

FINDINGS APPROVED BY PLANNING AND LAND USE MANAGEMENT COMMITTEE ON 11/13/2012

Council File No. 12-1604

Case No. APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR (SCH No. 2010121011)

Project Address: 5500, 5510, 5516, 5520, 5526, 5542, and 5544, West Sunset Boulevard; 1417, 1431, 1433, 1435, 1437, 1439, and 1441 North Western Avenue; 1414 St. Andrews Place; 5505 and 5525 West De Longpre Avenue, Los Angeles, CA

General Plan/Charter Findings

1. **General Plan Land Use Designation** The subject property is located within the area covered by the Hollywood Community Plan, which was adopted by the City Council on June 19, 2012 (pursuant to Council File 12-0303). The Plan Map designates the subject property as Highway Oriented Commercial with corresponding zone of C1, C2 and P. The subject site is zoned C2-1 and is therefore consistent with the Highway Oriented Commercial Land Use Designation.

2. General Plan Text

Framework Element

The Citywide General Framework text defines policies related to growth and includes policies for land use, housing, urban form/neighborhood design, open space/conservation, economic development, transportation, and infrastructure/public services. The proposed project would be in conformance with several goals of the Framework as described below.

A. *Land Use Chapter, Framework Element: Issue One: Distribution of Land Use* of the Framework Element's Land Use Chapter (Chapter Three) establishes general principles to encourage growth and increase land use intensity around transit nodes, to create a pedestrian oriented environment while promoting an enhanced urban experience and provide for places of employment.

Objective 3.4 of the Issue One: Distribution of Land Use: 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.

The project as recommended is a new retail commercial center located at the intersection of two primary transit corridors, Sunset Boulevard and Western Avenue. As recommended, the project would be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. In addition to providing a high quality, modern design that is consistent with the SNAP design guidelines, the project will incorporate measures to reduce traffic and noise and lighting impacts on the surrounding community.

The project would provide a 15-foot wide sidewalk along Sunset Boulevard and Western Avenue, a 12-foot wide sidewalk along St. Andrews Place and a minimum 10-foot wide sidewalk along De Longpre Avenue with new street trees, benches, bike racks, and other amenities. Together with display windows, balconies, shade elements, an entry plaza, landscaping, and enhanced colors and materials, the project as recommended would provide an enhanced shopping experience for the local community. In addition, the project would provide new, quality employment opportunities in close proximity to a transit station that could serve the surrounding community and neighborhood.

B. Economic Development Chapter, Framework Element

Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

Objective 7.3: Maintain and enhance the existing businesses in the city.

Objective 7.6: Maintain a viable retail base in the city to address changing resident and business shopping needs.

The above objectives seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development that are in close proximity to rail and bus transit stations. It also encourages the development of general commercial uses, which support community needs. The proposed project will provide a much needed, convenient, high quality retail shopping center that will serve the existing community in a location that contains under-utilized commercial uses. The objective encourages the re-use of deteriorated commercial or regional centers. The project will provide transit friendly employment opportunities within the City, and provide fiscal benefits to the City. The project will incorporate energy saving and sustainable features to improve environmental quality in the area.

Transportation Element

Objective 2.11: Continue and expand requirements for new development to include bicycle storage and parking facilities.

Objective 3.12: Promote the enhancement of transit access to neighborhood districts, community and regional centers, and along mixed-use boulevards.

Objective 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.

Objective 5.10: Require off-street dock and/or loading facilities for all new non-residential buildings and for existing non-residential buildings undergoing extensive renovations and/or expansion, whenever practicable.

Objective 10.5: Ensure that sidewalks along all designated major and secondary highways are maintained at a minimum ten (10)-foot width pending full dedication and improvement of these streets to the standards set forth in this Element.

In addition to onsite bicycle parking, the proposed project will incorporate bike racks within the public sidewalk, thereby encouraging ridership and providing convenient and easy access to both employees and the general public.

The main entry plaza converges at the corner of Sunset Boulevard and Western Avenue and is oriented towards a transit station. The plaza would incorporate enhanced architectural, landscape, and hardscape elements to provide an urban streetscape and a vibrant place for pedestrians to gather. New dedications would accommodate 15-foot-wide sidewalks along Sunset Boulevard and Western Avenue, a 12-foot wide sidewalk along St. Andrews Place and a minimum 10-foot-wide sidewalk along De Longpre Avenue. In the main entry plaza, the proposed project will provide a kiosk for transportation information that will include current routes and schedules, maps, and other information for the Metro Red Line subway and for other Metro and DOT bus lines operating in the project area. Target will be responsible for keeping this information up to date.

The loading facilities for the retail building are located internally within the parking structure. On-site loading facilities for the Target would be located adjacent to De Longpre Avenue. These loading facilities are designed with additional capacity to accommodate all manner of deliveries and prevent queuing on local streets.

Infrastructure and Public Services

Objective 9.6: Pursue effective and efficient approaches to reducing stormwater runoff and protecting water quality.

Objective 9.14: Protect the public and provide adequate police services, facilities, equipment and personnel to meet existing and future needs.

The proposed retail center would incorporate a stormwater treatment system designed to treat runoff from the roof. The project would result in the payment of fees to support needed services such as police and fire. The proposed project is located in an area that already contains the necessary infrastructure to support the project. Nevertheless, the project would provide for improvement of existing or obsolete systems where necessary, such as for instance, an energy efficient design and water conservation measures. The project would demolish an existing above ground substation of substantial size and replace it with significantly smaller pad mount transformers. Overhead power lines adjacent to the project would be installed underground. The project would establish recycling areas to reduce solid waste.

Air Quality Element

Objective 1.3: It is the objective of the City of Los Angeles to reduce particulate air pollutants emanating from unpaved areas, parking lots, and construction sites.

Objective 4.2: It is the objective of the City of Los Angeles to reduce vehicle trips and vehicle miles traveled associated with land use patterns.

Objective 5.1: It is the objective of the City of Los Angeles to increase energy efficiency of city facilities and private developments.

During construction, the project would employ dust control and air quality measures such as frequent watering of the site, reducing the idling of construction vehicles, provision of construction entrances, and other such measures. The proposed project would utilize a covered parking structure in lieu of a surface parking lot. The project would be consistent with the objectives of the Air Quality Element by virtue of its location near transit facilities, and being able to offer an alternate means of transportation to customers and employees. The project would employ energy efficient design and sustainable features to further promote the objectives of the Air Quality Element.

Land Use Element - Hollywood Community Plan

The project is located within the Hollywood Community Plan area. The current plan, which was adopted by the City Council on June 19, 2012, includes the following relevant land use objectives, policies and programs:

Policy LU.1.4: Maintain the Vermont-Western Station neighborhood Area Plan, a transit oriented plan in East Hollywood which encourages growth around metro rail stations and protects residential neighborhoods.

The project site is located within the SNAP, which identifies the project site as “Community Center”. The proposed project would not be consistent with certain specific development standards/design guidelines contained within the SNAP, and therefore the project has requested Specific Plan Exceptions. The proposed project would be consistent with all other provisions of the SNAP. Overall, the granting of the requested exceptions to the SNAP would not conflict with the principles, intent, and goals of the SNAP. Therefore, the proposed project would be consistent with this policy.

Policy LU.2.12: Incentivize jobs and housing growth around transit nodes and along transit corridors.

The commercial component of the proposed project would generate approximately 250 full and part time jobs. The location of the project site adjacent to several Metro bus lines and within walking distance to LADOT Dash service and the Metro Rail Red Line Hollywood/Western station (located approximately 1,402 feet north of the project site) would provide adequate accessibility to work opportunities and acceptable levels of mobility. Furthermore, the development of the proposed project within a Community Center as well as a primary transit corridor served by the Metro subway, Metro bus service, DASH service, and freeways supports meets this objective. Therefore, the proposed project would be consistent with this policy.

Policy LU.2.25: Promote aesthetically pleasing commercial signage, limiting the use of billboards, pole signs, and cabinet signs.

As conditioned, the proposed project would include signs that would be compliant with Section 14.4 of the Municipal Code. As conditioned, the project's signage shall receive final review from the Planning Department's Urban Design Studio. Therefore, the proposed project would be consistent with this policy.

Policy LU.3.1: Widen sidewalks to a minimum of 15 feet, or maintain existing sidewalk widths of 15 feet, along major and secondary highways with high levels of pedestrian traffic. Support the adoption of Modified Street Standards for the sake of reserving sidewalks which are already wide (15 feet or wider) and widening sidewalks which are narrow (less than 15 feet).

Policy LU.3.4: Design sidewalks that make pedestrians feel welcome and safe by minimizing the conflict between cars, buses and pedestrians.

Policy LU.3.8: Provide pedestrian amenities to invite walking.

Policy LU.3.9: Encourage the planting of street trees for shade.

Policy LU.3.10: Promote tree wells that provide sufficient space for tree roots to grow.

Policy LU.3.11: Encourage street benches for resting.

Policy LU.3.15: Maintain streets which are well-lighted and clean with safe, clearly marked street crossings.

Policy LU.3.17: Encourage public art, landscaping, street furniture and plazas which encourage pedestrians to linger in designated spaces.

Employees and visitors would be able to walk to restaurants and shops within and adjacent to the project site. The proposed project would provide small pedestrian scaled retail uses at street level to provide a vibrant street frontage for pedestrians and improve the streetscape appearance along Sunset Boulevard to make it more inviting and walkable. A vertical pedestrian core on the east side of the building facing Sunset Boulevard would connect all the levels above ground to the street and provides easy pedestrian access from Sunset Boulevard and Western Avenue. Furthermore, pedestrian walkways from the parking area and to the building entrances would be identifiable with the use of landscape and hardscape materials, lighting, and signage. The proposed project provides an unimpeded pedestrian access way along the Western Avenue frontage, along the Sunset Boulevard frontage, and an additional unimpeded pedestrian access way vis-à-vis the proposed large public plaza at the corner of Sunset Boulevard and Western Avenue.

As conditioned, the sidewalks along Western Avenue and Sunset Boulevard will be a minimum of 15 feet in width. All sidewalks will be continuous and straight or relatively straight and designed to be able to accommodate pedestrian flow and provide for pedestrian safety. There would be curb cuts within the sidewalks surrounding the project site for the main customer vehicle access points to the retail garage with an ingress only off Western Avenue, a full access driveway off De Longpre Avenue, and an exit only driveway on St. Andrews Place. However, the proposed project access points are similar to the existing site access points and would not create any additional curb cuts. In addition, as conditioned, all new sidewalks along the project's street frontages shall be paved with pervious (permeable) concrete or interlocking pavers to create a distinctive pedestrian environment.

The proposed project would incorporate landscaping, including new street trees adjacent to the project site that would be designed to facilitate pedestrian movement where appropriate, provide separation between service areas and public zones, provide shade coverage along the perimeter of the project site, and define edges throughout the varying elements of the proposed project. Streetlights would be maintained along the perimeter of the project site.

Policy LU.3.21: Encourage building designs which create interesting, attractive walking environments on streets with high pedestrian activity.

Policy LU.3.22: Promote well-designed retail with transparent facades to allow visibility of commercial uses as illustrated in the urban Design Chapter, Chapter 7.

Policy LU.3.23: Encourage large commercial projects to consider designs which break up the floor plate, providing pedestrian connections, and human scale design features, such as plazas, greenspace or a public focal point. Discourage "superblocks".

Policy LU.3.24: Promote pedestrian-friendly land uses along streets with high pedestrian activity.

Policy LU.4.5: Improve available rights-of-way throughout the Plan Area with landscaping, benches, and walkways and bikeways for low-intensity recreational uses.

Policy LU.4.19: Encourage the construction of public plazas, in addition to greenspaces.

The proposed project would provide small pedestrian scale retail uses at street level to provide a vibrant street frontage for pedestrians and improve the streetscape appearance along Sunset Boulevard to make it more inviting and walkable. The proposed project would incorporate façade transparency at the ground level on each of the three frontages of the property, excluding St. Andrews Place. Transparent building elements consisting of openings, doors, and windows would occupy 54 percent of the ground floor façade along Sunset Boulevard, 50

percent of the ground floor façade along Western Avenue, 26 percent along De Longpre Avenue and 24 percent along St. Andrews Place. Substantial openings, open areas, glazed elements and display windows have been incorporated on the upper levels of the proposed project and a large plaza is incorporated onto the ground floor. In addition, public amenities such as street trees, tree well covers, bike racks, trash receptacles, and benches would be provided in accordance with the SNAP guidelines.

Policy M.1.3: Implement signalization improvements to facilitate traffic flow.

Policy M.1.4: Install Automated traffic Surveillance and Control (AtSAC) at all signalized intersections and all intersections along major Class ii and Secondary Highways in Hollywood.

Policy M.1.6: Utilize traffic operations techniques to increase the capacity of the roadway network in response to changing traffic volumes.

Policy M.1.10: Identify and implement intersection improvements on all major Class ii and Secondary Highways, and along some Collector streets, throughout the Hollywood Community Plan Area.

Policy M.1.15: Maintain the street system to facilitate the movement of current and future traffic volumes, as well as emergency services: Support the maintenance and rehabilitation of all Highways and Streets.

Policy M.1.79: Implement a double left-turn lane, eastbound and westbound, on Sunset Boulevard at Western Avenue.

A comprehensive set of transportation improvements has been required of the proposed project to mitigate the potential significant traffic impacts. Those mitigation measures consist of upgraded traffic signals, a new traffic signal, larger street dedications, on-site and off-site street widening, CCTV cameras, new traffic lanes, new system loop detectors/controllers and pedestrian improvements. As part of the mitigation, the traffic signal controllers will also be upgraded to a type 2070. Furthermore, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic.

As part of the mitigation, the traffic signal controllers will be upgraded to a type 2070 at the intersections of Western Avenue and Hollywood Boulevard and Sunset Boulevard and St. Andrews Place.

Even with implementation of the mitigation measures, impacts at two intersections would be significant and unavoidable (#11, Western Avenue and Fountain Avenue (project impact); #12, Western Avenue and Santa Monica Boulevard (project and cumulative impact). Nonetheless, the proposed project would include all traffic signal upgrades identified by LADOT and would thus be consistent with this policy to utilize traffic operations techniques to increase the capacity of the roadway network in response to changing traffic conditions. Regardless of these intersections, the operators of emergency vehicles are adept at finding alternate routes in the event of encountering traffic congestion when responding to emergencies.

Policy M.1.28: Encourage projects located at intersections served by different transit modes, or intersections which metro identifies as major transfer nodes, to provide transit amenities such as shade trees, countdown crosswalk signals, bus shelters, bicycle racks or lockers and stamped crosswalks.

Policy M.1.53: Support the provision of bicycle amenities at markets and shopping centers.

Policy M.1.75: Support the construction of transit information Kiosks at major transit stops, transfer points, and activity centers to supply travelers with real time information about transit services and the time at which the next bus will arrive.

The location of the project site at an intersection located adjacent to several Metro bus lines and within walking distance to LADOT Dash service and the Metro Rail Red Line Hollywood/Western station (located approximately 1,402 feet north of the project site) would provide adequate accessibility to work opportunities and acceptable levels of mobility. Furthermore, the development of the proposed project within a Community Center as well as a primary transit corridor served by the Metro subway, Metro bus service, DASH service, and freeways supports meets this policy. The proposed project includes streetscape improvements, shade trees and additional landscaping and a new Metro bus shelter along Western Avenue. The proposed project would provide 28 bicycle parking spaces on-site.

The proposed project will provide a kiosk for transportation information that will include current routes and schedules, maps, and other information for the Metro Red Line subway and for other Metro and DOT bus lines operating in the project area. Target will be responsible for keeping this information up to date, therefore complying with this policy.

Entitlement Findings

3. Specific Plan Exception Denial Findings

From Section 9.B.1 to allow a commercial only project a maximum building height of 84 feet and four inches above grade with roof structures and other vertical elements to be setback zero feet from the roof perimeter in lieu of the maximum permitted building height of 35 feet.

- a. *The strict application of the policies, standards and regulations of the specific plan to the subject property will **not** result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

The subject Specific Plan Exception for a building height of 84 feet and four inches is recommended to be denied. The project height as proposed is 84 feet and four inches and three stories as measured from the lowest grade, which is located along De Longpre Avenue, to the south of the project. As recommended in this staff report, the maximum height of the project is 74 feet and four inches. The additional ten feet the applicant is requesting is in order to accommodate a Target “Bulls Eye” sign which is located on a portion of a projecting wall at the northeast corner of the project.

The proposed project is located on a sloping lot with a grade change of approximately 6 feet. The plan elevations as submitted, and as verified at the Public Hearing, show a maximum building height (as measured from the lowest point on the site) of 74 feet 4 inches. One “tower” element is shown on the plans measuring 84 feet and four inches. This tower element does not contain any required structural equipment or floor area, but is identified on the plans to house an internally illuminated Target “Bulls Eye” sign. This tower element measures 10 feet above the roof line. The proposed sign and tower element are located above the roof line, and, while technically may not be considered roof signs (as they are located on the projecting building wall) they have the appearance of a roof sign. Roof signs are not permitted sign types in the SNAP. Extending the parapet of a wall (and going above the height limit to do so) in order to bypass the restriction on roof signs is not due to a design constraint. The project has many other ample opportunities for aesthetically pleasing signage that is located on portions of the building façade and that is consistent with the general purpose and intent of the Plan.

In addition, while commercial only projects are limited to a maximum building height of 35 feet, mixed-use projects are allowed a maximum building height of 75 feet. While this project does not include any residential uses, it does contain a mix of commercial and retail uses. Were this project considered a mixed-use project, it would be allowed a maximum height of 75 feet, below the height requested of 84 feet and four inches. Therefore, not only would the project exceed the permitted height for a commercial only project, it would also exceed the height allowed for a mixed-use project.

- b. *There are **no** exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

The proposed site encompasses approximately 3.69 acres, or approximately 160,736 square feet of land area on a regular shaped, rectangular parcel. The proposed project is located on a gently sloping lot with a grade change of approximately 6 feet. The site is bounded on all sides by Sunset Boulevard to the north, Western Avenue to the east, De Longpre Avenue to the south, and St. Andrews Place to the west. The Hollywood Freeway (US-101), located less than one half mile west of the project site, provides regional access to the project area.

The subject Specific Plan Exception for a building height of 84 feet and four inches is recommended to be denied. The project height as proposed is 84 feet and four inches and three stories as measured from the lowest grade, which is located along De Longpre Avenue, to the south of the project. As recommended in this staff report, the maximum height of the project is 74 feet and four inches. The additional ten feet the applicant is requesting is in order to accommodate a Target “Bulls Eye” sign which is located on a portion of a projecting wall at the northeast corner of the project.

The plan elevations as submitted, and as verified by the Applicant’s representative at the Public Hearing, show a maximum building height (as measured from the lowest point on the site) of 74 feet and four inches. One “tower” element is shown on the plans measuring 84 feet and four inches. This tower element does not contain any required structural equipment, floor area, or parking necessary for the construction of the project, but is identified on the plans to house an internally illuminated Target “Bulls Eye” sign. This tower element measures 10 feet above the roof line. The proposed sign and tower element are located above the roof line, and, while technically may not be considered roof signs (as they are located on the projecting building wall) they have the appearance of a roof sign. Roof signs are not permitted sign types in the SNAP. Extending the parapet of a wall (and going above the height limit to do so) in order to bypass the restriction on roof signs is not due to a design constraint. There are no exceptional circumstances or conditions applicable to the projects that do not apply to other properties within the SNAP area. The project has many other ample opportunities for aesthetically pleasing signage that is located on portions of the building façade and that is consistent with the general purpose and intent of the Plan.

Again, while commercial only projects are limited to a maximum building height of 35 feet, mixed-use projects are allowed a maximum building height of 75 feet. While this project does not include any residential uses, it does contain a mix of commercial and retail uses. Were this project considered a mixed-use project, it would be allowed a maximum height of 75 feet, below the height requested of 84 feet and four inches. Therefore, not only would the project exceed the permitted height for a commercial only project, it would also exceed

the height allowed for a mixed-use project. There are no exceptional circumstances applicable to this property that warrants a height of 84 feet and four inches.

- c. *The requested exception is **not** necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The subject Specific Plan Exception for a building height of 84 feet and four inches is recommended to be denied. The project height as proposed is 84 feet and four inches and three stories as measured from the lowest grade, which is located along De Longpre Avenue, to the south of the project. As recommended in this staff report, the maximum height of the project is 74 feet and four inches. The additional ten feet the applicant is requesting is in order to accommodate a Target “Bulls Eye” sign which is located on a portion of a projecting wall at the northeast corner of the project.

One “tower” element is shown on the plans measuring 84 feet and four inches. This tower element does not contain any required structural equipment, floor area, or parking necessary for the construction of the project, but is identified on the plans to house an internally illuminated Target “Bulls Eye” sign. No other commercial properties in the vicinity are permitted to have signage at a height of up to 84 feet and four inches. Extending the parapet of a wall (and going above the height limit to do so) in order to bypass the restriction on roof signs is not due to a design constraint. The exception is not necessary for the preservation and enjoyment of a property right possessed by other properties.

- d. *The granting of the exception **will be detrimental** to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

As recommended in this staff report, the maximum height of the project is 74 feet and four inches. The additional ten feet the applicant is requesting is in order to accommodate a Target “Bulls Eye” sign which is located on a portion of a projecting wall at the northeast corner of the project. The proposed sign and tower element are located above the roof line, and, while technically may not be considered roof signs (as they are located on the projecting building wall) they have the appearance of a roof sign. Roof signs are not permitted sign types in the SNAP.

The placement of signs on the roof top is prohibited within the SNAP area. Extending the parapet of a wall (and going above the height limit to do so) in order to bypass the restriction on roof signs is detrimental to the public welfare and injurious to adjacent improvements in that it would incentive other properties to similarly extend parapet walls above allowable height limits in order to install signage that appears to be roof signage.

- e. *The granting of the exception is **not** consistent with the principles, intent and goals of the specific plan.*

As recommended in this staff report, the maximum height of the project is 74 feet and four inches. The additional ten feet the applicant is requesting is in order to accommodate a Target “Bulls Eye” sign which is located on a portion of a projecting wall at the northeast corner of the project. The proposed sign and tower element are located above the roof line, and, while technically may not be considered roof signs (as they are located on the projecting building wall) they have the appearance of a roof sign.

The placement of signs on the roof top is prohibited within the SNAP area. Extending the parapet of a wall (and going above the height limit to do so) in order to bypass the restriction on roof signs is not consistent with the principles, intent, and goals of the SNAP.

4. Specific Plan Exception Findings

- a. Exception from Section 6.N to request relief from the requirement for projects containing 40,000 square feet or more of retail commercial floor area to submit a program for retail use designed to provide free delivery of purchases made at the site by residents living in the Specific Plan Area.

- 1) *The strict application of the policies, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

The Applicant, Target Inc. proposes to develop a retail shopping center, containing a Target store, retail/restaurant buildings and a parking structure containing two levels of parking. The project would contain approximately 194,749 square feet of multi-tenant commercial floor area that would include a 163,862 square-foot retail store (Target), and 30,887 square feet of other smaller retail and food uses on the ground level fronting West Sunset Boulevard and Western Avenue.

One of the goals of the SNAP is to create more livable residential neighborhoods. The requirement for stores to provide free delivery of purchases made at the site by residents living in the SNAP boundaries would be inconsistent with this goal, and would create difficulties and hardships inconsistent with the purpose and intent of the SNAP. A free delivery program for Target could significantly increase the number of truck trips from the store that would deliver purchased goods to adjacent residential neighborhoods. The anticipated high volume of purchases made by nearby residents would result in large trucks traveling many times a day through residential neighborhoods. These neighborhoods lack adequate unloading areas and trucks delivering goods would likely temporarily park within public right-of-ways of neighborhood streets. A free delivery program would have the unintended consequence of making local neighborhoods less safe with numerous daily trucks coming from Target into the neighborhood.

- 2) *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

The proposed project is unique in that most of the properties in the SNAP are small lots owned individually that would be developed with smaller retail uses that would not require free delivery. The proposed Target would be unique in that it would attract patrons from the immediate area as well as the larger community. The site could be developed with a large number of smaller stores that would not require the free delivery program. Target is a discount department store, and no other retail use recently developed in the SNAP offers the diverse amount of goods and services that Target would offer. The store would provide residents within the SNAP a unique one-stop experience rather than traveling to a number of stores and thereby increasing trips.

- 3) *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

There are other retail uses in the immediate SNAP area larger than 40,000 square feet that are not required to provide free delivery of goods and services. The Home Depot at 5600 West Sunset Boulevard across from the proposed site contains approximately 143,000 square feet of retail space. The Home Depot was built in 1996 before the adoption of the SNAP and was not required to provide free delivery. Also, the Food 4 Less store located at 5420 W. Sunset Boulevard operates without providing free delivery of groceries to residents in the SNAP area. It would be an unnecessary economic hardship to require the proposed Target store to provide free delivery of goods to residents within the SNAP area while other, larger retail uses in the immediate vicinity do not provide free delivery.

- 4) *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

Residents living within the SNAP would have the option to either drive to the store for convenience to purchase larger merchandise, or to utilize public transit opportunities to purchase smaller items that do not require delivery. Patrons could also use the Target website to purchase items and have them delivered at a low cost. Moreover, granting the exception would have the benefit of not generating unnecessary additional truck trips that would not only use major commercial arteries but local streets as well.

- 5) *The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

The granting of the Exception is consistent with the goals to establish a clean, safe, comfortable, and pedestrian oriented community environment for residents to shop in. Granting the exception would lessen potential impacts of traffic (truck trips), noise, air quality, and safety from a large number of trucks delivering goods daily throughout residential neighborhoods in the SNAP Area.

- b. From Section 9.B.1 to allow a commercial only project a maximum building height (as measured by Section 12.21.1 of the municipal code) of ~~84~~ 74 feet and four inches above grade in lieu of the maximum permitted building height of 35 feet.

- 1) *The strict application of the policies, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

The site is located in Subarea C Community Center of the SNAP. Commercial only projects are allowed a maximum building height of 35 feet and a maximum FAR of 1.5:1. Mixed-use projects with a residential component (and commercial uses limited to the ground floor) are allowed a maximum building height of 75 feet and a maximum FAR of 3.0:1. Therefore, the SNAP envisions maximum heights up to 75 feet with a project that contains a mix of uses on this site. One of the goals of the SNAP is to promote flexibility in the regulation of height and massing in order to achieve a balanced mix of uses within the SNAP. As recommended, the project's maximum height would be 74 feet and four inches and would be comprised of a variety of distinct retail uses, with Target as the

anchor and a variety of smaller neighborhood serving ground floor retail establishments. There are a variety of uses proposed at the site.

In addition, in order to promote the SNAP goal of providing for lively pedestrian uses and a walkable environment, the mix of retail and service spaces, the pedestrian plaza, open areas and other amenities would be concentrated along Sunset Boulevard and Western Avenue on the ground level. For practical reasons, loading facilities are proposed on the ground level, oriented away from the major commercial streets in order to minimize conflicts with the pedestrian uses. To accommodate these project features, the main retail portion of the Target store is being proposed on the third level (some stocking/delivery area is located on the ground level). The parking structure is located on the ground level and second level and is oriented toward the interior of the center and is lined with retail storefronts along Sunset Boulevard and Western Avenue.

The height of the third level is recommended to be a maximum height of 74 feet and four inches measured from the lowest grade (along De Longpre Avenue). The lowest site grade occurs at the southwest corner of the site, and is approximately 6 feet lower than the frontage along Sunset Boulevard. The height to the building parapet is 61 feet and six inches as measured from sidewalk grade on Sunset Boulevard. The third level for Target would be setback over 16 feet from the face of the building at the ground level. In addition, the setback of the sales floor will be over 20 feet from the front property line along Sunset Boulevard. Thus, from the Sunset Boulevard street level view, the impact of the additional building height would be minimized. The project would provide a pedestrian oriented environment and bring quality businesses to the existing community. The project incorporates façade treatments on all four sides consisting of varying elements such as display windows, balconies, overhangs, landscaping and vine treatments and the use of colors and materials to provide a pleasing and varied design. These features are designed to promote a lively center with an urban streetscape and would break up the massing of the project. Strict application of the height standard would result in eliminating the retail ground floor component encouraged by the SNAP.

- 2) *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

The major tenant is a single user that contains approximately 163,862 square feet of floor area, plus related retail uses. Although this type of use is allowed per the SNAP, and is encouraged in a major commercial corridor, the unique characteristics and area limitations of the site create exceptional circumstances, which necessitate the height exception, that do not apply to other properties which can accommodate large structures in the SNAP area. Larger commercial-only projects in the SNAP consist of large, big-box type design that do not meet the SNAP goals and were constructed prior to the adoption of the SNAP or smaller retail tenants such as food or service oriented uses. Because of the large floor plates needed to accommodate large retail establishments such as Target, as well as needed storerooms, staff facilities and checkout stands, the structure occupies the entire City block with no surface parking area. In order to accommodate the parking spaces needed for the various uses, the project would need either two floors of subterranean parking or two floors of above grade parking. The project reduces additional environmental effects which would occur from excavating two levels of subterranean parking over the entire site, by building its parking areas above ground.

The SNAP would allow the property to provide a maximum height of 75 feet for a mixed-use project, but the unique nature of this project make it infeasible to add a residential component that would provide the desired density. Newer developments in the area have been constructed with varying heights, some which exceed the proposed height of the project.

An issue that has been raised is that of putting the parking underground in order to reduce the project height. However, even if the entire parking structure were placed underground, an Exception would still be required. The parking structure is only 30 feet above grade. A subterranean structure would still require a building height of 44 feet, still over the allowable height for a commercial project. In addition, technical issues render underground parking infeasible. Subterranean parking requires loud and expensive ventilation system requirements that may cause greater noise impacts than the proposed project. Subterranean parking would require approximately 22,000 cubic yards of soil export, thereby causing additional haul trips and air quality impacts compared to the proposed project. Subterranean parking would also eliminate the ability for any green space to meet landscape requirements by removing the community gathering area. Therefore, subterranean parking would not eliminate the need for a height exception and could cause additional negative impacts.

- 3) *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

There are several properties within the SNAP area developed with similar heights as the proposed project, including taller hospital facilities along Sunset Boulevard and the community college on Western Avenue that are located in the C2 zone. For a Target or similar type retail use to be developed within the SNAP without a height exception would require a larger lot and would not provide a mix of retail types and uses envisioned in the SNAP. A stand alone Target would not provide the pedestrian oriented street level activities and experience that smaller retail uses such as a restaurant, coffee shop, or boutique store could provide.

Target possesses a substantial property right to develop a viable project that is competitive with other, large retailers in the area. The proposal is in substantial conformance with the SNAP, despite the Exception requests. A subterranean parking area would not eliminate the need for the exception, is infeasible, would cause impacts the proposed project does not cause, and would still require exceptions from the SNAP.

- 4) *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

The project site is generally surrounded by commercial development to the north, east and west, with a mixed-use development to the northeast. The proposed building would be taller than existing surrounding commercial land uses on Sunset Boulevard. Currently the tallest building in the area is the five-story mixed-use building on Sunset Boulevard. However, the proposed project would be buffered from low-rise commercial land uses by the intervening streets. The setbacks created by the intervening streets and the transitional heights created by the project's design would reduce the effects of the

contrasting building heights between the proposed building and existing off-site buildings. Moreover, the SNAP envisions a maximum height of 75 feet on this site.

- 5) *The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

The proposed project was designed to be consistent with the goals of the SNAP. The SNAP was “implemented to make the neighborhood more livable, economically viable, as well as pedestrian and transit friendly... and achieves a maximum benefit from the subway stations”. In order to achieve a pedestrian and transit friendly neighborhood, the SNAP aims to promote flexibility in the regulation of the height and bulk of buildings and the design of signs. The proposed project is located along a crossroads of major commercial corridors. Along these corridors, the SNAP allows for a maximum height of 75 feet for mixed-use projects. As recommended for approval, the project proposes a height similar in scale and massing to that envisioned by the SNAP. The SNAP promotes flexibility in the regulation of the height and buildings in order to ensure a well-planned mix of uses. The proposed project would provide a mix of different retail use, including ground floor neighborhood serving retail and a larger Target that would be accessible from public transit opportunities along Sunset Boulevard.

- c. From Section 9.E.3 to allow a commercial project to exceed the maximum number of off-street parking spaces allowed for a total of 458 parking spaces, in lieu of the maximum 390 parking spaces allowed.

- 1) *The strict application of the policies, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

Per the SNAP, the maximum number of off-street parking spaces that may be provided for non-residential uses is limited to two parking spaces for each 1,000 square feet of combined floor area of non-residential uses contained within all buildings on a lot. Given the project's total floor area of 197,149 square feet, a maximum of 390 parking spaces are allowed. The applicant proposes to provide 458 parking spaces in a two level structure, which are 68 more spaces than allowed. One of the goals of the SNAP is to guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space, and the economic and social well-being of area residents. The major tenant of this project would be the Target store, which typically requires a higher parking percentage to meet demand compared to smaller retailers. A typical Target project elsewhere would provide a higher parking ratio, but due to the site's proximity to transit facilities and various constraints related to urban design and site planning, a significantly lowered parking ratio is proposed in order to promote pedestrian uses compared to a typical Target store. The requested increase in parking is necessary to provide convenience for patrons using the site. The strict application of this requirement would reduce shopping convenience and would therefore not meet a major goal of the SNAP to provide for viable and successful retail uses.

- 2) *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

The intended use of the property with a Target store is not typical in the Specific Plan area. Target is a discount department store, and no other retail use recently developed

in the SNAP offers the diverse amount of goods and services that Target would offer. The store would provide residents within the SNAP a unique one-stop experience rather than traveling to a number of stores. Therefore the store differs from other smaller, specialty, retail uses in the SNAP that customers typically do not patronize for daily goods and services. Customers will likely come to the store from the broader community as well as from the immediate area. These circumstances result in a larger amount of parking to accommodate customers compared to other retail uses in the SNAP.

- 3) *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

The Home Depot located across from the proposed site contains approximately 143,000 square feet of retail space. Built in 1996, before the adoption of the SNAP, the Home Depot provides parking above that allowed. Also, the Food 4 Less store at 5420 Sunset Boulevard provides parking in excess of the maximum allowed. Both of the stores would likely suffer if they could not provide the necessary parking to serve customer demand. It is an unnecessary hardship to require the proposed Target store to provide parking that does not meet demand when other larger retail uses in the area do so.

- 4) *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

The Target store would serve not only the residents and businesses within the SNAP but also the broader community. The Target store would be expected to attract customers from a wide area, many of whom do not have access to convenient public transportation options as found in the SNAP. As a result, some Target customers would drive to the store and would require parking. The granting of the exception will benefit the area by providing parking that is typical for a Target store and would, in turn, result in patrons not parking off-site on commercial streets and adjacent residential neighborhoods.

- 5) *The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

One of the goals of the SNAP is to provide for viable and successful retail uses. The requested increase in parking is necessary for the success of the store and to provide convenience for patrons using the site. The strict application of this requirement would reduce shopping convenience and result in customers shopping elsewhere. A typical Target project elsewhere would provide a higher parking ratio than the proposed Target, but due to the site's proximity to transit facilities and various constraints related to urban design and site planning, a significantly lowered parking ratio is being proposed in order to promote pedestrian uses. A similar project outside the SNAP would require one space per 250 square feet for a total of 780 parking spaces. The proposed project is therefore still dramatically reducing parking from that typically required for a large retailer which meets the goal of the SNAP to create a transit friendly area and increased pedestrian activity.

5. From Section 9.I of the Specific Plan and Section V of the Development Standards and Design Guidelines.

Section 9.1 of the SNAP requires that the project be in substantial conformance with the SNAP Development Standards and Guidelines. The Guidelines contain both Standards and Guidelines. Development Standards address aspects of site development and building design for which physical specifications can be described. Design Guidelines are strong recommendations that provide for direction for the design of projects but are more flexible. The project has been designed in substantial conformance with the Guidelines. The Development Standards contain 21 required standards, and the project complies with a majority of them. The project requests exceptions from the following:

- Building Design – Stepbacks. To allow the entrance canopy and balconies which are to be located within 15 feet of the property line along Sunset Avenue to exceed the maximum permitted height of 30.
 - Building Design – Stepbacks. To seek relief from the requirement that the second floors along Sunset Boulevard and Western Avenue be setback a minimum of ten feet from the first floor frontage.
 - Building Design – Transparent Building Elements: To permit transparent building elements such as windows and doors to occupy approximately 24% of the ground floor façade along St. Andrews Place in lieu of the minimum 50% building transparency otherwise required.
 - Building Design – Roof Lines: To be exempted from the requirement that all roof lines in excess of 40 feet must be broken up through the use of gables, dormers, cut-outs or other means.
 - Hours of Operation: To seek relief from the allowable hours of operation between 7 a.m. and 8 p.m. Monday through Friday, to allow store deliveries between the hours of 5 a.m. and 12 a.m. Monday – Sunday.
- a. *The strict application of the policies, standards and regulations of the specific plan to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.*

1) Building Design

The purpose of the building design standards is to ensure that a project avoids large, blank expanses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively, pedestrian atmosphere. Although the proposed project requests deviations from the building design standards it meets the intent of them.

