

SheppardMullin

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October 21, 2013

File Number: 26LJ-158841

VIA HAND DELIVERY

Los Angeles City Council
Planning and Land Use
Management Committee
c/o City Clerk
200 N. Spring Street, Room 395
Los Angeles, California 90012

Re: Appeals of City Planning Commission's Approvals of the Highland Selma Project

Dear Honorable City Councilmembers:

This firm represents Highland Selma Venture, LLC (the "Applicant") regarding the proposed Highland Selma Project (the "Project"). The Project would transform the project site from its underutilized existing use to a modern mixed-use commercial and residential development with two subterranean parking structures and grade-level enclosed parking. The Project components include 248 residential units, retail, and restaurant uses located on an approximately 1.74 acre site (the "Project Site") located in the Hollywood area of the City of Los Angeles (the "City").

For background, on May 23, 2013 the City Planning Commission held a properly-noticed public hearing regarding Case No. CPC-2011-2157-2V-SPR and the mitigated negative declaration prepared for the Project (ENV-2011-2158-MND) (the "MND"). On August 12, 2013, the City Planning Commission issued its letter of determination on the case approving the requested entitlements and conditions of approval and adopting the findings and the MND. On August 27, 2013, George and John Soluk ("Appellant") appealed the City Planning Commission's action on the entitlements.

Below, we address the issues raised in the appeal. We respectfully request that this letter be included in the administrative record and be considered by the Planning and Land Use Management Committee ("PLUM Committee") before the public hearing scheduled for October 22, 2013.

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I. The Appeal

According to the appeal, the Appellant is appealing a part of the decision made by the City Planning Commission, specifically the findings related to approval of the Project. The discussion below addresses the substantive issues raised in the appeal.

A. The Variance Findings For Reduced Parking Are Adequate.

The Appellant raises a series of unsupported arguments about the variance findings for reduced parking. First, the Appellant wrongly contends that the parking covenants that encumber several parcels on the Project Site were created in order for the Applicant to sell portions of property owned by the Applicant.¹ Several parcels on the Project Site are subject to off-street parking covenants that require the set aside of 165 parking spaces. These parking covenants were entered into and recorded between 1993 and 1996, decades before the Applicant purchased the Project Site. See Exhibit A, Parking Covenants, attached hereto. The majority of the parking spaces that are required by the parking covenants are for Panavision and the Musician's Institute, two important entertainment-related uses in Hollywood. In fact, these parking covenants were executed in order for Panavision and Musician's Institute to locate in the area as the parcels upon which the buildings are located cannot accommodate the parking for those uses.

The Project fully satisfies all parking covenants. In addition, the Project includes two on-site parking structures that provide a combined 538 parking spaces, which is only a 46 space reduction from the required for the Project. Moreover, the City's Housing Element, states that "high density development adjacent to transit corridors and bus stops is one of the implementing tools used to achieve" the City's goal of providing sufficient housing within proximity of employment. The Property is located along a major transit corridor, Highland Avenue, and is a block from the intersection of Hollywood Boulevard and Highland Avenue and the Metro Red Line Station. The Project is also providing commercial and residential bicycle parking to meet the new Bicycle Ordinance (Ordinance 182,386).

The Appellant also contends that there will be adverse effects on an element of the General Plan, but does not substantiate the argument with any specific elements of the General Plan that will be effected by the reduction in parking. The Project Site is subject to the requirements of the Community Plan and Community Plan Update, which is part of the Land Use Element of the City's General Plan. The grant of the requested parking variance would not adversely affect the Community Plan or any other element of the General Plan. The General Plan, the Housing Element, Land Use Element, and the Hollywood Community Plan and Update encourage mixed-use projects with housing and pedestrian-oriented commercial uses along

¹ The Project Site used to include the Panavision building property as well as the Musician's Institute trade school building property on the corner of Highland Avenue and Hawthorn Avenue. Prior to the City Planning Commission hearing, the Applicant sold the Panavision and Musician's Institute properties and those properties are no longer considered part of the Project Site.

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major transit corridors. As a result, the mixed uses of the Project reflect the City's urban planning goals because they provide compatible uses to an underutilized, commercially zoned property located along a major transit corridor and adjacent to high-capacity transit.

