce energy and water usage and wastewater and solid waste generation, thereby promoting the construction of sustainable buildings to minimize the Project's effects on the environment and minimize the use of non-renewable resources. As discussed in Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, the Project will incorporate Project Design Features to reduce water usage. Specifically, the new residential units will be equipped with, among others, high efficiency toilets, clothes washers, and dishwashers and low-flow kitchen/lavatory faucets and showerheads. In addition, the Project will incorporate Project Design Features to improve energy efficiency and reduce energy consumption in new housing and mixed-use development; i.e., the Project is designed to exceed Title 24, Part 6, California Energy Code baseline standard requirements by 15 percent for energy efficiency, based on the 2016 Building Energy Efficiency Standards requirements and use Energy Star-labeled products and appliances, as well as energy-efficient lighting technologies. Finally, 101,075 square feet of open space, consisting of approximately 22,200 square feet of interior amenity space, 51,225 square feet of common open space, and approximately 27,650 square feet of private open space (i.e., balconies) will be provided in accordance with the open space provisions set forth in LAMC Section 12.21-G. The publicly accessible open spaces include the pedestrian paseo between McCadden Place and Las Palmas Avenue, and the existing Crossroads of the World courtyards and the continuation of the paseo between Buildings C2 and the Early American Building of the Crossroads of the World complex. The public and private open space and street rights-of-way will include, but not be limited to, the following features: use of (1) energy-efficiency lighting technologies; (2) weather-based irrigation systems, (3) drought-tolerant landscaping, and (4) use of proper hydro-zoning (i.e., grouping plants with similar water requirements together).

Finally, as conditioned, the Project will provide five percent of the total automobile parking spaces, and all parking spaces in excess of the code requirement, with immediate installation of electric vehicle (EV) charging stations. In addition, as conditioned, the Project will provide a minimum of 135 kilowatts of photovoltaic panels on the Project Site. The condition requiring EV ready parking spaces (installed with chargers) will support the adoption of low and zero emission transportation fuel sources by the Project's visitors, residents, and employees. The condition requiring a solar photovoltaic system will support the use of renewable sources of energy. These conditions

provide for the public welfare and public necessity by reducing the level of pollution from air quality and greenhouse gas emissions to the benefit of the neighborhood and the City. Therefore, the Project is in substantial conformance with the General Plan Health and Wellness Element Policies 2.2 (encourage the design of buildings for healthy living) 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element policy 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); and Mobility Element Policy 4.1 (expand access to transportation choices). The EV condition is also good zoning practice because it provides a convenient service amenity to the occupants or visitors who use electric vehicles and utilize electricity on-site for other functions. These conditions allow the Project to improve the health, wellness, air and mobility of the residents, visitors, employees and neighborhood, but within the context of the Project's proposed density, uses, and features.

b. The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements that is or will be compatible with existing and future development on neighboring properties.

The surrounding area is highly urbanized and land uses within the general vicinity of the Project Site are characterized by a mix of low- to high-intensity mixed-use, commercial, institutional and residential uses. Specific uses around the Project Site consist of the following:

- North: One- to three-story commercial, institutional and multi-family residential development along Selma Avenue in the C4-2, C4-2D, C4-2-SN and PF-2D Zones.
- South: One- to two-story commercial development along Sunset Boulevard in the C4-2D-SN Zone.
- East: One- to three-story buildings associated with the Blessed Sacrament Church and School campus in the C4-2D Zone.
- West: One- to three-story buildings associated with the Hollywood High School campus across Highland Avenue in the PF-1XL Zone.

The following elements are incorporated into the Project design in a manner that is compatible with both existing and future development in the surrounding area:

Building Design. The Project is designed in a contemporary architectural style. The upper stories are differentiated from the ground floor to create horizontal articulation and reduce the perceived bulk of the buildings. To create a pedestrian oriented area, the Project will locate retail uses on the ground floor, with direct entries with glazing from Sunset Boulevard, Las Palmas, McCadden Place, Selma and Highland Avenue. In addition, there will be courtyards, entrance pavilions and paseos between the buildings. Finally, the architectural design uses a material palette (i.e., painted metal, vision glass, glass guardrails, cement board panels, wood and stone rainscreen, storefront glazing, brick, painted concrete, and wood screens) that reflects a modern, simple identity.