The project incorporates design features such as balconies, terraces and overhangs at the second and third level that would extend into the 10-foot step back requirement, and are designed to complement and activate the pedestrian sidewalks adjacent to the project. Such features do not exist in other projects in the area and are unique to this project. These features would not have the same visual impact as a solid wall, which is discouraged by the SNAP. The parking structure will be set back approximately 60 feet from the property line of Sunset Boulevard and Western Avenue on the ground level. Along Sunset Boulevard and Western Avenue the project proposes small retail uses which will screen the parking building and provide a vibrant and active street frontage for pedestrians. These uses would incorporate a pedestrian plaza, glass storefronts, canopies, and pedestrian level signage. The parking area on the second level of the project is setback from the front wall over 10 feet from the project frontage. However, as designed, the floor level of the terrace and balconies would be contiguous with the

second floor level of the parking structure without a vertical separation between the two uses. The design intent is to provide transparency not only from the street but also from the interior of the project. These features provide visual variety along Sunset Boulevard which is encouraged by the Specific Plan. In addition, an exception is requested to allow these features to exceed the maximum 30-foot height limit within 15-foot of the front property line along Sunset Boulevard. Railings and canopies extending into this step back would not meet this height requirement. The railings would minimally exceed the height by a maximum of 36 feet above the sidewalk along Sunset Boulevard instead of 30 feet.

Along Western Avenue, deep horizontal overhangs above the ground floor storefronts would create a stepback effect from the ground floor and provide shade for pedestrians. The second floor would incorporate low walls of approximately four (4) feet in height and planters with cascading plants to create transparency, interest and a change of architectural treatment. Strict application would require the project to be developed further to the rear which would compromise the project access and loading.

The project provides a transit friendly destination that is both convenient and well designed. The project incorporates façade treatments on all four sides using varying elements such as display windows, balconies, overhangs, landscaping and vine treatments and the use of colors and materials to provide a pleasing design. As part of the sidewalk improvements, street lighting will be upgraded to current city standards. In addition, project lighting will be designed so that it provides security while eliminating glare to surrounding properties. The request exceptions support the design of a project that is architecturally compatible, transit oriented, and pedestrian accessible.

The project is within compliance of the transparent building elements standards on the Sunset Boulevard and Western Avenue sides. However, the ground floor elevation along St. Andrews Place cannot provide the needed transparency because of the need for access and parking ramps. The majority of this façade would be occupied by a vehicular access ramp for the second-level parking structure. As a result, the provision of doors and windows along this portion is not practical. The access ramp was designed along St. Andrews Place because this street is minimally traveled by pedestrian and vehicles and is not located on a main commercial corridor.

The project consists of modern and geometric elements, utilizing materials such as concrete, metal, and glazing elements. The design seeks to use bold horizontal and vertical surfaces using simple forms with a variety of materials. Roof lines are broken up by varying horizontal and vertical planes. The strict application to break up the roof lines in excess of 40 feet would compromise the design statement.

2) Hours of Operation

A majority of deliveries would occur during the hours of 6:00 a.m. to 10:00 p.m., Monday through Sunday, which is beyond the SNAP requirements of 7:00 a.m. to 8:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. on Saturdays and Sundays. Some deliveries could occur after 10:00 p.m. Due to site constraints, some flexibility is necessary to ensure smooth operation and success of the retail uses, ensure that the store has products available to serve the community's needs, and that certain deliveries could occur after hours to reduce conflicts with customers and traffic using the center. The flexibility would allow certain after hour deliveries for retail uses to occur within the parking structures. Such deliveries would not necessarily pose an immediate impact to

adjacent properties because it would occur within an enclosed structure and would allow restocking when customers are not on the site.

- b. *There are exceptional circumstances or conditions that are applicable to the subject property or to the intended use or development of the subject property that do not generally apply to other properties within the specific plan area.*

1) Building Design

The Applicant proposes to develop a retail shopping center, containing a Target store, retail/restaurant buildings and a parking structure containing two levels of parking. The project would contain approximately 194,749 square feet of multi-tenant commercial floor area that would include a 163,862 square-foot retail store (Target), and 30,887 square feet of other smaller retail and food uses on the ground level fronting Sunset Boulevard and Western Avenue. It will be on an existing commercial site and will be adjacent to existing commercial developments.

The proposed project will revitalize an underutilized site and provide new pedestrian and transit friendly uses. The project will incorporate landscaping and architectural design that will promote an attractive streetscape and transit friendly development. Design features involve façade treatments on all four sides with varying elements such as display windows, a variety of materials, balconies, overhangs, landscaping and vine treatments, and the use of colors and materials to provide a pleasing design. These features would promote a lively retail center with an urban streetscape and would break up the massing and scale of the project. The proposed development would provide public amenities and a clean and safe shopping environment for the residents within the SNAP area. Existing sidewalks would be modified and widened to provide a lively streetscape that includes benches, bike racks, and street trees. The project would also incorporate an outdoor plaza, pedestrian access ways and display windows to promote a pedestrian oriented environment. These features will promote a lively retail center with an urban streetscape and would break the massing and scale of the project. In addition, the project would provide new employment opportunities in close proximity to transit centers that will benefit residents within the SNAP. It meets policies contained in the SNAP and is consistent with the principles, intent, and goals of the SNAP.

2) Hours of Operation

There are exceptional circumstances and conditions applicable that do not apply to other property in the Specific Plan Area. The project is unique in nature to the Specific Plan area as it is the largest national retail use proposed since the SNAP was adopted. Most of the properties in the SNAP are smaller lots owned individually and would likely be developed with smaller retail uses that would not require free delivery. The proposed Target would be a larger store that would attract patrons from the immediate area as well as from the broader community, making it unique to the area.

- c. *The requested exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the geographically specific plan in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.*

1) Building Design

The area surrounding the project has a variety of buildings built over several decades and does not contain a consistent design theme. Newer developments consist of

contemporary materials and colors similar to those proposed by the project. The SNAP offers flexible application and interpretation of the Guidelines through the evaluation of each project and the Exception process. Existing commercial developments enjoy this right by virtue of being built prior to the adoption of the SNAP. The intent of the Design Guidelines is to establish criteria for quality development and provide a consistency for future development. However, a certain level of flexibility is needed to address site and operational constraints while maintaining consistency. The constraints in this case consist of a major retail project containing a large national retailer, smaller retail uses, associated parking, loading and amenities such as plazas, mezzanine level balconies, and roof terraces, all components that are encouraged by the SNAP.

Other properties in this area are either commercial only projects built prior to the adoption of the SNAP or contain smaller scale retail or mixed use projects that do not have the similar building and parking structure constraints. As described above, St. Andrews Place is a secondary street and, as such, the location of the parking garage here and not along the primary pedestrian frontages is more consistent with the goals of the SNAP. Project components such as a parking structure are vital to the project but have been designed to meet the objectives of the Specific Plan while balancing the project needs. Nonetheless, the project meets or exceeds the requirements for transparent building elements on the other three frontages, where such utilization is relevant to the retail uses and pedestrian activity and would provide visibility into the active areas of the project.

The project is unique to the area because it would contain a large, major retailer and is a commercial only project, designed in a modern style. The project's design is consistent with newer projects in the area, but unique in the arrangement of design elements. Many other major retailers in the area predate the SNAP, and were not subject to the same Design Guidelines and therefore would not meet the goals of the plan. The project's design incorporates roof lines that highlight its modern, contemporary form. The Exception is necessary to address changing design vernaculars that were not anticipated at the time the SNAP was adopted. The building design is broken up through architectural treatments including horizontal breaks in building walls, changes in building cladding and texture, and wall coloring, thus meeting the SNAP goals to minimize the effect of building mass.

2) Hours of Operation

There are other businesses in the immediate area that likely have earlier and later delivery hours than prescribed by the SNAP. The Food 4 Less store located at 5420 Sunset Boulevard operates 24 hours a day, seven days a week. Grocery stores typically have early morning deliveries to ensure products are available to customers on a daily basis. Likewise, other stores such as Home Depot and also large hospital facilities in the area likely have early and late deliveries similar to that requested by Target. Due to the site constraints, some flexibility is necessary to ensure the smooth operation and success of the store, to ensure that the store has available products to serve the community's needs, and to reduce potential conflicts with customers and trucks making deliveries to the store.

- d. *The granting of the exception will not be detrimental to the public welfare and injurious to property or improvements adjacent to or in the vicinity of the subject property.*

1) Building Design

The proposed project will revitalize an underutilized site and provide new pedestrian and transit friendly uses. The project will incorporate landscaping and architectural design that will promote an attractive streetscape and transit friendly development. Design features involve façade treatments on all four sides with varying elements such as display windows, a variety of materials, balconies, overhangs, landscaping and vine treatments, and the use of colors and materials to provide a pleasing design. These features would promote a lively retail center with an urban streetscape and would break up the massing and scale of the project. The proposed development would provide public amenities and a clean and safe shopping environment for the residents within the SNAP area. Existing sidewalks would be modified and widened to provide a lively streetscape that includes benches, bike racks, and street trees. The project would also incorporate an outdoor plaza, pedestrian access ways and display windows to promote a pedestrian oriented environment. These features will promote a lively retail center with an urban streetscape and would break the massing and scale of the project. In addition, the project would provide new employment opportunities in close proximity to transit centers that will benefit residents within the SNAP. It will not be detrimental to the public welfare or injurious to property or improvements adjacent to or in the vicinity of the subject property.

2) Hours of Operation

The expansion of delivery hours is reflective of the business operations anticipated for this project and would not apply to other projects in the area. The major tenant, Target, would experience a majority of deliveries from its distribution center during business hours but is requesting an Exception to allow the store to receive some deliveries and allow stocking after business hours. In addition, restaurant or food uses may require the flexibility of deliveries or services to occur after business hours. The project is located along two major commercial corridors and is not immediately adjacent to uses that might be sensitive to noise commonly associated with truck deliveries, trash collections or parking lot cleaning.

- e. *The granting of the exception is consistent with the principles, intent and goals of the specific plan.*

1) Building Design

The purpose of these design standards is to ensure that a project avoids large blank expanses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively pedestrian friendly atmosphere. Although the proposed project requests minor deviations from these standards, it meets the intent of the stated purpose.

The main entry focal point incorporates a large pedestrian plaza and vertical circulation elements oriented to the main transit corridor adjacent to the project. This plaza would provide raised planters, landscaping, benches and other such amenities intended to promote a lively retail center with an urban streetscape and would facilitate the breakup of the massing and scale of the project while supporting pedestrian activity.

The project would provide public amenities and a clean and safe shopping environment for the residents in the SNAP. The project would provide many pedestrian oriented amenities such as wide sidewalks, benches, and new street trees that seek to make the

neighborhood more livable and walkable. The project would incorporate an outdoor plaza, pedestrian access ways and display windows to promote a pedestrian oriented environment.

2) Hours of Operation

A major goal of the SNAP is to establish a clean, safe, comfortable and pedestrian oriented community environment for residents to shop in and use the public community services in the neighborhood. Allowing some deliveries to occur outside the permitted hours per the SNAP could help reduce truck trips to the store during the peak traffic times and also create a safer environment.

6. **Conditional Use Findings.** To permit the sale of beer and wine for off-site consumption.

The Core Findings ordinance became effective on March 28, 2012 and it creates three core findings for all conditional uses, adjustments, and other quasi-judicial entitlements. However, these core findings do not apply to projects for which an application was submitted prior to the effective date of the ordinance. As this project was submitted prior to March 28, 2012, the following findings are those which were in effect prior to March 28, 2012.

a. *The location of the Project will be desirable to the public convenience and welfare.*

An application for a Conditional Use Permit (CUB) is being requested to allow for the sale of beer and wine for off-site consumption (Type 20 – License). More specifically, the selling of alcoholic beverages will be limited to beer and wine only and will be in conjunction with a full service discount store including a full range of foods and beverages. Sales of alcoholic beverages will be a small percentage of total sales.

The Applicant proposes to develop a retail shopping center, containing a Target store, retail/restaurant buildings and a parking structure containing two levels of parking. The project would contain approximately 194,749 square feet of multi-tenant commercial floor area that would include a 163,862 square-foot retail store (Target), and 30,887 square feet of other smaller retail and food uses on the ground level fronting West Sunset Boulevard and Western Avenue.

The proposed project will provide a needed improvement to the community by replacing a deteriorated shopping center with a high quality commercial center containing a variety of retail uses. The project will bring additional jobs and sales tax revenue to the City and the sale of beer and wine will provide an added amenity and convenience for patrons. The sale of beer and wine will be desirable to the public convenience and welfare.

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

The Applicant proposes to develop a retail shopping center, containing a Target store, retail/restaurant buildings and a parking structure containing two levels of parking. The project would contain approximately 194,749 square feet of multi-tenant commercial floor area that would include a 163,862 square-foot retail store (Target), and 30,887 square feet of other smaller retail and food uses on the ground level fronting West Sunset Boulevard and Western Avenue.

An application for a Conditional Use Permit (CUB) is being requested to allow for the sale of beer and wine for off-site consumption (Type 20 – License). More specifically, the selling of alcoholic beverages will be limited to beer and wine only and will be in conjunction with a full service discount store including a full range of foods and beverages. Sales of alcoholic beverages will be a small percentage of total sales.

The project site is located in the Hollywood Community Plan and is zoned C2-1, with a corresponding General Plan Land Use of Highway Oriented Commercial. The site is also located in the Hollywood Redevelopment Project area. The C2 zone allows a variety of neighborhood and community serving retail uses. The site is also located within Sub Area C of the SNAP. Sub Area C of the SNAP permits uses allowed in the C4 zone. The C4 zone is slightly more restrictive than the C2 zone. It permits uses allowed in the C2 zone, except for amusement uses such as bowling alleys, pawn shops, and arcades. The project would comply with the uses allowed in the C4 zone.

The site is located in a significant commercial corridor that offers a wide range of neighborhood-supporting retail and commercial services. The Conditional Use for off-site sales of beer and wine meets the main objectives of the Community Plan. Sales of beer and wine at Target will contribute to the economic well-being of the store and will be a public convenience and amenity to the neighborhood. Beer and wine will comprise a small portion of total floor area and total sales and the addition of wine and beer will provide an amenity for the neighborhood in a safe, convenient location.

The project will not contain any use that may typically be associated with adverse effects upon the economic health of the neighborhood, such as a liquor store or nightclub. Beer and wine will be sold with a high degree of responsibility and employee training. Site security will be managed and loitering will be discouraged on site. Building security lighting will be operated by an energy management system and will be used at all entry/exits and remain on from dawn until dusk. Closed circuit television cameras are mounted on the building exterior and in the parking lot that record activity on the Target property.

- c. *The proposed project will be proper in relation to adjacent uses or the development of the community.*

The proposed project will provide a much needed, convenient, high quality retail shopping center in an existing commercial corridor. The project would be designed in harmony with the existing neighborhood and would minimize impacts on neighboring properties. The proposed project is a contemporary, urban building that is proper in relation to adjacent uses and to the surrounding community. Retail uses are located on the ground level along Sunset Boulevard and Western Avenue to provide a vibrant street frontage for pedestrians. Primary distribution/operation activities would be located at the rear of the building along De Longpre Avenue.

There are no churches or parks immediately adjacent to the site. Other sensitive uses within 600 feet include a homeless center, the Assistance League of Southern California (provides child care services, senior services, and other family resources), the Covenant House of Southern California (providing homeless youth services), the Grant Children's Center at St. Andrews Place and Harold Way, and multi-family residential services.

Within 1,000 feet from the site include seven establishments which offer alcoholic beverages. Three of these establishments sell alcoholic beverages for off-site consumption. A Walgreens at the corner of Sunset Boulevard and Western Avenue sells beer and wine for off-site consumption. The Food 4 Less at Sunset Boulevard and Western Avenue sells a full line of alcoholic beverages for off-site consumption. A liquor store at the corner of Serrano Avenue and Sunset Boulevard sells full line of alcoholic beverages for off-site consumption. The remaining establishments are bars and restaurants. The White Horse Bar on Western Avenue north of Sunset Boulevard sells a full line of alcoholic beverages for on-site consumption. The Dunes Inn on Sunset Boulevard at St. Andrews Place sells a full line of alcoholic beverages for on-site consumption. A Mexican restaurant at the corner of Harold Way and Western Avenue sells beer and wine for on-site consumption. A restaurant in a mini-mall at the corner of Serrano Avenue and Sunset Boulevard sells beer and wine for on-site consumption.

The sale of beer and wine for off-site consumption would be proper in relation to adjacent uses. The use expands services in the immediate area and does not introduce a use uncommon to the area. The store will serve the public convenience and is compatible with the character of the surrounding uses. The project would be conditioned in order to establish a viable track record in the event that an extension of the grant is pursued through a subsequent conditional use application.

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

The selling of a limited selection of beer and wine will make up a small portion of the overall store floor area and total sales, and is tailored to provide a safe, convenient, alternative to meet the needs of Target's customers. The safest and most desirable way to see beer and wine is from within a larger store whose merchandise is varied, thereby precluding some of the loitering and public safety issues that can arise with liquor sales. The proposed Target will also include incidental conveniences such as a pharmacy, photo processing, and a snack shop. The addition of beer and wine will not adversely affect the welfare of the community. As conditioned, operational and alcohol-related issues have been comprehensively addressed to safeguard and insure the public welfare and to provide for their convenience.

Beer and wine sales will only be a small percentage of the goods sold at Target. In addition, Target has a national alcohol sales training program that provides extensive training materials to educate all staff on alcohol laws. Site security will be managed and loitering will be discouraged on site. Building security lighting will be operated by an energy management system and will be used at all entry/exits and remain on from dawn until dusk. Closed circuit television cameras are mounted on the building exterior and in the parking lot that record activity on the Target property. The modest addition of beer and wine to the large product base that Target offers will not adversely affect the welfare of the pertinent 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 will the approval of the Conditional Use result in or contribute to an undue concentration of such establishments.

Within 1,000 feet from the site include seven establishments which offer alcoholic beverages. Three of these establishments sell alcoholic beverages for off-site consumption. A Walgreens at the corner of Sunset Boulevard and Western Avenue sells beer and wine for off-site consumption. The Food 4 Less at Sunset Boulevard and Western Avenue sells a full line of alcoholic beverages for off-site consumption. A liquor store at the corner of Serrano Avenue and Sunset Boulevard sells full line of alcoholic beverages for off-site consumption. The remaining establishments are bars and restaurants. The White Horse Bar on Western Avenue north of Sunset Boulevard sells a full line of alcoholic beverages for on-site consumption. The Dunes Inn on Sunset Boulevard at St. Andrews Place sells a full line of alcoholic beverages for on-site consumption. A Mexican restaurant at the corner of Harold Way and Western Avenue sells beer and wine for on-site consumption. A restaurant in a mini-mall at the corner of Serrano Avenue and Sunset Boulevard sells beer and wine for on-site consumption.

Despite the present establishments existing nearby the proposed site, the proposed Target store would be located in a noted commercial corridor that is characterized by neighborhood and community oriented commercial development. Beer and wine sales for off-site consumption will only be a small percentage of the goods sold at Target. Target will be significantly different from typical liquor stores, both in terms of type and price. In addition, Target has a national alcohol sales training program that provides extensive training materials to educate all staff on alcohol laws. The modest addition of beer and wine to the large product base that Target offers will not result in an undue concentration of premises for the sale or dispensing of alcoholic beverages.

- 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.*

An application for a Conditional Use Permit (CUB) is being requested to allow for the sale of beer and wine for off-site consumption (Type 20 – License) for the proposed project. More specifically, the selling of alcoholic beverages will be limited to beer and wine only and will be in conjunction with a full service discount store including a full range of foods and beverages. Sales of alcoholic beverages will be a small percentage of total sales. Beer and wine sales will occur during the regular business hours of 8 a.m. to 10 p.m.

There are no churches or parks immediately adjacent to the site. Other sensitive uses within 600 feet include a homeless center, the Assistance League of Southern California (provides child care services, senior services, and other family resources), the Covenant House of Southern California (providing homeless youth services), the Grant Children's Center at St. Andrews Place and Harold Way, and multi-family residential services.

Within 1,000 feet from the site include seven establishments which offer alcoholic beverages. Three of these establishments sell alcoholic beverages for off-site consumption.

A Walgreens at the corner of Sunset Boulevard and Western Avenue sells beer and wine for off-site consumption. The Food 4 Less at Sunset Boulevard and Western Avenue sells a full line of alcoholic beverages for off-site consumption. A liquor store at the corner of Serrano Avenue and Sunset Boulevard sells full line of alcoholic beverages for off-site consumption. The remaining establishments are bars and restaurants. The White Horse Bar on Western Avenue north of Sunset Boulevard sells a full line of alcoholic beverages for on-site consumption. The Dunes Inn on Sunset Boulevard at St. Andrews Place sells a full line of alcoholic beverages for on-site consumption. A Mexican restaurant at the corner of Harold Way and Western Avenue sells beer and wine for on-site consumption. A restaurant in a mini-mall at the corner of Serrano Avenue and Sunset Boulevard sells beer and wine for on-site consumption.

However, the approval of the Conditional Use for the sale of beer and wine for off-site consumption will not detrimentally affect nearby sensitive uses. The proposed Target store would be located in a noted commercial corridor that is characterized by neighborhood and community oriented commercial development. Beer and wine sales will only be a small percentage of the goods sold at Target. In addition, Target has a national alcohol sales training program that provides extensive training materials to educate all staff on alcohol laws. Site security will be managed and loitering will be discouraged on site. Building security lighting will be operated by an energy management system and will be used at all entry/exits and remain on from dawn until dusk. Closed circuit television cameras are mounted on the building exterior and in the parking lot that record activity on the Target property. The modest addition of beer and wine to the large product base that Target offers will not be detrimental to nearby sensitive uses and would provide a neighborhood and community serving amenity.

7. Project Permit Compliance Findings

a. That the project substantially complies with the applicable regulations, findings, standards and provisions of the Specific Plan.

- 1) Use. The project site is located in the Hollywood Community Plan and is zoned C2-1, with a corresponding General Plan Land Use of Highway Oriented Commercial. The site is also located in the Hollywood Redevelopment Project area. The C2 zone allows a variety of neighborhood and community serving retail uses. The site is also located within Sub Area C of the SNAP. Sub Area C of the SNAP permits uses allowed in the C4 zone. The C4 zone is slightly more restrictive than the C2 zone. It permits uses allowed in the C2 zone, except for amusement uses such as bowling alleys, pawn shops, and arcades. The project would comply with the uses allowed in the C4 zone.
- 2) Child Care. Per Section 6.G of the SNAP, all commercial and mixed-use projects which total more than 100,000 square feet or more of non-residential floor area shall include child care facilities to accommodate the child care needs of the project employees for pre-school children. Per these requirements, the project is required to provide a 3,895 square-foot indoor Childcare Facility, plus the required amount of Ground Floor Play Area. As an alternative, and pursuant to Section G.4 of the Specific Plan, the applicant has requested to provide a Cash Payment in lieu of all of the required indoor floor area and outdoor play area. This request for a cash payment in lieu of the required Child Care facility must be authorized by the Department of Recreation and Parks (pursuant to Ordinance 181192). The fee is to be established by the Department of Recreation and

Parks. If authorized, this cash payment must be deposited into the City's Child Care Trust Fund prior to the issuance of any building permits.

- 3) Height and Floor Area. Per Section 9.A of the SNAP, The allowable FAR for the project site is 1.5:1, and the project proposes an FAR of 1.15:1, complying with the requirement. The allowable height for the commercial only project is 35 feet. This requirement is being addressed through the recommendation of approval of a Specific Plan Exception, under LAMC Section 11.5.7 F., as specified in the Specific Plan Exception findings, to provide relief from the height restriction.
- 4) Transitional Height. The Project is not located within a Transitional Height area as it is not within 200 feet of Sub area A of the SNAP.
- 5) Usable Open Space. Section 9.D of the SNAP states that mixed-use and residential projects must provide specified amounts of public and private open space within the development. The proposed Target project does not constitute either a mixed-use project or a residential project, and therefore the provisions of Section 9.D of the Specific Plan do not apply to the project.
- 6) Project Parking Requirements. Section 9.D of the SNAP provides that notwithstanding the contrary provisions of LAMC Section 12.21 A.4., the maximum number of off-street parking spaces that may be provided for non-residential uses shall be limited to two parking spaces for each 1,000 square feet of combined floor area of non-residential uses contained within all buildings on a lot. Given the project's total floor area of 197,149 square feet, a maximum of 390 parking spaces are allowed. The applicant proposes to provide 458 parking spaces. The requirements of this development standard are being addressed through the recommendation of approval of a Specific Plan Exception, under LAMC Section 11.5.7 F., as specified in the Specific Plan Exception findings, to provide relief from the project parking requirements.
- 7) Bicycles. Section 9.E 2 of the Specific Plan requires one bicycle parking space for every 1,000 square feet of non-residential floor area up to 10,000 square feet, and one bicycle space for every additional increment of 10,000 square feet of floor area. Given the project's proposed 197,149 square feet of floor area, 28 bicycle parking spaces would be required and will be provided by the project. The project complies with the Specific Plan provisions in Section 9.E.
- 8) Pedestrian Throughways. Section 9.H of the Specific Plan requires that applicants provide one public pedestrian walkway, throughway or path for every 250 feet of street frontage for a Project. The project will provide a minimum of two pedestrian passageways at grade level that are accessible to pedestrians at the public right of way, therefore complying.
- 9) Yards. Per Section 9.H of the SNAP there are no required yards for projects in Subarea C. The project complies.

Development Standards

- 10) Landscape Plan. The Development Standards require that all open areas not used for buildings, driveways, parking, recreational facilities, or pedestrian amenities to be landscaped by shrubs, trees, clinging vines, ground cover, lawns, planter boxes, flowers,

fountains, and any practicable combination so that it is dust free and allows convenient outdoor activities, according to a landscape plan prepared by a licensed landscape architect, licensed architect, or licensed landscape contractor. The conceptual landscape plan submitted complies with these requirements, and as conditioned a Final Landscape Plan is required.

- 11) Usable Open Space. The Development Standards for common usable open space and private usable open space relate to the open space normally required for dwelling units in residential developments. These open space requirements do not apply to a non-residential project.
- 12) Streetscape Elements – Street Trees. The Development Standards require that one 36-inch box shade tree be planted and maintained in the sidewalk for every 30 feet of street frontage. Per the project's frontages, 12 trees are required along Western Avenue, 12 trees are required along Saint Andrews Place, 14 trees are required along Sunset Boulevard, and 14 trees are required along De Longpre Avenue.
- 13) Streetscape Elements – Tree Well Covers. The Development Standards require that a tree well cover be provided for each new street tree in the project area. The Applicant has been required to cover the required street trees with a tree well cover that meets the ADA requirements, as well as the standards set forth by the Department of Street Services. This requirement is reflected in the Conditions of Approval, thus conforming to this requirement.
- 14) Streetscape Elements – Bike Racks. The Development Standards require that one bike rack be provided per lot, or every 50 feet of project street frontage. Per the project's frontages, 7 racks are required along Western Avenue, 7 racks are required along Saint Andrews Place, 9 racks are required along Sunset Boulevard, and 9 racks are required along De Longpre Avenue.
- 15) Streetscape Elements – Trash Receptacles. The Development Standards require that projects provide one (1) trash receptacle in the public right-of-way for every 100 feet of street frontage along secondary highways. Per the project's frontages, 3 receptacles are required along Western Avenue, 3 receptacles are required along Saint Andrews Place, 4 receptacles are required along Sunset Boulevard and 4 receptacles are required along De Longpre Avenue.
- 16) Streetscape Elements – Public Benches. The Development Standards require that projects provide one (1) public bench painted black with a backrest, three armrests, and intermediate frame, for every 250 feet of street frontage along secondary highways. Per the project's frontages, 1 bench is required along Western Avenue, 1 bench is required along Saint Andrews Place, 2 and two benches are required along Sunset Boulevard.
- 17) Pedestrian/Vehicular Circulation – Parking Lot Location. The Development Standards require that surface parking be located to the rear of all structures if vehicular access is available to the rear of the parcel either via an alley or a public street. The project complies with this requirement.
- 18) Pedestrian/Vehicular Circulation – Curb Cuts. The Development Standards require that projects fronting on secondary highways limit the number of curb cuts to one per 150 feet of street frontage along the main commercial street and further limit the maximum

width of such curb cuts to 20 feet unless greater width is needed to satisfy Department of Public Works, Department of Transportation or Department of Building and Safety requirements.

The project proposes a right-turn egress only driveway on St. Andrews Place south of Sunset Boulevard that is approximately 10 feet in width. The project proposes a full-access two-way driveway on De Longpre Avenue west of Western Avenue that is approximately 37 feet in width as required by Department of Transportation. The project proposes a right-turn ingress only driveway on Western Avenue north of De Longpre Avenue that is approximately 20 feet in width. Therefore, the project complies with this Development Standard.

- 19) Pedestrian/Vehicular Circulation – Pedestrian Entrance. The Development Standards require that buildings that front on a secondary highway or main commercial street, including parking structures, to provide a pedestrian entrance at the front of the building. The building is designed with multiple pedestrian entrances along Western Avenue and Sunset Boulevard, including a large, pedestrian oriented plaza at the corner of Western Avenue and Sunset Boulevard. The project complies with this Development Standard.
- 20) Pedestrian/Vehicular Circulation – Design of Entrances. The Development Standards require that pedestrian walkways, mid-block throughways, arcades or entrances be located in the center of the façade and accented by architectural elements such as columns, overhanging roofs, awnings, etc. The project incorporates several pedestrian entrances along Sunset Boulevard and Western Avenue. These access points would connect pedestrian traffic from the front to the rear of the project and to public sidewalks surrounding the project. Sidewalks connecting these access points and at the rear of the smaller retail buildings would incorporate colored and scored concrete paving elements, container planting and provide access to the rear of the retail services and the vertical core leading to the upper levels.
- 21) Pedestrian/Vehicular Circulation – Inner Block Pedestrian Walkway. The Development Standards require that applicants provide one pedestrian access, walkway, or path for every 250 feet of street frontage. As conditioned, the project will provide a minimum of two pedestrian passageways at grade level that are accessible to pedestrians at the public right of way. The pedestrian passageways shall provide a minimum vertical clearance of 12 feet and a minimum horizontal clearance of 10 feet.
- 22) Utilities. The Development Standards require undergrounding of new utility service lines. The Applicant has been required in the Conditions of Approval to place all new utility lines associated with the project underground. If underground utility service is not available at this time, then the Applicant has been required to make future arrangements for underground service.
- 23) Building Design – Stepbacks. The Development Standards require that no portion of any structure exceed more than 30 feet in height within 15 feet of the front property line and for projects fronting on major highways the second floor be setback from the first floor frontage by at least ten feet. The requirements of this development standard are being addressed through the recommendation of approval of a Specific Plan Exception, under LAMC Section 11.5.7 F., as specified in the Specific Plan Exception findings, to provide relief from the stepback standard.

- 24) Building Design – Transparent Building Elements. The Development Standards require that at least 50% of the exterior wall surface of the ground floor building facades for the front and side elevations shall have transparent building elements, such as windows and doors. Transparent building elements consisting of openings, doors, and windows will occupy 54 percent of the ground floor façade along Sunset Boulevard, 50 percent of the ground floor façade along Western Avenue, thus complying with this Standard. Transparent building elements will only comprise 24 percent along St. Andrews Place. The requirements of this development standard are being addressed through the recommendation of approval of a Specific Plan Exception, under LAMC Section 11.5.7 F., as specified in the Specific Plan Exception findings, to provide relief from the transparency standard.
- 25) Building Design – Façade Relief. The Development Standards require that all exterior building walls shall provide a break in the plane, or a change in material, every 20 feet in horizontal length and every 30 feet in vertical length, created by an articulation or architectural detail such as: a change in plane of at least six inches for a distance of not more than 20 feet; recessed entry ways, recessed windows, or pop-out windows; porticos, awnings, terraces, balconies, or trellises; building overhangs, projections or cantilevered designs; horizontal moldings; cornice lines; or other features or building materials that create a visual break. Varying building materials are proposed such as concrete, steel, glazing, metal and cement panels, metal grilles, stucco and other such contemporary materials to provide consistency with recent development that has occurred in the vicinity of the project. These elements are designed to provide breaks in the horizontal and vertical plane in order to achieve visual interest and relief in the building façade. As conditioned, the materials will be utilized in a manner that offers permanence and durability. The project complies with this standard.
- 26) Building Design – Building Materials. The Development Standards require that all buildings apply at least two types of complementary building materials to exterior building facades, such as adobe, wood, brick, stone or tile, and provide that transparent building elements shall not be included as a change in material towards this requirement. Varying building materials are proposed such as concrete, steel, glazing, metal and cement panels, metal grilles, stucco and other such contemporary materials to provide consistency with recent development that has occurred in the vicinity of the project. These elements are designed to provide breaks in the horizontal and vertical plane in order to achieve visual interest and relief in the building façade. As conditioned, the materials will be utilized in a manner that offers visual relief, permanence and durability. The project complies with this standard.
- 27) Building Design – Surface Mechanical Equipment. The Development Standards require that all surface or ground mounted mechanical equipment, including transformers, terminal boxes, pull boxes, air conditioner condensers, gas meters and electric meter cabinets, shall be screened from public view and treated to match the materials and colors of the building which they serve. As conditioned, the project will comply with this standard.
- 28) Building Design – Roof Lines. The Development Standards require that all roof lines in excess of 40 feet be broken up through the use of gables, dormers, plant-ons, cutouts or other appropriate means. The requirements of this development standard are being addressed through the recommendation of approval of a Specific Plan Exception, under

LAMC Section 11.5.7 F., as specified in the Specific Plan Exception findings, to provide relief from the Roof Lines standard.

- 29) Rooftop Appurtenances – Flat Roofs. The Development Standards require that all rooftop equipment and building appurtenances shall be screened from public view or architecturally integrated into the design of the building depending on the type of roof. As conditioned, the project complies.
- 30) Trash and Recycling Areas. The Development Standards require that trash storage bins must be located within a gated, covered enclosure constructed of materials identical to the exterior wall materials of the building. The project proposes the trash compactor for the Target to be located within the enclosed loading area. Trash and recycling facilities for the smaller retail facilities are proposed within the parking structure within screened enclosures. The project complies.
- 31) Pavement. The Development Standards require that paved areas, excluding parking and driveway areas must consist of enhanced paving materials such as stamped concrete, permeable paved surfaces, tile, and/or brick pavers. As proposed, hardscape shall be comprised of decorative paving surfaces such as interlocking pavers, stamped concrete, tile or brick. Special patterns and sizes in a variety of colors including terra cotta for the main color and natural gray pavers for the edge bands will be used. Asphalt and/or standard concrete will not be used. The project therefore complies with this standard.
- 32) Freestanding Walls. The Development Standards require that all freestanding walls must contain an architectural element at intervals of no more than 20 feet, and must be setback from the property line adjacent to a public street with a landscaped buffer. Chain-link, barbed and concertina fences are not permitted. No freestanding walls are proposed.
- 33) Parking Structures – Required Commercial Frontage. The Development Standards require that all of the building frontage along major or secondary highways, for a parking structure, shall be for commercial, community facilities, or other non-residential uses to a minimum depth of 25 feet. The project proposes retail uses along Sunset Boulevard and Western Avenue, at a depth greater than 25 feet, therefore complying with this requirement.
- 34) Parking Structures – Façade Treatments. The Development Standards require that the exterior elevations of all parking structures must be designed to match the style, materials and color of the main building they serve or screened by a landscaped buffer. Structured parking would be oriented to St. Andrews Place, a secondary street. Along this frontage the project incorporates a landscaped water quality filtration system and green walls to provide a landscaped edge for pedestrians. The parking is designed to match the style, materials and color of the main building, therefore complying.
- 35) On-Site Lighting. The Development Standards require that the project include on-site lighting along all vehicular access ways and pedestrian walkways. The development standard specifies the acceptable level of lighting intensity, standards for light shielding, the maximum height of mounted lighting fixtures, and that lighting be an appropriate white coloration. The Applicant has been required in the Conditions of Approval to

comply with these provisions thereby assuring compliance with the On-site Lighting Development Standard.