The Hollywood Community Plan states that "[p]arking areas should be located between commercially-zoned properties where appropriate to provide a buffer, and shall be separated from residential uses by means of at least a solid masonry wall and landscaped setback." The Project complies with this standard and improves upon it. The parking facilities on the Project Site will be strategically located underneath the residential and mixed-use components of the Project. This design allows the at-grade uses to enliven the street frontage and provide additional landscaping and open space to beautify the Project Site and vicinity.

Furthermore, the site and the surrounding area are located in a portion of the City that is undergoing a significant transition. New developments, including mixed-use projects, are occurring within the surrounding community, revitalizing the Hollywood core, and showing growing evidence of transforming the area into a lively, pedestrian-oriented district with a variety of residential, commercial and professional office uses, among others. The Project, including its proposed parking facilities and adherence to existing parking covenants, further this revitalization.

Also, according to the City's Housing Element, high density development adjacent to transit corridors and bus stops is one of the implementing tools used to achieve the City's goal of providing sufficient housing within proximity of employment. As noted above, the Project Site is located along a major transit corridor and in an area served by many mass transit options and will include employment options in the retail and commercial components of the Project, which are adjacent to the Project's residential components. Accordingly, the Project supports many of the land use planning goals, objectives, policies and programs for land uses specified in the Hollywood Community Plan and Update.

For example, the Project supports and is consistent with the following Hollywood Community Plan objectives:

Objective No. 1 – The proposed Project "further[s] the development of Hollywood as a major center of population, employment, retail service and entertainment";

Objective No. 3 – The proposed Project provides "provisions for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice"; and

Objective No. 4 – The proposed Project "promote[s] economic well being and public convenience through allocating and distributing commercial lands for retail service and office facilities in quantities and patterns based on accepted planning principles and standards."

The Project also supports and is consistent with the following relevant Hollywood Community Plan Update goals and policies:

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- Goal LU.2: Provide a range of employment and housing opportunities.
- Goal LU.5: Encourage sustainable land use and building design.
- Policy LU.1.14: Encourage the design of new buildings that respect and complement the character of adjacent historic resources.
- Policy LU.2.9: Infill development throughout the Hollywood Community Plan area should conform with the general urban design standards contained in Chapter 7.

The Project is consistent with the General Plan, Hollywood Community Plan, and Hollywood Community Plan Update because it provides needed services, promotes orderly development, and promotes public safety and the general welfare by ensuring that proposed buildings are properly related to the Project Site, that sufficient and accessible parking is available, that safe and convenient ingress/egress is provided, and that the proposed uses and design are compatible with the surrounding properties. Therefore, the grant of the requested parking variance does not adversely affect any element of the General Plan.

B. The Site Plan Review Findings Are Adequate.

1. Density and Height

The Appellant asserts that the FAR for the Project has changed, but it has not. The FAR has not changed since the original Project proposal. When the Project was first proposed, it included the Panavision property and the Musician's Institute property and requested a Conditional Use Permit for FAR Averaging. With the averaging, the FAR was 2.4:1. As discussed above, Panavision and Musician's Institute have been sold and as such, the FAR Averaging request was withdrawn. However, Building A and B have always had the same FAR as provided in the original Project proposal, 3.6:1 for Building A and 2.99:1 for Building B.

2. Landscape Buffer and Terracing of Building A

The Appellant contends that Building A is required to be setback twenty (20) feet from the property line. This is inaccurate. Pursuant to LAMC Section 12.16.C., the C4 zone, which is the Project Site zoning designation, does not require any setback for commercial use. The ground floor of Building A is commercial uses and as such, the Applicant is not obligated to provide any setback along the 6753 Selma property line, yet has *voluntarily* provided the one (1) foot setback and landscape buffer to further minimize impacts of the new building. Further, at the first story of residential use (the second level of the building), Building A is setback eighteen (18) feet, and that area is landscaped open space.²

The Appellant also discusses the previous residential building that existed (but has been demolished) on the Project Site adjacent to 6753 Selma. While the previous residential building may have been slightly shorter than the east ground-level wall of Building A

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and setback a few feet farther than Building A, the conditions are similar to what previously existed.