Building Orientation/Frontage. The primary frontages of the Project are all oriented toward the major streets and to the internal paseo and courtyards in order to activate the public realm and the publicly accessible open space created by the Project. Specifically, the entrances to the retail

and hotel in Building A1 are oriented towards Highland Avenue and Selma Avenue. Building B2 features an entrance to the lobby along McCadden Place, while the reminder of the entrances to the retail uses are along Selma and facing toward the pedestrian paseo. Building B1 will have entrances on all sides, fronting Selma, Las Palmas and facing the new pedestrian paseo. Building B4 faces Las Palmas Avenue and will have entrances to the paseo. Building B3 will front Las Palmas and Sunset. Building C1 will front Las Palmas. Building C2 is oriented toward the new courtyard north of the Crossroads of the World Early American Building. Similarly, Building C3 will face the paseo that runs north-south between the Crossroads of the World buildings. Finally, Building D1 will front Selma and Las Palmas.

Building A1 will have frontage along Highland Avenue with pedestrian entrances. Specifically, the commercial retail portion at ground level of Building A1 (the west elevation) will have storefront glazing. The east elevation of Building A1 will feature storefront glazing with painted concrete. The north elevation of Building A1 will also feature storefront glazing with alternating brick. The alternating pattern of brick and storefront glazing is carried through along Selma Avenue on the north elevations of Buildings B1 and B2. Along Las Palmas, the east elevation of Building B3 will feature storefront glazing while Building B1 and Building B4 will feature storefront glazing with alternating brick. Building B3's Sunset (south) elevation will feature storefront glazing and canopies. Buildings C1 and C2 will also feature storefront glazing with alternating brick. Building D1 will feature a brick-clad ground floor. Above the ground floor level, the Project buildings will feature wood screens, vision glass, glass guardrails, painted metal, wood rainscreen, painted concrete, and stone rainscreen.

Height/Bulk. The mixed-use buildings would be variable in height, with a maximum height of about 401 feet for Building B1 and about 385 feet for Building B3. While there is no height limit for the Project Site, Building B1 gradually steps back in a series of volumes to reduce the perceived bulk of that Building. That Building's crown also features a lattice that gives the building a sense of lightness at the top. Similarly, Building B3's roof features a lattice in order to minimize the perceived height of the building. In addition, the roofs of Building B1 and Building B3 would feature roof terraces with trees, which further diminish the perceived height of the buildings. The facades of all the buildings are articulated through changes in material, and breaks in the planes of the facade to reduce the perceived bulk of the buildings. In particular, Building B3 features a grid pattern on its façade with alternating depths, which creates visual interest, and each building is differentiated from each other with different façade treatments. In addition, the building facades are broken up by balconies with glass railing. Generally, the towers are articulated with glass, thus giving the buildings a sense of lightness. Through architectural design and site planning, the Project's perceived height and bulk are reduced. Finally, the changes in materials and planes on the facade create visual interest.

Setbacks. The Project will provide the required setbacks per the LAMC. As shown in the Plot Plan in the attached Exhibit A, the required setbacks vary across the Project Site from 2' to 17' and all of the buildings are within the setbacks. The setbacks will contribute toward activating the pedestrian realm by providing space for pedestrian circulation and landscaping. Therefore, the Project will enhance the streetscape around the Project Site.

Off-Street Parking and Driveways. Parking for commercial and residential uses will be provided in a series of subterranean parking structures and one standalone parking structure (Building E1). Specifically, parking will be located underneath Building A1, the hotel, in a 6-level subterranean parking structure. A 5-level subterranean parking structure will be located underneath Buildings B1, B2, B3, B4 and the new paseo. A 4-level subterranean parking structure will be located underneath Building C2. In addition, there will be a 3-level subterranean parking structure

underneath Building D1. Finally, the standalone parking structure, Building E1, will feature 3 subterranean levels and 5 above-grade parking levels. The project proposes to utilize Parking Option 1 as part of LAMC Section 12.22-A,25 as part of the Density Bonus application. With additional reductions due to bike parking incentives, a total of 1,836 parking spaces are required and 2,260 spaces will be provided. Vehicular access to the hotel (Building A1) will be through a midblock driveway along Selma Avenue and along McCadden Place at the southeast of the building. Building B2 will have a driveway at the south west corner of the building. Building B1 features a driveway along Las Palmas, north of the retail uses located at the southeast corner of the building. The loading dock will be accessed off Las Palmas Avenue, between Building B3 and Building B4. The vehicular access to Building D1 will be off of Las Palmas at the northwest corner of the building. Finally, Building C2 will be accessed by cars from Las Palmas Avenue, around midblock, while the parking structure (Building E1) will be accessed from Selma Avenue at the northeast corner of the building. In total, there are 23 existing driveways on the project site – most will be closed, and the remainder will either be maintained as is, modified or created, for a total of nine driveways for the Project. In each case, the vehicular driveway is the minimum width required to be as efficient as possible and all driveways will be at a sufficient distance from adjacent intersections to not interfere with driver and pedestrian visibility and safety in accordance with LADOT standards and approvals.