- 36) Security Devices. The Development Standards require that all security devices such as grilles covering windows and retractable grilles, be concealed from public view and encourages interior electronic security and fire alarm systems. As conditioned, the project will comply with this standard.
- 37) Hours of Operation. The Development Standards require that parking lot cleaning and sweeping, and deliveries or on-site garbage collection be limited to no earlier than 7:00 a.m. and no later than 8:00 p.m. Monday through Friday and no earlier than 10:00 a.m. and no later than 4:00 p.m. on Saturdays and Sundays. The requirements of this development standard are being addressed through the recommendation of approval of a Specific Plan Exception, under LAMC Section 11.5.7 F., as specified in the Specific Plan Exception findings, to provide relief from the Hours of Operation standard.

Design Guidelines

- 38) The Design Guidelines encourages buildings to have a clearly defined ground plane, roof expression and middle or shaft that relates to the two. The Design Guidelines encourages courtyards, balconies, arbors, roof gardens, water features, and trellises. The Design Guidelines encourages buildings be painted three colors: a dominate color, a subordinate color and a "grace note" color. The Design Guidelines specifies appropriate signs. The Design Guidelines encourages plant materials on building facades.

The project would provide many pedestrian oriented amenities such as wide sidewalks, benches, and new street trees that seek to make the neighborhood more livable and walkable. The project will incorporate landscaping and architectural design that will promote an attractive streetscape and transit friendly development. Design features involve façade treatments on all four sides with varying elements such as display windows, a variety of materials, balconies, overhangs, landscaping and vine treatments, and the use of colors and materials to provide a pleasing design. These features would promote a lively retail center with an urban streetscape and would break up the massing and scale of the project. The proposed development would provide public amenities and a clean and safe shopping environment for the residents within the SNAP area. Existing sidewalks would be modified and widened to provide a lively streetscape that includes benches, bike racks, and street trees. The project would also incorporate an outdoor Plaza, pedestrian access ways and display windows to promote a pedestrian oriented environment. As recommended for approval, the proposed project substantially complies with the Design Guidelines.

- b. That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.*

The Applicant proposes to demolish approximately 59,561 square feet of existing single-story buildings, an electrical substation, and a surface parking lot and construct an approximately 194,794 multi-tenant commercial structure, including a 163,862 square-foot

Target retail store and 458 parking spaces on the subject property located at 5520 West Sunset Boulevard.

As described in full detail in this report, under CEQA Findings, the City of Los Angeles Planning Department, acting as lead agency, circulated a notice of preparation for the Environmental Impact Report for a 30-day period on December 6, 2010. The City held a scoping meeting on December 16, 2010. The City prepared and circulated for public review a Draft Environmental Impact Report (SCH No: 2010121011)(ENV-2008-1421-EIR) for a period of 45 days beginning January 19, 2012 and ending on March 5, 2012. Following the close of the comment period, the City prepared and released a Final EIR. The Department of City Planning issued a Notice of Completion for the EIR on June 7, 2012. The project described has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21,000 et seq. in connection with the following approvals granted to the Applicant. This final EIR is being Certified in connection with all discretionary or ministerial approvals and permits required to implement the project.

8. Site Plan Review Findings

The Core Findings ordinance became effective on March 28, 2012 and it creates three core findings for all conditional uses, adjustments, and other quasi-judicial entitlements. However, these core findings do not apply to projects for which an application was submitted prior to the effective date of the ordinance. As this project was submitted prior to March 28, 2012, the following findings are those which were in effect prior to March 28, 2012.

- a. The project complies with all applicable provisions of the Los Angeles Municipal Code, and any applicable Specific Plan.*

The Applicant proposes to develop a retail shopping center, containing a Target store, retail/restaurant buildings and a parking structure containing two levels of parking. The project would contain approximately 194,749 square feet of multi-tenant commercial floor area that would include a 163,862 square-foot retail store (Target), and 30,887 square feet of other smaller retail and food uses on the ground level fronting West Sunset Boulevard and Western Avenue.

The project site is located in the Hollywood Community Plan and is zoned C2-1, with a corresponding General Plan Land Use of Highway Oriented Commercial. The site is also located in the Hollywood Redevelopment Project area. The C2 zone allows a variety of neighborhood and community serving retail uses. The site is also located within Sub Area C of the SNAP. Sub Area C of the SNAP permits uses allowed in the C4 zone. The C4 zone is slightly more restrictive than the C2 zone. It permits uses allowed in the C2 zone, except for amusement uses such as bowling alleys, pawn shops, and arcades. The project would comply with the uses allowed in the C4 zone.

The allowable FAR per the SNAP for the project site is 1.5:1, and the project proposes an FAR of 1.15:1, complying with the requirement.

The project complies with many development standards of the SNAP, but requests exceptions from the following: (1) from Section 6.N to request relief from the requirement for projects containing 40,000 square feet or more of retail commercial floor area to submit a program for

retail use designed to provide free delivery of purchases made at the site by residents living in the SNAP Area; (2) from Section 9.B.1 to allow a commercial only project a maximum building height of 84 feet and four inches above grade with roof structures and other vertical elements to be setback zero feet from the roof perimeter in lieu of the maximum permitted building height of 35 feet; (3) from Section 9.E.3 to allow a commercial project to exceed the maximum number of off-street parking spaces allowed for a total of 458 parking spaces, in lieu of the maximum 390 parking spaces allowed.

In addition, Section 9.1 of the SNAP requires that the project be in substantial conformance with the Specific Plan Development Standards and Guidelines. The Guidelines contain both Development Standards as well as Design Guidelines. Development Standards are requirements that address aspects of site development and building design for which physical specifications can be described. Design Guidelines are strong recommendations that provide direction for more flexible considerations.

The Design Guidelines contain 15 standards. The proposed project has been designed in substantial conformance with the design guidelines. Substantial conformance does not require strict conformance to every standard. The Development Standards contain 21 required standards. The proposed project requests deviations from the following:

- i. Building Design – Stepbacks. To allow the entrance canopy and balconies which are to be located within 15 feet of the property line along Sunset Avenue to exceed the maximum permitted height of 30.
- ii. Building Design – Stepbacks. To seek relief from the requirement that the second floors along Sunset Boulevard and Western Avenue be setback a minimum of ten feet from the first floor frontage.
- iii. Building Design – Transparent Building Elements: To permit transparent building elements such as windows and doors to occupy approximately 24% of the ground floor façade along St. Andrews Place in lieu of the minimum 50% building transparency otherwise required.
- iv. Building Design – Roof Lines: To be exempted from the requirement that all roof lines in excess of 40 feet must be broken up through the use of gables, dormers, cut-outs or other means.
- v. Hours of Operation: To seek relief from the allowable hours of delivery between 7 a.m. and 8 p.m. Monday through Friday, to allow store deliveries between the hours of 5 a.m. and 12 a.m. Monday – Sunday.

With approval of these exceptions, the project would comply with the applicable provisions of the LAMC and the SNAP. The site is located in a developed area and affords a unique opportunity for redevelopment of an otherwise underutilized site. The goals of the SNAP seek to create a higher density of land uses and a livelier pedestrian environment along major transit corridors such as Sunset Boulevard and Western Avenue. With the approval of the Project Permit Compliance and the Specific Plan Exceptions, the project would be consistent with the following goals outlined by the Specific Plan:

Section 2, (B): Encourage sufficient schools, childcare facilities, parks, public pools, soccer fields, open space, libraries and police stations within the plan area by the Horizon year 2020.

Approval of the proposed development will result in the payment of fees for schools, childcare facilities and other public services and create direct economic benefits within the SNAP Area.

Section 2, (C): Establish a clean, safe, comfortable and pedestrian oriented community environmental for residents to shop in and use the public community services in the neighborhood.

The proposed development would provide public amenities and a clean and safe shopping environment for the residents within the SNAP area. Existing sidewalks would be modified and widened to provide a lively streetscape that includes benches, bike racks, and street trees. The project would also incorporate an outdoor Plaza, pedestrian access ways and display windows to promote a pedestrian oriented environment.

Section 2, (E): Guide all development, including use, location, height and density, to assure compatibility of uses and to provide for the consideration of transportation and public facilities, aesthetics, landscaping, open space and the economic and social well-being of area residents.

The proposed project is located in a fully developed commercial corridor containing buildings of varying heights and densities. Through sensitive design, the project would be compatible with its surrounding uses. The project provides a Floor Area Ratio of 1.15:1 which is well below the allowable 1.5:1 ratio. The project is in close proximity to a transit station and bus routes. The project will implement traffic improvements, noise mitigation measures, measures to reduce light pollution and sustainable features, among other benefits. In addition, emphasis will be placed on long lasting aesthetic design using quality materials that serve to break up the massing and provide visual interest to people visiting the development.

The proposed project will revitalize an underutilized site and provide new pedestrian and transit friendly uses. The project would provide many pedestrian oriented amenities such as wide sidewalks, benches, and new street trees that seek to make the neighborhood more livable and walkable. The project would incorporate landscaping and architectural design that will promote an attractive streetscape and transit friendly development. Design features involve façade treatments on all four sides with varying elements such as display windows, balconies, overhangs, landscaping and vine treatments, and the use of colors and materials to provide a pleasing design. These features would promote a lively retail center with an urban streetscape and would break up the massing and scale of the project.

Section 2, (G): Create a transit friendly area by requiring conformance to pedestrian oriented design guidelines that establish building façade treatments, landscape standards, criteria for shade-producing building overhangs and awnings, street lighting and security lighting for streets, alleys, sidewalk and other pedestrian areas that adjoin new development.

The proposed development provides a transit friendly destination that is both convenient and well designed. The project incorporates façade treatments on all four sides using varying elements such as display windows, balconies, overhangs, landscaping and vine treatments and the use of colors and materials to provide a pleasing design. As part of the new sidewalk improvements, street lighting will be upgraded to current city standards. In addition, project lighting would be designed such that it provides security while eliminating glare to surrounding properties.

Section 2, (J): Support the improvement of the business environment by providing attractive public streetscapes, encouraging business improvement districts, job development programs and business assistance centers.

The project would improve an underutilized property in the SNAP area while providing approximately 250 new jobs. The project will seek to create an urban business environment with a lively streetscape that includes benches, bike racks, street trees and other such amenities.

b. The project is consistent with the General Plan.

The Applicant proposes to develop a retail shopping center, containing a Target store, retail/restaurant buildings and a parking structure containing two levels of parking. The project would contain approximately 194,749 square feet of multi-tenant commercial floor area that would include a 163,862 square-foot retail store (Target), and 30,887 square feet of other smaller retail and food uses on the ground level fronting West Sunset Boulevard and Western Avenue.

The project site is located in the Hollywood Community Plan and is zoned C2-1, with a corresponding General Plan Land Use of Highway Oriented Commercial. The site is also located in the Hollywood Redevelopment Project area. The C2 zone allows a variety of neighborhood and community serving retail uses. The site is also located within Sub Area C of the SNAP. Sub Area C of the SNAP permits uses allowed in the C4 zone. The C4 zone is slightly more restrictive than the C2 zone. It permits uses allowed in the C2 zone, except for amusement uses such as bowling alleys, pawn shops, and arcades. The project would comply with the uses allowed in the C4 zone.

The allowable FAR per the SNAP for the project site is 1.5:1, and the project proposes an FAR of 1.15:1, complying with the requirement.

As detailed above, in the General Plan Text Findings section, the proposed project is in compliance with the Land Use Chapter and Economic Development Chapter of the General Plan Framework; the Transportation Element; the Infrastructure and Public Services Element; the Air Quality Element; and the Land Use Element–Hollywood Community Plan.

c. The project is consistent with any applicable adopted redevelopment plan.

The proposed project site is within the Hollywood Redevelopment Plan. The Hollywood Redevelopment Plan for the Hollywood Redevelopment Project includes the following goals: preserve and increase employment, and business and investment opportunities through redevelopment programs; promote a balanced community meeting the needs of the residential, commercial, industrial, arts and entertainment sectors; and improve the quality of the environment, promote a positive image for Hollywood and provide a safe environment. The project is consistent with this plan as it would revitalize and redevelop an under-utilized commercial site into a much needed, convenient, retail shopping center operated by a major national retailer, to serve the existing community. Additionally, the project would incorporate energy saving and sustainable features to improve environmental quality in the area and would incorporate security measures to ensure safety.

The proposed project is located in the Hollywood Core Transition District designated special area of the Hollywood Redevelopment Plan area. The objective of this District is to provide for a transition in the scale and intensity of development between Regional Center Commercial Uses and residential neighborhoods.

Under the Hollywood Redevelopment Plan the project's land use designation is Highway Oriented Commercial. The provisions of the Hollywood Redevelopment Plan are as follows: to promote community revitalization, conform with goals of the Plan, and be compatible with adjacent residential uses, including neighborhood oriented uses such as professional offices, institutional uses, food markets, laundries, dry cleaners, pharmacies and other neighborhood retail or services businesses. Limited ancillary manufacturing or assembly is permitted when goods produced are sold at retail on the premises and not more than five persons are engaged in non-retail activities. The project, which proposes the development of a Target retail shopping center, would satisfy the requirements for this land use designation under the Hollywood Redevelopment Plan by providing the neighborhood with infill development of an existing site which would promote the revitalization of the community by redeveloping the site with a more contemporary and aesthetically pleasing structure, providing neighborhood services such as neighborhood retail, pharmacy and other service business, while at the same time conforming to the overall goals and objectives of the Plan.

- d. *The project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, load areas, lighting, landscaping, trash collections, and other such pertinent improvements, which is or will be compatible with existing and future developments, on the neighboring properties.*

The goals of SNAP seek to concentrate commercial development in existing commercial corridors and in areas that are able to support such development, in close proximity to rail and bus transit stations. It also encourages the development of general commercial uses, which support community needs. The proposed project will provide a much needed, convenient, high quality retail shopping center in an existing commercial corridor. The project would be designed in harmony with the existing neighborhood and minimize impacts on neighboring properties. The Project is not located within a Transitional Height area. The proposed FAR is approximately 1.15:1 based on the net floor area, significantly lower than the allowed FAR of 1.5:1.0. This area is designated for a higher density of land uses and existing regulations encourage a lively pedestrian environment along major transit corridors such as Sunset Boulevard and Western Avenue. The height allowed for a mixed use project within Sub Area "C" of the SNAP is 75 feet with a floor area ratio of 3.0:1. Thus the scale and massing of the project would be compatible with the scale and massing allowed for future developments that could occur along this corridor. As such, the height and bulk proposed has already been contemplated by the SNAP for this area.

The project's components are arranged to be proper in relation to the surrounding streets. Small pedestrian friendly retail uses would be located fronting Sunset Boulevard and Western Avenue. The project would provide new wider sidewalks incorporating amenities along its frontages to encourage public transit. Structured parking would be oriented to St. Andrews Place, a secondary street. Along this frontage the project incorporates a landscaped water quality filtration system and green walls to provide a landscaped edge for pedestrians. The receiving area and stock room for the Target store are adjacent to De Longpre, a less traveled local street and would accommodate store deliveries. Loading docks are equipped with roll down screen doors to minimize impacts on adjacent properties. Project lighting would be designed such that it provides security while eliminating glare to surrounding properties. A trash compactor for the Target will be located within the enclosed loading area. Trash and recycling facilities for the smaller retail facilities are proposed within the parking structure within screened enclosures.

Proposed design features involve façade treatments on all four sides with varying elements such as glazed storefronts, green elements, display windows, plazas, balconies, overhangs, landscaping and vine treatments and the use of colors and materials to provide visual interest, all of which are encouraged by the SNAP. As conditioned in this report, the materials to be utilized will offer a sense of permanence and durability to the building. The main entry focal point incorporates a large, approximately 11,000 square-foot pedestrian plaza and vertical circulation elements oriented to the main transit center adjacent to the project. This plaza would provide raised planters, landscaping, benches and other such amenities intended to promote a lively retail center with an urban streetscape and would facilitate the break-up of the massing and scale of the project. The design of the project incorporates materials similar to recent developments.

- e. The project incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would substantially lessen the significant environmental effects of the project, and/or any additional findings as may be required by CEQA.*

The Applicant proposes to demolish approximately 59,561 square feet of existing single-story buildings, an electrical substation, and a surface parking lot and construct an approximately 194,794 multi-tenant commercial structure, including a 163,862 square-foot Target retail store and 458 parking spaces on the subject property located at 5520 West Sunset Boulevard.

As described in full detail below, in CEQA Findings, the City of Los Angeles Planning Department, acting as lead agency, circulated a notice of preparation for the environmental impact report for a 30-day period on December 6, 2010. The City held a scoping meeting on December 16, 2010. The City prepared and circulated for public review a Draft Environmental Impact Report (SCH No: 2010121011)(ENV-2008-1421-EIR) for a period of 45 days beginning January 19, 2012 and ending on March 5, 2012. Following the close of the comment period, the City prepared and released a Final EIR. The Department of City Planning issued a Notice of Completion for the EIR on June 7, 2012. The project described has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21,000 et seq. in connection with the following approvals granted to the Applicant. This final EIR is being Certified in connection with all discretionary or ministerial approvals and permits required to implement the project.

- f. That any project containing residential uses provides its residents with appropriate type and placement of recreational facilities and service amenities in order to improve habitability for the residents and minimize impacts on neighboring properties where appropriate.*

No residential uses are included in the proposed project.

9. CEQA Findings

The Applicant proposes to demolish approximately 59,561 square feet of existing single-story buildings, an electrical substation, and a surface parking lot and construct an approximately 194,794 multi-tenant commercial structure, including a 163,862 square-foot Target retail store and 458 parking spaces on the subject property located at 5520 West Sunset Boulevard.

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1. **Environmental Documentation,**
Background, Findings of Fact

On January 19, 2012 the City issued a Notice of Completion and Availability for Draft Environmental Impact Report ENV-2008-1421-EIR (SCH No: 2010121011) and released the Draft EIR for review and comment by the public and all responsible and trustee agencies in compliance with Sections 15085, 15087 and 15105 of the State CEQA Guidelines. The comment period on the Draft EIR ended on March 5, 2012.

- A. Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the Initial Study, the following environmental impact areas **would not result in potentially significant impacts or less than significant level with no need for mitigation:** Agricultural Resources; Mineral Resources; Population and Housing; Aesthetics (Visual Quality/Character, Light and Glare and Shade/Shadow); Land Use and Planning; Noise (Operations); Air Quality (Operations and Toxic Air Contaminants); Public Services; Utilities; Traffic/Transportation/Parking (Transit System Capacity, Bicycle, Pedestrian and Vehicular Safety and Parking); and Greenhouse Gases/Global Climate Change.
- B. Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the in the EIR, the following environmental impact areas were determined to be impacted to a **less than significant level after mitigation:** Biological Resources; Cultural Resources; Geology and Soils; Environmental Hazards and Safety; Hydrology and Water Quality; Noise (Construction Vibration); and Traffic/Transportation/Parking (Construction Traffic).
- C. Pursuant to State CEQA Guidelines, and based on a review of environmental issues by the Planning Department and documented in the Initial Study, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project. The following environmental impact areas were determined to **have significant, unavoidable impacts after mitigation:** Aesthetics (View Obstruction); Transportation/Traffic/Parking (Intersection Impact; Residential street impacts, and Site Access) (project-specific and/or cumulative impacts); Noise (Construction); and Air Quality (Construction) (project-specific and cumulative impacts).

The EIR evaluated in detail the potentially significant effects of the proposed project. It also analyzed the effects of a reasonable range of five alternatives to the project, including the potential effects of a "No Project" alternative. The Draft EIR for the project was prepared pursuant to CEQA and State, Agency, and the City of Los Angeles CEQA guidelines.

Pursuant to Section 15088 of the CEQA Guidelines, the City of Los Angeles, as lead agency, reviewed all comments received during the review period for the Draft EIR and has responded to each comment in the Final EIR. The Final EIR also reflects further refinements to the project proposal made in response to public comments and community concerns, including Corrections and Additions as set forth in the Final EIR.

The environmental review discussed in the Final EIR, its supporting documents and appendices, and the administrative record on the project were prepared for and apply to all legislative, discretionary, and ministerial approvals and entitlements required to implement the project, including APCC-2008-2703-SPE-CUB-SPP-SPR. The Lead Agency under the CEQA Guidelines is required to make findings as required by CEQA with respect to its approval of the proposed project. The Lead Agency reviewed and considered the information contained in the FEIR and other documents in the record with respect to the proposed project, and certified that its decision on the project reflects its independent judgment. The Lead Agency further determined as follows:

1. The Final EIR has been completed in compliance with CEQA and is adequate under CEQA for approval of the actions necessary to implement the Project and all other City permits, entitlements, and approvals for the Project;
2. Based on evidence in the record of proceedings, the Project will result in no impact or a less than significant impact without the need for mitigation with respect to each of the environmental impacts set forth in Section A above;
3. Pursuant to Public Resources Code Section 21081(a)(1), mitigation measures, changes, or alterations to the Project mitigate, avoid or substantially lessen the Project's significant effects on the environment as identified in the EIR for the environmental impacts set forth in Section B above;
4. Specific overriding economic, legal, social, technological, or other benefits of the Project, as set forth below, outweigh the Project's significant and unavoidable effects on the environment set forth in Section C above;
5. Specific economic, legal, social technological or other considerations, as set forth below, make infeasible the Project alternatives.

Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require a public agency, prior to approving a project, to identify significant impacts of the project and make one or more of three allowable findings for each of the significant impacts.

- The first allowable finding is that "changes or alterations have been required in or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (State CEQA Guidelines Section 15091, subd. (a)(I)).
- The second allowable finding is that "such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the

finding." Such changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA Guidelines, Section 15091, subd. (a)(2)).

- The third allowable finding is that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report." (State CEQA Guidelines, Section 15091 (a) (3)).

Section 15126.6 of the State CEQA Guidelines require an EIR to identify and describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible."

2. Environmental Issues and Associated Findings

The Final Environmental Impact Report (Final EIR) for the Target at Sunset and Western project identified significant, unavoidable impacts. EIR mitigation measures, project design features and conditions of approval imposed by the City on the proposed project will either avoid or provide substantial mitigation of the proposed project's identified significant environmental effects; however, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project.

As required by the California Environmental Quality Act (CEQA), the City of Los Angeles, in adopting these Findings of Fact, also adopts a Mitigation Monitoring and Reporting Plan. The City of Los Angeles finds that the Mitigation Monitoring and Reporting Plan, which is incorporated by reference and made a part of these Findings, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures to mitigate potentially significant effects of the project.

In accordance with CEQA and the CEQA Guidelines, the City of Los Angeles adopts these findings as part of the certification of the Final EIR Target at Sunset and Western project. Pursuant to Public Resources Code Section 21082.1(c)(3) the City of Los Angeles also finds that the Final EIR and Errata for the EIR reflects the independent judgment of the City of Los Angeles as the lead agency for the project.

a. Impacts Found to be Less-Than-Significant

The EIR determined that the project would have a less than significant impact to the following areas:

Agricultural Resources

The California Department of Conservation, Division of Land Protection, lists Prime Farmland, Unique Farmland, and Farmland of Statewide Importance under the general category of

“Important Farmland.” The Extent of Important Farmland Map Coverage maintained by the Division of Land Protection indicates that the project site is not included in the Important Farmland category. The project site is located in an urbanized area of the City of Los Angeles within the Hollywood Community Plan area. The project site is currently zoned C2-1 (commercial) and is developed with commercial uses. The project site does not contain any State designated agricultural lands and would not convert any farmland to a non-agricultural use. No impact on farmland or agricultural resources would occur, and no mitigation measures are required.

According to the Hollywood Community Plan, the project site has been designated for commercial uses. The project site is zoned C2-1 (commercial) and is currently developed with a Los Angeles Department of Water and Power (LADWP) electrical substation, a surface parking lot, and approximately 59,561 square feet of one-story commercial buildings that are presently vacant but previously housed various businesses. As the project site is currently being used for non-agricultural activities, the proposed project would not include the conversion of agricultural land to another use. Furthermore, no portion of the project site is subject to a Williamson Act Contract. Therefore, the proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract. No impacts would occur, and no mitigation measures are required.

Neither the project site, nor nearby properties are utilized for agricultural activities and, as discussed above, the project site is not classified in any “Farmland” category designated by the State of California. Thus, development of the proposed project would not convert any farmland to non-agricultural use. No impacts would occur, and no mitigation measures are required.

Mineral Resources

The closest oil field is approximately 1.8 miles southwest of the project site. Furthermore, no oil extraction activities have historically occurred or are presently conducted on the project site. The project site is not located in an area that is known to contain significant mineral deposits. Therefore, the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impacts would occur.

As discussed above, the project site is not located in an area that is known to contain significant mineral deposits and therefore, the proposed project would not result in the loss of availability of such mineral resources. Furthermore, Government Code Section 65302(d) states that a Conservation Element of the General Plan shall address “minerals and other natural resources.” According to the Conservation Element of the City of Los Angeles General Plan, sites that contain potentially significant sand and gravel deposits which are to be conserved follow the Los Angeles River flood plain, coastal plain, and other water bodies and courses and lie along the flood plain from the San Fernando Valley through downtown Los Angeles. These sites are also identified in two Community Plan elements of the City’s General Plan (the Sun Valley and the Sunland–Tujunga–Lake View Terrace–Shadow Hills–East La Tuna Canyon Community Plans), neither of which includes the project site.

Project implementation would therefore, not result in impacts associated with the loss or availability of a known mineral resource that would be of value to the region and the residents of the state. No impacts would occur.

Population and Housing

The construction of the proposed project would not include any residential housing. As such, the proposed project would not introduce permanent residents to the Hollywood CPA. Therefore, the project would have no impact on population growth.

In addition, the construction of the proposed project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized so that construction workers remain at a job site only for the time frame in which their specific skills are needed to complete a particular phase of the construction process. Project-related construction workers would not be likely to relocate their household's place of residence as a consequence of working on the proposed project and, therefore, no permanent residents would be generated as a result of the construction of the proposed project.

The commercial component of the proposed project would generate approximately 250 full- and part-time jobs. While new employment opportunities would be created with the project, most of the expected employees would be drawn from the existing labor force in the region and would not require the need to relocate or place a demand for housing in the area. It is possible that some of the future employees would be permanent residents to the area; however, it is unlikely that this growth would be substantial in the context of the growth forecasted for the City of Los Angeles or the Hollywood CPA. Thus, any impacts on area population growth would be less than significant.

The proposed project does not include a residential component and there are no existing residential uses on the project site that would be demolished as part of the project; therefore, the proposed project would not exceed any housing projections for the region, city, or CPA. Therefore, no impact would occur with respect to housing projections.

The project site is currently occupied by a one-story commercial building that includes various commercial businesses. The existing project site does not contain any existing housing; therefore, development of the proposed project would not demolish any existing housing and would not require construction of replacement housing. No impact would occur.

Based on the existing on-site uses, no people currently reside on the project site. Therefore, no people would be displaced by the proposed project and no impact would occur.

Aesthetics (Visual Quality/Character, Light and Glare and Shade/Shadow)

The size and nature of the proposed project would result in greater building mass and density at the project site compared to existing conditions. The resulting design provides a functional sidewalk and private setback area along the street that serves as a needed pedestrian amenity. Additionally, the building would appear anchored by a prominent first level, with upper levels substantially setback, and the building façades along Sunset Boulevard and Western Avenue would include articulation in the design that breaks up the concentration of building mass along these elevations.

Notwithstanding the above, the proposed project would substantially increase the visibility of the project site from a distance, as compared to existing conditions. The resulting building would likely be visually prominent from the surrounding area, at least in the short term. This increased visibility would occur on area roadways and their adjoining sidewalks, including Sunset Boulevard, Western Avenue, and St. Andrews Place. Additionally, the greater height and mass that would result on the project site would increase the visibility of the project site from nearby residential and commercial properties. Although there are several public parks in the project

area (within a two mile radius), the building would not extend to a height that it would be visible above existing area development from these parks. Even with this increased prominence, however, the proposed project would be visually integrated with the existing character of the area, which is a major intersection characterized by commercial development. Moreover, the proposed project would replace the existing automobile-oriented, suburban style shopping center that is presently located on the project site with an urban-scale project that would be reflective of the expected visual character of the area as it develops in accordance with adopted land use plans, including the Hollywood Community Plan, Hollywood Redevelopment Plan and Vermont/Western SNAP, which envision further concentration of commercial development in the area in the future.

As a result of the building's architectural design, project design features, and orientation on the project site, the proposed project would be integrated into the project site and project area by means of design, architecture, size, massing, and location. The proposed project's location, height, scale, and architectural features are generally compatible with existing and planned development for the Hollywood Community Plan Area, and the provisions of the Vermont/Western SNAP, which allows a height of 75 feet for mixed-use structures. The project is seeking an exception from the Vermont/Western Specific Plan's height limit of 35 feet for commercial-only projects, since the height is outside the range of what is allowed for commercial-only projects. However the project's overall height of 74'-4" is not outside the range of what is allowed for mixed-use projects under the Vermont/Western SNAP (the project would include architectural features that would extend to a height of 84'-4", which are permitted for mixed-use projects under SNAP). The project require an exception from specific design provisions of the SNAP related to upper floor step-back (including the architectural features extending to a height of 84'-4"), transparent building elements and roof line articulation. However, since the visual integration of the proposed project into the surrounding area would be primarily determined by the building's height and mass, the requested Specific Plan Exceptions that would address these inconsistencies would not result in impacts to the visual environment. Taking all of the factors discussed in the preceding sections into account, even with increased height, mass and visual prominence of the project site that would result from the project, the potential aesthetic impacts of the proposed project to the general visual character of the project area would be less than significant.

The proposed project would not obstruct existing private views of the Hollywood Hills and the HOLLYWOOD sign from structures south of the project site as the existing buildings are of limited height and all views of the Hollywood Hills and/or the HOLLYWOOD sign are presently blocked by existing buildings. An approximately four-story residential building is located southeast of the project site at Fernwood Avenue and St. Andrews Place. The proposed project has the potential to obstruct private views from some floors of this building however, due to the east/west orientation of the building, views to the north are limited for the majority of the windows of the building. Additionally, the thresholds within the *City of L.A. CEQA Thresholds Guide* (2006) focus on public views and do not consider blockage of individual private views from commercial or residential properties to be a significant impact. Therefore, proposed project impacts associated with views of the Hollywood Hills and the HOLLYWOOD sign from this building would be less than significant.

The proposed project has the potential to obstruct private views from some floors of the Covenant House located south of the project site on the southwest corner of Western Avenue and Fernwood Avenue. However, given that only a small proportion of the windows in the Covenant House building have a view of the Hollywood Hills and existing surrounding uses

block views of the HOLLYWOOD sign, project impacts associated with views from this building would be less than significant. The proposed project would not affect private views from the multi-story, mixed-use residential buildings located on the north side of Western Avenue. As the proposed project would not be located north of these buildings, it would therefore not block any northerly views of the Hollywood Hills or the HOLLYWOOD sign. While the proposed project may block some southwesterly views from this location, there are no view resources located to the southwest and therefore such view blockage would not be significant. Additionally, the thresholds within the *City of L.A. CEQA Thresholds Guide* focus on public views and do not consider blockage of individual private views from commercial or residential properties to be a significant impact.

To reduce the effect of massing, the proposed project design shall include the following elements:

- Architectural features, such as planters, storefront, balconies, outdoor plazas, and other articulated elements to the exterior façade.
- Varying façade building materials such as concrete, steel, plaster, glazing, and metal panels.
- Bold horizontal and vertical surfaces using simple forms through a variety of materials in order to create visual interest.
- Open areas, glazed elements and display windows on the upper levels of the proposed project.
- Setback of the upper floor exterior building wall a minimum of 15 feet from the front property line along Sunset Boulevard.
- Projecting canopies at the retail frontage along Western.
- Varying horizontal and vertical planes such as entrance and signage features to break up roof lines.
- Small retail and/or restaurant uses along Sunset and Western to provide a street frontage for pedestrians. These uses would incorporate storefronts, canopies, and pedestrian level signage to add pedestrian scale and promote walkability.
- A large public plaza at the corner of Sunset Boulevard and Western Avenue, including decorative specialty lighting, new street furniture, bike racks and amenities and enhanced decorative paving to the street.
- Raised parapet walls to screen roof top mechanical equipment, including satellite dishes, from adjacent street levels.

Because the proposed project is considered to result in less-than-significant impacts to visual quality/character, no mitigation measures are required. Nonetheless, Mitigation Measures IV.B-1 through IV.B-9 are included to further reduce impacts and reflect good planning and design practices currently promoted by the City.

MM IV.B-1 All open areas not used for buildings, driveways, pedestrian amenities 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.

MM IV.B-2 Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

MM IV.B-3 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.

MM IV.B-4 On-site signs shall be limited to the maximum allowable under City Code.

MM IV.B-5 Multiple temporary signs in the store windows and along the building walls are not permitted.

MM IV.B-6 A landscape plan shall be prepared by a licensed landscape architect to the satisfaction of the decision maker.

MM IV.B-7 The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

MM IV.B-8 The Applicant shall prepare a street tree plan to be reviewed and approved by the City's Department of Public Works, Street Tree Division. All plantings in the public right-of-way shall be installed in accordance with the approved street tree plan.

MM IV.B-9 All new sidewalks along the project's street frontages shall be paved with pervious (permeable) concrete or interlocking pavers to create a distinctive pedestrian environment and to increase the opportunity for stormwater infiltration on the site.

Light and Glare

Construction could include nighttime activities involving the use of on-site lighting during demolition, excavation, framing, and building construction. Lighting would include floodlights focused on the work area that would be shielded to focus the light on-site and preclude light trespass onto nearby properties. Therefore, impacts related to construction lighting would be less than significant.

All lighting would comply with the SNAP lighting standards. Although additional lighting sources associated with the proposed project could incrementally add to the ambient glow of the project site and immediately surrounding uses, this area is already characterized by high ambient light levels. Therefore, a change in brightness and light trespass would not occur, and project contributions to increased ambient glow would not likely be perceptible from the residential uses in the area, the Hollywood Star Inn, the Dunes Inn, and the Super 8 Motel. Moreover, views of project light sources within these light-sensitive uses are currently buffered by existing low- to mid-rise buildings in the area. Therefore, impacts related to project interior and exterior light sources would be less than significant.

Proposed project signage would consist of combination of letter and logo signs that are internally illuminated and architecturally integrated into the project design. Tenant signage would be associated with specific commercial uses and as such would be perceived as part of the use and not as separate visual resource. Furthermore, signage would be incidentally visible from the light-sensitive motel uses due to existing low- to mid-rise buildings in the area. Light impacts resulting from project signage would be less than significant.

The existing sources of daytime glare on the project site (i.e., façade windows, light-colored cars, car mirrors, and windshields) would be replaced with less reflective surfaces of building facades and windows, which have a transitory glare condition from certain perspectives during the day. The building, parking structure, and signage within the project site would be prohibited from the using highly reflective building materials such as mirrored glass in exterior façades. Furthermore, surrounding low- to mid-rise buildings would largely block direct views of the project site. Therefore, project impacts related to daytime glare would be less than significant.

Because the proposed project would result in less-than-significant impacts to visual quality/character and view obstruction, no mitigation measures are required. Nonetheless, Mitigation Measures IV.B-10 through IV.B-16 are recommended to further reduce impacts and reflect good planning and design practices currently promoted by the City.

MM IV.B-10 All lighting related to construction activities shall be shielded or directed to restrict any direct illumination onto property located outside of the project site boundaries that is improved with light-sensitive uses.

MM IV.B-11 Construction hours shall generally be 7:00 a.m. to 9:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday.

MM IV.B-12 Exterior lighting included within the proposed project shall incorporate fixtures and light sources that focus light on-site to minimize light trespass.

MM IV.B-13 Proposed project lighting shall comply with LAMC Section 93.0117. As such, proposed project lighting shall not cause more than two footcandles of lighting intensity or direct glare from the light source at any residential property.

MM IV.B-14 All buildings, parking structures, and signage within the project site shall be prohibited from using highly reflective building materials such as mirrored glass in exterior façades. Examples of commonly used non-reflective building materials include cement, plaster, concrete, metal, and non-mirrored glass, and would likely include additional materials as technology advances in the future.

MM IV.B-15 All buildings, parking structures, and signage within the project site shall be prohibited from using highly reflective building materials such as mirrored glass in exterior facades.

MM IV.B-16 The proposed project building shall not include large areas of reflective surfaces that could reflect light from signage into surrounding areas. On-site buildings, signage, or thematic elements shall not incorporate reflective building materials or provide a source of auto headlight-related glare in proximity to glare sensitive uses.