Appellant further argues that the height and inadequate setback of the Project will "throw the 6753 Selma building into a perpetual darkness 24-7." The MND prepared for the Project identified the 6753 Selma building as a sensitive residential use and studied the shade and shadow impacts of the Project. The MND concluded that there are no significant shade and shadow impacts on 6753 Selma and the one (1) foot setback was not included in the analysis as it was not yet volunteered. As such, the analysis in the MND is considered conservative. See Exhibit B, MND Shade and Shadow Analysis, attached hereto. Accordingly, the MND presents an analysis that provides substantial evidence to support the findings for the Project and the fact that negative impacts to adjacent uses will not be created.

3. Required Parking

The Appellant mistakenly argues that more off-street parking is required because the City's letter of determination stipulates that the "required parking ... should be located away from the primary street." However, this Urban Design Guideline regarding off-street parking relates to pedestrian safety and pedestrian circulation along street frontages, not the provision of off-street parking. Indeed, the guideline provides that the required parking should be located away from the primary street, "so as to maintain the street wall for pedestrians." Here, the Project proposes a majority of site access for Building A from the existing alley that runs parallel to Highland Avenue, instead of new curb cuts on Highland Avenue. Only one new curb cut is proposed for Building A on Selma Avenue and Building B will eliminate three existing curb cuts on McCadden Place, which will improve pedestrian safety and circulation.

C. Fire Safety Impacts Are Adequately Studied in the MND.

With regards to the fire safety issue raised by the Appellant, fire protection was studied in the MND and it was determined that there are no significant impacts. See Exhibit C, MND Fire Protection Analysis, attached hereto. Additionally, Mitigation Measure 14-1 requires the Applicant to submit a plot plan to the Los Angeles Fire Department (the "LAFD") for review and approval prior to building permits being issued. Thus, contrary to the contention of Appellant, the Project requires further review and approval by the LAFD. As such, the MND presents an analysis that provides substantial evidence to support the findings for the Project.

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II. Conclusion

We respectfully request that the PLUM Committee recommend denial of the appeal and approval of the Project. As discussed above, the Appellants arguments are unfounded. The administrative record, including the MND, contains substantial evidence to support approval of the Project and denial of the appeal. Therefore, we urge the PLUM Committee, and ultimately the City Council, to move the Project to final approval.

Sincerely,



Jerry Neuman
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:411052190.2

Exhibit A

Recorded at the request of
and mail to:
M. Lakretz
(Name)
6671 SUNSET BL. #1575
L.A., CA. 90028
(Address)

RECORDED IN OFFICIAL RECORDS
RECORDERS OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 12 P.M. FEB 9. 1993

93 250915

FEE \$8
2

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF OFF-STREET PARKING SPACE

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles, State of California:

Lot 12 of G.F. Stevenson T.R.

10, OR
6, 10, 15, 20
100-100-100-100
100-100-100-100
100-100-100-100

as recorded in Book 5, Page 129A, Records of Los Angeles County.

Parking site address: 1627 McCadden Place

And pursuant to Section 12.2626 of the Los Angeles Municipal Code the undersigned hereby covenant and agree to and with said City that an off-site parking area containing not less than 12 (number) usable and accessible automobile parking spaces which comply with Section 12.21A5 of the Los Angeles Municipal Code will be provided and maintained on the above described property to provide the required parking for the use of the building located at 1622 N. Highland Ave.

in said City upon that land legally described as follows: LOTS 14 & 15 of G.F. Stevenson T.R.

as recorded in Book 5, Page 129A, Records of Los Angeles County.

This covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

Dated this 1st day of February, 19 93

Signature of Parking Site Owner Morton Lakretz (sign)
MORTON LAKRETZ (sign)

(I) (WE) the mortgagee or trust deed beneficiary agree to the above stated conditions by affixing (my) (our) signature hereto:
Signature of Mortgagee or Trust Deed Beneficiary None (sign)

There is no mortgage or trust deed affecting this property. I declare under penalty of perjury that the foregoing statement is true and correct. Executed at Los Angeles, California on this 1st day of February, 19 93

Signature of Parking Site Owner Morton Lakretz (sign)
MORTON LAKRETZ (sign)

(NOTARIZATION FOR INDIVIDUAL)
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.
On this 1st day of February in the year 1993
before me, the undersigned, a Notary Public in and for said County and State, personally appeared Morton Lakretz

personally known to me or proved to me on the basis of satisfactory evidence that he (she, they) executed it.
WITNESS my hand and official seal.