Building Signage and Lighting. Project lighting will include lighting from within the interior, as well as lighting at the building exterior elevations, exterior courtyards, and roof decks. Exterior lighting will include light at each building entrance and exit, light for the canopies and shade structures adjacent to the building façade, and light for the courtyards and deck spaces surrounding the buildings. Exterior façade lighting will include accent lighting at the glazed façade components. The pattern of exterior lighting would vary at the commercial, hotel, and residential buildings to create different effects, unique to each building's architectural composition. Site lighting will also include light for circulation and safety, as well as accent light onto trees and other landscape elements. Pathway lighting will be provided by low bollards and poles, and wall-mounted down lights at the building perimeter. Landscape lighting will also include up lights on trees, and recessed fixtures within the parapet walls, planters and benches. All on-site lighting will comply with regulatory requirements, including the requirements that are set forth by CalGreen and Title 24 that stipulate the use of high performance lights with color and glare control. In addition, design elements will be incorporated to limit the direct view of the light source surface for all exterior light fixtures and to ensure that the light source cannot be seen from adjacent residential properties or the public right-of-way. In addition, Project illuminated signs will not exceed 600 candelas per square meter during nighttime hours (with a maximum of 150 candelas per square meter adjacent to and facing Selma Avenue), as identified in Project Design Feature AES-PDF-9. All on-site exterior lighting will be automatically controlled to illuminate only when necessary. All interior lighting will be equipped with occupancy sensors that would automatically extinguish and/or dim lights when not in use. Project signage will be compatible with the commercial and entertainment-oriented uses of the Project Site and the Project vicinity. Proposed signage will include monument or mounted project identity signage, building and commercial tenant signage, and general ground-level and wayfinding pedestrian signage, as permitted by the HSSUD (applicable to the western portion of Development Parcel A and the southern portion of Development Parcel B only). Wayfinding signs will be located at parking garage entrances, elevator lobbies, vestibules, and residential corridors. Illuminated signage will include identification signs, digital message boards, and tenant retail signs. Finally, all new street and pedestrian lighting within the public right-of-way will comply with applicable City regulations and would be approved by the Bureau of Street Lighting in order to maintain appropriate and safe lighting levels on both sidewalks and roadways while minimizing light and glare on adjacent properties.

Open Space and On-Site Landscaping. In total, approximately 101,075 square feet of open space, consisting of approximately 22,200 square feet of interior amenity space, 51,225 square feet of common open space, and approximately 27,650 square feet of private open space (i.e., balconies) will be provided in accordance with the open space provisions set forth in LAMC Section 12.21-G. Furthermore, the existing Crossroads of the World courtyards and the creation of a plaza between Buildings C1 and C2 would provide an additional 41,800 square feet of open space. In addition, the Project will provide approximately 23,500 square feet of open space in a pedestrian paseo located between Building B2 and Building B1 from Selma Avenue to Las Palmas Avenue. As shown in the landscape plan below, the paseo and courtyards will feature hardscape paving, movable furniture, planters, water features, seatwalls, outdoor tables and seating, and green walls. When including the proposed pedestrian paseo and the existing courtyards that are accessible to both the Project residents and the general public, the open space provided within the Project Site will total approximately 166,375 square feet. The Project will also provide 239 new trees, including roof deck trees, trees along the paseo, and street trees along Highland Avenue, Selma Avenue, Las Palmas Avenue and Sunset Boulevard.

Trash Collection. The residential trash areas are located within enclosed trash rooms within the Project buildings, and are not visible to the public. Similarly, commercial trash rooms are fully enclosed and not visible to the public.