Shade/Shadow

The proposed project would cast short shadows to the west through the east during the Summer Solstice. No residential building or other sensitive use would be shaded by the proposed project for more than three hours between the hours of 9:00 a.m. and 5:00 p.m. Consequently, summer shadow impacts from the proposed project would be less than significant.

The proposed project would cast far-reaching shadows to the northeast and northeast during the Winter Solstice. No residential building or other sensitive use would be shaded by the

proposed project for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Consequently, winter shadow impacts from the proposed project would be less than significant.

The proposed project would cast short shadows to the west through the east during the Spring Equinox. No residential building or other sensitive use would be shaded by the proposed project for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Consequently, spring shadow impacts from the proposed project would be less than significant.

The proposed project would cast short shadows to the west through the east during the Fall Equinox. No residential building or other sensitive use would be shaded by the proposed project for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Consequently, fall shadow impacts from the proposed project would be less than significant.

The proposed project would not shade any off-site sensitive uses in excess of the established significance thresholds and, therefore, would not cause any significant and unavoidable shade/shadow impacts. Therefore, shade/shadow impacts would be less than significant.

Land Use and Planning

The project would not physically divide an established community because it is being built on a site that has already been developed with commercial and public utility uses within an established community. No existing streets will be eliminated and no existing residents will be dislocated. Therefore neither the physical characteristics of the project or the physical impacts of the project will physically divide or isolate portions of the established community.

The area surrounding the project site is developed with commercial uses of varying sizes and uses, retail uses, multi- and single-family residential uses, and surface parking areas. As the proposed project would include similar uses to those of the surrounding area and be consistent with the design of surrounding development, no significant impacts would result from the proposed project with regard to land use functional compatibility.

The proposed project is consistent with the mandate of SB 375. Existing transportation facilities, such as the Metro Rail Red Line and the Hollywood Dash Service, would allow employees and visitors to use public transportation instead of single occupancy vehicles, which would help to reduce GHGs. In addition, the proposed project would create an opportunity for Hollywood community residents to shop in their neighborhood. The proposed project would also incorporate pedestrian improvements and amenities for bicycles, to encourage users of the site to arrive on foot or bicycle.

The project site is well-served by public transit, which reduces the need for construction of new roads and transportation infrastructure. In addition, the location of the project site adjacent to the Hollywood Freeway, and near other major roadways would allow commuting employees and visitors associated with the proposed project to access the project site with minimal use of surface streets. Other new infrastructure needs are also lessened by the availability of existing infrastructure at the site.

The proposed project would conform to objectives set forth in the RCPG, including those objectives provided in the Growth Management and Regional Mobility Chapters. Therefore, the

proposed project would be consistent with the RCPG and related land use impacts would be less than significant.

The proposed project would conform to the goals set forth in the RCP, including those goals related to regional growth, mobility, and sustainability. Accordingly, the proposed project would be consistent with the Final 2008 RCP Goals and related land use impacts would be less than significant.

By maximizing development potential of an infill site within walking distance to a Metro Red Line station, and including retail, restaurant, pedestrian improvements and other amenities for future employees and visitors, the proposed project would reduce vehicle trips, VMT, and related emissions. Furthermore, the proposed project would incorporate energy conservation approaches throughout the project site through implementation of project design features that encourage pedestrian access and energy efficiency. Therefore, the proposed project would be consistent with the principles of the Compass Growth Vision. Accordingly, potential land use impacts relative to the principles of SCAG's Compass Growth Vision are concluded to be less than significant.

The proposed project would conform to the goals identified in the RTP. Therefore, the impacts of the proposed project's land uses would be less than significant as related to the RTP.

The proposed project would conform to the objectives and policies identified in the various Elements of the General Plan. Therefore, the impacts of the proposed project's land uses would be less than significant as related to the General Plan.

The proposed project conforms to the Hollywood Community Plan definition of the Highway Oriented Commercial land use classification since it would provide a medium-density commercial development on Sunset Boulevard and Western Avenue, which are considered major and secondary streets. The project FAR of 1.15:1 is consistent with the land use designation for the project site, as well as the zoning and density allowances, and is therefore consistent with the zoning and design requirements for commercial development in the project area as set forth in the Community Plan. Overall, this type of development would be consistent with the Highway Oriented Commercial land use designation.

The proposed project would implement Hollywood Community Plan policies, thereby assisting the City in meeting many of the Hollywood Community Plan's objectives. Because the proposed project would be consistent with the land use designations and policies of the Hollywood Community Plan the proposed project would be consistent with the land use designations of the Redevelopment Plan.

The project site is located in the Hollywood Core Transition District designated special area of the Redevelopment Plan Area. The proposed project would satisfy the requirements for this land use designation under the Redevelopment Plan by providing the neighborhood with infill development of an existing site which would promote the revitalization of the community by redeveloping the site with a more contemporary and aesthetically pleasing structure, providing neighborhood services such as neighborhood retail, pharmacy and other service business, while at the same time conforming to the overall goals and objectives of the Redevelopment Plan. In addition, the proposed project would represent a substantial private investment within

the Hollywood Redevelopment Project Area, consistent with the goals of the Hollywood Redevelopment Plan.

The proposed project would partake in the incentives provided by the Los Angeles State Enterprise Zone; thereby utilizing the program. Therefore, the proposed project's land uses would be less than significant as related to the Los Angeles State Enterprise Zone.

Although the project site is located within an Adaptive Reuse Incentive Area, the project site does not currently provide any eligible buildings, which would be subject to the Adaptive Reuse Incentive.

The Vermont/Western SNAP identifies the project site as "Community Center, Subarea C" to reflect the new terminology for land use designations created by the Framework. This land use definition permits neighborhood serving commercial uses allowed in the C4 zone within the project site provided that commercial uses are contained within a building. This land use definition further provides an exemption from obtaining a Conditional Use approval, and provides an exemption for obtaining a Major Project Conditional Use Permit. Consequently the proposed project is considered an allowed use per the SNAP.

The proposed project complies with the development standards and design guidelines of the SNAP to the greatest extent possible and necessitates a Specific Plan Exception for minor deviations from some requirements. The requested exceptions with respect to deliveries and parking supply reflect a balance between orientation to the automobile and transit- and pedestrian-oriented characteristics of the proposed project. This characteristic would render the project less consistent with the objectives of the SNAP to promote transit-oriented development. However, the proposed project would provide landscaping, sidewalks, pedestrian plazas and other pedestrian oriented features that would promote pedestrian and transit-user access to the site, in addition to automobile access. Under the proposed project, the project site would be less automobile-oriented than under its current configuration. Overall, while certain exceptions to the SNAP would be associated with the proposed project that would be automobile-oriented, those exceptions would not be at the expense of other pedestrian and transit-oriented improvements at the project site and the proposed project would therefore not be substantially inconsistent with the policies of the SNAP that promote transit and pedestrian access to the project site.

The other requested exceptions from the design and development standards of the SNAP are that the proposed project would exceed the 35-foot height limit for a commercial project established in the SNAP. However, the SNAP anticipates that this area of the City in general and the project site specifically could include buildings of height up to 75 feet, in a mixed use project. If the project included housing, it would not require an exception from the SNAP building height limit. As such, even though the project would not provide housing in return for additional building height, it would not be substantially inconsistent with the objectives of the SNAP with respect to housing.

The remaining exceptions to the SNAP that are requested by the proposed project are related to design features (upper floor setback, roof line, transparent building elements) and operating hours. The reduction in transparent building elements would occur on the building's St. Andrews Place frontage, which faces Home Depot, and would not detract from the pedestrian orientation of the building on Sunset Boulevard and Western Avenue. Further, the operation of loading facilities beyond the hours set forth in the SNAP would not result in significant impacts

to adjacent uses. Overall, the granting of the requested exceptions to the SNAP would not substantially conflict with the principles, intent, and goals of the SNAP.

The project uses are permitted in and consistent with the C2 zone. Accordingly, proposed project impacts with respect to permitted uses would be less than significant.

Pursuant to LAMC Sections 12.14.C front yard setbacks are not required for commercial uses within the C2 zone. Furthermore, side and rear yard setbacks are not required for buildings used exclusively for commercial purposes. Therefore, proposed project impacts with respect to setback requirements would be less than significant.

The FAR for the proposed project would be 1.15:1, which falls within the allowable 1.5:1 FAR. Therefore, the proposed project would be consistent with the height district limitations and impacts would be less than significant.

The project proposes 458 parking stalls, which exceeds the parking limitation of 390 spaces by requirement by 68 parking spaces. Therefore, proposed project impacts with respect to parking would be less than significant.

The proposed project would incorporate project identity signs and address signs, which would be compliant with 14.4 of the Municipal Code. Furthermore, all signage would be subject to review by the appropriate City entities. Therefore, the proposed project would have less than significant impacts with regards to signage regulations and policies.

The Applicant is committed to green building practices as well as smart growth principles. The proposed project's proximity to public transportation and proposed residential and commercial uses would reduce vehicle miles traveled for employees and customers. Additionally, the proposed project would provide on-site shops and services for employees (e.g., food services) that would further reduce the need for vehicle trips. The proposed project has been designed to meet the LEED Green Building Rating System standards to reduce energy consumption. Therefore, proposed project impacts with respect to the green building program would be less than significant.

The proposed project generally supports the walkability guidelines discussing building orientation, which describe that a building's placement on a site establishes its relationship to the sidewalk and street and could enhance pedestrian activity. Employees and visitors would be able to walk to restaurants and shops within and adjacent to the project site. Therefore, the proposed project would be substantially consistent with Walkability Checklist guidelines related to building orientation.

The proposed project generally supports the walkability guidelines discussing on-site landscaping. The proposed project would contribute to the public realm because it acts as an extension of the public right-of-way for passers-by; thus creating the sense of an "outdoor room". Therefore, the proposed project would be substantially consistent with Walkability Checklist guidelines related to on-site landscaping.

The proposed project generally supports the walkability guidelines discussing off-street parking and driveways. Pedestrian walkways from the parking area and to the building entrances would be identifiable with the use of landscape and hardscape materials, lighting, and signage.

Therefore, the proposed project would be substantially consistent with Walkability Checklist guidelines related to off-street parking and driveways.

The proposed project generally supports the walkability guidelines discussing building signage and lighting. The proposed project would include pedestrian-scale way-finding signage and pedestrian-scale lighting to facilitate access to buildings and parking areas. Therefore, the proposed project would be substantially consistent with Walkability Checklist guidelines related to building signage and lighting.

The proposed project generally supports the walkability guidelines discussing sidewalks, which describes that pedestrian corridors should be delineated by creating a consistent rhythm, should be wide enough to accommodate pedestrian flow, and provide pedestrian safety, specifically by creating a clear separation from the roadway and from traffic. Therefore, the proposed project would be substantially consistent with Walkability Checklist guidelines related to sidewalks.

The proposed project generally supports the walkability guidelines discussing utilities, which describe that ideally utilities should be placed underground in order to improve and preserve the character of the street and neighborhood, increase visual appeal, and minimize obstructions in the pedestrian travel path. Therefore, the proposed project would be substantially consistent with Walkability Checklist guidelines related to utilities.

Noise (Operations)

The proposed project would increase noise levels by less than the 3.0 dBA threshold of audibility at all locations except for the roadway segment of De Longpre Avenue, west of Western Avenue. The proposed project would increase local noise levels at this segment by a maximum of 4.2 dBA CNEL. The resulting noise level of 60.7 dBA CNEL including project traffic would be below the normally unacceptable level of 70 dBA for residential and institutional uses established by the State Department of Health Services. As such, under the threshold established by the *L.A. CEQA Thresholds Guide*, a significant impact would not occur unless the project resulted in an increase of 5.0 dBA or more. Therefore, this impact would be less than significant.

The above analysis reflects credit for traffic generation associated with previous uses of the site, consistent with the traffic analysis prepared for the proposed project (see Section IV.B of this EIR). An alternate analysis was also conducted that does not apply traffic credits from the prior CVS/Pharmacy use. This analysis demonstrates that the noise levels on De Longpre Avenue from proposed project traffic alone, without taking any credit for prior uses, would result in the same traffic noise level (60.7 dBA) as above and would not exceed the 5.0 dBA threshold established under the *L.A. CEQA Thresholds Guide*. Therefore the impact under this scenario would also be less than significant.

The operational impacts associated with noise and groundborne vibration resulting from the proposed project would be less than significant without mitigation.

Air Quality (Operations and Toxic Air Contaminants)

The net increase in regional operational emissions associated with the proposed project would not exceed the SCAQMD's recommended thresholds during either the summertime (smog season) or the wintertime (non-smog season). Therefore, regional impacts associated with operational emissions from the proposed project would be less than significant.

An alternate analysis was also conducted that does not apply traffic credits from the prior CVS/Pharmacy use. This analysis demonstrates that the emissions from the proposed project alone, without taking any traffic credit for prior uses, would not exceed the SCAQMD thresholds during either the summertime or wintertime seasons.

The on-site operational emissions generated by the proposed project would not exceed the established SCAQMD localized thresholds for NO_x (in the form of NO₂), CO, PM₁₀, and PM_{2.5}. Thus, the localized air quality impacts resulting from operational emissions associated with the proposed project would be less than significant.

1-hour and 8-hour CO concentrations near the study intersections would not exceed their respective national or State ambient air quality standards (i.e., the national 1-hour CO ambient air quality standard is 35.0 ppm, and the State 1-hour CO ambient air quality standard is 20.0 ppm; the 8-hour national and State standards for localized CO concentrations are 9.0 ppm) with the addition of project-generated traffic. Therefore, implementation of the proposed project would not expose any sensitive receptors located in close proximity to these intersections to substantial localized pollutant concentrations. This would be a less than significant impact regarding the exposure of sensitive receptors to substantial pollutant concentrations.

The SCAQMD's localized thresholds for NO_x, CO, PM₁₀, and PM_{2.5} would not be exceeded during project construction and operation. In addition, because the SO₂ emissions would be negligible during project construction and long-term operations, a violation of the SO₂ ambient air quality standard would not occur as a result of the proposed project. Furthermore, the proposed project would have a less than significant impact with respect to population and housing. As the proposed project would be consistent with the underlying assumptions of the SCAQMD's 2007 AQMP and does not cause or worsen an exceedance of an ambient air quality standard, the proposed project is concluded to be consistent with that plan. This impact would be less than significant.

The proposed project would be consistent with goals, objectives, and policies set forth in the City's General Plan Air Quality Element, as it would be generally consistent with the applicable air quality policies discussed above. Therefore, no impact would occur with respect to consistency with the applicable air quality policies in the General Plan.

As the proposed project would consist of the development of commercial/retail uses, and would not include any land uses involving the use, storage, or processing of carcinogenic or non-carcinogenic toxic air contaminants, no toxic airborne emissions would result from its implementation. In addition, construction activities associated with the proposed project would be typical of other similar commercial/retail developments in the City, and would be subject to the regulations and laws relating to toxic air pollutants at the regional, State, and federal level that would protect sensitive receptors from substantial acute concentrations of these emissions. Moreover, SCAQMD does not recommend assessment of chronic health risks associated with short-term construction activities since such health risks result from long-term exposure. Therefore, impacts associated with the release of Toxic Air Contaminants from the project site would be less than significant.

A health risk assessment (HRA) was conducted to evaluate the impacts of annual average diesel exhaust emissions from vehicular sources (specifically heavy-duty, diesel delivery trucks) associated with the proposed project. The inhalation cancer risk at the maximum exposed receptor is 1.7 in a million. This is below the SCAQMD CEQA significance threshold of 10 in a

million. The chronic non-cancer HI at the maximum exposed sensitive receptor is <0.01. This is below the SCAQMD CEQA significance threshold of 1.0. Impacts would therefore be less than significant.

Public Services

Police Protection

While there is the potential for the construction of the proposed project to increase the demand for police protection services, the proposed project would provide security to the site during the construction process as part of the Construction Management Plan, thereby reducing the demand for Los Angeles Police Department (LAPD) services. Therefore, construction impacts as they relate to increased on-site demand during construction would be less than significant.

Although minor traffic delays could result from construction activities at peak times, these impacts would be temporary in nature and would be coordinated ahead of time with local police and emergency officials. Moreover, emergency access would be maintained to the project site during construction through marked emergency access points approved by the LAPD, and the proposed project would implement the construction project design features, which include the preparation and implementation of a Construction Staging and Traffic Management Plan (CSTMP) which would be coordinated with CSTMPs for other construction projects in the vicinity. Therefore, traffic construction impacts to police services would be less than significant.

The proposed project would implement the operational PDFs listed above, including providing adequate and strategically positioned functional lighting to enhance public safety. Visually obstructed and infrequently accessed “dead zones” would be limited and, where possible, security would be controlled to limit public access. The building and layout design of the proposed structure would also include crime prevention features, such as nighttime security lighting, secure parking facilities, and provision of security patrol if necessary. Development of the proposed project would result in a less than significant operational impact on police protection services. However, with the implementation of Mitigation Measures IV.J-1 and IV.J-2, operational impacts would be further reduced.

Although demand for police services is based on residential population, the conservative assumption is that the total potential occupancy of the proposed project would include approximately 250 employees. Since the ratio of residents per officer is approximately 900, it is assumed that the addition of 250 employees would not create the demand for an additional officer. Nonetheless the construction of a project of this size could have a significant impact on police services in the Hollywood Area. Therefore, as part of the operational PDFs, the Applicant would provide on-site security personnel, which would reduce the need for police services. In addition, the proposed project would incorporate crime prevention measures into project design. These preventative and proactive security measures would decrease the amount of service calls the LAPD would receive. Additionally, the LAPD would review the proposed project design and provide guidance on design features that would minimize the opportunity for crime, which would minimize demand police protection services. Overall, no new or expanded police station is anticipated to be required as a result of the proposed project. The proposed project's impact would be less than significant

Significant traffic impacts will be fully mitigated based on established LADOT methodologies and thresholds. However, the proposed project would result in a significant impact related to access based on the projected operational condition of the Sunset Boulevard/Western Avenue intersection under cumulative plus project traffic conditions. Under the conservative alternate analysis project traffic would significantly impact two intersections. Police units are most often in a mobile state; therefore, it is unknown precisely which route the LAPD would use to access the project site when responding to an emergency call. Thus, a police unit accessing the project site from the surrounding area may or may not pass through the Sunset Boulevard/Western Avenue intersection or one or both of the two impacted study intersections under the conservative analysis. Furthermore, upon completion of the proposed project, the Hollywood Area Commanding Officer would be provided with a diagram of each portion of the property, and this diagram would include access routes and any additional information that may facilitate police response to the project site. Therefore, project impacts related to response times would be less than significant.

While the proposed project is anticipated to affect vehicle/capacity ratios and the level of service of roadways in the project vicinity, the implementation of project-specific intersection and roadway improvements would mitigate all potentially significant intersection impacts based on LADOT's established methodology and significance thresholds. However, the project would result in a significant impact related to access based on the projected operational condition of the Sunset Boulevard/Western Avenue intersection under cumulative plus project traffic conditions. Moreover, under the conservative analysis traffic conditions would not be mitigated to less than significant levels for two intersections. These effects could potentially affect emergency access in the area during project operation. However, increases in traffic would not greatly affect police vehicles for the reasons set forth above. Therefore, impacts on emergency access would be less than significant.

Fire Protection

Construction on the project site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment and use of flammable construction materials. However, these impacts are considered to be less than significant for the following reasons: emergency access would be maintained to the project site during construction through marked emergency access points approved by the LAFD; construction impacts are temporary in nature and do not cause lasting effects to impact LAFD fire protection services; partial lane closures, if determined to be necessary, would not greatly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic; and the proposed project would implement the construction project design features, which include the preparation and implementation of a CSTMP which would be coordinated with CSTMPs for other construction projects in the project vicinity. Based on the previous information, project construction would not affect fire fighting and emergency services to the extent that new, expanded, consolidated, or relocated fire facilities would be needed in order to maintain acceptable service ratios, response times, or other performance objectives of the LAFD. Therefore, construction-related impacts on fire protection services would be less than significant.

The hydrant flow requirements would be based on fire flow figures for High Density Commercial Centers. The minimum fire flow requirements for the proposed project would be at least 9,000 gallons per minute (gpm), however this figure is subject to a field inspection of the general area as well as the proposed development and could potentially increase by 2,000 to 8,000 gpm. Additionally, to ensure adequate fire protection services to the project site, as a condition of

approval the project applicant would be required to submit a plot plan to the LAFD for approval during the City plan check process. Approval of this plot plan, and implementation of the project design features, would ensure the requisite fire flow for the project site. Therefore, impacts on fire flow would be less than significant.

Even under the conservative analysis, response times would not be greatly affected, as emergency vehicles normally have a variety of options for avoiding traffic such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Furthermore, upon completion of the proposed project, the LAFD would be provided with a diagram of each portion of the property, and this diagram would include access routes and any additional information that may facilitate LAFD response to the project site. Therefore, project impacts related to response times would be less than significant.

The project site is located approximately 0.9 miles from Fire Station 82, which houses a truck and engine company; therefore, the project site is located beyond the LAMC maximum response distance of an engine company for commercial land uses. Therefore, the proposed project would be equipped with a sprinkler system as indicated in the project design features. Furthermore, the proposed project would install fire sprinkler alarm systems that would be connected to an Underwriters Laboratory-listed 24 hour monitoring station and local fire departments. Conformance with applicable Fire Code and LAFD building requirements would provide adequate on-site fire protection, and impacts would be less than significant.

While the proposed project is anticipated to affect vehicle/capacity ratios and the level of service of roadways in the project vicinity, the implementation of project-specific intersection and roadway improvements would mitigate all potentially significant impacts based on LADOT's established methodology and significance thresholds. However, the project would result in a significant impact related to access based on the projected operational condition of the Sunset Boulevard/Western Avenue intersection under cumulative plus project traffic conditions. In addition, under the conservative analysis, traffic conditions would not be mitigated to less than significant levels for two intersections. However, increases in traffic would not greatly affect emergency vehicles since the drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. This impact is not considered significant since emergency response times would not be substantially affected given that there would be significant traffic impacts at limited locations (and only under very conservative assumptions), and given the availability of alternative routes within the street pattern in the area surrounding the project site. Based on the project's proposed circulation plan and the above considerations, it is anticipated that the LAFD would be able to respond to on-site areas within the established response time. Therefore, impacts related to emergency access would be less than significant.

No significant impacts related to fire protection services have been identified; however, the City requires implementation of the following Standard Mitigation Measures:

MM IV.J-4 The proposed project shall implement a Construction Management Plan that shall outline provisions for on-site security during construction, which could include, but are not limited to, temporary security fencing, lighting, and providing security personnel to patrol the site. Additionally, the Construction Management Plan shall ensure emergency access to the project site is maintained at all times during construction through well-marked entrances.

MM IV.J-5 The proposed project shall comply with all State and local building codes relative to fire protection, safety, and suppression. Specifically, the project design shall incorporate the standards and requirements as set forth by: Title 24, the City of Los Angeles Safety Element, the LAMC Fire Code, and any additional code requirements established by the LAFD relative to fire prevention, safety, suppression, and emergency access and response.

MM IV.J-6 The project applicant shall submit a plot plan for approval of access and hydrants by the LAFD prior to the issuance of a building permit by the City. The plot plan shall include fire prevention and access features to the satisfaction of the LAFD, including the following standard requirements:

Access for Fire Department apparatus and personnel to and into all structures shall be required.

Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the LAFD.

Any required fire hydrants to be installed shall be fully operational and accepted by the LAFD prior to any building occupation.

All water systems and roadways are to be improved to the satisfaction of the LAFD prior to any building occupation.

All structures shall be fully sprinklered pursuant to LAMC Section 57.09.07(A).

No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel.

Utilities

Sewer

The proposed project is anticipated to generate an increase of approximately 26,881 gallons per day (gpd) of wastewater. This calculation conservatively does not take a credit for wastewater associate with the existing structures, even though these structures could be reoccupied without any discretionary permit or approval from the City.

The Hyperion Treatment Plant (HTP) would have sufficient treatment capacity to accommodate the proposed project's average daily total scenario wastewater generation of 0.027 mgd, which would represent approximately 0.0025 percent of the remaining capacity. With the City's implementation of the provisions of the Sewer Allocation Ordinance, the project's wastewater generation would not possibly exceed the future scheduled capacity of the HTP. Since the project would not exceed the capacity of the HTP, it would not require the construction of additional treatment facilities. Therefore, impacts to wastewater treatment capacity would be less than significant.

Wastewater service is provided to the project site by the existing 10-inch-diameter line beneath Sunset Boulevard, the existing 8-inch line beneath St. Andrews Place, and the existing 8-inch line beneath De Longpre Avenue. The sewage from all existing lines feed into a 12-inch line beneath Kingsley Drive before discharging into a 33-inch line beneath Normandie. Based on current gauging, the 10-inch-diameter line beneath Sunset Boulevard, the 12-inch line beneath Kingsley Drive, and the 33-inch line beneath Normandie Avenue are at 50 percent design capacity and it is therefore anticipated that the existing wastewater system would have available capacity to accommodate the increased wastewater generated by the proposed project. The current flow for the 8-inch lines beneath De Longpre Avenue and St. Andrews Place cannot be determined at this time. However, before the Department of Building and Safety formally accepts a set of plans and specifications for a project for plan check, the LADPW must first determine if there is allotted sewer capacity available for the project. Therefore, wastewater impacts would be less than significant.

The proposed project shall implement the following project design feature to reduce wastewater impacts:

- The proposed project shall implement the water-conserving project design features listed in Section IV.K-2 of this EIR, which will also reduce wastewater generation.

No significant impacts related to sewer service have been identified; however, the City requires implementation of the following Standard Mitigation Measures:

MM IV.K-1 As part of the normal construction/building permit process, the Applicant or its successor shall confirm with the City that the capacity of the local and trunk lines are sufficient to accommodate the proposed project's sewer flows during the construction and operation phases.

MM IV.K-2 The proposed project shall implement any upgrades to the sewer system serving the proposed project that could be needed to accommodate the Project's sewer generation.

Water

The average daily domestic water demand of the proposed project is estimated to be approximately 44,748 gpd (or 50 acre feet/year [af/y]), This calculation conservatively does not take a credit for wastewater associate with the existing structures, even though these structures could be reoccupied without any discretionary permit or approval from the City.

The proposed project would be within the growth projections of the LADWP and it is, therefore, anticipated that the LADWP would be able to meet the proposed project's water demand. In addition, the proposed project would comply with the City's mandatory water conservation measures that, relative to the City's increase in population, have reduced the rate of water demand in recent years. The construction of, as yet, unplanned treatment facilities would not be required to meet the project's water demand.

Compliance with the project design features and the water conservation measures, including Title 20 and 24 of the California Administrative Code would serve to reduce the projected water

demand. All in all, the proposed project's water demand is expected to comprise a small percentage of LADWP's existing water supplies.

The anticipated water demand from the proposed project falls within the UWMP's projected water supplies for normal, single-dry, and multiple-day years through 2035 and within the UWMP's 25-year water demand growth projection. Therefore, the amount of new annual demand from the proposed project (50 acre feet) is insignificant relative to available supplies, projected growth in Los Angeles, and planned water resource development by LADWP. Implementation of the proposed project would not result in the need for new or expanded entitlements, and no significant impact would occur.

The minimum fire flow requirements for the proposed project would be at least 12,000 gpm, however this figure is subject to a field inspection of the general area as well as the proposed development and could potentially increase by 2,000 to 8,000 gpm. LADWP has indicated that the fire flow requirement and associated infrastructure requirements are determined at the time of plot plan review. Should it be determined during the plot plan review that the existing fire-flow at the project site is not sufficient to serve the project site, and that the proposed project would require the installation of new water lines, meters, private fire hydrants, or other fire safety features, these features would conform to the City's Fire Code and be implemented in consultation with the LAFD. As such, proposed project impacts related to water infrastructure and fire flow would be less than significant.

The Applicant would pursue a Leadership in Energy and Environmental Design (LEED) certification from the United States Green Building Council (USGBC). The proposed project would further reduce its potable water demand by incorporating the measures listed to the extent feasible:

- Low flow fittings, fixtures, and equipment including low-flush toilets and urinals.
- Use of efficient irrigation system such as drip irrigation and automatic systems that use moisture sensors.
- Include self-closing valves for faucets and drinking fountains.
- Incorporate low water use or drought tolerant landscaping where appropriate.
- Water efficient ice machines, dishwashers and clothes washers and any other washing appliances.
- Public information/awareness on water conservation via bathroom stickers, table tents, etc.
- Maximize the use of water efficient technologies and practices in any new facilities.

The proposed project shall implement the following project design features to reduce water consumption:

- The Applicant or its successor shall install new water meters as required.
- The proposed project shall include water conservation features in accordance with Title 24 of the CCR. Further, the proposed project design shall incorporate energy efficient appliances in compliance with proposed amendments to the California Energy Code previously described in this Subsection.
- The Applicant or its successor shall install plumbing and plumbing fixtures that shall meet the following requirements:

- Toilets. All toilets installed shall be high efficiency fixtures. The maximum flush volume for high efficiency toilets shall not exceed 1.28 gpf (effective).
- Urinals. All urinals installed shall be, at a minimum, high efficiency fixtures. The maximum flush volume of high efficiency urinals shall not exceed 0.125 gpf. Waterless urinals shall be utilized wherever possible.
- Faucets. All faucets in public restrooms must be self-closing. The flow rate for all indoor faucets shall be 2.2 gpm except as follows:
 - The maximum flow rate for private or private use lavatory faucets shall be 1.5 gpm (5.6 liter per minute);
 - The maximum flow rate for public use lavatory faucets, shall be 0.5 gpm. Exception: Metering faucets shall deliver not more than 0.25 gallon (1.0 liter) of water per cycle; and
 - The maximum flow rate for a pre-rinse spray valve installed in a commercial kitchen to remove food waste from cookware and dishes prior to cleaning shall be 1.6 gpm (6.0 liter per minute).
- The Applicant shall not use single pass cooling systems. Single-pass cooling systems are strictly prohibited for use in devices, processes, or equipment installed in commercial, industrial, or multi-family residential buildings. This prohibition shall not apply to devices, processes, or equipment installed for health or safety purposes that cannot operate safely otherwise.
- The Applicant or its successor shall use rotating sprinkler nozzles landscape irrigation – 0.5 gpm;
- The Applicant or its successor shall use drought tolerant and native plants for 25 percent of total landscaping;
- The Applicant or its successor shall use drip/subsurface irrigation (Micro-Irrigation), weather-based irrigation controller, micro-spray and zoned irrigation; and
- The Applicant or its successor shall use landscaping contouring to minimize precipitation runoff.

Because no significant impacts related to water supply and infrastructure or water service have been identified, no mitigation measures are required.

Solid Waste

Implementation of the proposed project would generate construction and demolition waste. Much of this material would be recycled and salvaged to the maximum extent feasible at a minimum of 75 percent diversion from the landfill. The quantity of asphalt paving to be removed from the project site has been estimated at approximately 12,955 tons. In addition, through the demolition of the existing commercial and retail uses, the proposed project would also produce 5,152 tons of inert debris. The construction of approximately 222,590 gross square feet of commercial/retail space the project would generate approximately 447 tons of construction debris. County of Los Angeles Countywide Integrated Management Plan 2009 Annual Report concludes that there is current capacity of 57.22 million tons available in the County for the disposal of inert waste. Therefore, project generated demolition and construction-related waste (i.e., asphalt and construction debris) would represent a very small percentage of the inert waste disposal capacity in the region. This constitutes a less than significant impact, as the proposed project would not create a need for additional solid waste disposal facilities to adequately handle project construction-generated inert waste.

Over the long-term, the proposed project would be expected to generate approximately 1,168 pounds per day (ppd) of solid waste. It is estimated that the proposed project would divert 50 percent of its solid waste generated. Nonetheless, as recycling of private operational solid waste is not mandated by the City and, therefore, cannot be guaranteed, it is assumed that all 973 ppd of operational waste would be disposed of at regional landfills. The remaining combined intake of the Sunshine Canyon Landfill and the Chiquita Canyon Landfill is approximately 91 million tons. As such, they would have adequate capacity to accommodate the daily operational waste generated by the proposed project. Therefore, a less than significant impact associated with operational solid waste would occur.

The Applicant would obtain a LEED certification from USGBC. During its long-term operational phase, the proposed project would provide a recycling collection and storage program for non-hazardous waste by dedicating recycling areas for glass, plastic, paper, aluminum, as well as employing techniques for individual workstations such as cardboard balers, aluminum can crushers, recycling chutes, and collection bins. The proposed project would also implement recycling during construction, such as recycling concrete cylinder test samples and steel reinforcing bars.

The proposed project shall implement the following project design features to ensure implementation of LEED certification:

- The Applicant or its successor shall implement a demolition and construction debris recycling plan for all buildings constructed as part of the proposed project, with the explicit intent of requiring recycling during all phases of site preparation and building construction. Off-site recycling centers, such as asphalt or concrete crushers, would be utilized to provide crushed materials for roadbed base. In addition, trees unsuitable for relocation would be recycled and used for landscape mulch;
- All structures constructed or uses established within any part of the proposed project shall be designed to be permanently equipped with clearly marked, durable, source sorted recycling bins at all times to facilitate the separation and deposit of recyclable materials;
- Primary collection bins shall be designed to facilitate mechanized collection of such recyclable wastes for transport to on- or off-site recycling facilities;
- The Applicant or its successor shall continuously maintain in good order clearly marked, durable, and separate recycling bins on the same lot or parcel to facilitate the deposit of recyclable or commingled waste metal, cardboard, paper, glass, and plastic therein; maintain accessibility to such bins at all times for the collection of such wastes for transport to on- or off-site recycling plants; and require waste haulers to utilize local or regional material recovery facilities as feasible and appropriate; and
- During occupancy and operations, the proposed project shall have a solid waste diversion rate target of 65 percent of non-hazardous materials.

Because no significant impacts related to solid waste generation have been identified, no mitigation measures are required.

Electricity

Implementation of the proposed project would increase the demand for electricity at the project site. This estimation does not take into consideration the effectiveness of the proposed project's

energy conservation features that would result in a lower demand for electricity. The proposed project would consume approximately 10,078 kilowatt-hours (kWh) per day, a net increase of approximately 7,874 kWh per day compared to the existing uses. The LADWP has indicated that the proposed project's demand for electricity could be served via existing infrastructure, and no improvements or additions to LADWP's off-site distribution system would be needed. Therefore, impacts related to electricity supply and infrastructure would be less than significant.

T The Applicant meet LEED certification compliance standards from USGBC. In addition to the proposed project's favorable building orientation, sustainable design features may include: roof- or building-mounted photovoltaic panels; building-integrated photovoltaics; and operable windows and fresh air circulation.

The proposed project shall design the building envelope, heating, ventilation, and air-conditioning (HVAC), lighting, other systems such as electric motor equipment, to maximize energy performance. Additionally, as part of the proposed project and to reduce its overall demand for electricity, the following electrical systems could be employed to meet the current 2008 Title 24 requirements or exceed the 2005 Title 24 requirements by 15 percent:

- Automatic and day-lighting controls and zoning;
- Cool roofs or high reflectance and high emittance roof surfaces in all low-slope applications;
- Building commissioning for electrical and mechanical equipment;
- Energy efficient heating and cooling systems, transformers, and indoor and outdoor lighting; and
- Other building envelope components such as glazing, insulation, and energy efficient windows.

Because no significant impacts related to electricity supply and infrastructure have been identified, no mitigation measures are required.

Natural Gas

Implementation of the proposed project would increase the demand for natural gas at the project site. The estimated demand is approximately 19,475 cubic feet (cf) per day.

As the proposed project would be consistent with the land uses and zoning provided within the City's General Plan and Planning and Zoning Code, the proposed project's natural gas supply needs would be accommodated within natural gas supply projections for the region. Further, the proposed project would be subject to the State Energy Conservation Standards contained in Title 24 of the CCR. With modern energy efficient construction materials, the proposed project would be consistent with the City's energy conservation standards also helping to reduce demand for natural gas. As such, impacts on natural gas supplies as a result of the operation of the proposed project would be less than significant.

Southern California Gas Company (SCG) has indicated that the proposed project's demand for natural gas could be served via current infrastructure, and no improvements or additions to SCG's off-site distribution system would be needed. SCG undertakes expansion and/or modification of the natural gas infrastructure to serve future growth within its service area as part of the normal process of providing service. Impacts to the distribution infrastructure would

be addressed through this process. As such, impacts associated with the natural gas distribution infrastructure would be less than significant.

The Applicant meet LEED certification compliance standards from USGBC. The proposed project could incorporate gas absorption chillers, renewable energy such as solar power, on-site generation systems, energy efficient equipment, and energy efficient appliances that would maximize building efficiency beyond the Title 24 requirements.