Armin A. Hoff



(NOTARIZATION FOR CORPORATION)
STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.
On this _____ day of _____ in the year _____
before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and
_____ personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the _____ President and as the _____ Secretary on behalf of the Corporation (firm) named and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal.

MUST BE APPROVED BY
Dept. of Building & Safety
prior to recording
APPROVED BY Edith Mathis
Entered on Map By _____ Date _____

FOR DEPARTMENT USE ONLY
Branch Office LA
District Map 4901
Affidavit Number _____

Recorded at the request of
and mail to:
M. LAKEETZ
(Name) 6771 SUNSET BL. #1575
L.A. CA. 90028
(Address)

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 12 P.M. FEB 9 1993

93 250916

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FEE
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F

COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF OFF-STREET PARKING SPACE

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles, State of California:

G. F. STEVENSON TRACT NO. 2 LOT NO. 26 COUNTY REFERENCE NO. MP-5-129A
DISTRICT MAP 4901

as recorded in Book 5, Page 129A, Records of Los Angeles County.

Parking site address: 6769 HAWTHORN AVENUE HOLLYWOOD, CALIFORNIA 90028

And pursuant to Section 12.26E5 of the Los Angeles Municipal Code the undersigned hereby covenant and

agree to and with said City that an off-site parking area containing not less than 15 (number) usable and accessible automobile parking spaces which comply with Section 12.21A5 of the Los Angeles Municipal Code will be provided and maintained on the above described property to provide the required

parking for the use of the building located at 1622 NORTH HIGHLAND AVENUE HOLLYWOOD, CA 90028 in said City upon that land legally described as follows: G. F. STEVENSON TRACT NO. 2 LOTS NO. 14 AND 15 COUNTY REFERENCE NO. MP-5-129A DIST. MAP 4901

as recorded in Book 5, Page 129A, Records of Los Angeles County.

This covenant and agreement shall run off of the above described land and shall be binding upon ourselves and future owners, encumbrancers, their successors, heirs or assigns and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

Dated this 31st day of December, 19 92
Signature of Parking Site Owner Morton La Kretz (sign)

(I) (WE) the mortgagee or trust deed beneficiary agree to the above stated conditions by affixing (my) (our) signature here to:
Signature of Mortgagee or Trust Deed Beneficiary [Signature] (sign)

There is no mortgage or trust deed affecting this property. I declare under penalty of perjury that the foregoing statement is true and correct. Executed at Los Angeles, California on this 31st day of December, 19 92
Signature of Parking Site Owner Morton La Kretz (sign)

(NOTARIZATION FOR INDIVIDUAL)
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.
On this 31st day of DECEMBER in the year 1992, before me, the undersigned, a Notary Public in and for said County and State, personally appeared
MORTON LA KRETZ
personally known to me or proved to me on the basis of satisfactory evidence that he (she or they) executed it.
WITNESS my hand and official seal.
Laura D. Fletcher



(NOTARIZATION FOR CORPORATION)
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } SS.
On this _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____ and _____, known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the _____ and as the _____ Secretary on behalf of the Corporation therein named and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.
WITNESS my hand and official seal.

MUST BE APPROVED BY
Dept. of Building & Safety
prior to recording
APPROVED BY [Signature]
Notary By _____ Date _____

FOR DEPARTMENT USE ONLY
Branch Office LA
District Map 4901
Affidavit Number _____

96 793732

THIS INSTRUMENT FILED FOR RECORD BY FIRST AMEN IN
TITLE CO. OF L.A. AS AN / COORDINATOR ONLY. IT HAS NOT
GIVEN EFFECT AS TO THE EXECUTION OR AS TO ITS
EFFECT UPON TITLE

G.L.N. 9017-25

Recorded at the request of and mail to:
Mr. Mort Lakretz

(Name)

6671 Sunset Blvd., 1575

(Address)

Los Angeles, California 90028

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA

MAY 21 1996 AT 8 A.M.