Loading Areas. Any deliveries to the commercial spaces will occur before business hours and not affect pedestrian access or street parking. In addition, the loading area for the Project is consolidated into one area and is integrated into the backside of Building B4, which is not visible to the public, between Building B3 and Building B5.

In conclusion, the Project consists of mixed-use buildings with off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that are compatible with existing and future planned development on adjacent and neighboring properties.

c. That any residential project provides recreational and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties.

The project will provide approximately 101,075 square feet of open space, consisting of approximately 22,200 square feet of interior amenity space, 51,225 square feet of common open space, and approximately 27,650 square feet of private open space (i.e., balconies) will be provided in accordance with the open space provisions set forth in LAMC Section 12.21-G. Specially, the Project will include active and passive recreational spaces, including roof decks and pools, community rooms and recreational facilities, courtyards, landscaped gardens, and common open space with gathering and seating areas to serve the needs of existing and future residents. Rooftop amenities include a pool and pool terrace, club room, lounge, entertainment terrace, and artificial turf game lawn. Landscaped courtyards will be located on the podium level and roof level; private patios and balconies will be provided within the residential units; and a private gym is proposed along the Las Palmas Avenue frontage. Landscaped planters and hardscape features will be distributed throughout the podium and rooftop levels, and perimeter landscaping will be installed at the ground level. Due to the amount, variety, and availability of the Project's proposed open space and recreational amenities, it is anticipated that Project residents and employees will generally utilize on-site open space to meet their recreational needs and reduce the Project's demand on public parks and recreational facilities. Therefore, it is determined that the Project provides sufficient recreational and service amenities to serve residents without creating negative impacts on neighboring properties.

4. FINDINGS OF FACT (CEQA)

The City of Los Angeles, as lead agency, acting through the Department of City Planning, prepared an environmental impact report (EIR), consisting of a Draft EIR, Final EIR, and the Errata to the Final EIR under case number ENV-2015-2026-EIR (SCH No. 2015101073). Pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000-21189.57)(CEQA), the EIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project at 1540–1552 Highland Avenue, 6700–6760 Selma Avenue, 6663–6675 Selma Avenue, 6660 Selma Avenue, 1543–1553 McCadden Place, 1542–1546 McCadden Place, 1501–1573 Las Palmas Avenue, 1500–1570 Las Palmas Avenue, 1600–1608 Las Palmas Avenue, and 6665–6713½ Sunset Boulevard, consisting of a 1,381,000-square-foot mixed-use complex including 950 residential apartments, 308 hotel rooms, 190,000 square feet of commercial use, and 2,260 parking spaces (Project), including the retention and rehabilitation of 68,000 square feet of residential uses in the Crossroads of the World complex, the former Hollywood Reporter building, and the Bullinger Building on a 8.3-acre site containing 30 individual parcels over four City blocks located within an identified High Quality Transit Area and Transit Priority Area in Hollywood (Site or Project Site).

In a determination letter dated August 15, 2018, the City's Deputy Advisory Agency (DAA) certified the EIR; adopted the environmental findings prepared for the Project as well as a statement of overriding considerations and a mitigation monitoring program (MMP); and approved the Project's vesting tentative tract map (VTTM). However, an appeal was filed with respect to the DAA's approval of the VTTM, and therefore when the City Planning Commission denied the appeal on September 13, 2018, it also re-certified the EIR, and adopted the environmental findings prepared for the Project as well as a statement of overriding considerations and a mitigation monitoring program.

CEQA and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387) allow the City to rely on the previously certified EIR unless a Subsequent or Supplemental EIR is required. Specifically, CEQA Guidelines Sections 15162 and 15163 require preparation of a Subsequent or Supplemental EIR when an EIR has been previously certified or a negative declaration has previously been adopted and one or more of the following circumstances exist:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Likewise, Public Resources Code Section 21166 states that unless one or more of the following events occur, no Subsequent or Supplemental EIR shall be required by the lead agency or by any responsible agency:

- Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
- Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

SECTION 2. CEQA FINDINGS

FIND, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in the Hollywood Crossroads Project EIR No. ENV-2015-2026-EIR, SCH No. 2015101073 re-certified on September 13, 2018; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project.

SECTION 3. MITIGATION MONITORING PROGRAM

All mitigation measures in the previously adopted Mitigation Monitoring Program attached as Exhibit "B", are imposed on the project through Condition of Approval No. 60, to mitigate or avoid significant effects of the proposed Project on the environment and to ensure compliance during Project implementation.