The proposed project shall include all gas service lines required for the new gas meters. The following measures shall be incorporated as part of the project design:

- The Applicant or its successor shall comply with State Energy Conservation Standards for New Residential and Non-Residential Buildings (Title 24, Part 6, Article 2, California Administrative Code, 2008) and exceed Title 24, Part 6, Article 2, California Administrative Code, 2005 by 15 percent.
- The Applicant or its successor shall install energy efficient heating and cooling systems, appliances (e.g., Energy Star®), equipment, and control systems.
- The Applicant or its successor shall specify low-flow water-usage fixtures, reducing water consumption and water heating fuel (natural gas).
- The Applicant or its successor shall use energy-efficient pumps and motors for, waste and storm water conveyance, fire water, and domestic water.
- The Applicant or its successor shall commit to LEED certification. Several potential energy conservation technologies and methods may include Enhanced Commissioning, Measurement & Verification, solar power, gas absorption chillers, and on-site generation systems.

Because no significant impacts related to natural gas supply and infrastructure have been identified, no mitigation measures are required.

Traffic/Transportation/Parking (Transit System Capacity, Bicycle, Pedestrian and Vehicular Safety and Parking)

As reported by Metro, during the weekday peak period from 3:00 p.m. to 7:00 p.m. the bus load for the 77 buses stopping at Sunset Boulevard and Western Avenue was 1,811 passengers, an average of 23.5 people per bus. With a bus capacity of approximately 38-40 person/bus, this peak period calculation shows that sufficient capacity for the 142 new person trips estimated to use transit during the evening peak hour.

No designated bike lanes are located near the project site. With implementation of the safety measures (such as easy pedestrian flow and caution signage for bicyclists, pedestrians and drivers installed near driveways and access points), potential bicycle, pedestrian, and vehicular conflicts would be minimized, and impacts would be less than significant.

Parking for the proposed project would be provided in a parking structure comprised of two levels of parking. The required parking ratio of the Los Angeles Municipal Code (LAMC) is two parking spaces per 1,000 square feet of retail or restaurant uses or approximately 386 spaces based on the proposed net floor area. The project proposes 458 parking stalls, which exceeds this requirement by 72 parking spaces. Furthermore, the SNAP would limit the proposed project

to 386 parking spaces. Therefore, the proposed project necessitates a Specific Plan Exception to allow for the additional 72 parking spaces.

The proposed mitigation measure listed below is recommended to minimize the potential conflicts between construction activities, street traffic, transit stops, and pedestrians.

MM IV.C-1 Prior to the issuance of construction permits, the applicant shall prepare Work Area Traffic Control Plans that, at a minimum, shall include:

- Identification of a designated haul route to be used by construction trucks;
- Provide an estimate of the number to trucks trips and anticipated trips;
- Identification of traffic control procedures, emergency access provisions, and construction alternative crew parking locations;
- Identification of the on-site location of vehicle and equipment staging;
- Provide a schedule of construction activities;
- Limitations on any potential lane closures to off-peak travel periods;
- Scheduling the delivery of construction materials during non-peak travel periods, to the extent possible;
- Coordinating deliveries to reduce the potential of trucks waiting to unload building materials; and
- Prohibiting parking by construction workers on neighborhood streets as determined in conjunction with City staff.
- At least one lane in each direction shall be maintained at all times on St. Andrews Place for the duration of construction of the proposed project.
- Pedestrian access and circulation shall be maintained at all times on the west side of St. Andrews Place for the duration of construction of the proposed project.
- In the event of a lane closure, a Work Area Traffic Control Plan approved by LADOT shall be implemented to route traffic around any such lane closures.
- The Construction Management Plan shall be implemented with oversight from an independent mitigation monitor.
- The project applicant shall provide a community liaison during construction to address traffic concerns at the project site. The name and contact information for the community liaison shall be posted in a location onsite visible to the public.
- The project applicant shall coordinate with the Metro Bus Operations Control Special Events Coordinator regarding temporary relocation during construction of bus stops located adjacent to the project site and any other issues that could affect bus service in the vicinity of the project site during construction. The project applicant shall coordinate with other municipal bus operators, if any, that utilize the same bus stops.

Greenhouse Gases/Global Climate Change

The net increase in emissions generated by the proposed project is approximately 0.00253 percent of the 2004 statewide emission level.

The proposed project would be consistent with all feasible and applicable recommended measures of Air Resource Board (ARB) Scoping Plan to reduce greenhouse gas emissions in California. Therefore, the impact of the proposed project would be less than significant with regard to greenhouse gas emissions.

The proposed project would meet LEED certification compliance standards. Specific measures to be incorporated into the project include:

- Recycling of concrete and cardboard waste generated during construction;
- Installation of a “cool white roof” that reflects the sun’s heat and reduces urban heat island effect;
- Use of recycled construction materials, including recycled steel framing, crushed-concrete sub-base in parking lots, fly ash-based concrete and recycled content in joists and joist girders;
- Use of locally (within 500 miles) manufactured construction materials, where possible;
- Use of wood certified by the Forest Stewardship Council for construction purposes;
- Central tracking of waste compactor loads, ensuring that compactors are full thereby reducing trips to landfills;
- Implementation of active management to reuse and recycle plastic garment hangers;
- Implementation of a store-based cardboard recycling program, managed in coordination with distribution centers;
- Recycle electronic waste generated through returned products and replacement of company-owned electronics;
- Refurbish and reuse broken shopping carts through centralized program;
- Implementation of merchandise salvage program, partner stores with charities or national vendors to liquidate unsold products;
- Implementation of vendor return program for overstock, substandard quality or damaged merchandise;
- Partner with America's Second Harvest to redistribute unsold food items;
- Implementation of a centrally managed program to redeploy, donate or resell used corporate assets such as food service equipment, store fixtures, forklifts, semi-trailers, technology equipment and security equipment;
- Use of energy efficient lighting including the use of T8 fluorescent lamps and electronic ballasts, motion-sensor lighting in stockrooms, and light-emitting diodes (LED) for exterior signage;
- Implementation of store-based integrated energy-management system controlling lighting, refrigeration, heating and cool equipment and exhaust fans;

- Use of low-impact development measures using innovative design to filter and infiltrate stormwater runoff and reduce water sent to sewer systems.

No mitigation measures are required.

b. Impacts Found to be Less-Than-Significant After Mitigation

The EIR found that impacts would be less than significant after mitigation for the following areas:

Biological Resources

Based on review of available background information pertaining to the biological resources in the vicinity of the project site, migratory birds are the only sensitive species identified that have potential to occur on the site, although the potential is considered to be low. No other sensitive plant or animal species have the potential to occur on the project site because the site and the surrounding area are located in a highly urbanized area and lack the habitats that typically support these species, such as woodland/forest, dune, salt- and fresh-water marsh, riparian, sage scrub, and/or aquatic habitats.

The existing landscaping trees on and adjacent to the site may serve as stopovers and nesting places for migratory birds, as some of these species are known to occur in urbanized areas. The Migratory Bird Treaty Act (MBTA) is administered by the USFWS and protects most migratory bird species in the United States (includes species that are [1] native *and* [2], belong to families, groups, or species covered by conventions implemented by the MBTA [50 CFR 10.13]), providing that it is unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg of any such bird, unless authorized under a permit issued by the Secretary of the Interior. Removal of the mature trees along Western Boulevard (or any other trees for project development) could result in mortality, injury, or disturbance of nesting birds, if present. The nesting season is a critical period for the maintenance of bird populations and the physical removal or harm to nests, or disturbance activities that cause birds to abandon an active nest would be in violation of the MBTA, if the species is protected under the MBTA, and would be considered a significant impact in this analysis.

The following mitigation measure would avoid adverse effects to nesting birds. Following implementation of the recommended mitigation measure, environmental impacts to nesting birds would be less than significant.

MM IV.A.1 Conduct tree removal activities associated with project development during the non-breeding season (in general, September 1st through January 31st);
OR

Conduct pre-construction surveys for nesting birds if tree removal activities are to take place during the nesting season (in general, February 1st through August 31st). Pre-construction surveys shall be conducted by a qualified biologist no more than three days prior to the initiation of tree removal activities to confirm presence or absence of active nests. If tree removal activities are delayed, then additional pre-construction surveys shall be conducted such that no more than three days will have lapsed between the survey and tree removal activities.

If no active nests are encountered, no further mitigation would be required following submittal of a survey results letter to the City of Los Angeles. However, if active nests are encountered, species-specific measures shall be prepared by a qualified biologist in coordination with the CDFG and other appropriate agencies, and implemented to prevent the direct loss or abandonment of the active nest.

Cultural Resources

A substantial adverse change in the significance of an historic resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Section 15064.5 of the State CEQA guidelines defines an historical resource as: 1) a resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources; 2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code; or 3) an object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record. To be eligible for listing, a property must be at least 50 years of age. Resources less than 50 years of age may be eligible for the California Register if it can be demonstrated that sufficient time has passed to understand their historical importance.

As discussed in the *Initial Historic Survey of APN No. 5544029011 (Sunset Boulevard and Western Avenue)* memorandum prepared on October 4, 2007 by Christopher A. Joseph & Associates, included in Appendix IV.A-2 of the EIR, an inspection of the project site and project area was completed to determine if the proposed project has the potential to impact historic resources. The site is currently occupied by a surface parking lot and four vacant commercial buildings. Building permit and tax assessor records indicate that the buildings on-site were all constructed in 1973. Therefore, the buildings on the project site are ineligible for historic designation at the federal, state, or local level because all are less than 50 years old and possess no apparent architectural or historical significance. As such, no buildings on the project site are historic resources subject to CEQA.

Additionally, a review was completed of inventories on local, state, and national landmarks to identify potential historic resources in the project area. The California Inventory of Historic Resources (CHRIS) was consulted to identify potential historic resources in the project area. The CHRIS includes properties listed and determined eligible for listing in the National Register of Historic Places, listed and determined eligible for listing in the California Register of Historical Resources, California Registered Historical Landmarks, Points of Historical Interest, as well as properties that have been evaluated in historic resource surveys and other planning activities. Hollywood was most recently surveyed for historic resources in 2003 as a part of the Hollywood Redevelopment Plan Update, although the results of the survey were not included in the CHRIS. No potential or listed historic resources were identified adjacent to the project site. Potential historic resources in the area include the following:

- 1367 and 1370 St. Andrews Place (The Assistance League of Southern California), located across the street from the project site, south of De Longpre Avenue, are not listed in the CHRIS, but were evaluated in the Hollywood Community Redevelopment Area Update Survey of 2003 as "5S1", indicating the buildings are ineligible for listing in

the National Register, but may be eligible for listing under a local ordinance. The buildings are not; however, actually designated as City of Los Angeles Historical-Cultural Monuments.

- St. Andrews Bungalow Court, located at 1513-1544 St. Andrews Place, is listed on the National Register of Historic Places. The Bungalow Court is across Sunset Boulevard from the project site, and slightly north on St. Andrews Place. This site is separated from the project site by commercial development on the north side of Sunset Boulevard, and by the Sunset Boulevard roadway. Within the densely urbanized area of East Hollywood, the Bungalow Court is not considered in the immediate vicinity of the project site.
- 1524 Western Avenue is listed as a “5S2” in the CHRIS. This code indicates the property is individually eligible for local listing. 1528 and 1545 Western Avenue are listed in the CHRIS as “6Y”, indicating the properties were determined ineligible for listing in the National Register through Section 106 process, but the properties have not been evaluated for listing in the California Register or in a local register. These addresses are located northeast of the project site on Western Avenue, and are not considered in the immediate vicinity of the project site.
- 1500-1600 Serrano Avenue is listed in the CHRIS as a “2D2” indicated the street has been formally determined eligible for the National Register. However, the subject block of Serrano Avenue is located one block east of the project site on Sunset Boulevard, and is not considered in the immediate vicinity of the project site.
- 5208 Sunset Boulevard is listed in the CHRIS as a “5S2”, indicating the property is individually eligible for local listing. However, the subject potential historic resource is located four blocks east of the project site on Sunset Boulevard, and is not considered in the immediate vicinity of the project site.

There is no potential for the proposed project to impact any of the aforementioned historic resources or potential historic resources. Most are in the general vicinity, but not directly adjacent to the project site. The nearest potential historic resources are located across the street from the project site and are the buildings associated with the Assistance League at 1367 and 1370 St. Andrews Place; however, their potential eligibility for designation under the local ordinance would not be affected by the proposed project. They are not a part of the proposed project and would not be demolished, altered, or moved as a result of implementation the project. Their setting would not be significantly altered as the proposed project is replacing an existing shopping center. As such, impacts would be less than significant.

Section 15064.5 of the State CEQA Guidelines defines significant archaeological resources as resources, which meet the criteria for historical resources, as discussed above, or which constitute unique archaeological resources. A significant impact could occur if the proposed project were to affect archaeological resources that fall under either of these categories.

Based on a review of City of Los Angeles Environmental Hazard Maps, the project site and immediately surrounding areas do not contain any known archaeological sites or archaeological survey areas. In addition, the proposed project is located in a highly urbanized area of the City of Los Angeles and has been subject to past disturbance, including the construction of existing on-site commercial areas. Any archaeological resources that may have existed near the site surface are likely to have been disturbed or previously removed. However, the possibility remains that underlying archeological artifacts may be present that were not recovered during prior construction or other human activity. While the uncovering of notable resources is not anticipated, the following mitigation measure is included to ensure that any potential impact in

the event of discovery of a previously unknown archaeological resource is reduced to a less than significant level. Thus, it is anticipated that via compliance with existing regulations and the implementation of the identified mitigation measure, the proposed project impacts on any previously undiscovered archaeological resources would be less than significant.

MM IV.A-2 If unknown archaeological materials are discovered during any grading or construction activity, work in the affected area shall stop and the contractor shall immediately notify the Applicant and the City of Los Angeles. An archaeologist shall be consulted to determine the significance of the discovered artifact(s) and, if necessary, formulate a mitigation plan. Work can resume in the affected area, only with the approval of the archaeologist.

No unique geologic features are located on the project site, which is entirely developed with existing commercial uses and associated parking. Based on a review of City of Los Angeles Environmental Hazard Maps, the project site and immediate surrounding areas do not contain any known vertebrate paleontological resources. However, the possibility remains that underlying paleontological artifacts that were not recovered during prior construction or other human activity may be present. As a result, the proposed project could uncover a unique paleontological resource or unique geologic feature. While the uncovering of notable resources is not anticipated, to be conservative, the following mitigation measure is proposed. It is anticipated that via compliance with existing regulations and the implementation of the identified mitigation measure below, project impacts to any previously undiscovered paleontological resources would be less than significant. Additionally, no unique geologic features are anticipated to be encountered during project construction. Therefore, the proposed project would not directly or indirectly destroy a unique geologic feature and no impacts would occur.

MM IV.A-3 If paleontological materials are discovered during any grading or construction activity, work in the affected area shall stop and the contractor shall immediately notify the Applicant and the City of Los Angeles. A paleontologist shall be consulted to determine the significance of the discovered fossil materials and, if necessary, formulate a mitigation plan. Work can resume in the affected area, only with the approval of the paleontologist.

Although no human remains are known to have been found on the project site, it is possible that unknown resources could be encountered during project construction, particularly during ground-disturbing activities such as excavation and grading. However, as required by state law, if human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of Los Angeles Public Works Department and County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission shall be notified within 24 hours, and the guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. Through compliance with these established procedures, project impacts to unknown human remains would be less than significant.

Geology and Soils

Based on the available geologic data, active or potentially active faults with the potential for surface fault rupture are not known to be located beneath or projecting toward the project site. The potential for surface rupture at the project site due to fault plane displacement propagating

to the ground surface during the operation of the proposed project is considered low, and no significant impacts related to seismic fault rupture would occur.

The project site is located in a seismically active region, and future users on the project site would be exposed to seismic groundshaking. However, the proposed construction would be consistent with all applicable provisions of the City of Los Angeles Building Code and the recommendations of the Geotechnical Study. Therefore, risks from seismic groundshaking would be less than significant.

The proposed project would include the export of up to 8,000 cubic yards of material from the project site. Due to the temporary nature of the soil exposure during the grading and excavation processes, substantial erosion would not occur. The project site is relatively flat and excavation of the project site would be limited to that necessary for the installation of foundations and utilities. All grading activities require grading permits and haul route approval from the Los Angeles Department of Building and Safety, which include requirements and standards designed to limit potential impacts to acceptable levels. In addition, on-site grading and site preparation must comply with all applicable provisions of Chapter IX, Division 70 of the LAMC, which addresses grading, excavations, and fills.

The majority of the area surrounding the project site is completely developed and would not be susceptible to indirect erosional processes (e.g., uncontrolled runoff) caused by the proposed project. During construction, the proposed project would be required to prevent the transport of sediments from the project site by stormwater runoff and winds through the use of appropriate Best Management Practices (BMPs). These BMPs will be detailed in a Stormwater Pollution Prevent Program (SWPPP), which must be acceptable to the City Engineer and in compliance with the latest National Pollutant Discharge Elimination System (NPDES) Stormwater Regulations. With implementation of the applicable grading and building permit requirements and the implementation of applicable BMPs, less-than-significant impacts would occur related to erosion or loss of topsoil.

As the project site has been previously graded and improved, the presence of topsoil is not anticipated. The proposed project would develop the project site with pervious and impervious surfaces including structures, paved areas, and landscaping. As such, the proposed project would not leave soils exposed at the project site or substantially increase the rate and amount of erosion occurring at the project site. Therefore, operational impacts related to erosion and the loss of topsoil would be less than significant.

Subsurface soils encountered were not subject to liquefaction below the groundwater elevation. With respect to lateral spreading, the proposed project would comply with existing regulations, and would implement all site-specific requirements identified in the Geotechnical Study. Thus, risks associated with liquefaction/lateral spreading during operation of the proposed project would not occur. Therefore, impacts associated with liquefaction or lateral spreading would be less than significant.

Additionally, seismic settlement can occur in saturated and unsaturated, loose, and unconsolidated materials. The proposed project would implement all of the site-specific requirements identified in the Geotechnical Study. With incorporation of these site-specific requirements, seismic settlement impacts would be less than significant.

The project site is not located in a potential tsunami zone. Therefore, impacts related to tsunami would be less than significant.

The project site is not located downslope of any large bodies of water that could adversely affect the project site in the event of earthquake-induced dam failures or seiches. Therefore, impacts related to inundation as a result of seiche or breached upgradient reservoir would be less than significant.

The project site is not located in a mapped 100-year or 500-year flood plain. As such, impacts related to a 100-year or 500-year flood upon the project site would be less than significant.

Groundwater and petroleum are not currently being extracted from the project site and would not be extracted as part of the proposed project. Thus, subsidence as a result of such activities would not occur. Therefore, impacts associated with subsidence would be less than significant.

Because the project site has an expansion index of 80, which exceeds the expansion index of 20 identified by the UBC, the proposed project would utilize alternate foundation systems such as drilled pier and gradebeam systems or driven piles and structural gradebeam systems. With compliance with the Los Angeles Building Code and implementation of all site-specific requirements identified in the Geotechnical Study, impacts associated with expansive soils would be less than significant.

With implementation of the mitigation measure, project impacts with regard to geology and soils would be less than significant.

MM IV.D-1 The proposed project shall be designed and constructed in accordance with the recommendations provided in a full Geotechnical Study, which shall be approved by the Department of Building and Safety prior to issuance of building and grading permits.

Environmental Hazards and Safety

Construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, State, and federal regulations governing such activities. Impacts would be less than significant.

Due to the retail nature of the proposed project, a variety of products would be transported to and exist on site to be offered for sale. Such products would only be considered hazardous if used inappropriately or if exposed to unfavorable conditions. Furthermore, materials would be used for facility upkeep that could be considered hazardous if used inappropriately. However, all potentially hazardous materials transported, stored, offered for sale, or used on site for daily upkeep would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Therefore, project impacts related to this issue would be less than significant.

The Phase I site assessment identified the following historical on- and off-site land uses that have the potential to significantly impact the proposed project site (i.e., recognized environmental conditions):

- Former on-site oil house, paint house and laboratory used for film developing, printing, polishing, cutting, and drying;
- Former on-site clothing cleaner;
- Off-site post office, which is the location of a closed Underground Storage Tank (UST) release; and
- Historical off-site gasoline stations, automobile repair facilities and clothing cleaners/dyers located to the north, east and west of the project site.

Implementation of Mitigation Measure IV.E-1 would address these potential conditions to ensure that conditions of contamination on the project site would not expose workers and visitors to the site to adverse conditions related to potential site contamination.

No UST's are not located directly on site. Therefore, impacts associated with risk of upset of USTs and Aboveground Storage Tanks (ASTs) would be less than significant.

The existing structures and facilities on-site may contain Asbestos-Containing Materials (ACMs). Prior to the demolition of these structures and facilities, Mitigation Measure IV.E-2 would be implemented. Therefore, significant impacts associated with an exposure to ACMs during construction would be less than significant.

The existing structures and facilities on-site may contain Lead Based Paint (LBP). Prior to the demolition of these structures and facilities, Mitigation Measure IV.E-2 would be implemented. Therefore, significant impacts associated with an exposure to LBP during construction would be less than significant.

There are no other schools within 0.25 miles of the project site. However, the Assistance League of Southern California's Learning Center for Young Children and Children's Club is also located within 0.25 miles of the project site. As the proposed project will comply with all standards, regulations, good housekeeping practices, and mitigation measures, it is not anticipated to emit any hazardous emissions during construction or operation. Therefore, impacts would be less than significant.

The project site is not located within the boundaries of an airport land use plan and would not result in a safety hazard for people residing or working in the project area. Furthermore, the Federal Aviation Administration (FAA) has established an advisory circular with regards to safety concerns associated with the construction of high-rise buildings since such buildings may present a hazard to aircraft operations. The finished height of the proposed project building would be approximately 74 feet above ground with architectural features extending to 84 feet, which would not exceed this requirement. Therefore, no impact would occur.

According to the Safety Element of the City of Los Angeles General Plan, Sunset Boulevard and Western Avenue in the project vicinity are designated disaster routes. Although the project site is situated in the vicinity of these streets, neither the construction nor the operation of the proposed project would require or result in modifications to either roadway that would impact emergency traffic. Implementation of Construction Staging and Traffic Management Plan described in Section IV.J-1, Police, and compliance with access standards would reduce the potential for the impacts on emergency response during construction of the project. While the proposed project is anticipated to affect vehicle/capacity ratios and the level of service of

roadways in the project vicinity, the implementation of project-specific intersection and roadway improvements would mitigate all potentially significant impacts based on LADOT's established methodology and significance thresholds. However, under the conservative analysis set forth in Section IV.C of this EIR, traffic conditions would not be mitigated to less than significant levels for two intersections. These effects could potentially affect response times in the area during project operation. This impact is not considered significant since emergency response times would not be substantially affected given that there would be significant traffic impacts at limited locations (and only under very conservative assumptions), and given the availability of alternative routes within the street pattern in the area surrounding the project site. Therefore, construction and operation of the project is not anticipated to significantly impair implementation of, or physically interfere with, any adopted or on-site emergency response or evacuation plans or a local, state, or federal agency's emergency evacuation plan, and the project would have a less than significant impact with respect to these issues.

The project site is located in a highly urbanized area of the City of Los Angeles and is not subject to wildland fires. Therefore, no impact from wildland fires would occur.

With the implementation of mitigation measures, impacts related to hazards and hazardous materials would be less than significant.

MM IV.E-1 In the event that excavation or grading activity on the project site reveals discolored soil or the equipment operator detects odors or fumes emanating from the soil, earth disturbance activity shall cease and an assessment of the soil shall be conducted at the site to evaluate the potential presence of subsurface contamination as a result of historical on-site uses and proximal off-site facilities that may have impacted the soil, soil vapor, and/or groundwater beneath the site. If environmental conditions exceeding regulatory requirements are identified, remediation shall be accomplished to the satisfaction of the appropriate regulatory agency(ies) shall be completed before earth-disturbing activities may resume.

MM IV.E-2 The Applicant shall conduct ACM and LBP surveys on all buildings and associated infrastructure scheduled for demolition. If asbestos and/or lead-based paint are detected, they shall be abated and removed in accordance with all applicable federal, state, and local regulations and in accordance with SCAQMD regulations.

Hydrology and Water Quality

The total peak stormwater discharge at the downstream outlet tributary to the project site is 10.30 cubic feet per second (cfs) for both the existing and the proposed condition during the 25-year storm event and 11.72 cfs for both the existing and the proposed condition during the 50-year storm event. As runoff levels resulting from buildout of the proposed project are anticipated to be the same as under existing conditions, detention basins will not be required. As such, the existing municipal storm drain system will be able to accommodate the flows generated under the proposed project. Therefore, impacts to existing storm drain system capacity resulting from buildout of the proposed project would be less than significant.

The drainage pattern would be designed to connect to the existing stormwater infrastructure and would be equipped with a storm water quality treatment system comprised of Filterra Biofiltration Units. Appropriate catch basins to retain rainfall during a storm event and debris filters would be installed at strategic locations in accordance with the SWPPP, which is a mandatory

requirement under the NPDES permitting process. Because the proposed project would not increase the amount of impervious surfaces at the site, the amount of runoff from the site would not increase under the proposed project. Therefore, upon project buildout, potential erosion of the project site would be roughly the same as under current conditions because new development under the proposed project would also cover the project site with primarily impervious surfaces. Thus, development of the project site would not result in significant impacts related to surface water runoff.

The project site would not be susceptible to tsunamis due to its location at approximately 14 miles east of the Pacific Ocean. Therefore, the project site would not be susceptible to tsunamis.

There are no large bodies of water in the immediate vicinity of the project site. Therefore, the project site would not be susceptible to seiches.

The project site is not located within a 100-year or 500-year flood hazard area as mapped on a FEMA FIRM or other flood hazard delineation map. Therefore, the future development of the project site would not result in or expose people or structures to flooding resulting from the failure of a levee or dam. Impacts related to seismic induced tidal phenomena and flooding would be less than significant.

Groundwater was encountered in test borings drilled at the time of a field investigation in 2006 at depths of 44 feet below grade level. Historic high groundwater at the project site is reported to be between 40 and 50 feet in depth. The development of the project site may include minimal excavation for site preparation (less than 10 feet bgs). Because excavation activities would terminate above the likely groundwater table, excavation activities would not result in the alteration of groundwater flows beneath the project site. As such, the proposed project would not result in significant impacts related to the availability of groundwater and would not result in the alteration of groundwater flows. Therefore, impacts would be less than significant.

During project construction, a temporary alteration of the existing on-site drainage pattern may occur. However, these changes would not result in substantial erosion or siltation due to stringent controls imposed via NPDES, SWPPP, and SUSMP regulations. With implementation of the required BMPs and the mitigation measures, short-term impacts on water quality from construction materials would be less than significant.

Grading activities can greatly increase erosion processes, which would generate a potentially significant impact to water quality. However, the SWPPP BMPs are required to prevent construction silt from entering the municipal storm drain system. With implementation of the required BMPs, and the mitigation measures, short-term impacts on water quality from site grading would be less than significant.

Poorly maintained vehicles and heavy equipment that leak fuel, oil antifreeze, or other fluids on the construction site are also common sources of stormwater pollution and soil contamination, which would generate a potentially significant impact to water quality. However, SWPPP BMPs are required to prevent construction silt from entering the municipal storm drain system. With the implementation of the required BMPs, short-term impacts on water quality from equipment maintenance would be less than significant.

If not properly designed and constructed, the proposed development could increase the rate of urban pollutant introduction into the municipal storm drain system. In order to prevent these potential impacts, the proposed project would be designed in compliance with: 1) Section 402(p) of the Federal Water Pollution Control Act, or Clean Water Act (CWA); 2) Order No. 01-182 of the RWQCB, which regulates the issuance of waste discharge requirements to Los Angeles County; 3) the County of Los Angeles SUSMP; and 4) the LAMC. Runoff from the exposed portions of the project's driveway would be intercepted by a filtered trench drain device before outletting to the street, while water from the building roof would be directed to a series of downspouts and routed through inline downspout filter devices, with NPDES planter devices utilized prior to discharge off-site.

In compliance with the SUSMP requirements, the proposed development would provide for the treatment/filtration of on-site stormwater runoff before it enters the public stormwater conveyance system, in order to minimize the introduction of pollutants of concern. As required by the SUSMP, detailed plans for the project site's compliance with the SUSMP would be submitted to the City as part of the development plan approval process prior to issuance of building and grading permits. With compliance with the SUSMP requirements, the proposed project's operational impacts on stormwater quality would be less than significant.

The project site would be required to comply with the City's Urban Runoff Ordinance, which outlines practices for all developments in the City and runoff control requirements for all new development. With implementation of the mitigation measures, impacts on water quality would be reduced to a level of less than significant.

With the implementation of mitigation measures, impacts related to hydrology and water quality would be less than significant.

MM IV.F-1 The proposed project shall be designed and constructed in accordance with the recommendations provided in the geotechnical report (Appendix IV.D-1 of the Draft EIR, which may be modified, if necessary as part of final project design). The geotechnical study shall be approved by the Department of Building and Safety prior to issuance of building and grading permits.

MM IV.F-2 The applicant shall maintain all structural or treatment control BMPs for the life of the project.

MM IV.F-3 All earthwork on the project site shall be performed in accordance with the requirements of the City of Los Angeles Building and Safety, the City of Los Angeles Civil Engineer of Record, and the Storm Water Pollution Prevention Program.

MM IV.F-4 The proposed project shall implement all SWPPP BMPs listed in Section 3.B.III.1.a of the Hydrology and Water Quality Chapter of the Draft EIR.

MM IV.F-5 All waste shall be disposed of properly. Use appropriately labeled recycling bins to recycle construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and vegetation. Non-recyclable materials/wastes shall be taken to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

MM IV.F-6 Leaks, drips, and spills shall be cleaned up immediately to prevent contaminated soil on paved surfaces that can be washed away into the storm drains.

MM IV.F-7 Shall not hose down pavement at material spills. Dry cleanup methods shall be used whenever possible.

MM IV.F-8 Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.

MM IV.F-9 Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.

MM IV.F-10 All vehicle/equipment maintenance, repair, and washing shall be conducted away from storm drains. All major repairs shall be conducted off-site. Drip pans or drop cloths shall be used to catch drips and spills.

MM IV.F-11 Project applicant(s) are required to implement stormwater BMPs to retain or treat the runoff from a storm event producing $\frac{3}{4}$ inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook Part B Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard is required.

MM IV.F-12 Post development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rates for developments where increased peak stormwater discharge rate will result in increased potential for downstream erosion.

MM IV.F-13 Provide trees and other vegetation at the project site in accordance with SNAP requirements.

MM IV.F-14 Any connection to the sanitary sewer must have authorization from the Bureau of Sanitation.

MM IV.F-15 Any toxic wastes must be discarded at a licensed regulated disposal site. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Use drip pans or absorbent materials whenever grease containers are emptied. Wash containers in an area with properly connected sanitary sewer.

MM IV.F-16 Reduce and recycle wastes, including: paper, glass, aluminum, oil, and grease.

MM IV.F-17 Reduce the use of hazardous materials and waste by: using detergent-based or water-based cleaning systems; and avoid chlorinated compounds, petroleum distillates, phenols, and formaldehyde.

MM IV.F-18 Utilize natural drainage systems to the maximum extent practicable.

MM IV.F-19 Control or reduce or eliminate flow to natural drainage systems to the maximum extent practicable.

MM IV.F-20 Protect slopes and channels and reduce run-off velocities by complying with Chapter IX, Division 70 of the Los Angeles Municipal Code and utilizing vegetation (grass, shrubs, vines, ground covers, and trees) to provide long-term stabilization of soil.

MM IV.F-21 All storm drains inlets and catch basins within the project area must be stenciled with prohibitive language (such as "NO DUMPING – DRAINS TO OCEAN") and/or graphical icons to discourage illegal dumping.

MM IV.F-22 Signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, must be posted at public access points along channels and creeks with the project area.

MM IV.F-23 Legibility of stencils and signs must be maintained.

MM IV.F-24 Materials with the potential to contaminate stormwater must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar stormwater conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.

MM IV.F-25 The storage area must be paved and sufficiently impervious to contain leaks and spills.

MM IV.F-26 The storage area must have a roof or awning to minimize collection of stormwater within the secondary containment area.

MM IV.F-27 The owner(s) of the properties will prepare and execute covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the owners to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and/or per manufacturer's instructions.

MM IV.F-28 Store trash dumpsters both under cover and with drains routed to the sanitary sewer or use non-leaking and water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.

MM IV.F-29 Incorporate appropriate erosion control and drainage devices, such as interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Building Code. Protect outlets of culverts, conduits, or channels from erosion by discharge velocities by installing a rock outlet protection. Rock outlet protection is a physical device composed of rock, grouted riprap, or a concrete rubble placed at the outlet of a pipe. Install sediment traps below the pipe-outlet. Inspect, repair, and maintain the outlet protection after each significant rain.

Noise (Construction Vibration)

The existing off-site sensitive uses could be exposed to groundborne vibration levels ranging from 69.4 VdB at the multi-family residences located approximately 300 feet to the north of the project site and up to 82.4 VdB at the Learning Center for Children facility located approximately 100 feet to the southwest of the project site. Overall, the residential uses to the north and northeast of the project site would be exposed to vibration levels that would not exceed the Federal Railway Administration's (FRA) threshold of 72 VdB for residential uses where people normally sleep. However, vibration levels could periodically exceed the FRA's threshold of 75 VdB for institutional uses, as these levels may reach as high as 82.4 VdB during the site demolition and grading phases, which would be the most vibration-intensive phases of project construction, at the Learning Center for Young Children. As such, the vibration impact at the Learning Center for Children would be significant.

The proposed project would increase noise levels by less than the 3.0 dBA threshold of audibility at all locations except for the roadway segment of De Longpre Avenue, west of Western Avenue. The proposed project would increase local noise levels at this segment by a maximum of 4.2 dBA CNEL. The resulting noise level of 60.7 dBA CNEL including project traffic

would be below the normally unacceptable level of 70 dBA for residential and institutional uses established by the State Department of Health Services. As such, under the threshold established by the *L.A. CEQA Thresholds Guide*, a significant impact would not occur unless the project resulted in an increase of 5.0 dBA or more. Therefore, this impact would be less than significant.

Implementation of Mitigation Measure IV.H-10 would serve to reduce the vibration levels associated with development of the project site to a less than significant level.

MM IV.H-1 Existing structure demolition and grading using large bulldozers shall not be permitted within 150 feet of the Learning Center for Young Children except after 4:00 p.m. Monday through Friday or anytime on Saturday.

Traffic/Transportation/Parking (Construction Traffic)

It is assumed that the construction worker traffic would be before the morning commute and during the peak afternoon commute hours. It is estimated that during the construction period an average of 50 workers would be on-site with a peak of up to 125 workers. The prior pharmacy use is estimated to generate 193 afternoon peak hour trips with 96 outbound trips. The estimated peak outbound traffic load generated by the construction workers would be 125 outbound trips, assuming all workers leave in the same hour and zero carpooling occurs, which are very conservative assumptions. However, even under these conservative assumptions, the 29 additional outbound trips would not add significant traffic to the street system. Therefore, traffic from construction workers is not expected to create a significant impact on the street system.

Based on the export quantities and demolition schedule the average haul traffic would be 30-32 truck loads per day or 60-64 truck trips per day. On an average hourly basis spread over a 10-hour day, these trips would equal to approximately 3-4 loads per hour or 7-8 truck trips per hour. Assuming a passenger car equivalency factor of 3.0 (PCE), this level of truck traffic would be equivalent to 21 – 24 passenger car trips per hour. This level of traffic from truck hauling is not expected to result in a significant traffic impact on the street system.

The project applicant would be required to submit formal construction staging and traffic control plans for review and approval by the local agency prior to the issuance of any construction permits. A Work Area Traffic Control Plan will be developed for use during the entire construction period. Therefore, the traffic impacts associated with the construction activities will not have long-term adverse impacts, and as such, will be less than significant.

No project design features related to traffic/transportation/parking are proposed.

c. Impacts found to be Significant, Unavoidable After Mitigation

EIR mitigation measures, project design features and conditions of approval imposed by the City on the proposed project will either avoid or provide substantial mitigation of the proposed project's identified significant environmental effects, however, certain environmental effects cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with CEQA Guideline 15093, a Statement of Overriding Considerations has been prepared to substantiate the City's decision to accept these unavoidable significant effects when balanced against the significant benefits afforded by the proposed project. The EIR found that impacts would be significant, unavoidable after mitigation to the following areas:

Aesthetics (View Obstruction)

Description of Significant Effects. The EIR concluded that the implementation of the proposed project would generate significant and unavoidable cumulative impacts relating to Aesthetics – View Obstruction.