D.A. FEE Code 20 \$

2.00

SPACK ABOVE THIS LINE FOR RECORDERS USE

**COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF OFF-STREET PARKING SPACE**

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles,
State of California (LEGAL DESCRIPTION OF PARKING SITE):

lots 4,5,6,7, & 8 of G.F. Stevenson Tract

FEE \$ 2.00 0/10

as recorded in Book 5, Page 122, Records of Los Angeles County.

PARKING SITE ADDRESS: 1600, 1606, 1612, 1616, 1622 McCadden Place

And pursuant to Section 12.26E5 of the Los Angeles Municipal Code the undersigned hereby covenant and agree to and with said City that
an off-site parking area containing not less than 24 (number) usable and accessible automobile parking
spaces which comply with Section 12.21AS of the Los Angeles Municipal Code will be provided and maintained on the above described
property to provide the required parking for the use of the building located at 6753 Selma Ave.

in said City upon that land legally described as follows: (LEGAL DESCRIPTION OF BUILDING SITE): Lots 9, 10, 11, & 12
of G.F. Stevenson Tract.

as recorded in Book 5, Page 122, Records of Los Angeles County.

This covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners,
encumbrances, their successors, heirs or assignees and shall continue in effect until released by the authority of the Superintendent of
Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer
required by law.

Dated this 15th day of April, 19 96

Signature of Parking Site Owner _____ (sign)

(I) (WE) the mortgagee or trust deed beneficiary agree to the above stated conditions by affixing (my) (our) signature thereto:

Signature of Mortgagee or Trust Deed Beneficiary _____ (sign)

There is no mortgage or trust deed affecting this property. I declare under penalty of perjury that the foregoing statement is true and
correct. Executed at Los Angeles, California on this _____ day of _____, 19 _____

Signature of Parking Site Owner _____ (sign)

(STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

On April 16, 1996 before me, ANTONIA C. MCNEES, NOTARY PUBLIC, personally
appeared MORTON LAKRETZ and STEVEN G. JILLMAN
personally known to me (or proved to me the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Antonia C. Mcnees

FOR DEPARTMENT USE ONLY:

MUST BE APPROVED BY Dept. of Building & Safety prior to recording

District Map 185A185 Branch Of LA

APPROVED BY (Signature)

AFFIDAVIT NUMBER

(D.A.S. 2-21) Rev. 6/18/93

Entered on Map by DATE

THIS INSTRUMENT FILED FOR RECORD BY FIRST ALTERNATIVE TITLE CO. OF L.A. AS AN ACCOMMODATION ONLY. IT HAS NOT BEEN EXAMINED AS TO ITS EXECUTION OR AS TO ITS EFFECT UPON TITLE.

96 793733

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
MAY 21 1996 AT 8 A.M.

CO. N 9019-25

Recorded at the request of and mail to:

Mr. Mort Lakretz
(Name)

6671 Sunset Blvd., 1575
(Address)

Los Angeles, California 90028

FEE \$ 3.150 0 9

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF OFF-STREET PARKING SPACE**

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles, State of California (LEGAL DESCRIPTION OF PARKING SITE):

LOTS 4, 5, 6, 7, & 8 of G.F. Stevenson Tract

D.A. FEE Code 20 \$ 2.00

as recorded in Book 5, Page 122, Records of Los Angeles County.

PARKING SITE ADDRESS: 1600, 1606, 1612, 1616, 1622 McCadden Place

And pursuant to Section 12.4655 of the Los Angeles Municipal Code the undersigned hereby covenant and agree to and with said City that an off-site parking area containing not less than 27 (number) usable and accessible automobile parking spaces which comply with Section 12.2145 of the Los Angeles Municipal Code will be provided and maintained on the above described property to provide the required parking for the use of the building located at 6752 Hollywood Blvd. in said City upon that land legally described as follows (LEGAL DESCRIPTION OF BUILDING SITE): Lot 5, G.F. Stevenson

Tract #2

as recorded in Book 5, Page 129, Records of Los Angeles County.

This covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners, encumbrances, their successors, heirs or assignees and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon submittal of request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

Dated this 15th day of April, 1996

Signature of Parking Site Owner (sign)

(I) (WE) the mortgagee or trust deed beneficiary agree to the above stated conditions by affixing (my) (our) signature thereto:

Signature of Mortgagee or Trust Deed Beneficiary (sign)

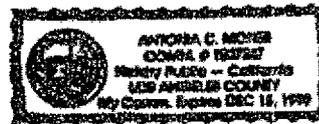
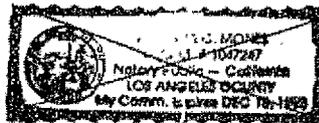
There is no mortgage or trust deed affecting this property. I declare under penalty of perjury that the foregoing statement is true and correct. Executed at Los Angeles, California on this day of April, 1996

Signature of Parking Site Owner (sign)

(STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

On April 16, 1996 before me, ANTONIA C. MONES, Notary Public, personally appeared MORTON LAKRETZ and STEVEN C. WILKIN, personally known to me (or proved to me the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/s/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Antonia C. Mones

FOR DEPARTMENT USE ONLY:

MUST BE APPROVED BY Dept. of Building & Safety prior to recording

District Map 1485A155 Branch Off LA

APPROVED BY [Signature]

AFFIDAVIT NUMBER

0 6 3 3 2 31 Rev 6/18/97

Entered on Map by DATE

96 1226475

THIS INSTRUMENT IS NOT VALID FOR RECORDING BY FIRST AMENDMENT UNLESS IT IS AS AN ACCOMMODATION ONLY. IT HAS NOT BEEN EXEMPTED AS TO THE EXEMPTION OR AS TO THE EFFECT UPON TITLE.

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
JUL 31 1996 AT 8 A.M.

Recorded at the request of and mail to:

(Name) M. LA KRETZ
(Address) 6671 SUNSET BL #157
L.A. CA. 90028

D.A. FEE Code 20 \$ 2

FEE \$ 3 C 9

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COVENANT AND AGREEMENT
REGARDING MAINTENANCE OF OFF-STREET PARKING SPACE**

The undersigned hereby certify that we are the owners of the hereinafter legally described real property located in the City of Los Angeles, State of California (LEGAL DESCRIPTION OF PARKING SITE):
Lots 4, 5, 6, 7, and 8 of G.F. Stevenson Tract

as recorded in Book 5, Page 122, Records of Los Angeles County.

PARKING SITE ADDRESS: 1600, 1606, 1612, 1616, 1622 N. McCadden Place

And pursuant to Section 12.26B5 of the Los Angeles Municipal Code the undersigned hereby covenant and agree to and with said City that an off-site parking area containing not less than 92 (number) usable and accessible automobile parking spaces which comply with Section 12.21AS of the Los Angeles Municipal Code will be provided and maintained on the above described property to provide the required parking for the use of the building located at 1655 N. McCadden Place

in said City upon that land legally described as follows (LEGAL DESCRIPTION OF BUILDING SITE):

Lots 15, 16, and 17 of G.F. Stevenson Tract

as recorded in Book 5, Page 122, Records of Los Angeles County.

This covenant and agreement shall run all of the above described land and shall be binding upon ourselves, and future owners, encumbrances, their successors, heirs or assignees and shall continue in effect until released by the authority of the Superintendent of Building of the City of Los Angeles upon substantial request, applicable fees and evidence that this Covenant and agreement is no longer required by law.

Dated this 6th day of June, 19 96

Signature of Parking Site Owner * SEE PAGE 2 FOR SIGNATURES (sign)

(I) (WE) the mortgagee or trust deed beneficiary agree to the above stated conditions by affixing (my) (our) signature thereto:

Signature of Mortgagee or Trust Deed Beneficiary _____ (sign)

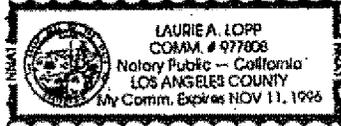
There is no mortgage or trust deed affecting this property. I declare under penalty of perjury that the foregoing statement is true and correct. Executed at Los Angeles, California on this _____ day of _____, 19 _____

Signature of Parking Site Owner _____ (sign)

