

FINDINGS

As amended by the City Planning Commission on November 8, 2018

FINDINGS OF FACT (CEQA)

A Mitigated Negative Declaration (ENV-2016-3751-MND), corresponding Mitigation Monitoring Program (MMP) were prepared for the proposed project. The Mitigation Monitoring Program (MMP) is a document that is separate from the MND and is prepared and adopted as part of the project's approval. Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment." In addition to the mitigation measures required of the project and any proposed project design features, the applicant is required to adhere to applicable RCMs required by law.

The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Central Project Planning Division in Room 621, 201 North Spring Street. The Department found that potential negative impact could occur from the project's implementation due to: Air Quality, Cultural Resources, Hazards and Hazardous Materials, Noise, Public Services, Transportation/Traffic, Mandatory Findings of Significance. The MND was circulated for public review on May 3, 2018 through June 7, 2018. The Planning Department received seven (7) comment letters during the comment period, and prior to, at, and following the Deputy Advisory Agency hearing that was held on July 18, 2018, Staff received an additional 12 comment letters. These letters have been incorporated into the file. The environmental consultant retained for the project prepared responses to these comments, appended as "Attachment A" and "Attachment B". The City concurs with the responses prepared by the consultant. Therefore, on the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment.

The Deputy Advisory Agency adopts that Mitigated Negative Declaration No. ENV-2016-3751-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified above are mitigated to a less than significant level through implementation of Condition Nos. 23, 24, and 25 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects. The project site, as well as the surrounding area are presently developed and do not provide a natural habitat for either fish or wildlife.

In accordance with Section 21081.6 of the Public Resources Code (AB 3180), the Deputy Advisory Agency has assured that the above identified mitigation measures will be implemented by adopting the attached Mitigation Monitoring Program of ENV-2016-3751-MND.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74521, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles, which establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the Los Angeles Municipal Code (LAMC). The zoning regulations contained within the LAMC regulates, but is not limited to, the maximum permitted density, height, parking, and the subdivision of land.

The subdivision of land is regulated pursuant to Article 7 of the LAMC. Specifically, Section 17.05 C requires that the vesting tentative tract map be designed in compliance with the zoning regulations applicable to the project site. The project site is located within the Hollywood Community Plan, adopted by the City Council on December 13, 1988. The site has a land use designation of Regional Center Commercial, as designated on the plan map. The Regional Center Commercial land use designation lists the following corresponding zones: C2, C4, P, PB, RAS3, and RAS4. The site is currently zoned C4-2D and is subject to the Development "D" Limitations contained within Ordinance No. 165,660, adopted in 1990, which limits the maximum permitted Floor Area Ratio (FAR) to 2:1. The Community Plan indicates within the footnotes that development intensity is limited to 4.5:1 FAR and a maximum of 6:1 FAR with the approval from City Planning Commission. Additionally, the Framework Element characterizes designated Regional Centers as having a range of FARs from 1.5:1 to 6:1. The applicant is seeking a Vesting Zone Change and Height District Change from C4-2D to (T)(Q)C2-2D, a Master Conditional Use to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with the proposed ground floor restaurant and bar/lounge, a ground floor outdoor dining area, a third-floor outdoor terrace, a rooftop restaurant and bar/lounge, an outdoor rooftop patio area and hotel room controlled-access liquor cabinets, a Zoning Administrator's Adjustment to maintain the following non-conforming setbacks for the existing apartment building: (a) a 7-foot rear yard setback, in lieu of a 15-foot rear yard; and (b) a 1-foot side yard, in lieu of a 5-foot side yard; and Site Plan Review for a project resulting in an increase of 50 or more guest rooms under Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR. With the approval of Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR, the proposed map will be consistent with the Hollywood Community Plan. As conditioned herein, in the event that Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR is not approved, the subdivider must submit a tract map modification.

The proposed project includes the demolition of a surface parking lot for the construction, use, and maintenance of a mixed-use hotel that would contain 191 guestrooms and 5,557 square feet of restaurant, coffee bar and rooftop/lounge space. The proposed project may include, but is not limited to, a restaurant, coffee bar, informal Wi-Fi lounge, third floor outdoor terrace, rooftop bar/lounge, a pool bar, and a pool terrace. The proposed project would also involve the exterior rehabilitation of an existing, two-story 12-unit apartment building, and demolition, and replacement of the existing detached garage building into a hotel accessory building into a one-story, 22 feet, two-inches tall hotel accessory building for mechanical equipment, which would include an electrical room and transformer. The proposed project includes a total of 84,325 square feet, inclusive of the existing 8,156 square-foot apartment building and a floor area ratio (FAR) of 3.17:1. The proposed project's hotel building would include an 11-story building with a maximum height of 126 feet above grade. A minimum of approximately 100 parking spaces would be provided in three levels of subterranean parking, along with 18 short-term bicycle parking spaces, and 18 long-term bicycle parking spaces. The recommended Vesting Zone and Height District Change would permit commercial uses that are consistent with the established entertainment district and encourage the future growth of the Hollywood Center.