The following facts indicate that the significant project impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

The proposed project's location, height, scale, and architectural features are generally compatible with existing and planned development for the Hollywood Community Plan Area, and the provisions of the Vermont/Western SNAP, which allows a height of 75 feet for mixed-use structures. The project is seeking an exception from the Vermont/Western Specific Plan's height limit of 35 feet for commercial-only projects, since the height is outside the range of what is allowed for commercial-only projects. However the project's overall height of 74'-4" is not outside the range of what is allowed for mixed-use projects under the Vermont/Western SNAP.

Depending on a viewer's specific location, implementation of the proposed 74-foot and 4-inch tall retail center building would obstruct some of the intermittent public views of the Hollywood Hills and the HOLLYWOOD sign that are presently available to cars and pedestrians traveling northbound on Western Avenue. These views are presently blocked from some locations by existing buildings. The proposed project would introduce a new building that would block view lines through the project site from moving cars and pedestrians that would incrementally reduce the visibility of these visual resources.

Public views from the sidewalk in front of the Covenant House building looking north across the existing parking lot towards the Hollywood Hills and the HOLLYWOOD sign would be obstructed as a result of this proposed project. The views of the Hollywood Hills would be obstructed for less than half a block and they would be visible a short distance away at the corner of Western Avenue and Fernwood Avenue. From distant vantage points, the proposed project would not block a substantial portion of the expanse of potential views of the Hollywood Hills and the HOLLYWOOD sign. There are no significant view resources available while traveling southbound on Western Avenue or St. Andrews Place. Nonetheless, this analysis conservatively concludes that the intermittent reduction in visual access to the Hollywood Hills and HOLLYWOOD sign from limited locations along Western Avenue would be significant.

Other than reducing the height of the proposed building on the project site no mitigation measures are available to address impacts of the proposed project related to view blockage. However, mitigation measures are incorporated in order to further reduce impacts and reflect good planning and design practices currently promoted by the City:

MM IV.B-1 All open areas not used for buildings, driveways, pedestrian amenities 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.

MM IV.B-2 Every building, structure, or portion thereof shall be maintained in a safe and sanitary condition and good repair, and free from graffiti, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.

MM IV.B-3 The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a public street or alley, pursuant to Municipal Code Section 91.8104.15.

MM IV.B-4 On-site signs shall be limited to the maximum allowable under City Code.

MM IV.B-5 Multiple temporary signs in the store windows and along the building walls are not permitted.

MM IV.B-6 A landscape plan shall be prepared by a licensed landscape architect to the satisfaction of the decision maker.

MM IV.B-7 The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

MM IV.B-8 The Applicant shall prepare a street tree plan to be reviewed and approved by the City's Department of Public Works, Street Tree Division. All plantings in the public right-of-way shall be installed in accordance with the approved street tree plan.

MM IV.B-9 All new sidewalks along the project's street frontages shall be paved with pervious (permeable) concrete or interlocking pavers to create a distinctive pedestrian environment and to increase the opportunity for stormwater infiltration on the site.

For the reasons stated here and in the Statement of Overriding Consideration the remaining unavoidable impact on aesthetics is outweighed by the proposed project's benefits and is acceptable when balanced against the specific overriding economic, legal, social, technological, or other considerations.

Air Quality (Construction)

Description of Significant Effects. The EIR concluded that impacts of the proposed project with respect to NO_x emissions during the grading phase of project construction would be significant and unavoidable. As such, these emissions would also be cumulatively considerable and significant and unavoidable. All other air quality impacts associated with the proposed project would be less than significant.

Facts in Support of Findings. The following facts demonstrate that the significant project impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

Overall, construction of the proposed project would occur over an approximately 24-month period. For the purpose of analysis, it is assumed that construction would begin in January 2012 and be completed in January 2015.

Construction activities at the project site would generate pollutant emissions from the following construction activities: (1) demolition, grading, and excavation; (2) construction workers traveling to and from the project site; (3) delivery and hauling of construction supplies and debris to and from the project site; (4) the fuel combustion generated by onsite construction equipment; and (5) building construction, including the application of architectural coatings. Construction activities involving site preparation and grading would primarily generate NO_x and PM₁₀

emissions from the use of diesel-fueled equipment onsite and the movement of soil. Off-site mobile source emissions (vehicles traveling to and from the project site) would primarily generate NO_x emissions. The application of architectural coatings would primarily result in the release of VOC emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.

The construction air quality impacts of the proposed project would be significant for NO_x emissions during the grading phase. By definition, these emissions would also be cumulatively considerable and significant. In addition, although compliance with SCAQMD Rule 403 is required by law and is reflected in the analysis of construction PM₁₀ and PM_{2.5} emissions, this measure could also be considered a mitigation measure to minimize these emissions during the construction phase:

(MM IV.I-1) The Project Developer(s) shall implement fugitive dust control measures in accordance with SCAQMD Rule 403. The Project Developer(s) shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

- Use watering to control dust generation during demolition of structures or break-up of pavement.
- Water active grading/excavation sites and unpaved surfaces at least three times daily.
- Cover stockpiles with tarps or apply non-toxic chemical soil binders.
- Limit vehicle speed on unpaved roads to 15 miles per hour.
- Sweep daily (with water sweepers) all paved construction parking areas and staging areas.
- Provide daily clean-up of mud and dirt carried onto paved streets from the site.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend excavation and grading/excavation activity when winds (instantaneous gusts) exceed 15 miles per hour over a 30-minute period or more.
- An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call and receive information about the construction project or to report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.

MM IV.I-2 The Project Developer(s) shall implement measures to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the project site throughout the project construction phases. The Project Developer(s) shall include in construction contracts the control measures required and recommended by the SCAQMD at the time of development. Examples of the types of measures currently required and recommended include the following:

- Keep all construction equipment in proper tune in accordance with manufacturer's specifications.
- Use late model heavy-duty diesel-powered equipment at the project site to the extent that it is readily available in the South Coast Air Basin (meaning that it does not have to be imported from another air basin and that the procurement of the equipment would not cause a delay in construction activities of more than two weeks).
- Limit truck and equipment idling time to five minutes or less.
- Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

For the reasons stated here and in the Statement of Overriding Consideration the remaining unavoidable impact on air quality during the grading phase of project construction is outweighed by the proposed project's benefits and is acceptable when balanced against the specific overriding economic, legal, social, technological, or other considerations.

Transportation/Traffic/Parking (Intersection Impact; residential street impacts, and site Access)

Description of Significant Effects. The EIR concluded that impacts of the proposed project with respect to transportation (intersection impact, residential street impact, and site access) would be significant and unavoidable.

Facts in Support of Findings. The following facts demonstrate that the significant project impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

The proposed project's traffic impacts will be fully mitigated at three of the five impacted intersections under the existing plus project scenario and six of the seven impacted intersections under the future cumulative scenario with the implementation of the traffic mitigation measures listed above, as identified in the EIR. Impacts at two intersections would be significant and unavoidable (#11, Western Avenue and Fountain Avenue (project impact); #12, Western Avenue and Santa Monica Boulevard (project and cumulative impact). All impacts would occur during the afternoon peak hour.

An alternate analysis was also conducted that does not apply traffic credits from the prior CVS/Pharmacy use. Under this scenario, impacts at the same two intersections would be significant and avoidable (#11, Western Avenue and Fountain Avenue (project impact); #12, Western Avenue and Santa Monica Boulevard (project and cumulative impact). An additional significant and unavoidable impact would occur at intersection #19, Sunset Boulevard and Van Ness Avenue) under this scenario. Therefore, without taking credit for the prior use, impacts at three intersections would be significant and unavoidable.

MM IV.C-2 Hollywood Boulevard and Western Avenue:

- a. Restripe Western Avenue to increase the southbound curb lane from 18 feet to 20 feet in width to facilitate the southbound right-turning traffic on Western Avenue at Hollywood Boulevard (i.e., functional right-turn lane).
- b. Upgrade the traffic signal controller to a Type 2070 controller at the intersection of Western Avenue and Russell Avenue.

- c. Install additional system detector loops along both approaches of Hollywood Boulevard and Harvard Boulevard.

MM IV.C-4 Western Avenue and De Longpre Avenue:

- f. Install a new traffic signal with a northbound left-turn pocket at the intersection of Western Avenue and De Longpre Avenue.
- g. Restripe De Longpre Avenue to include an eastbound left-turn lane and a right-turn lane at its intersection with Western Avenue.

MM IV.C-5 Sunset Boulevard and Van Ness Avenue:

- h. Install a CCTV camera and the necessary infrastructure (including fiber optic and interconnect).

MM IV.C-6 Sunset Boulevard and St. Andrews Place:

- i. Restripe St. Andrews Place on the northbound approach to Sunset Boulevard to accommodate a left-turn lane and a left-thru-right turn lane.
- j. Upgrade the traffic signal controller at this intersection to a Type 2070 with additional system detector loops along both approaches to Sunset Boulevard and St. Andrews Place.

MM IV.C-7 Wilton Place and Hollywood Boulevard:

- k. Install left-turn-only lanes on the northbound and southbound approaches of Wilton Place at Hollywood Boulevard. This would accommodate a left-turn lane and a shared through/right-turn lane on the northbound and southbound approaches. Remove two parking spaces on the west side of Wilton Place north of Hollywood Boulevard.

The mitigation measure (IV.C-8) identified to address the significant neighborhood traffic impact on the segment of St. Andrews Place north of Fountain Avenue would reduce this impact to less than significant. However, under LADOT procedures, the measure to install speed humps would require the concurrence of the adjoining neighborhood. Because this concurrence cannot be assumed, this analysis conservatively concludes that the mitigation measure would not be feasible to implement and the impact at this location would be significant and unavoidable. In the event that the adjoining neighborhood does approve the speed humps, the impact would be less than significant after mitigation.

MM IV.C-8 Implement a neighborhood traffic calming program to install speed humps along St. Andrews Place between Fountain Avenue and De Longpre Avenue, subject to the approval procedures of LADOT.

Even with implementation of the mitigation measures, the Sunset Boulevard and Western Avenue intersection would continue to operate at LOS F, under the cumulative plus project scenario, which would exceed the *L.A. CEQA Thresholds Guide* significance criterion related to site access. Impacts related to site access at this location would be significant and unavoidable even with the following mitigation measures:

MM IV.C-3 Sunset Boulevard and Western Avenue:

- d. Widen the west side of Western Avenue north of Sunset Boulevard by five feet from north of Sunset Boulevard to approximately 160 feet to allow for the installation of a southbound right-run lane on Western Avenue. The ultimate design of this improvement shall maintain a minimum sidewalk/parkway width of 15 feet along the west side of Western Avenue north of Sunset Boulevard, and should provide one left-turn lane, two through lanes, and one right-turn lane in the southbound direction. This is in addition to the intersection improvements required to satisfy the City street standards.
- e. Install a closed circuit television (CCTV) camera at this intersection.

For the reasons stated here and in the Statement of Overriding Consideration the remaining unavoidable impact on intersection impact, residential street impact, and site access is outweighed by the proposed project's benefits and is acceptable when balanced against the specific overriding economic, legal, social, technological, or other considerations.

Noise (Construction)

Description of Significant Effects. The EIR concluded that impacts of the proposed project with respect to construction noise would be significant and unavoidable.

Facts in Support of Findings. The following facts demonstrate that the significant project impacts have been reduced or avoided to the extent feasible, but that certain significant impacts remain and are unavoidable.

Construction of the proposed project will occur over a relatively brief period of time, following which these construction impacts will not be experienced. Construction noise impacts will also be experienced intermittently, not constantly, during the construction phase of the proposed project.

Existing noise levels at the intersection of St. Andrews Place and De Longpre Avenue, adjacent to the Learning Center for Young Children, average approximately 65.0 dBA L_{eq} , the residential uses to the northeast of the project site average approximately 68.9 dBA L_{eq} due to traffic, and the existing daytime noise levels at the existing residential uses to the north of the project site average approximately 62.3 dBA L_{eq} . Construction noise levels of up to 79 L_{eq} at the Learning Center for Young Children facility would increase daytime noise levels at this location by more than five dBA L_{eq} for 10 days in a three month period as the proposed project would be expected to take several months to complete. This would be a significant impact throughout the construction phases of project development.

The existing off-site sensitive uses could be exposed to groundborne vibration levels ranging from 69.4 VdB at the multi-family residences located approximately 300 feet to the north of the project site and up to 82.4 VdB at the Learning Center for Children facility located approximately 100 feet to the southwest of the project site. Overall, the residential uses to the north and northeast of the project site would be exposed to vibration levels that would not exceed the Federal Railway Administration's (FRA) threshold of 72 VdB for residential uses where people normally sleep. However, vibration levels could periodically exceed the FRA's threshold of 75

VdB for institutional uses, as these levels may reach as high as 82.4 VdB during the site demolition and grading phases, which would be the most vibration-intensive phases of project construction, at the Learning Center for Young Children. As such, the vibration impact at the Learning Center for Children would be significant.

Construction activities associated with the proposed project would only occur during the permitted hours designated in Section 41.40 of the LAMC and, thus, would not occur during recognized sleep hours for residents of the single-family residences in proximity to the Project Site, or on days that the public is most sensitive to exterior noise. Compliance with the City's noise restrictions and Mitigation Measures IV.H-1 through IV.H-9 in the EIR will ensure that the construction noise impacts will be reduced and controlled to the extent feasible although not reduced to a less than significant level:

MM IV.H-1 The project shall comply with the City of Los Angeles Noise Ordinance No. 41.40 which restricts construction and demolition activities to the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturday.

MM IV.H-2 Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

MM IV.H-3 The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized to the extent feasible. Examples include the use of drills and jackhammers.

MM IV.H-4 Construction activities whose specific location at the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.

MM IV.H-5 Equipment warm-up areas, water tanks, and equipment storage areas shall be located as far as possible from the surrounding residential uses and the Children's Learning Center.

MM IV.H-6 The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

MM IV.H-7 The project developer shall install temporary sound curtains of sufficient height to block the lines of sight of the construction activities at the project site from the Learning Center for Young Children facility. The sound curtains shall be in place from the commencement of construction activities on the project site until the exterior of the building is constructed and doors are installed.

MM IV.H-8 Two weeks prior to the commencement of construction at the project site, notification must be provided to the Learning Center for Children facility disclosing the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.

MM IV.H-9 The project developer shall provide a liaison to coordinate construction activities with the Learning Center for Children facility such that the loudest construction activities would occur during times when children are not napping or outside. In addition, a phone

number and contact name shall be provided to the Learning Center for Children for school faculty to call for noise complaints.

For the reasons stated here and in the Statement of Overriding Consideration the remaining unavoidable impact on construction noise is outweighed by the proposed project's benefits and is acceptable when balanced against the specific overriding economic, legal, social, technological, or other considerations.

3. Project Purpose and Objectives

The primary goal of the proposed project is to provide a viable, contemporary, and attractively landscaped commercial retail use with an anchor store that complements existing uses and transit corridors in the area and serves the needs of the Hollywood Community Plan and Greater Los Angeles areas. Additional goals and objectives of the proposed project include the following:

- To construct a well-designed, high-quality project that complements and enhances the Hollywood Community and implements good planning principles by focusing high quality retail projects along commercial and transit corridors;
- To provide conveniently located jobs near public transportation, including bus and subway lines;
- To provide a commercial mixed-use project of retail shopping and dining opportunities that meet the needs and enhance the neighborhood for existing commercial and residential uses;
- To provide for economic growth and revenue generation within the City;
- To provide a contemporary, urban project providing a convenient, pedestrian friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community;
- To provide pedestrian-scaled retail uses at street level to provide a vibrant street frontage for pedestrians and promote walkability; and
- To provide a variety of dining choices within walking distance of the surrounding neighborhood uses and public transportation.

4. Project Alternatives

The EIR considered five (5) alternatives to the proposed project. In accordance with CEQA requirements, the alternatives to the project include "No Project" alternatives and alternatives capable of reducing impacts of the project. Based on the potentially significant environmental impacts identified in the Final EIR and the objectives established for the Project, as well as consideration of the local plans and zoning designations that guide development of the Project site, the following five alternatives to the Project were analyzed in the EIR:

Alternative A: No Project Alternative

Alternative B: SNAP-Compliant Commercial Alternative

Alternative C: SNAP-Compliant Mixed Use Alternative

Alternative D: Reduced Project Alternative

Alternative E: Alternate Configuration Alternative

The EIR did not analyze development of an alternate site because the Applicant does not own or control other property within the Hollywood trade area. Nor could the Applicant feasibly acquire or otherwise have access to such alternative sites. As such, no feasible alternative locations were identified for the proposed Project.

The EIR considered and rejected two alternatives as infeasible. A Single-Level Retail alternative was rejected as infeasible because it would not meet the project objective of providing a convenient, pedestrian-friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community, would generate less revenue to the City and create fewer jobs than the Project, and would meet the project objective of providing jobs proximate to public transportation to a lesser degree than the Project. A Two-Level Retail With Underground Parking was rejected as infeasible because it would not have the potential to substantially reduce the environmental impacts of the Project.

The EIR concluded that the No Project Alternative was the environmentally superior alternative. However, as specified in State CEQA Guidelines Section 15126(e)(2), if the no project alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the alternatives considered, Alternative E, the Alternate Configuration Alternative, is considered to be the environmentally superior alternative since it would reduce the proposed Project's significant and unavoidable transportation impacts. However, significant and unavoidable impacts with regard to view obstruction, construction air quality, transportation site access and construction noise would remain under this alternative.

Alternative A: No Project Alternative

CEQA requires the alternatives analysis to include a No Project Alternative. The purpose of analyzing a No Project Alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project (CEQA Guidelines Section 15126.6(e)(1)). Under the No Project Alternative, the existing retail buildings and surface parking lot would remain. Although no new development would occur on the project site under the No Project Alternative, the existing buildings could be renovated and re-occupied without discretionary action on the part of the City. The project site would remain developed with the Department of Water and Power (DWP) electrical substation, a surface parking lot, and approximately 59,561 square feet of commercial buildings that are currently not occupied but previously housed various businesses including a CVS/Pharmacy, a 3 Hermanos department store, a Farm Fresh Ranch Market, and a Carl's Jr. Restaurant. In addition, this Alternative assumes the development of the related projects in the area of the project site.

The No Project Alternative would avoid all of the significant and unavoidable project-related impacts that would occur under the proposed project because no new development would occur under the No Project Alternative, with the exception of the access impact at one intersection. However, re-occupancy of the existing buildings and increases in background traffic could result in impacts to area intersections and impacts related to light and glare, geology and soils, hazards and hazardous materials, operational noise, operational air quality, public services, utilities and greenhouse gases as compared to non-use of the existing structures, although at a lower level than the proposed project, even in the event that the proposed project is not built.

Although the No Project Alternative would have fewer impacts than the proposed project, it would not satisfy any of the proposed project objectives, as listed in Section II, Project Description, of this Draft EIR, because no new development would occur on the project site and the Alternative would perpetuate the existing automobile-oriented, suburban style shopping center that is no longer consistent with the development of Hollywood as an urban center. The No Project Alternative would not meet the following objectives: (1) to construct a well-designed, high quality project that complements and enhances the Hollywood Community and implements good planning principles by focusing high quality retail projects along commercial and transit corridors; (2) to provide a contemporary, urban project that includes a convenient, pedestrian friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community; (3) to provide pedestrian-scaled retail uses at street level that creates a vibrant street frontage for pedestrians and promote walkability; and (4) to provide a variety of dining choices within walking distance of the surrounding neighborhood uses and public transportation. It would also meet the following objectives to a lesser extent than the Project: to provide conveniently located jobs near public transportation; to provide a commercial mixes use project of retail shopping and dining opportunities that meet the needs and enhance the neighborhood; and to provide economic growth and revenue generation within the City. Therefore, Alternative A would not match the proposed project's ability to meet the project objectives.

Alternative B: SNAP-Compliant Commercial Alternative

Under the SNAP-Compliant Commercial (SNAP Commercial) Alternative, the second level parking area would be moved underground and the proposed project would be designed to be consistent with the SNAP-maximum height limit for a commercial project (35 feet as measured from the elevation of De Longpre Avenue). The remainder of the project uses would be provided in the same configuration as would occur under the proposed project. The ground-level retail and restaurant uses, along with the ground level parking spaces would remain, while the Target store would be lowered one level to become the second level of the development. The single level of underground parking would accommodate 230 spaces. When combined with the 143 first level parking spaces, a total of 373 spaces would be provided under this alternative. Under this Alternative, in order to remain under the SNAP-maximum height limit and accommodate the two levels of retail uses, the ground floor would need to be placed approximately six feet below the existing grade at Sunset Boulevard. This Alternative would accommodate a public plaza area that is smaller than would be provided under the proposed project.

Alternative B would reduce but not eliminate the significant and unavoidable impact of the proposed project regarding Aesthetics (view obstruction) because of reduced height compared to the proposed project. The SNAP Commercial Alternative would have the same significant and unavoidable impacts related to transportation (access impacts at one intersection and impacts to two intersections (three intersection impacts and one neighborhood traffic impact if no trip credit is taken for any previous use)); and air quality (NO_x emissions during the grading/excavation phase). The alternative would have greater significant and unavoidable noise (construction) impacts than the proposed project because of increased construction duration.

Alternative B would meet the following proposed project objectives to the same extent as the proposed project: (1) To construct a well-designed, high-quality project that complements and enhances the Hollywood Community and implements good planning principles by focusing high quality retail projects along commercial and transit corridors; (2) To provide conveniently

located jobs near public transportation, including bus and subway lines; (3) To provide a commercial mixed-use project of retail shopping and dining opportunities that meet the needs and enhance the neighborhood for existing commercial and residential uses; (4) To provide for economic growth and revenue generation within the City; and (5) To provide a variety of dining choices within walking distance of the surrounding neighborhood uses and public transportation.

However, under the SNAP-Compliant Commercial Alternative the first retail level would be located six feet below the adjacent grade along Sunset Boulevard. This alternative would also result in a reduction in the pedestrian plaza area which would diminish the pedestrian experience along Sunset Boulevard. Therefore, the SNAP-Compliant Commercial Alternative would achieve the following objectives to a lesser degree than the Project: (1) to provide a contemporary, urban project providing a convenient, pedestrian friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community; and (2) to provide pedestrian-scaled retail uses at street level to provide a vibrant street frontage for pedestrians and promote walkability. Alternative B would not match the proposed project's ability to meet the project objectives.

Alternative C: SNAP-Compliant Mixed Use Alternative

The SNAP-Compliant Mixed Use Alternative would construct a mixed-use project meeting the requirements of SNAP on the project site. Under the SNAP, in a mixed use project, commercial uses are limited to the ground floor. However, as noted in the EIR, provision of the ground floor retail/restaurant uses and the Target store is not feasible in a single-level retail configuration. As such, under this Alternative, the Target store would occupy the ground level, with three levels of housing and associated parking above. The Target store would be approximately 150,000 square feet, with one level of underground parking containing 257 parking spaces. The three levels of housing would include approximately 150 units, with 309 parking spaces. Parking supply under this Alternative would be consistent with SNAP-maximum requirements for both the commercial and residential components. The height of this Alternative would be within the 75-foot maximum height for a mixed use project under SNAP. However, under this Alternative, the project would not achieve the SNAP Development Standard which requires that 50 percent of all ground-floor front and side facades provide windows and doors or other similar transparent features. The Alternative would not include the public plaza area that would be provided under the proposed project.

The SNAP Mixed Use Alternative would meet some of the proposed project objectives because it would include a major retail anchor providing a variety of goods to serve the community. Specifically, the SNAP Mixed Use Alternative would meet the following proposed project objectives: (1) To construct a well-designed, high-quality project that complements and enhances the Hollywood Community and implements good planning principles by focusing high quality retail projects along commercial and transit corridors; and (2) To provide a contemporary, urban project providing a convenient, pedestrian friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community.

However, this Alternative would not meet the following project objectives: (1) to provide a commercial mixed-use project of retail shopping and dining opportunities that meet the needs and enhance the neighborhood for existing commercial and residential uses; (2) to provide pedestrian-scaled retail uses at street level to provide a vibrant street frontage for pedestrians and promote walkability; and (3) to provide a variety of dining choices within walking distance of the surrounding neighborhood uses and public transportation. In addition to failing to meet the

above-referenced project objectives, the SNAP-Compliant Mixed Use Alternative would have the same significant and unavoidable impacts as the Project with regard to aesthetics (view obstruction); transportation (intersection and site access impacts); and air quality (construction). The SNAP-Compliant Mixed Use Objective would have greater significant and unavoidable construction noise impacts compared to the Project because of increased duration of the construction period required to construct the underground parking. Therefore, Alternative C would not match the proposed project's ability to meet the project objectives.

Alternative D: Reduced Project Alternative

Under the Reduced Project Alternative, the height and density of the proposed project would be reduced by including only a single-level Target store and associated parking. The pedestrian-oriented ground level retail/restaurant uses included in the proposed project would not be included under this Alternative. The Alternative would include a 149,400 square-foot Target store with two levels of underground parking. The Target store would be located at ground level. The two underground parking levels would be able to accommodate 526 parking spaces. A single level of underground parking (265 spaces) would not provide sufficient parking to serve the development, while the addition of the second level would provide excess spaces that would exceed the proposed project's parking supply as well as the SNAP-maximum parking supply. As the alternative would not necessarily include this excess parking supply, it is assumed, for purposes of this analysis, that the parking supply provided under this alternative would be proportional to the parking supply associated with the proposed project, or approximately 351 spaces in approximately 1.5 underground levels. The height of this Alternative would be approximately 28.5 feet, which would be within the SNAP-maximum height of 35 feet for a commercial project. The Alternative would not include the public plaza area that would be provided under the proposed project.

The Reduced Project Alternative would reduce but not eliminate the significant and unavoidable impact of the proposed project regarding Aesthetics (view obstruction). The Reduced Project Alternative would eliminate the significant and unavoidable transportation impact (impacts to two intersections (three intersections and one neighborhood traffic impact if no trip credit is taken for any previous use)) that would occur under the proposed project. The Reduced Project Alternative would have similar significant and unavoidable impacts as the project with respect to air quality (NO_x emissions during grading/excavation phase) and transportation (site access impact at one intersection). The alternative would have greater significant and unavoidable noise (construction) impacts compared to the proposed project because of increased duration of construction required to construct the underground parking levels.

The Reduced Project Alternative would meet some of the proposed project objectives because it would include a major anchor tenant providing a variety of goods to serve the community. Specifically, the Reduced Project Alternative would meet the following proposed project objectives, although to a lesser extent than the proposed project: (1) To construct a well-designed, high-quality project that complements and enhances the Hollywood Community and implements good planning principles by focusing high quality retail projects along commercial and transit corridors; (2) To provide conveniently located jobs near public transportation, including bus and subway lines; (3) To provide for economic growth and revenue generation within the City; and (4) To provide a contemporary, urban project providing a convenient, pedestrian friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community.

Under the Reduced Project Alternative, the height and density of the proposed Project would be reduced by including only a single-level Target store and associated parking. The Project's pedestrian oriented ground level retail/restaurant uses would not be included under this alternative. Therefore, the Reduced Project Alternative would not satisfy a number of important Project objectives including: (1) to provide a commercial mixed-use project of retail shopping and dining opportunities that meet the needs and enhance the neighborhood for existing commercial and residential uses; (2) to provide pedestrian-scaled retail uses at street level to provide a vibrant street frontage for pedestrians and promote walkability; and (3) to provide a variety of dining choices within walking distance of the surrounding neighborhood uses and public transportation. Therefore, Alternative D would not match the proposed project's ability to meet the project objectives.

Alternative E: Alternate Configuration Alternative (Environmentally Superior)

Under the Alternate Configuration Alternative, a single-level Target store and associated parking would be provided. Under this Alternative, all parking would be provided in two levels above ground. The pedestrian-oriented ground level retail/restaurant uses included in the proposed project would not be included under this Alternative. The Alternative would include a 147,800 square-foot Target store located at ground level. The two above ground parking levels would be able to accommodate 480 parking spaces. A single level of above ground parking (238 spaces) would not provide sufficient parking to serve the development, while the addition of the second level would provide excess spaces that would exceed the proposed project's parking supply as well as the SNAP-maximum parking supply. As the alternative would not necessarily include this excess parking supply, it is assumed, for purposes of this analysis, that the parking supply provided under this alternative would be proportional to the parking supply associated with the proposed project, or approximately 347 spaces. The height of this Alternative would be approximately 45.5 feet, which would exceed the SNAP-maximum height of 35 feet for a commercial project. The Alternative would not include the public plaza area that would be provided under the proposed project.

The Alternate Configuration Alternative would reduce but not eliminate the significant and unavoidable impact of the proposed project regarding Aesthetics (view obstruction). The Alternate Configuration Alternative would eliminate the significant and unavoidable transportation impacts (impacts to two intersections (three intersection impacts and one neighborhood traffic impact if no trip credit is taken for any previous use)) that would occur under the proposed project. The Alternate Configuration Alternative would have similar significant and unavoidable impacts as the project with respect to air quality (NO_x emissions during grading/excavation phase) and noise (construction) because this alternative, like the proposed project, does not include underground parking. The Alternate Configuration Alternative would have similar significant and unavoidable impacts as the project with respect to transportation (access impact at one intersection).

The Alternate Configuration Alternative would meet some of the proposed project objectives because it would include a major anchor tenant providing a variety of goods to serve the community. Specifically, the Alternate Configuration Alternative would meet the following proposed project objectives, although to a lesser extent than the proposed project: (1) To construct a well-designed, high-quality project that complements and enhances the Hollywood Community and implements good planning principles by focusing high quality retail projects along commercial and transit corridors; (2) To provide conveniently located jobs near public transportation, including bus and subway lines; (3) To provide for economic growth and revenue generation within the City; and (4) To provide a contemporary, urban project providing a

convenient, pedestrian friendly commercial retail use with a viable anchor store that provides the fullest range of goods to the surrounding community.

The Alternate Configuration Alternative would provide a single-level Target store and associated above ground parking. Therefore, alternative would fail to meet key Project objectives, such as the provision of street-level retail and restaurant uses and the associated public plaza and pedestrian amenities. Without this important component the Alternate Configuration Alternative would fail to meet the following key Project objectives: (1) to provide a commercial mixed-use project of retail shopping and dining opportunities that meet the needs and enhance the neighborhood for existing commercial and residential uses; (2) to provide pedestrian-scaled retail uses at street level to provide a vibrant street frontage for pedestrians and promote walkability; and (3) to provide a variety of dining choices within walking distance of the surrounding neighborhood uses and public transportation. Therefore, Alternative E would not match the proposed project's ability to meet the project objectives.

5. Other CEQA Considerations

a. Substantial Evidence. The Area Planning Commission finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, technical studies, and other CEQA-related materials, the administrative record, staff reports, information provided by the Applicant, each and all of which are incorporated herein by this reference. Moreover, the Lead Agency finds that where more than one reason exists for any finding, each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

b. Relationship of Findings to EIR. These Findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control and the Draft EIR and Final EIR or both, as the case may be, are hereby amended as set forth in these Findings. To the extent relevant, each of the other findings and conditions of approval made by or adopted by the City in connection with the Project are also incorporated herein by this reference.

c. Recirculation Not Required. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the Lead Agency finds that there is no new significant information any of the other factors set forth in CEQA and the CEQA Guidelines requiring recirculation of the Draft EIR in the record of proceedings or in the Final EIR and finds that recirculation of the Draft EIR is not required.

6. Mitigation Monitoring

The Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in accordance with Public Resources Code Section 21081.6, which requires a Lead or Responsible Agency that approves or carries out a project where an EIR has identified significant environmental effects to

adopt a “reporting or monitoring program for the changes to project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” The City is the Lead Agency for the proposed project.

The MMRP is designed to monitor implementation of all feasible mitigation measures as identified in the EIR for the proposed project. The Project applicant shall be obligated to provide certification prior to the issuance of site or building plans that compliance with the required mitigation measures has been achieved. All departments listed are within the City unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project applicant unless otherwise noted.

7. Statement of Overriding Consideration

The EIR has identified unavoidable significant impacts that would result from implementation of the proposed project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts that are identified in the EIR but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. CEQA Guidelines Section 15093(b) requires that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the reference library to the EIR, and documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less-than-significant level for the proposed project, as identified in the EIR: Aesthetics (View Obstruction); Transportation/Traffic/Parking (Intersection Impact; Residential street impacts, and Site Access) (project-specific and/or cumulative impacts); Noise (Construction); and Air Quality (Construction) (project-specific and cumulative impacts). It is not feasible to mitigate such impacts to a less than significant level.

Accordingly, the City adopts this Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts would result from implementation of the proposed project. Having (i) adopted all feasible mitigation measures, (ii) rejected alternatives to the proposed project for the reasons discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the proposed project against the proposed project's significant and unavoidable impacts, the City hereby finds that the proposed project's benefits outweigh and override its significant and unavoidable impacts for the reasons stated below.

The following reasons summarize the benefits, goals and objectives of the proposed project and provide, in addition to the above findings, the detailed rationale for the benefits of the proposed project. These overriding considerations of economic, social, aesthetic and environmental benefits of the proposed project justify approval of the proposed project and certification of the EIR, despite the fact that the proposed project will create the significant and unavoidable impacts disclosed above. Many of these overriding considerations individually would be sufficient to outweigh the adverse environmental impacts of the proposed project and justify adoption of the proposed project and certification of the EIR. In particular, achieving the

underlying purpose for the proposed project would itself be sufficient to override the significant environmental impacts of the proposed project. The public benefits of the Project include the following:

- The Project incorporates elements of sustainable design and will obtain LEED certification.
- The Project would result in a well-designed, high quality retail development that complements and enhances the Hollywood Community.
- The Project advances good planning principles by focusing high quality retail projects along commercial and transit corridors.
- The Project would provide additional retail/shopping and dining options to meet the needs of local residents.
- The Project will revitalize the area and eliminate blight.
- The Project will provide economic growth and revenue generation for the City.
- The Project would create approximately 250 full and part time jobs, in addition to construction jobs.
- The pedestrian-scaled retail uses, a large public plaza with seating, and additional shade trees and planters at the street level provided as part of the Project will enhance the pedestrian experience along the street frontage and promote walkability.

In accordance with the requirements of Public Resources Code Section 15093(b) and CEQA Guidelines Section 15093(b), the City finds that the foregoing specific economic, legal, social, technological or other benefits of the Project outweigh the significant and unavoidable environmental effects of the Project, which are summarized as follows:

B. Aesthetics (View Obstruction).
Although the proposed project would generate significant and unavoidable impacts to views, these impacts, remaining after imposition of all feasible mitigation measures, are outweighed by the proposed project benefits discussed above.

- (1) The proposed project would be designed to provide visual interest through variations in building height, bulk, massing and design. As a result of the building's architectural design, project design features, and orientation on the project site, the proposed project would be integrated into the project site and project area by means of design, architecture, size, massing, and location. The proposed project's location, height, scale, and architectural features are generally compatible with existing and planned development for the Hollywood Community Plan Area, and the provisions of the Vermont/Western SNAP, which allows a height of 75 feet for mixed-use structures. The proposed project's extensive landscaping, particularly within plaza at the corner of Sunset Boulevard and Western Avenue, would enhance the appearance of the site and, in conjunction with ground floor retail uses, would promote pedestrian activity in the area. The proposed project would be consistent with applicable goals, policies, urban

design guidelines, and signage standards set forth in local requirements. Thus, the proposed project would not degrade the visual character of the Project Site.

- (2) Implementation of the proposed three-story retail center building would obstruct some of the intermittent public views of the Hollywood Hills and the Hollywood sign that are presently available to cars and pedestrians traveling northbound on Western Avenue. These views are presently blocked from some locations by existing buildings. The proposed project would introduce a new building that would block view lines through the project site from moving cars and pedestrians that would incrementally reduce the visibility of these visual resources. As feasible mitigation measures are not available to reduce or eliminate such impacts, view impacts would be significant and unavoidable.
- (3) Public views from the sidewalk in front of the Covenant House building looking north across the existing parking lot towards the Hollywood Hills and the Hollywood sign would be obstructed as a result of this proposed project. The views of the Hollywood Hills would be obstructed for less than half a block and they would be visible a short distance away at the corner of Western Avenue and Fernwood Avenue. From distant vantage points, the proposed project would not block a substantial portion of the expanse of potential views of the Hollywood Hills and the Hollywood sign. There are no significant view resources available while traveling southbound on Western Avenue or St. Andrews Place. Nonetheless, the EIR conservatively concludes that the intermittent reduction in visual access to the Hollywood Hills and Hollywood sign from limited locations along Western Avenue would be significant. As feasible mitigation measures are not available to reduce or eliminate such impacts, view impacts would be significant and unavoidable.
- (4) The proposed project would not obstruct existing private views of the Hollywood Hills and the HOLLYWOOD sign from structures south of the project site as the existing buildings are of limited height and all views of the Hollywood Hills and/or the HOLLYWOOD sign are presently blocked by existing buildings. An approximately four-story residential building is located southeast of the project site at Fernwood Avenue and St. Andrews Place. The proposed project has the potential to obstruct private views from some floors of this building however, due to the east/west orientation of the building, views to the north are limited for the majority of the windows of the building. Additionally, the thresholds within the *City of L.A. CEQA Thresholds Guide* (2006) focus on public views and do not consider blockage of individual private views from commercial or residential properties to be a significant impact. Therefore, proposed project impacts associated with views of the Hollywood Hills and the HOLLYWOOD sign from this building would be less than significant.