(STATE OF CALIFORNIA, COUNTY OF Los Angeles)

On JUNE 11, 1996 before me, LAURIE A. LOPP, Notary Public, personally appeared PAUL RAUSEY (personally known to me / or proved to me the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature [Handwritten Signature]

FOR DEPARTMENT USE ONLY:

MUST BE APPROVED BY Dept. of Building & Safety prior to recording

District Map _____ Branch Ofc _____

APPROVED BY [Signature]

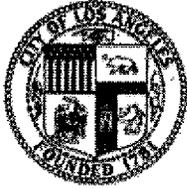
AFFIDAVIT NUMBER _____

(S & S 2-21) Rev 6/18/97

Entered on Map by _____ DATE _____

GAN 90028

Exhibit B



Environmental Review Section

City Hall • 200 N. Spring Street, Room 750 • Los Angeles, CA 90012



INITIAL STUDY / MITIGATED NEGATIVE DECLARATION *HOLLYWOOD COMMUNITY PLAN AREA*

Highland Selma *Case No. ENV-2011-2158-MND*

Council District No. 13

**THIS DOCUMENT COMPRISES THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE
DECLARATION ANALYSIS AS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Project Addresses:

West Block: 1600-1622 Highland Avenue

Center Block: 6757-6767 Selma Avenue, 1601-1617 McCadden Place, 6733-35 Selma Avenue, 6766 Hawthorn Avenue

East Block: 1600-1622 McCadden Place

Project Description:

The Project Site consists of 17 parcels totaling 2.71 acres (approximately 118,049.5 square feet). Existing uses include the Panavision building, the Musician's Institute trade school building, a vacant lot, and surface parking lots. The Project would include the construction of two mixed-use commercial and residential buildings, collectively consisting of approximately 249,722 square feet of new developed floor area (12,785 square feet of retail and 236,937 square feet consisting of 248 dwelling units).

The existing Panavision building (24,266 square feet) and Musicians Institute building (11,900 square feet) (both included as Preserved Existing Structures) are located within the Site and would be preserved and maintained as post production, trade school, and office facilities. Two vacant multifamily residential buildings and one vacant office building were previously located on the Project Site, but were removed to provide parking for other uses on the Project Site. Including the 36,166 square-foot Preserved Existing Structures, the Project would include a maximum of 285,888 square feet of floor area resulting in an approximate 2.42:1 FAR averaged across the site.

APPLICANT:

Highland Selma Venture, LLC

PREPARED FOR:

Los Angeles Department of City Planning

PREPARED BY:

CAJA Environmental Services, LLC

December 2012

*Mitigation Measure***1-6 Aesthetics (Glare)**

The exterior of the proposed structure shall be constructed of materials such as, but not limited to, high-performance and/or non-reflective tinted glass (no mirror-like tints or films) and pre-cast concrete or fabricated wall surfaces to minimize glare and reflected heat.

Shade/Shadow

The issue of shade and shadow pertains to the blockage of direct sunlight by project buildings, which may affect adjacent properties. Shading is an important environmental issue because the users or occupants of certain land uses, such as residential, recreational/parks, churches, schools, outdoor restaurants, and pedestrian areas have some reasonable expectations for direct sunlight and warmth from the sun. These land uses are termed "shadow-sensitive."

Shadow lengths are dependent on the height and size of the building from which they are cast and the angle of the sun. The angle of the sun varies with respect to the rotation of the earth (i.e. time of day) and elliptical orbit (i.e. change in seasons). The longest shadows are cast during the winter months and the shortest shadows are cast during the summer months.

Winter and Summer Solstice

"Solstice" is defined as either of the two points on the ecliptic (i.e., the path of the earth around the sun) that lie midway between the equinoxes (separated from them by an angular distance of 90°). At the solstices, the sun's apparent position on the celestial sphere reaches its greatest distance above or below the celestial equator, about 23 1/2° of the arc. At winter solstice, about December 22, the sun is overhead at noon at the Tropic of Capricorn; this marks the beginning of winter in the Northern Hemisphere. At the time of summer solstice, about June 22, the sun is directly overhead at noon at the Tropic of Cancer. In the Northern Hemisphere, the longest day and shortest night of the year occur on this date, marking the beginning of summer. Measuring shadow lengths for the winter and summer solstices represents the extremes of the shadow patterns that occur throughout the year. Shadows cast on the summer solstice are the shortest shadows during the year, becoming progressively longer until winter solstice when the shadows are the longest they are all year. Shadows are shown for winter solstice, summer solstice and the equinox, cast from 9 AM to 3 PM (winter), 9 AM to 5 PM (summer), and 9 AM to 5 PM (equinox).