In addition to LAMC Section 17.05 C, LAMC Section 17.06 B requires that the tract map be prepared by or under the direction of a licensed surveyor or registered civil engineer. A Vesting Tentative Tract Map to create one (1) master ground lot and four (4) airspace lots was originally accepted on October 21, 2016 and distributed on October 24, 2016. Subsequent to distribution, the applicant revised their application to a Vesting Tentative Tract Map to create one (1) master ground lot and five (5) airspace lots. The Revised Map was accepted on June 6, 2016 and distributed on June 7, 2017. The tract map was prepared by Alex Moore of David Evans & Associates, Inc. and contains information regarding the boundaries of the project site, as well as the abutting public rights-of-way, existing and proposed dedication, and improvements of the tract map; and indicates the tract number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Therefore, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, and is consistent with the applicable General Plan.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Design refers to the configuration and layout of the proposed lots in addition to the proposed site plan layout. Pursuant to Section 66427(a) of the Subdivision Map Act, the location of the buildings is not considered as part of the approval or disapproval of the map by the Advisory Agency. Easements and/or access and "improvements" refers to the infrastructure facilities serving the subdivision. LAMC Section 17.05 enumerates the design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the project site. The applicant is seeking a Vesting Zone Change and Height District Change from C4-2D to (T)(Q)C2-2D, a Master Conditional Use to allow the sale and dispensing of a full-line of alcoholic beverages for on-site consumption in conjunction with the proposed ground floor restaurant and bar/lounge, a ground floor outdoor dining area, a third-floor outdoor terrace, a rooftop restaurant and bar/lounge, an outdoor rooftop patio area and hotel room controlled-access liquor cabinets, a Zoning Administrator's Adjustment to maintain the following non-conforming setbacks for the existing apartment building: (a) a 7-foot rear yard setback, in lieu of a 15-foot rear yard; and (b) a 1-foot side yard, in lieu of a 5-foot side yard; and Site Plan Review for a project resulting in an increase of 50 or more guest rooms under Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR. With the approval of Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR, the proposed map will be consistent with the Hollywood Community Plan. As conditioned herein, in the event that Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR is not approved, the subdivider must submit a tract map modification.

The applicant requests a Vesting Tentative Tract Map to permit the merger of five (5) lots and resubdivision into a single ground lot and five (5) airspace lots for construction of a new 11-story mixed-use building to include a 191 guest room hotel, ground floor restaurant, and three levels of subterranean parking. The project would provide a total of 100 parking spaces, 18 short-term bicycle parking spaces, and 18 long-term bicycle parking spaces. The subdivision request is on a 0.62 net acre (27,177 net square feet) site, zoned C4-2D and designated for Regional Center Commercial land uses in the Hollywood Community Plan.

The Revised Map (stamp-dated June 5, 2017) was distributed to and reviewed by the various city agencies of the Subdivision Committee that have the authority to make dedication and/or improvement recommendations. The Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards and recommended a five-foot wide strip of land be dedicated along Schrader Boulevard adjoining the tract to complete a 30-foot wide half right-of-way and additional a 10-foot by 10-foot or 15-foot radius property corner cut be dedicated at the intersection with Selma Avenue, consistent with the standards of the Mobility Element. In addition, the Bureau of Engineering has recommended the construction of the necessary on-site mainline sewers and all necessary street improvements will be made to comply with the Americans with Disabilities Act (ADA) of 2010. As conditioned, the design and improvements of the proposed subdivision are consistent with the applicable General Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The project site consists of approximately 0.62 acres of land, and is currently improved with a two-story, 12-unit apartment building, detached garage building, and surface parking lot. The proposed project will include the construction, use, and maintenance of an 11-story, mixed-use hotel containing 191 guestrooms and 5,557 square feet of ground floor restaurant, coffee bar and rooftop lounge space, and 100 parking spaces within three levels of subterranean parking. There are currently 16 trees located within the project site. The trees have not been identified as protected trees.

The project site is physically suitable for the proposed type of development. Specifically, the project site is generally level and, according to the memo from the Grading Division of the Department of Building and Safety, is outside of a City of Los Angeles Hillside Area, is exempt or located outside of a State of California liquefaction, earthquake-induced landslide, or fault-rupture hazard zone, and does not require any grading or construction of an engineered retaining structure to remove potential geologic hazards.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Prior to the issuance of any permits, the project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department. Therefore, the project site is physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The site is currently improved with a two-story, multi-family residential building with a detached garage building on the three northerly parcels (APN No. 5547016017) and a public, paved surface parking lot on the two southerly parcels (APN No. 5547016011). The applicant is also seeking other entitlements under Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR. As proposed, and in conjunction with the approval of Case No. CPC-2016-3750-VZC-HD-MCUP-ZAA-SPR, the proposed density and height would be consistent with the existing land use designation and requested Zone Change. The Grading Division of the Department of Building and Safety determined that because of the site's location a Geology/Soils Report were not required for the proposed subdivision. The Bureau of Engineering determined that the tract is connected to an existing sewer in the street adjoining the subdivision. Additionally, prior to the issuance of a demolition, grading, or building permit, the project would be required to comply with conditions herein and

applicable requirements of the LAMC. As conditioned, the proposed tract map is physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

A Mitigated Negative Declaration (ENV-2016-3751-MND) and corresponding Mitigation Monitoring Program (MMP) were issued on June 7, 2018. The Deputy Advisory Agency adopts that Mitigated Negative Declaration No. ENV-2016-3751-MND reflects the independent judgment of the lead agency and determined that this project would not have a significant effect upon the environment provided the potential impacts identified in the MND are mitigated to a less than significant level through implementation of Condition Nos. 23, 24, and 25 of the Tract's approval. Other identified potential impacts not mitigated by these conditions are mandatorily subject to existing City ordinances, (Sewer Ordinance, Grading Ordinance, Flood Plain Management Specific Plan, Xeriscape Ordinance, Stormwater Ordinance, etc.) which are specifically intended to mitigate such potential impacts on all projects. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appears to be no potential public health problems caused by the design or improvement of the proposed subdivision. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant. Therefore, the design of the subdivision would not cause serious health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

As required by LAMC Section 12.03, the project site has a minimum of 20 feet of frontage along Schrader Boulevard and Selma Avenue, which are public streets. There are no known easements acquired by the public at large for access through or use of the property within the proposed subdivision, as identified on the tract map. Necessary easements for utilities will be acquired by the City prior to the recordation of the proposed parcel map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which

consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans, planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.