C. Air Quality (Construction). Although the project will generate significant and unavoidable project-specific and cumulative impacts to air quality, these impacts, remaining after imposition of all feasible mitigation measures, are outweighed by the project benefits discussed above.

- (1) Construction activities at the project site would generate pollutant emissions from the following construction activities: (1) demolition, grading, and excavation; (2) construction workers traveling to and from the project site; (3) delivery and hauling of construction supplies and debris to and from the project site; (4) the fuel combustion generated by onsite construction equipment; and (5) building construction, including the application of architectural coatings. Construction activities involving site preparation and grading would primarily generate NO_x and PM₁₀ emissions from the use of diesel-fueled equipment onsite and the movement of soil. Off-site mobile source emissions (vehicles traveling to and from the project site) would primarily generate NO_x emissions. The application of architectural coatings would primarily result in the release of VOC emissions. The amount of emissions generated on a daily basis would vary, depending on the amount and types of construction activities occurring at the same time.
- (2) The construction emissions associated with the proposed project are compared to an existing baseline of zero construction emissions on the project site. Mass daily construction emissions would not exceed SCAQMD thresholds of significance with the exception of NO_x during the grading/site preparation phase. By definition, these emissions would also be cumulatively considerable and significant. In addition, although compliance with SCAQMD Rule 403 is required by law and is reflected in the analysis of construction PM₁₀ and PM_{2.5} emissions, this measure could also be considered a mitigation measure to minimize these emissions during the construction phase. Therefore, project impacts due to construction emissions would be significant during the site preparation/grading phase and less than significant for the remainder of the project construction period.
- (3) The proposed project would implement mitigation measures IV.1-1 and IV.1-2 to mitigate impacts in the short run from construction. However, construction NO_x emission would continue to exceed the SCAQMD regional significance threshold but only during the grading/site preparation phase.

D. Noise. Although the proposed project will generate significant and unavoidable construction noise impacts, these impacts, remaining after imposition of all feasible mitigation measures, are outweighed by the proposed project benefits discussed above.

- (1) With implementation of the Mitigation Measures IV.H-1 through IV.H-9, which would require the implementation of noise reduction devices and techniques during construction at the project site, construction-related noise impacts associated with the proposed project would be reduced. The installation of sound curtains (Mitigation Measure IV.H-7) would reduce noise levels by approximately 5 to 10 dBA at the receptor. Because the impact at the Learning Center for Young Children would be an increase in noise levels of up to 14 dBA, it is not certain that the increase could be reduced to less than 5 dBA at all times during construction. As such, this receptor could experience an increase of greater than 5 dBA during construction and impacts would be significant and unavoidable. Impacts at all other sensitive receptors in the vicinity of the project site would be less than significant.

- (2) Construction of the proposed project will occur over a relatively brief period of time, following which these construction impacts will not be experienced. Construction noise impacts will also be experienced intermittently, not constantly, during the construction phase of the proposed project.
- (3) Compliance with the City's noise restrictions and Mitigation Measures IV.H-1 through IV.H-9 in the EIR will ensure that the construction noise impacts will be reduced and controlled to the extent feasible although not reduced to a less than significant level. Construction activities associated with the proposed project would only occur during the permitted hours designated in Section 41.40 of the LAMC and, thus, would not occur during recognized sleep hours for residents of the single-family residences in proximity to the Project Site, or on days that the public is most sensitive to exterior noise.

E. Transportation/Traffic/Parking. Although the project will generate significant and unavoidable project-level and cumulative operational transportation/traffic/parking impacts, these impacts, remaining after imposition of all feasible mitigation measures, are outweighed by the project benefits discussed above.

1. The proposed project's traffic impacts will be fully mitigated at three of the five impacted intersections under the existing plus project scenario and six of the seven impacted intersections under the future cumulative scenario with the implementation of the traffic mitigation measures listed above, as identified in the EIR. Impacts at two intersections would be significant and unavoidable (#11, Western Avenue and Fountain Avenue (project impact); #12, Western Avenue and Santa Monica Boulevard (project and cumulative impact). All impacts would occur during the afternoon peak hour.
2. An alternate analysis was also conducted that does not apply traffic credits from the prior CVS/Pharmacy use. Under this scenario, impacts at the same two intersections would be significant and avoidable (#11, Western Avenue and Fountain Avenue (project impact); #12, Western Avenue and Santa Monica Boulevard (project and cumulative impact). An additional significant and unavoidable impact would occur at intersection #19, Sunset Boulevard and Van Ness Avenue) under this scenario. Therefore, without taking credit for the prior use, impacts at three intersections would be significant and unavoidable.
3. The mitigation measure (IV.C-8) identified to address the significant neighborhood traffic impact on the segment of St. Andrews Place north of Fountain Avenue would reduce this impact to less than significant. However, under LADOT procedures, the measure to install speed humps would require the concurrence of the adjoining neighborhood. Because this concurrence cannot be assumed, this analysis conservatively concludes that the mitigation measure would not be feasible to implement and the impact at this location would be significant and unavoidable. In the event that the adjoining neighborhood does approve the speed humps, the impact would be less than significant after mitigation.

4. Even with implementation of the mitigation measures, the Sunset Boulevard and Western Avenue intersection would continue to operate at LOS F, under the cumulative plus project scenario, which would exceed the *L.A. CEQA Thresholds Guide* significance criterion related to site access. Impacts related to site access at this location would be significant and unavoidable.

SUPPLEMENTAL FINDINGS IN RESPONSE TO APPEAL

Council File No. 12-1604

Case No. APCC-2008-2703-SPE-CUB-SPP-SPR; ENV-2008-1421-EIR

Project Address: 5520 West Sunset Boulevard, Los Angeles, CA 90028

The proposed Target Retail Center project (the “Project”) consists of (a) demolition 59,561 square feet of single-story buildings, electrical substation, and surface parking lot for the construction of a proposed retail shopping center of 194,749 square feet of floor area, and (b) construction of an approximately 163,862 square-foot Target store along with 30,887 square feet of other smaller retail and food uses fronting Sunset Boulevard and Western Avenue, in a three level retail center. The project site encompasses approximately 3.88 acres on a single parcel of land, with a net area of 3.69 acres after street dedications. The first level of the proposed Project would consist of individual retail spaces fronting on Sunset Boulevard and Western Avenue, along with one level of parking in the interior of the site. The second level of the Project would provide additional parking spaces and would be accessed via a ramp located at the western side of the first level. A total of 458 parking places would be provided in the first and second level parking areas. An enclosed loading dock containing up to five truck bays would also be provided on the first level, with access provided from De Longpre Avenue. The third level of the Project would be primarily occupied by the retail floor of the proposed Target store. Access to the Target store would be through a pedestrian plaza of approximately 11,000 square feet and escalators located at the corner of Sunset Boulevard and Western Avenue or from elevators provided in various locations throughout the retail and parking areas. The Project would extend to a height approximately 65 feet above Sunset Boulevard, and approximately 74’4” above De Longpre Avenue, provided that structures and feature on the roof, such as rooftop equipment may up to 10 additional feet provided that they are set back and screened from view at street level.

The Project is located within the Hollywood Community Plan, the Hollywood Redevelopment Project, and Subarea C of the Vermont/Western Station Neighborhood Area Plan (“SNAP”) Specific Plan. The SNAP restricts all Community Center uses to C4 uses as defined by the LAMC. The Project applicant, Target Corporation (the “Applicant” or “Target”) is requesting ministerial and discretionary approvals to implement the Project, including but not limited to: Specific Plan Project Permit Compliance Review; Specific Plan Exceptions Approval; Site Plan Review pursuant to LAMC Section 16.05-E; Zoning Administrator Approval of Conditional Use Permit for alcohol (“CUP”); demolition, grading, foundation, and building permits; health department and off-site permits; Board of Public Works Approval of Street Tree Removal; and Haul Route Approval..

In a determination letter dated September 4, 2012, the Central Area Planning Commission (“CAPC”) certified the Project EIR, adopted a Statement of Overriding Consideration, modified findings and conditions of approval, and approved Specific Plan Project Permit Compliance, Specific Plan Exceptions, Site Plan Review, and the CUP. Doug Haines, on behalf of La Mirada Neighborhood Association, and Robert Blue, on behalf of Citizens Coalition, Los Angeles, (collectively “Appellants”) filed a joint appeal seeking to overturn the CAPC’s entire action.

In response to the joint appeal filed by the Appellants, the City Council of the City of Los Angeles (“City Council”) hereby adopts the following supplemental findings in response to the joint appeal. These supplemental findings focus on the issues and concerns of the Appellants and supplement the findings adopted by the CAPC, as well as any general findings that may be adopted by the City Council.

VERMONT/WESTERN TRANSIT ORIENTED DISTRICT AREA SPECIFIC PLAN EXCEPTIONS

General

The SNAP expressly allows exceptions from its development standards. Applications for exceptions from SNAP development standards do not violate the SNAP, provided that such applications comply with the processes established in the SNAP and LAMC Section 11.5.7.F. Furthermore, the proposed retail and food uses in the Project are expressly permitted land uses in the applicable Subarea C of the SNAP.

The Requested Specific Plan Exceptions Do Not Arise from Self-Imposed Hardships

Throughout their appeal, Appellants claim that the Specific Plan exceptions sought by the Applicant arise from self-imposed hardships and that the Applicant entered into a lease of the subject property with the expectation of seeking the requested relief from the strict application of SNAP’s provisions and Development Standards and Guidelines.

The City Council finds that the SNAP exceptions requested by the Applicant are not a result of self-imposed hardship, but rather reflect the Applicant’s effort to be responsive to some stakeholder and other public input and to implement broader planning goals and carryout to the indentified purposes of the SNAP. The City-decision makers must weigh a variety of potentially competing public policy considerations when considering whether or not approve development projects. The decision-makers take stakeholder and other public input and the broader planning goals very seriously in such consideration. Disregarding such input and goals would have at best resulted in an inferior project from some stakeholders’ perspective; at worst, it could have jeopardized Project approval. These factors are inherent in the public process and do not represent a self-imposed hardship.

In addition, the subject property is not level. The lowest site grade occurs at the southwest corner of the site, which is approximately 6 feet lower than the frontage along Sunset Boulevard. Because building height is measured from the lowest adjacent grade on site to the highest proposed building elevation, even a building built 35 feet above the finished grade at the southwest corner of the site would require a SNAP exception because such a building would be measured from the lowest elevation and would therefore be considered a 41-foot tall building. This grade differential is a special circumstance and does not represent a self-imposed hardship.

Also, the site is located at the intersection of two important commercial thoroughfares—Sunset Boulevard and Western Avenue. The property is designated for Regional Commercial

development. These factors make the site most appropriate for a destination retail use, such as the proposed Target store, that is also pedestrian-friendly and responsive to SNAP's most important goals and purposes. As set forth in the findings below, such a project could not be developed on this site in strict compliance with the SNAP. The project's location and General Plan designation are also special circumstances and do not represent a self-imposed hardship.

Appellants also contend that the CAPC granted exceptions from the SNAP as a special privilege, for purposes of convenience, and to serve the financial interests of the Applicant. However, Appellants do not provide any credible evidence to support these contentions. The City Council finds that the CAPC properly made all of the findings required to grant the SNAP exceptions and that each of these findings are supported by credible evidence in the record of proceedings.

The Project is Consistent with the Applicable Important Purposes of the SNAP

The SNAP and its associated Vermont/Western Transit Oriented District Specific Plan Development Standards and Design Guidelines ("Development Standards and Design Guidelines") contain over 40 development standards and design guidelines applicable to Subarea C. The Project complies with all but a handful of these standards. The Project is also consistent with the primary applicable purposes of the SNAP, including the following:

- Promote *increased flexibility in the regulation of the height and bulk of buildings*, as well as the design of sites and public streets in order to ensure a well-planned combination of commercial and residential uses (emphasis added).

Appellants claim that, because the Project does not contain residential uses, this SNAP purpose does not apply to the Project. The City Council finds that the SNAP promotes a flexible regulation of the height and bulk of *all* buildings. The reference to "design of sites and public streets in order to ensure a well-planned combination of commercial and residential uses" is in addition to the more general purpose of promoting increased flexibility in the regulation of the height and bulk of buildings.

In this case, flexibility with regard to height and massing is necessary to achieve stakeholder interests that the project site be developed with a mix of neighborhood-serving retail, a pedestrian-friendly frontage, and enclosed parking, rather than a stand-alone Target store.. Although a stand-alone Target store could comply with the SNAP height requirements for commercial buildings, it could not provide an 11,000 square-foot plaza or neighborhood-serving retail in addition to the Target store. Including neighborhood-serving retail on the ground floor and locating the Target store above the neighborhood-serving retail would exceed the SNAP height requirement, even if all the parking were subterranean. (Refer to Section V, Alternatives, of the Draft EIR.) The SNAP's flexibility in the regulation of the height and bulk of buildings enables the Project to incorporate neighborhood-serving retail and pedestrian-friendly amenities into an improved project design that promotes key purposes of the SNAP.

- Establish a clean, safe, comfortable and pedestrian-oriented community environment for residents to shop in and use the public community services in the neighborhood.

By incorporating ground-floor neighborhood serving retail and an 11,000 square-foot plaza with a Target store of sufficient size to offer a wide range of goods, the proposed Project is consistent with and promotes this key SNAP purpose.

- Create a transit friendly area by requiring conformance to pedestrian-oriented design guidelines that establish building facade treatments, landscape standards, criteria for shade-producing building overhangs and awnings, street lighting and security lighting for streets, alleys, sidewalks and other pedestrian areas that adjoin new development.

The City Council finds that the Project is consistent with and serves this SNAP purpose. The Project is transit-friendly as envisioned by the SNAP. As an infill development, the Project's location three blocks south of the Hollywood/Western Metro Center station (located approximately 1,000 feet from the project site) and in an area served by several Metro bus lines and DASH lines, facilitates access for future employees and visitors to the project site. These features, along with the Project's retail, restaurant, and other amenities for residents, employees, and visitors, the Project would reduce vehicle trips, vehicle miles travelled, and related emissions. As set forth in Section IV.G of the Draft EIR, the Project is also consistent with SCAG's Compass Growth Vision goal to improve mobility for all residents, which is further evidence that Project is transit-friendly.

The essential purpose of the Walkability Checklist is to guide Department of City Planning staff in working with developers to make developments more "walkable" by way of enhancing pedestrian activity, access, comfort, and safety. In addition, the Walkability Checklist encourages planners and developers to protect neighborhood character and pursue high-quality urban form. By incorporating the Checklist's criteria to the maximum extent feasible, the Project will create a more walkable environment, protect neighborhood character and result in a higher quality of urban form. In this case, the Project design is a direct result of this collaborative process between the applicant, Council District 13, some stakeholders and the Department of City Planning, including the Urban Design Studio. As set forth in Section IV.G of the Draft EIR, the Project is consistent with the applicable guidelines of the Walkability Checklist and thereby is consistent with pedestrian-oriented purposes of the SNAP.

The Project promotes and serves the design purposes of the SNAP by incorporating facade treatments on all four sides, consisting of varying elements such as display windows, balconies, overhangs, landscaping and vine treatments and by using colors and materials that provide a pleasing and varied design. These features are designed to promote a lively center with an urban streetscape and would break up the massing of the Project.

The CAPC Properly Granted an Exception to the Free Delivery Provision for Stores Exceeding 40,000 Square Feet

Strict application of the SNAP's free delivery provision would result in practical difficulties inconsistent with intent and purpose of the SNAP

The SNAP predates the dramatic increase of internet purchases, which are typically delivered at no cost by various retailers—including Target, which has an "always free delivery" program for

on-line purchases. Free delivery of on-line purchases from Target fulfills the original intent of the SNAP's free delivery requirement—which was to reduce traffic trips by consumers to multiple stores through home delivery. Increased use of on-line purchases with free delivery since the adoption of the SNAP now fulfills this purpose more fully than the SNAP's home delivery requirement. Home delivery does not necessarily reduce trips, because unless customers can buy goods online they will still need to travel to and from the store to make purchases. Target's online system enables customers to buy goods and have them delivered from the comfort of their homes.

Target has provided the City credible evidence in the form of testimony and in its written documents that requiring a national brand retailer such as Target to vary from its standard retail program and provide free delivery from its proposed Hollywood store would result in practical difficulties. Like many national retailers, Target maintains a standardized national program that takes advantage of economies of scale on a nationwide basis and allows Target to provide quality goods and services cost effectively. Because the Target's programs are implemented on a nationwide basis, individual stores do not have the ability to implement new programs (such as home delivery) on an ad hoc basis. Moreover, as Target offers internet purchases with free delivery, home delivery would be redundant and force Target to incur unnecessary costs.

The existing internet purchase system allows for deliveries from large centralized warehouse facilities that can maintain large amounts stock on hand. This allows for faster delivery than would be possible under delivery from individual stores, which only have small stock rooms that essentially are limited to resupplying the sales floor. Requiring the Project to implement home delivery would increase the likelihood of delays in, as goods are more likely to need to be ordered from centralized warehouse and delivered to the store. Thus, home delivery directly from the Project would be less attractive and convenient for customers.

In addition, home delivery from the Project would increase truck traffic in and around the site as compared to internet orders. With local home delivery, goods would arrive on trucks arriving from the central distribution facility, be unloaded at the Project, be reloaded onto trucks, and then delivered to customers via local streets. With internet purchases, the goods are shipped directly from the central distribution facility to the customer. Most of the journey to and from this facility would be on freeways and not local streets. Moreover, the local home delivery would result in more trucks using the Project's loading dock, which can only accommodate a limited number of trucks at any time.

There are exceptional circumstances applicable to the intended use of the subject property that do not apply to generally to other property in the SNAP area

Appellants contend that the CAPC erred in making the above finding in that the factors cited by the CAPC (e.g., providing a wide array of discount goods and services) do not establish an unnecessary hardship. However, the above finding relates to exceptional circumstances applicable to the *intended use* of the property that do not apply generally to other properties in the SNAP area, and not unnecessary hardship. In this case, the intended use of the subject property is a combination of neighborhood-serving retail with a Target store. The special

circumstance is that no other large national chain retailer in the SNAP area is required to provide free delivery. It is not relevant that the other large national chain retailers in the SNAP area were established before the SNAP was adopted. The finding calls for a comparison of existing uses; it does not limit that comparison only to uses established after the SNAP. Moreover, the finding specifically refers to circumstances that *do not apply* to other uses.

Target representatives have provided testimony, as well as written evidence, that requiring Target to make free deliveries would result in the practical difficulties listed in the above finding. They have also provided evidence that free delivery is available at Target's website. The City Council finds this evidence to be credible. Furthermore, the SNAP predates the dramatic increase of internet purchases, which are delivered at no cost by various retailers—including Target. This online service fulfills the intent of the Specific Plan while avoiding such practical difficulties.

An exception from the free delivery provision is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the SNAP area in the same zone and vicinity but which because of special circumstances and unnecessary hardships or practical difficulties is denied the property in question

Appellants maintain that the CAPC erred in making the above finding because the other national retail businesses cited in the finding were established prior to adoption of the SNAP. The finding calls for a comparison of existing uses; it does not limit that comparison only to uses established after the SNAP. The relevant comparison is to the rights enjoyed by other retailers. A retailer's ability to implement its own retail program and be competitive and comparable to other existing retailers is substantial right possessed by every large retailer in the area. Imposing a home delivery requirement on Target would create a practical difficulty, including requiring Target to deviate from its nationally-standardized retail program. This practical difficulty arises from special circumstance that other large national brand retailers in the SNAP area are not required to make free deliveries and from the special circumstance that significant increases in on-line purchases with free delivery since the adoption of the SNAP allow on-line purchase to fulfill the purpose of the SNAP.

As set forth in the above finding, it would create practical difficulties to require the proposed Target store to provide free delivery of goods to residents within the Specific Plan area while the other larger retail uses in the immediate vicinity of the project site do not provide free delivery. Target, a national chain with a set operational program, would be deprived of a substantial property right unless the exception is granted.

Granting an exception to the free delivery provision would not be detrimental to the public welfare and injurious to the property or improvements adjacent to or in the vicinity of the subject property

Appellants contend that that Target's on-line purchase and delivery requires purchasers to pay postage. The record includes credible evidence that Target provides a free delivery option for every on-line purchase. This option is more convenient and efficient than delivery from the Project. Therefore, granting this exception would not be detrimental to the public welfare and injurious to the property or improvements adjacent to or in the vicinity of the subject property.

Granting an exception to the SNAP's free delivery provision will be consistent with the principles and goals of the SNAP and applicable elements of the General Plan

A key purpose of the SNAP is to establish a clean, safe, comfortable, and pedestrian oriented community environment for residents to shop in. Granting the exception is consistent with this purpose, in that Target's customers can order goods online and have them delivered for free. This online option is more efficient and convenient than home delivery from the project site. Consequently, granting an exception to the SNAP's free delivery requirement is consistent principles and goals of the SNAP.

Substantial Evidence Supports Granting an Exception to the 35-Foot Height Limitation

Strict application of the snap's 35-foot height limit for commercial projects would result in practical difficulties inconsistent with intent and purpose of the SNAP

Appellants contend that the CAPC erred in making this finding in that there are no unnecessary hardships. In fact, either practical difficulties **or** unnecessary hardships may justify an exception to the SNAP's height requirements if strict application of the SNAP would be inconsistent with the purpose and intent of the SNAP. In this case, the practical difficulties justifying an exception from the 35-foot limit include the following:

a) The SNAP does not envision a typical regional commercial center design approach that places a large regionally-serving retailer like Target above neighborhood-serving ground-floor retail as requested by some stakeholders—any such feasible development (including development with subterranean parking) would likely exceed the SNAP 35-foot height limit for commercial developments due to minimum floor to ceiling heights and the need for retail uses to be at the ground level to foster walkability and be suitable for retail businesses (refer to the Section VI, Alternatives, of the Draft EIR);

b) Strict application of the 35-foot height limit would either result in infeasible design (refer to Section VI, Alternatives, of the Draft EIR, specifically the discussion of a single level retail alternative at pages VI-2 to VI-3 of the Draft EIR, as well as the discussion of the SNAP Compliant Commercial Alternative at pages VI-21 to VI-33) or a stand-alone Target store with a reduced sales floor that would comply with the height limit but would not be consistent with important purposes of the SNAP or the input from some stakeholders;

c) The project site is not level, but instead dips 6 feet at its southwest corner. Because building height is measured from the lowest elevation, even a building 35-feet above finished

grade along the Sunset Boulevard frontage would be considered to be a 41-foot tall building and require a height exception;

d) Subterranean parking would cause greater significant construction-related air quality and noise impacts than the proposed project (refer to Section VI, Alternatives, in the Draft EIR);

e) Subterranean parking is much more expensive than structured parking—which is a practical difficulty for any project that is not publicly funded -- and would likely not eliminate the need for a height exception; and

f) Even if a stand-alone Target would not exceed the 35-foot height limit, it would not serve the most important goals and purposes of the SNAP as it would not include a mix of retail uses or an 11,000 square-foot plaza.

All of these practical difficulties are cited by CAPC, and credible evidence in the record supports the CAPC's findings.

Appellants question the CAPC's conclusion that an effective mix of neighborhood-serving retail uses with a national brand regionally-serving retailer cannot be feasibly achieved without an exception to the 35-foot height limit. As shown in Alternative B in the Draft EIR, the desired mix of retail uses within a 35-foot height limit would require the neighborhood-serving retail to be semi-subterranean—six feet below grade. Such a design is not pedestrian friendly and would make the space undesirable to retail tenants and very difficult if not impossible to lease, as evidenced by the fact that there are no other projects in the vicinity with a similar configuration. A mix of neighborhood-serving retail uses with a national brand regionally-serving retailer with all retail uses at or above grade, even with subterranean parking, would exceed the 35-foot limit (refer to the Two-Level Retail with Underground Parking Alternative that the Draft EIR considered and rejected from further analysis as infeasible). Consequently, the site cannot include the mix of uses called for by some stakeholders as well as good planning principles without an exception to the height limit.

Appellants also claim that there is no evidence supporting the conclusion that subterranean parking is more expensive than at-grade structured parking. The Applicant testified that a very conservative preliminary estimate of the additional cost of below grade parking is approximately \$5 million. The City Council finds this testimony to be credible because the Applicant has extensive experience building Target stores.

Appellants point to the Target store in West Hollywood as an example that Target has built subterranean parking with neighborhood-serving retail and a Target store above. However, simply because Appellants' preferred design was achieved in West Hollywood does not address whether that same design presents a practical difficulty on the subject property in Los Angeles, which is subject to a completely different set of land use regulations. The fact that Target has recently designed and built the West Hollywood Target store is evidence that the Applicant is a credible source for information regarding the cost of subterranean parking and its relationship on overall project costs.

The City Council finds that there is no credible evidence to contradict the Target's testimony that subterranean parking is considerably more expensive than structured parking. On the contrary, credible sources provide construction cost estimate data demonstrating that subterranean parking costs significantly more per square foot than does a parking garage. The Applicant provided a letter from Walker Parking Consultants dated October 31, 2012 corroborating that a subterranean parking structure of 458 stalls would be several million dollars more than an above-ground parking structure of the same size. Walker Parking Consultants stated that the industry standard for quantifying the estimated costs of parking structures identifies a cost-per-parking space approach. Subterranean parking structures generally cost a higher multiple than above ground construction cost within a broad range from between \$20,000 and up to \$50,000 per space or more. By contrast, above-ground parking generally costs between \$8,500 and \$22,000 per space. Using a conservative analysis of probable construction cost that did not account for land, design, or site discovery costs, Walker Parking Consultants estimated that the cost of providing 458 parking stalls in a subterranean parking structure is approximately \$13.2 million (458 stalls multiplied by \$29,000 per parking stall) and the cost of providing 458 parking stalls in an above-ground parking structure is approximately \$5.6 million (458 stalls multiplied by \$12,500 per parking stall). This data corroborates the credible testimony of the Applicant that subterranean parking would significantly increase building costs.

The significant increase in building costs associated with subterranean parking is a practical difficulty inconsistent with the intent and purpose of the SNAP. First, subterranean parking would not eliminate the need for a height exception unless (a) ground-floor neighborhood serving retail uses were eliminated, contrary to some stakeholder input and good planning principles, (b) ground-floor neighborhood serving retail uses were placed 6 feet below grade (refer to the SNAP-Compliant Commercial Alternative in the Draft EIR, which was rejected as infeasible), or (c) the Target sales floor was significantly reduced (refer to the Single Level Retail alternative that was rejected as infeasible and not considered further in the Draft EIR). Without neighborhood-serving retail uses and with a significant increase in parking costs due to the subterranean parking, the 11,000 square-foot pedestrian plaza would be eliminated.

Appellants contend that this open space could be replaced on the roof. The City Council finds that this would not be feasible due to the need to install rooftop equipment and elevator shafts on the roof. Moreover, unlike a sidewalk-adjacent ground level plaza, rooftop open space would be neither easily accessible nor pedestrian-friendly.

As demonstrated in the EIR, there is no feasible alternative that includes both retail uses and a Target of sufficient size to meet the project objectives that would meet the SNAP's 35-foot height limit for commercial-only projects. Although subterranean parking could reduce the height of the proposed Project, it would not eliminate the need for a height exception and would impose a significant and unnecessary cost burden on the Applicant in a project that is receiving no public funding. The City Council finds that all of the foregoing is credible evidence of practical difficulties that justifies the exception.

There are exceptional circumstances applicable to the intended use of the subject property that do not apply to generally to other property in the SNAP area

Appellants contend that the CAPC erred in making this finding because there are no unnecessary hardships. However, this finding does not require a showing of unnecessary hardships. Rather, it requires exceptional circumstances applicable to the *intended use* of the property that do not apply generally to other properties in the SNAP area. In this case, there are special circumstances that apply to the site, including (a) the need to include ground floor retail uses and a 11,000 square-foot plaza based on some stakeholder input and in order to meet important pedestrian-friendly and neighborhood-serving goals of the SNAP and good planning principles , (b) the 6-foot grade differential on the site, which renders building that is 35 feet tall above grade for most of the site out of compliance with the SNAP, and (c) the site's location at a key intersection of two major streets, which calls a destination use such as Target as well as pedestrian orientation. These circumstances do apply to generally to other property in the SNAP area.

Most of Appellants' contentions have been addressed in the first finding above. The property cannot feasibly be put to the intended use as a combination of neighborhood-serving retail with a sufficiently-sized Target store and more pedestrian-friendly design without an exception to the height limit. Target did not lease the subject property with the intention of seeking an exception to the height limitation, but instead developed the proposed use after input from some stakeholders desiring a combination of neighborhood-serving retail with a Target store and more pedestrian-friendly design. The alternatives studied in the Draft EIR demonstrate that a SNAP-compliant design that combines neighborhood-serving retail with a Target store is infeasible. Credible evidence supports the conclusion that subterranean parking would be very expensive and would not eliminate the need for a height exception unless an infeasible and unworkable project design is implemented or the Project is fundamentally changed to a stand-alone Target store with less floor area.

With regard to other properties in the area, Appellants reference the Walgreens Pharmacy/Affordable Housing development on the northeast corner of Sunset Boulevard and Western Avenue as an example as evidence that subterranean parking is affordable. That project was a public/private development involving millions of dollars of CRA/LA subsidies equal to over 30 percent of its development costs. It was approved over 8 years ago, at a time when land costs in Hollywood were much lower than they are today. It is therefore not a relevant comparison. The other examples of subterranean parking cited by the Appellants, the Ralphs Shopping Center and Hollywood Western mixed use development, also involved substantial public subsidies and are not credible evidence that subterranean parking is feasible in this Project at this time. Further, with the change in redevelopment law, the City Council finds that public subsidy is not available for this Project.

An exception from the height limitation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the SNAP area in the same zone and vicinity but which

because of special circumstances and unnecessary hardships or practical difficulties is denied the property in question

The vicinity of the Project is the SNAP area, and the same zone is C2. The SNAP permits a 1.5:1 floor area ratio on the site. However, the Applicant is proposing only a 1.15:1 floor area ratio, which is the minimum to meet the needs of the Project. As noted above, there are special circumstances that apply to the site and practical difficulties that will result unless the exception is granted. As discussed below, achieving this minimum floor area ratio is a substantial property right possessed by other property in the SNAP area in the same zone and vicinity.

Other properties in the same zone and vicinity enjoy floor area ratios sufficient to meet their needs of the developments. Thus, each of these properties enjoys a substantial property right regarding the amount of permitted floor area ratio that the Applicant would be denied unless the exception is granted

The Super 8 motel at 1538 Western Avenue (Western Avenue & Harold Way) is located on an identically-zoned lot as the project site, is 4 stories, and covers all of the 5,482 square-foot lot on which it is located, as well as half of the adjacent lot. It is in Subarea B of the SNAP. The Super 8 motel is built to a floor area ratio of 2 to 1, which is higher than that of the Project.

An approximate 75,000 square-foot Walgreens mixed use project is located on the northeast corner of Western Avenue and Sunset Boulevard on multiple lots with a combined lot area of approximately 35,000 square feet. It is 65 feet in height and is located in the C2 zone. This project was granted multiple exceptions from the SNAP, as well as zone variances (Case No. APCC 2003-2145-ZV-SPE-SPP-SPR). That project received exceptions from SNAP standards regarding façade articulation, transitional height, ground-level open space, reduced parking, bicycle parking, stepbacks, transparent building elements, and surface parking landscaping. (This is more exceptions than the Project is seeking.) The floor area ratio for this project is approximately 2:1. The Walgreens mixed-use project has a greater floor area ratio than the Project in order to meet its needs.

The Kaiser Permanente facility on Sunset Boulevard between Vermont Avenue and Edgemont Street is located in the C2 zone and comprises of multi-story buildings of 6 and 7 stories covering all of the buildable lot area. The floor area ratios for these buildings are approximately 6:1. These buildings are approximately 0.9 mile from the Project.

The 400,000 square foot acute care hospital at 4650 Sunset Boulevard is 175 feet tall and has an overall floor area ratio of 2.2:1. It is also located in the C2 zone.

The Kaiser Permanente medical office building on the south side of Sunset Boulevard between Kenmore and Alexandria Avenues is a 6-story tower and parking structure in the C2 zone that occupies the entire block and enjoys a floor area ratio of approximately 3:1. Furthermore, this development places its 6-story parking structure directly abutting the sidewalk.

On the southwest corner of Sunset Boulevard and Alexandria Avenue is the CitiBank/Children's Hospital medical office tower, which has a ground floor banking use, and structured parking

above-ground. It is in the C2 zone, reaches approximately 6 stories in height, and has a floor area ratio of approximately 3:1.

The Hollywood Hotel at 1160 Vermont Avenue is located on 1.58-acre site zoned C2. It is a 3-story 130-room hotel with a large banquet room/restaurant and a 102-space surface parking lot. The floor area ratio of this project is approximately 1.5:1 FAR.

A 6-story mixed-use project at 346 South Vermont Avenue is located on a C2 lot and has a floor area ratio of approximately 6:1.

The Church of Scientology Center is located on C2-zoned lots along Fountain Avenue between L. Ron Hubbard Way and Catalina Streets. It is 10 stories tall at the center with 8 story sections on each side. It includes a large open plaza and grand stairway which, although much older than the proposed Project, is functionally comparable to the 11,000 square-foot plaza proposed by the Applicant. This building is part of a complex that reaches well into the residentially zoned lots to the north. However, the floor area ratio of the portions on the C2-zoned lot is at least approximately 6:1.

Appellants maintain that the Ralph's project demonstrates that all the project objectives can be met and intended uses of the proposed Project could be included on a smaller lot with subterranean parking. The finances of the two projects are not comparable. The Ralph's project was a public/private development involving CRA/LA subsidies equal to almost one-third of its development costs. The Ralph's project was approved over 10 years ago, at a time when land costs in Hollywood were much lower than they are today. Even with this subsidy and lower land costs, it took over 10 years to complete this project due to financial issues. Furthermore, that project is supported by two anchor tenants: a major chain grocery store and a discount clothing store. By contrast, the Project will receive no public subsidy, has only one anchor – a discount retailer – and is taking place at a time when land costs and construction costs are significantly higher than when the Ralph's project was approved. Moreover, the Ralph's project is located in the C4 zone, not the C2 zone. Further, following the change in redevelopment law the City Council finds that public subsidy is not available for this Project.

Granting an exception to the 35-foot height limit would not be detrimental to the public welfare and injurious to the property or improvements adjacent to or in the vicinity of the subject property

Appellants maintain that because the Project would have a significant impact to some public views, the CAPC erred in making the above finding. The City Council finds that public welfare does not depend on preserving every existing public view. A balanced approach requires encouraging new development on under-utilized properties, considering the needs of the developer and the community, and evaluating the severity of environmental impacts to ultimately determine whether such impacts are detrimental to the public welfare and injurious to nearby properties. The CAPC properly balanced these considerations and correctly determined, based on credible evidence, that despite a significant impact to some limited public views, that the Project would not be detrimental to the public welfare or injurious to nearby properties.

Of particular importance in making this determination is the lack of severity of the impact. Draft EIR Section IV.B acknowledges that there are locations in the areas located south of the project site where the Project could result in intermittent reduction in visual access to the Hollywood Hills and Hollywood sign from public viewing locations and concludes that this impact would be significant and unavoidable. Response to Comment 8-16 in the Final EIR demonstrates that such views are not expansive views, but are intermittent and unobstructed views such as found all along Western Avenue. The Draft EIR also points out, that from most southern vantage points the view is already obstructed and that most currently unobstructed views will remain unobstructed. In addition, the Draft EIR's discussion of Alternative B concludes that even a SNAP-compliant project would have significant and unavoidable impacts to views from those select vantage points affected by any development of the project site. For all these reasons, the City Council finds this significant public view impact is not detrimental to public welfare or injurious to nearby properties.

Granting an exception to the SNAP's 35-foot height limitation will be consistent with the principles, intent, goals and purposes of the SNAP and applicable elements of the General Plan

As set forth above and as set forth throughout the CAPC's determination, the Project is consistent with and promotes important principles, intent goals and purposes of the SNAP. The height exception will allow the Applicant to include pedestrian-oriented features into the Project, including an 11,000 square-foot plaza with seating, wide sidewalks, and a mix of pedestrian oriented ground floor retail. Appellants provide no credible evidence that the exception is inconsistent with the SNAPs principles and goals. By contrast, Section IV.G, Tables IV.G-4 through IV.G-6, provide credible evidence that the proposed project is consistent with the most important principles and goals of the SNAP and is consistent with the General Plan.

Credible Evidence Supports Granting an Exception to the SNAP's Additional Parking Requirements

Strict application of the SNAP's increased parking requirements requirement would result in practical difficulties inconsistent with intent and purpose of the SNAP

The City Council finds that the Applicant's testimony and written information is credible evidence that the typical parking demand for a Target store exceeds the maximum amount otherwise allowed under the SNAP. In addition, the proposed amount of parking needed to meet projected demand is based on ITE parking demand values. The SNAP's maximum parking requirement does not reflect the higher parking demand of discount stores like Target. Therefore, strict compliance with this SNAP standard could potentially result in spillover parking impacts in the surrounding neighborhoods that would be inconsistent with the SNAP's intent and purpose.

The required *minimum* parking ratio for the Project under the Los Angeles Municipal Code ("LAMC") is two parking spaces per 1,000 square feet of retail or restaurant uses, or approximately 386 spaces (see Final EIR Response to Comment 8-23). The Project proposes

458 parking stalls, which exceeds this requirement by 72 parking spaces. By contrast, the SNAP would limit the proposed project to a *maximum* of 386 parking spaces. Therefore, the Project needs a Specific Plan Exception to allow for the additional 72 parking spaces above the SNAP's maximum parking requirements.

As discussed in Final EIR Response to Comment 8-29, the peak parking demand for the proposed project, which occurs on a typical Saturday shopping day, would be 531 parking spaces; 2.70 parking spaces per 1,000 square feet for the Target store (442 parking spaces) and 2.87 parking spaces per 1,000 square feet for the remaining ground floor retail and restaurant uses (89 parking spaces). The proposed 458 parking spaces for the Project represent a 14% *reduction* in this peak parking demand. As this peak demand does not take into account the Project's proximity to transit, the EIR determined such a reduction to be appropriate, based on the Project's location in a transit oriented development area and the Project's design features to promote walkability. Thus, it would impose a practical difficulty to limit Project parking to the 386 spaces allowed by the SNAP because 386 spaces would be less than projected peak parking demand. Providing 458 spaces balances the need for the Project to provide sufficient parking to meet Target's operational needs (as determined based on Target's experience), the desire to reduce the potential for spillover parking that could potentially affect neighboring properties, and the SNAP's intent to encourage non-automobile travel.

There are exceptional circumstances applicable to the intended use of the subject property that do not apply to generally to other property in the SNAP area

The SNAP's required 386 parking spaces falls significantly below the peak demand for the proposed Target store, which has been determined using ITE parking demand models and Target's own credible information regarding the parking demand for a Target store. The City Council finds that this to be an exceptional circumstance.

An exception from the parking limitations is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the SNAP area in the same zone and vicinity but which because of special circumstances and unnecessary hardships or practical difficulties is denied the property in question

The Home Depot on Sunset Boulevard and the Food 4 Less store at 5420 Sunset Boulevard both exceed the SNAP parking requirements and thereby provide sufficient parking. Appellants contend that in making this finding, the City must identify other large retailers in the SNAP area that were established after adoption of the SNAP. The City Council finds that it is not relevant that the other large national chain retailers in the SNAP area may have been established before the SNAP was adopted. The finding calls for a comparison of existing uses; it does not limit that comparison only to uses established after the SNAP. The relevant comparison is to the rights enjoyed by other property in the same zone and vicinity. The ability to provide parking in order to meet parking demand is a substantial property right and use possessed by every other large retailer in the area. Limiting the Project's parking to the SNAP's maximum would result in

practical difficulties because it would render Target incapable of meeting peak parking demand. These practical difficulties arise from the special circumstance that Target's demonstrated peak parking demand exceeds the maximum number allowed under the SNAP.

Granting an exception to the SNAP's parking limitation would not be detrimental to the public welfare and injurious to the property or improvements adjacent to or in the vicinity of the subject property

Appellants maintain, without providing any supporting factual data, that granting the exception will encourage traffic trips and discourage alternatives to auto-dependence. The City Council does not find Appellant's contention to be credible. Strict application of the SNAPs parking limitation would result in a shortage of parking at peak times, which could be detrimental to the public welfare and other properties in the vicinity. Providing sufficient parking will improve the public welfare.

The proposed amount of parking balances the need to provide sufficient parking to meet peak demand with the objective of encouraging alternatives to auto use. The proposed 458 parking spaces represents a 14% reduction in this peak parking demand, which is appropriate based on the Project's location in a transit oriented development area and the Project's design features to promote walkability.

Granting an exception to the SNAP's parking limitation will be consistent with the principles and goals of the SNAP and applicable elements of the General Plan

Granting the requested exception to the SNAP's parking limitation is consistent with the transit-oriented goals of the SNAP. The Project's parking supply balances the need to provide sufficient parking to meet peak demand with the objective of encouraging alternatives to auto use. The proposed 458 parking spaces for the project represent a 14% reduction in this peak parking demand. As this peak demand does not take into account the Project's proximity to transit, the EIR determined that such a reduction is appropriate based on the Project's location in a transit oriented development area and the Project's design features to promote walkability. This encourages trip reduction without causing adverse impacts due to insufficient parking.

Credible Evidence Supports Granting the Applicant's Requested Exceptions to SNAP Development Standards and Guidelines

In addition to the SNAP itself, the City has adopted Development Standards and Design Guidelines for the SNAP area. The Applicant requests deviations from two of the twenty-one SNAP Development Standards for Subarea C: Development Standard No. 6 (Building Design) and Development Standard No. 19 (hours of operation).

The Development Standards are not inflexible as Appellant's contend. Section IX of the Development Standards and Design Guidelines state that valid reasons for requesting relief from the Guidelines include aesthetics or architectural intent; practical or logistical concerns that

emerge as a consequence of physical limitations of a site; or other design related issues that develop over time and were not anticipated by the Design Guidelines. Further, Development Standard Number 6 states that its purpose is to ensure that a project avoids large blank expanses of building walls, is designed in harmony with the surrounding neighborhood, and contributes to a lively pedestrian friendly atmosphere. It then goes on to enumerate the sub-elements that serve this purpose. Therefore, a balanced approach, considering the intent of the Development Standards and the degree to which a proposal complies with the standards against the needs of the Project, is appropriate when making the requisite findings. Each Development Standard reflects an underlying design principle, and each requested deviation from the specific standard must be analyzed to determine whether it is consistent with such underlying design principle.

Building Design Standards

Development Standard No. 6 contains six enumerated Building Design sub-elements, of which the Applicant requests relief from four. Contrary to Appellants' contention, it was not improper for the CAPC to group the Building Design exceptions into a single set of findings because the SNAP Development Standards also groups these elements all into one single Development Standard – Development Standard No. 6. In fact, the findings follow the format of the Development Standards.

The Applicant is seeking relief from four Development Standards that do not reflect the special and unique circumstance of a unified development on a lot that comprises an entire City block within the SNAP area and which fronts on two major commercial thoroughfares. In order to fulfill other goals and intents of the SNAP—as articulated in the CAPC's findings—relief from some of the Building Design elements is necessary. The underlying design principle of the Development Standard No. 6 regarding Building Design is to avoid the appearance of solid unarticulated walls and to contribute to a lively pedestrian friendly atmosphere. Although the Applicant requests relief from some of the Building Design sub-elements, the proposed design of the Project remains consistent with the underlying principles. The Applicant is merely seeking to be able to meet these principles with another design solution not expressly contemplated in the SNAP.

The Project meets or exceeds the transparency requirements along Sunset Boulevard and Western Avenue—where transparency is most important because building façade articulation and transparency is most important along the primary commercial frontages. The transparency will allow pedestrians walking on the sidewalk to look into the adjoining business; this will help activate the frontage, enhance the pedestrian experience, and promote walkability. An exception allowing only 24 percent transparency on St. Andrews Place is appropriate because requiring 50 percent transparency would require windows into the parking structure—which is not consistent with the underlying design principle of the applicable Development Standard.

A unified development comprising an entire block along Sunset Boulevard is a special and unique circumstance within the SNAP area. Requiring the balconies and canopies along this

frontage to be no higher than 30 feet presents an undue hardship and practical difficulty because such balconies and canopies would not be effective in reducing the effects of massing above 30 feet. The Project is a multi-level project with an 11,000 square-foot pedestrian plaza along the Sunset Boulevard frontage, and Applicant proposes a large canopy over the pedestrian plaza as well as second level terraces. All of these elements articulate the façade and avoid the appearance of a large blank wall above 30 feet.

A unified commercial development comprising an entire city block is a special and unique circumstance within the SNAP area, and requiring that the second floors be stepped back 10 feet would be an undue hardship and practical difficulty because this would unnecessarily limit the available floor area of the upper floors. The underlying purpose of the setback requirement is to avoid the appearance of unarticulated large blank walls. This purpose is adequately served by display boxes, second floor terraces, and street level canopies over first floor retail.

The proposed Project complies with the Development Standard No. 6's sub-element requiring that rooflines over 40 feet must be broken up through the use of gables, dormers, cut-outs, or *other appropriate means*. Development Standard No. 6 does not require gables, dormers, cut-outs as the only means to break up the appearance of rooflines. The Project's roofline is broken up and articulated through the use of varying vertical and horizontal planes, which give the appearance of a broken roofline. This approach could be deemed an appropriate other means within the context of this Development Standard. Nevertheless, to be conservative the Applicant sought an exception from this standard. In any event, the required finding can be made. A large national chain discount retailer on the upper floor of a unified commercial development comprising an entire City block is a special and unique circumstance in the SNAP area. Requiring a physically articulated roofline would necessarily lower the available floor area and average height of the store and unnecessarily impose a hardship and practical difficulty upon the intended use.

Appellants incorrectly imply that the proposed 15-foot sidewalks and the Applicant's proposed landscape plan would not provide the lively pedestrian-friendly environment envisioned by the SNAP compared to the existing sidewalks and existing street trees. The existing Canary Date Palm trees are not protected trees, and provide no shade. By contrast, the proposed street tree plan includes Canary Date Palm trees as well as Mexican Fan Palm trees, London Plane trees, Valley Oak trees, and Walnut trees. The Applicant's landscape and street tree plan provides credible evidence supporting the findings.

Appellants incorrectly contend that the findings are in error with regard to the access ramp along St. Andrews Place. The findings accurately state that St. Andrews Place is minimally traveled by pedestrian and vehicles. The statement is meant as a comparison to the amount of pedestrians and vehicles on Sunset Boulevard and Western Avenue. That some day laborers, pedestrians, and vehicles to travel on St. Andrews Place may be true, but placing the access ramps on St. Andrews Place where far less pedestrians and vehicles travel compared to Sunset Boulevard and Western Avenue is appropriate with regard to minimizing the risk of injury to pedestrians and interference with access to other properties.

Hours of Operation

There are other large retail stores in the SNAP area that are allowed delivery hours outside the hours prescribed in the Development Standard No 19. Requiring Target to limit its hours would create an unnecessary hardship. Strict compliance is not necessary to meet the intent of the SNAP, It would also create a hardship because it would require Target to receive deliveries only during business hours when customers are present while other larger retailers are not subject to the requirement. Appellants claim that the fact that Food 4 Less is open 24 hours per day and the fact that Home Depot receives deliveries outside normal business hour are not relevant because those uses predate adoption of the SNAP. However, the requisite findings call for a comparison of existing uses and are not just those existing uses established after adoption of the SNAP. In addition to the Food 4 Less store and Home Depot, the Ralph's grocery store at Hollywood Boulevard and Western Avenue is open 24 hours per day. Thus, deliveries outside normal business hours are a substantial property right enjoyed by other comparable uses in the SNAP area.

Strict application of the SNAP standard regarding hours of operation for delivery is not necessary to preserve the underlying purpose of Development Standard No. 19, which is to avoid noise and disturbance impacts to neighbors associated with early deliveries. Allowing early deliveries at the Project is not at odds with this purpose because deliveries would occur entirely within an enclosed area. Therefore, adjoining properties will not be adversely affected.

Pursuant to Section IX of the SNAP Guidelines, the City Council finds, with respect to the exceptions from SNAP Development Standard Nos. 6 and 19:

***The Project, as modified, will be substantially in conformance with
the goals, policies and intent of the Specific Plan, appropriate Community
Plan and General Plan***

Tables IV.G-4 and IV.G-5 of the Draft EIR provide substantial evidence that the proposed Project is substantially conforms to the goals, policies, and intent of the General Plan Framework and Hollywood Community Plan. Table IV.G-6 of the Draft EIR demonstrates that the proposed Project also substantially conforms to the goals, policies, and intent of the Updated Hollywood Community Plan. In addition, CAPC Site Plan Review Finding "b" (which is not challenged by Appellants) provides additional credible evidence that the proposed Project is consistent with the General Plan.

The SNAP and its associated Vermont/Western Transit Oriented District Specific Plan Development Standards and Design Guidelines contain over 40 development and design

standards applicable to Subarea C. The Project complies with all but a handful of these standards. As set forth in these findings above and in the Section G, Land Use, of the Draft EIR, the proposed Project substantially conforms to the goals, policies, purposes, and intent of the SNAP.

The Project promotes and serves the design purposes of the SNAP by incorporating facade treatments on all four sides, consisting of varying elements such as display windows, balconies, overhangs, landscaping and vine treatments and by using colors and materials that provide a pleasing and varied design. These features are designed to promote a lively center with an urban streetscape and would break up the massing of the Project. None of the exceptions from the Building Standards requested by the Applicant undermine the Project's consistency with this goal.

The underlying design principle of the Development Standard No. 6 regarding Building Design is to avoid the appearance of solid unarticulated walls and to contribute to a lively pedestrian friendly atmosphere. Although the Applicant requests relief from some of the Building Design sub-elements, the proposed design of the Project is consistent with the underlying principles. The Applicant is merely seeking to be able to meet these principles with another design solution not expressly contemplated in the SNAP.

The underlying purpose of Development Standard No. 19 is to avoid noise and disturbance impacts to neighbors associated with early deliveries. However, allowing early deliveries at the Project is not at odds with this purpose because deliveries would occur entirely within an enclosed area.

The Project, as a consequence of the modification or Exception, will not result in any additional vehicle trip generation, parking, density, building mass, height, or bulk

None of the deviations from the SNAP Building Standards sought by the Applicant are related to vehicle trip generation, parking, density, or building height. The exceptions to Development Standard No. 6 regard transparency requirements, the height of balconies, second floor stepbacks, and broken rooflines. Of these, only the requested relief from second floor stepbacks and broken roofline provisions implicate building mass and bulk. However, the requested exceptions will not result in additional building mass or bulk because the Applicant is will break up the roofline and mass of the building with other design approaches that are not expressly contemplated in, but are nonetheless consistent with, the SNAP Development Standards.

Allowing early deliveries to an entirely enclosed area within the Project is not related to parking, density, or building mass, height, or bulk. The requested deviation will not generate additional

vehicle trips. The amount of delivery trips will be the same regardless of whether they arrive during the hours allowed by the SNAP or the hours requested by the Applicant. Granting the requested deviation would likely have a net beneficial impact on vehicle trips by allowing deliveries before the a.m. peak hours, when traffic on surrounding streets is heavier.

The Project as modified will continue to be pedestrian and transit oriented, especially in the design and configuration of the street level facades and provision of open space and landscaping

Some of the principal features of the proposed Project design are an 11,000 square-foot pedestrian plaza, balconies, overhangs, landscaping, and vine treatments. The Project also creates an active retail and pedestrian frontage along Western Avenue and Sunset Boulevard where there currently exists a large expanse of surface parking between the sidewalk and existing retail uses. As previously stated, the Project is a transit-friendly development as envisioned by the SNAP. The Project infill development location three blocks south of the Hollywood/Western Metro Center station and in an area served by several Metro bus lines and DASH lines facilitates access for future employees and visitors to the project site. These features, along with the Project's retail, restaurant, and other amenities for residents, employees, and visitors, will reduce vehicle trips, vehicle miles travelled, and related emissions. As set forth in Section IV.G of the Draft EIR, the Project is also consistent with SCAG's Compass Growth Vision goal to improve mobility for all residents, which is further evidence that Project is transit-friendly. Also, Section IV.G of the draft EIR provides substantial evidence of that the proposed Project is consistent with the City's Walkability Checklist, which is a primary tool for creating pedestrian-oriented environments.

The underlying design principle of the Development Standard No. 6 regarding Building Design is to avoid the appearance of solid unarticulated walls and to contribute to a lively pedestrian friendly atmosphere. Although the Applicant requests relief from some of the Building Design sub-elements, the proposed design of the Project remains consistent with the underlying principles. The Applicant is merely seeking to be able to meet these principles with another design solution not expressly contemplated in the SNAP. Therefore, as the Project will continue to be pedestrian and transit oriented with the requested exceptions from Development Standard No. 6

The requested deviation from the SNAP's established delivery hours do not relate directly to pedestrian and transit oriented factors articulated in requisite finding. However, allowing deliveries before the a.m. peak hours as requested by the Applicant may reduce the potential conflict between pedestrians in the vicinity and delivery vehicles—thereby improving the Project's pedestrian orientation. Therefore, even with the requested exceptions from Development Standard Nos. 19, the Project will continue to be pedestrian oriented.

***The Project as modified will be in proper relation to adjacent uses or
to the development or the community***

The community is highly-developed urban area. General land uses in the vicinity of the Project site include a mix of high-density commercial and retail uses, mixed-use commercial and residential projects, government and institutional uses as well as residential uses ranging from one story to five stories.

CAPC Site Plan Review Finding “d” includes credible evidence that the proposed Project (as modified by deviations from the Building Standards) is proposer in relation to adjacent uses or the community. The specific design features referenced by the CAPC regarding the proposed landscaping, its articulated design, its streetscape plan and pedestrian plaza represent good planning principles and are all compatible with existing and future development. The Project will revitalize its Sunset and Western frontages by eliminating the existing large surface parking areas separating the sidewalk from retail uses. The Project would create a streetscape that is a vast improvement over existing conditions and compatible with existing and future development.

The underlying design principle of the Development Standard No. 6 regarding Building Design is to avoid the appearance of solid unarticulated walls and to contribute to a lively pedestrian friendly atmosphere. Although the Applicant requests relief from some of the Building Design sub-elements, the proposed design of the Project remains consistent with the underlying principles. The Applicant is merely seeking to be able to meet these principles with another design solution not expressly contemplated in, but is consistent with, the SNAP. Therefore, the Project will continue to be proper relation to adjacent uses with the requested exceptions from Development Standard No. 6

The enclosed loading and delivery area of the Project is located on DeLongpre across from a US Postal Service facility which also commences its operations in the early morning hours. Granting the requested deviation from the SNAP's permitted delivery hours will be proper in relation to this adjacent use. Allowing early deliveries at the Project is proper in relation to the Assistance League of Southern California facility because deliveries would occur entirely within

an enclosed area. Therefore, adjoining properties will not be adversely affected by granting the exception, and the Project will continue to be proper relation to adjacent uses.

***The Project as modified will be desirable to the public convenience
or welfare***

The Project will revitalize an entire City block and one corner at the intersection of Sunset Boulevard and Western Avenue. The Project will replace underutilized buildings and an expanse of surface parking separating retail uses from the street frontage, and establish a streetscape that is a vast improvement over existing conditions and compatible with existing and future development. The proposed Target store and local serving retail uses will provide convenient new retail shopping opportunities with a national brand retailer serving as an anchor to provide long-term stability. The proposed Project will also include an 11,000 square-foot pedestrian plaza that will activate the southwest corner of Sunset Boulevard and Western Avenue. The Project would create a streetscape that is a vast improvement over existing conditions and will be desirable to the public convenience and welfare.

Employment opportunities are among the most important elements of public welfare. The proposed Project would bring approximately 400 temporary construction jobs and 250 permanent jobs to the SNAP area. None of the requested exceptions from Development Standard Nos. 6 and 19 undermine this important contribution to public welfare.

The requested exceptions to Development Standard No. 6 do not directly relate to public welfare, but rather to local design aesthetics and compatibility. The underlying design principle of the Development Standard No. 6 regarding Building Design is to avoid the appearance of solid unarticulated walls and to contribute to a lively pedestrian friendly atmosphere. Although the Applicant requests relief from some of the Building Design sub-elements, the proposed design of the Project is consistent with the underlying principles and will not result in any adverse aesthetic impacts. Therefore, the Project as modified will be desirable to the public convenience and welfare.

Allowing deliveries before the am peak hours will have reduced delivery vehicle trips during the peak hour and avoid conflicts with customers. Deliveries will take place entirely within an enclosed area and will not adversely affect neighboring properties. Therefore, granting the requested exception from the SNAP's delivery hours will be desirable to the public convenience and welfare.

The Project as modified will not be materially detrimental to the character of development in the immediate neighborhood

The Project will revitalize its Sunset and Western frontages eliminating the existing large surface parking areas separating the sidewalk from retail uses. The Project would create a streetscape that is a vast improvement over existing conditions and improve the character of the surrounding neighborhood.

CAPC Specific Plan Exception Finding 5.d and the above Supplemental Specific Plan Exception Finding cite credible evidence that the Project as modified by deviation from the applicable Building Standard will not be detrimental to the character of development in the immediate neighborhood. Furthermore, the exceptions being sought by the Applicant do not directly relate to public welfare, but rather to local design aesthetics and compatibility. The underlying design principle of the Development Standard No 6 regarding Building Design is to avoid the appearance of solid unarticulated walls and to contribute to a lively pedestrian friendly atmosphere. Although the Applicant requests relief from some of the Building Design sub-elements, the proposed design of the Project is consistent with the underlying principles and will not result in any adverse aesthetic impacts. Therefore, granting the requested exception to Development Standard No. 6 will not be materially detrimental to the character of development in the immediate neighborhood

The enclosed loading and delivery area of the Project is located on DeLongpre across from a US Postal Service facility which also commences its operations in the early morning hours. Granting the requested deviation from the SNAP's permitted delivery hours will not adversely impact this adjacent use. Further, early delivery hours would not adversely impact other properties in the vicinity because deliveries would occur entirely within an enclosed area. Therefore, granting the requested exception to Development Standard No. 6 will not be materially detrimental to the character of development in the immediate neighborhood.

SITE PLAN REVIEW

Appellants challenge Site Plan Review Findings Nos. 1, 4, and 5. Appellant's challenge to Site Plan Review Finding No. 5 essentially restates Appellants' arguments that the environmental review is inadequate. These claims are addressed in the CEQA findings adopted by the CAPC and the supplemental CEQA findings below.

The Project complies with all applicable provisions of this Code and any applicable Specific Plan

Appellants maintain that this finding can never be made for any project that requests exceptions from an applicable Specific Plan. In establishing the Site Plan Review procedures, the City did not intend the finding to be so narrowly interpreted. Compliance and consistency are not synonymous. To the contrary, the SNAP expressly allows exceptions from its requirements and development standards. Applications for exceptions from SNAP development standards do not violate the SNAP, but rather comply with the processes established in SNAP Section 12 and Development and Design Guidelines Section IX. The CAPC correctly found that once such

exceptions are approved, the Project is deemed to comply with applicable provisions of the SNAP despite the fact that some elements of the Project would otherwise not be consistent with some of the standards in the SNAP.

Appellants maintain that the CAPC incorrectly found that the area is designated for higher density than the Project proposes. In the context of commercial development, density is measured by floor area ratio. The proposed project's floor area ratio is 1.15:1, which is lower than the 1.5:1 FAR allowed for commercial developments. Furthermore, the SNAP does promote density—allowing 75-foot height limits and a 3.0:1 FAR for mixed use projects.

Appellants contend that the Project is attempting to avoid paying the in lieu fee for child care facilities required by the SNAP. In fact, Condition 133 specifically requires the Applicant to either establish a child care facility on-site or pay the in lieu fee. The fee will be determined by the Recreation and Parks Commission, and payment of the fee will be required prior to the issuance of building permits.

Appellants maintain that the Project does not pay school fees. Although the Project is not a residential project, even commercial projects are required to pay school fees as part of the regular permitting process pursuant to Education Code section 17620.

Appellants claim that reducing one 20-foot sidewalk to 15 feet renders it impossible to find that the project is a pedestrian-friendly, livable, and walkable. Currently, the sidewalks on Sunset Boulevard and Western Avenue are not integrated with the land uses on-site, but are instead separated by 3-foot masonry wall. The Applicant proposes an 11,000 square-foot plaza and an activated streetscape with more diverse urban tree planting than currently exists, as well as more active ground-floor retail and open air amenities than currently exist. These facts support the finding that the Project is pedestrian-friendly, livable, and walkable.

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, which is or will be compatible with existing and future development on neighboring properties

The requisite finding requires an assessment of the overall arrangement of buildings for the purpose of determining compatibility. The CAPC correctly found that the Project is compatible with existing and future development. The specific design features referenced by the CAPC regarding the proposed landscaping, its articulated design, its streetscape plan and pedestrian plaza represent good planning principles and are all compatible with existing and future development. All recent and future development has been or will be reviewed for consistency with the SNAP under the project permit compliance process and will incorporate similar features. For example, the Sunset at St. Andrews development and Yogurtland strip located across Sunset Boulevard from the Project (although small and single story) each incorporate pedestrian friendly features, consistent with SNAP, such as integrating articulated retail frontage closer to the sidewalk and including outdoor areas for pedestrians. The Project will revitalize its Sunset and Western frontages in a similar way by eliminating the existing large surface parking

areas separating the sidewalk from retail uses. The Project may comprise an entire city block, but it nevertheless would create a streetscape that is a vast improvement over existing conditions and compatible with existing and future development.

Contrary to Appellants' assertion, the CAPC appropriately references that the SNAP permits mixed-use projects to reach 75 feet in height and achieve a floor area ratio of 3.0:1. The comparison is made to show that density and scale is permitted in the SNAP area, that the SNAP is not properly characterized as a Specific Plan intended to maintain low densities.

CONDITIONAL USE PERMIT—BEER AND WINE SALES

Appellants mischaracterize the conditional use permit findings with the separate and distinct finding of Public Convenience and Necessity. A Public Convenience and Necessity finding is made separately by the City Council at a later time. Nevertheless, Appellants' concerns regarding the concentration of alcohol licenses and crime statistics in the applicable census tract are equally applicable to conditional use permit findings.

The key finding regards whether any overconcentration alcohol licenses in a particular area is undue. Granting a conditional use permit for beer and wine sales to national brand retailer of personal and household goods does not result in an undue overconcentration for all the reasons set forth in the Area Planning Commission's findings. Most particularly, the census tract is located in a highly urbanized area that is both a local and regional destination. In such circumstances, having a higher number of alcohol licenses than are allocated by census tract does not constitute an undue concentration.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Cumulative Impacts

Appellants contend that the NBC Universal Evolution Plan and the Hollywood CAP Park projects were improperly omitted from the list of related projects in the Draft EIR. They claim that such omission results in an inadequate and incomplete cumulative analysis. Comprehensive responses to each claim are provided in Final EIR Response to Comment 8-12.

NBC Universal Evolution Plan

The NBC Universal Evolution Plan project ("NBC Project") prepared an environmental impact report that was considered in the development of the related project listing for the proposed Target Project. The NBC Project Draft EIR shows the estimated traffic generated by that project in year 2030 would occur outside of the traffic study area of the proposed Target Project. No study intersections in the proposed Target Project traffic analysis overlap with the 164 intersections studied in the NBC Project traffic report. The closest Hollywood intersections studied by the NBC Project traffic report are located approximately one mile west of the proposed Target Project along the Cahuenga Boulevard corridor. Traffic flow projections prepared for the NBC Project were reviewed by the Target Project Traffic Engineer and clearly indicate that traffic from the NBC Project would have no traffic impact on the intersections analyzed in the proposed Project traffic analysis.

Appellants' contentions regarding the cumulative impacts of the NBC Universal Project are not supported by any evidence. In contrast, credible evidence supports the conclusion that that traffic from the NBC Project would have no cumulative traffic impact relationship with the intersections analyzed in the proposed Target Project traffic analysis. The NBC Project was, therefore, properly excluded from the related projects list.

Hollywood Central Park

Appellants assert that the proposal for a Hollywood Central Park (the "CAP Park") must be included as a related project in the cumulative analysis. The CAP Park is a concept to construct a 44-acre park over a portion of the Hollywood Freeway that is presently in the preliminary planning and conceptual evaluation stages. Identifying related projects and establishing the environmental setting for a project is done at the commencement of the CEQA process. The CEQA process for this Project commenced on the date the City published the Notice of Preparation of the Project EIR – December 6, 2010. As of that date, the CAP Park was not funded and no CEQA review of the CAP Park had commenced. Although there may be public support for the CAP Park, and some funds have been raised, CEQA review has not yet commenced and the CAP Park is not funded.

The primary agency advocating for the CAP Park was the Community Redevelopment Agency of the City of Los Angeles ("CRA/LA") – which has since been eliminated by State legislation. According to the CAP Park's own website, its future is uncertain.

"On December 15, 2011, the CRA/LA Board of Commissioners approved \$2 million dollars to initiate the Park's EIR. The Council approved the expenditure on December 16. And it was signed by the Mayor. However, on December 29th, the California Supreme Court upheld the legislature's right to abolish redevelopment agencies, effective February 1, 2012."

"The California Supreme Court ruling [upholding the elimination of Redevelopment Agencies] *leaves many issues to be resolved, including the Park's EIR funding.*"

As recently as December 15, 2011, the CRA/LA specifically stated that the steps taken toward development of the CAP Park "does not constitute a 'project' as defined by CEQA." At that time, the CRA/LA was seeking authorization to enter into a tri-party Memorandum of Understanding with the City of Los Angeles and Friends of the Hollywood CAP Park. In its December 15, 2011 communication to the City Council, the CRA/LA concluded that its requested action is not a "project" under CEQA and is only being taken to provide "the resources to prepare the necessary environmental reviews of any requested future actions."

Appellants correctly reference that the City Council recently approved \$825,000 of funding for the CAP Park and that the Aileen Getty Foundation donated \$1.2 million to fund the Cap Park EIR, but such funding comes 18 months after the environmental setting of the proposed Project is established by the NOP and the CAP Park environmental review still has not commenced. Furthermore, feasibility study estimates establish the cost of building the CAP Park between

\$949 million to \$1.15 billion. The amount recently allocated by the City Council and Aileen Getty Foundation represents significantly less than 1 percent of the cost of the CAP Park.

Therefore, the Cap Park is not appropriate for inclusion in a cumulative impacts analysis because it was not a reasonably foreseeable project at the time the environmental setting was established and because ultimate development of the CAP park remains speculative.

Employment Figures

The Applicant has explained the difference in the employment figures identified by Appellants. The Project will generate approximately 250 permanent full-time and part-time jobs and approximately 850 temporary construction jobs. The Applicant has clarified these numbers in subsequent testimony and correspondence. Contrary to Appellants' contention, the two different numbers do not raise concerns over holiday employee parking overflow. Appellants speculate without reference to facts or evidence that holiday parking demand requires mitigation and recirculation of the Draft EIR. However, no credible evidence supports this speculation.

Alternatives

Appellants suggest their preferred alternatives, but do not provide any credible evidence that these preferred alternatives would substantially reduce or avoid the Project's significant impacts. CEQA requires analysis of a reasonable range of only those alternatives that would substantially reduce or avoid the *significant* impacts of a project. The City Council finds that the range of alternatives analyzed in the EIR is reasonable.

The Draft EIR evaluated or otherwise considered five alternatives with subterranean parking:

- SNAP Compliant Commercial (Alternative B);
- SNAP Compliant Mixed-Use (Alternative C);
- Reduced Project (Alternative D);
- Single Level Project (Alternative 1);
- 2-Level Project with Underground Parking (Alternative 2).

Alternatives 1 and 2 were considered but rejected as infeasible and not subject to further evaluation.

Appellants claim that CEQA requires that alternatives to lower the proposed height of the Project, such as subterranean parking and a smaller Target store, were not reasonably considered. Both concepts were considered in the Draft EIR. Final EIR Response to Comment 8-53 specifically addresses Appellants' argument for a smaller Target store.

With regard to alternative locations, Appellants identify alternative sites that Appellants claim are available for sale—though they provide no evidence that such sites were available for sale or lease at the time Target leased the proposed Project site in 2007. Moreover, there is no

credible evidence that these alternative sites would avoid or substantially lessen any of the significant effects of the Project. Only locations that would substantially avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR. (State CEQA Guidelines §15126.6(f)(2)(A).) Although the Food 4 Less site identified by Appellants is larger than the Project site, this factor would not avoid or substantially reduce any of the Project's significant environmental impacts-- Aesthetics (Public View Obstruction), Air Quality (Construction), Noise (Construction), and Traffic (Operational). Construction and traffic impacts would be identical regardless of the size of the project site. Although a larger site may allow for the proposed floor area of the Project to be located in a shorter building, there is no credible evidence that such a building would eliminate impacts to public views.

The Sears property at Santa Monica and Wilton may be vacant and available now, but it was not available in 2007 when Target was selecting sites. At that time, the Sears property was subject to a comprehensive development proposal--Case Number CPC-2006-4392-GPA-ZC-ZV-HD-ZAA-ZAI-SPR. This case was approved on September 20, 2007. Only after Target had contractually committed to the current project site, the approved Sears property development project was challenged in court and ultimately abandoned. Furthermore, that site is a mixture of zoning designations including residential and commercial zones, which renders the site more difficult to develop.

Appellants argue that the EIR should have evaluated a smaller stand-alone Target store. However, both Alternatives D and E evaluate stand-alone Target stores. In addition, some stakeholders expressly rejected a stand-alone Target store before the current proposal was developed to address the community desires for a more active mix of neighborhood-serving retail in combination with the national brand target anchor store. Nevertheless, the EIR studied two different alternatives with a stand-alone Target.

Alternative D (Single Level Retail Project) includes a stand-alone Target store over subterranean parking that is within the SNAP height limit. The Alternative does not include any ground level retail and restaurant uses or the pedestrian plaza that would be included under the proposed project. The EIR's analysis concluded, and the CAPC found, that this alternative would meet some of the project objectives, but would not meet other basic project objectives because it would reduce the range of goods available to serve the community, would not provide a mix of retail uses, and would not provide the public plaza and pedestrian amenities that are appropriate for the urban location. Furthermore, this alternative would have similar construction air quality and operational traffic trip impacts as the proposed Project, and would have more severe construction noise impacts associated with subterranean parking. As such, this alternative was considered and rejected as infeasible.

Alternative E is similar to Alternative D, except that the parking is above ground, raising the height of the alternative to approximately 45 feet. This alternative would not substantially reduce or avoid any of the proposed Project's air quality, noise, and traffic trip impacts, and would reduce but not eliminate the Project's significant impact to public views. The EIR's analysis concluded, and the CAPC found, that this alternative would meet some of the project objectives, but would not meet other basic project objectives because it would reduce the range

of goods available to serve the community, would not provide a mix of retail uses, and would not provide the public plaza and pedestrian amenities that are appropriate for the urban location.

The CAPC correctly found that Alternative E, although the environmentally superior alternative, is infeasible because it does not eliminate any of the significant impacts and only reduces but does not avoid one of the Project's significant impacts. In addition, the alternative is infeasible because it would not meet the basic objectives of the Project.

Appellants claim that the Draft EIR should have studied a smaller stand-alone Target store that nevertheless would provide a pedestrian plaza and a mix of retail uses. Appellants reference the "City Target" model. The "City Target" model is a recently-developed Target store model that is intended to be located within an existing built environment—such as the Beverly Connection. Appellants speculate, without any evidence to support the speculation, that a smaller Target store would substantially reduce the proposed Project's significant impacts while providing the mixed commercial project amenities that would fulfill the basic project objectives. The City Council does not find the Appellants contentions to be credible.

Statement of Overriding Considerations

Appellants' challenge to the Area Planning Commission's Statement of Overriding Considerations reiterate Appellants' challenges to the alternatives analysis. Credible evidence demonstrates that the project will produce the public benefits enumerated by the CAPC.