*Thresholds of Significance**Impact Criteria for City of Los Angeles*

A project impact would normally be considered significant if shadow-sensitive uses would be shaded by project-related structures for more than three hours between the hours of 9 AM and 3 PM Pacific

Standard Time (between late October and early April), or for more than four hours between the hours of 9 AM and 5 PM Pacific Daylight Time (between early April and late October).

Sensitive Uses

Sensitive uses include, but are not limited to: residential, commercial, institutional (such as a school) or other land use types where sunlight is important to function, physical comfort, or commerce. There are no sensitive uses north, east, or west of the Project Site. There are residential uses south of the Project Site on Selma Avenue, Hollywood High School to the west, and a two-story residential use (apartments) located at 6753 Selma Avenue.

Project Impacts

Summer Solstice (June 21)

Figures IV-1 to IV-3 illustrate Summer Solstice shadows for 9 AM, 1 PM, and 5 PM, respectively. There would be a significant impact if sensitive uses are shaded more than 4 hours between 9 AM and 5 PM.

- 9 AM – The Project generates short shadows along the west sides of buildings. Shadows fall along streets (McCadden Place and Highland Avenue), alleyways, and surface parking. No Project-generated shadows are cast on surrounding sensitive uses.
- 1 PM – The Project generates short shadows on the north and east sides of buildings. No Project-generated shadows are cast on surrounding sensitive uses. The adjacent residential building at 6753 Selma Avenue would not have shadows cast upon it by the Project's Building A. The shadows end approximately at the building's property line.
- 5 PM – The Project generates long shadows along east and south sides of buildings. The residential use at 6753 Selma Avenue, a shadow sensitive use, is covered with Project-generated shadows.

However, since the sensitive receptor was not shaded by Project-generated shadows at 1 PM, it would not have been shaded for more than four hours between 9 AM and 5 PM. Therefore, no significant shadow impacts during summer solstice would occur.

Winter Solstice (December 21)

Figures IV-4 to IV-6 illustrate Winter Solstice shadows for 9 AM, 12 PM and 3 PM, respectively. There would be a significant impact if sensitive uses are shaded more than 3 hours between 9 AM and 3 PM.

- 9 AM – The Project generates long shadows along the north and west sides of buildings. Shadows fall along streets (McCadden Place, Highland Avenue, and Hawthorn Avenue), alleyways, surface parking, the LADWP building, and the south-facing, windowless wall of the Egyptian Theater. No Project-generated shadows are cast on surrounding sensitive uses.

- 12 PM – The Project generates medium-length shadows along the north sides of buildings. Shadows fall along streets (McCadden Place, Highland Avenue, and Hawthorn Avenue), alleyways, surface parking, LADWP building, office building at 6772 Selma Avenue, and the south-facing, windowless wall of the Egyptian Theater. No Project-generated shadows are cast on surrounding sensitive uses.
- 3 PM – The Project generates long shadows along the north and east sides of buildings. Shadows fall along streets (McCadden Place, Las Palmas Avenue, and Hawthorn Avenue), alleyways, surface parking, LADWP building, office building at 6772 Selma Avenue, Musicians Institute building on corner of McCadden and Hawthorn, an office building on Las Palmas Avenue, and the south-facing, windowless wall of the Egyptian Theater. However, none of these uses are considered a sensitive receptor/use. The residential use at 6753 Selma Avenue, a shadow sensitive use, is covered with Project-generated shadows.

However, since the sensitive receptor was not shaded by Project-generated shadows at 12 PM, it would not have been shaded for more than three hours between 9 AM and 3 PM. Therefore, no significant impact during winter solstice would occur.

Equinox (March/September 21)

Figures IV-7 to IV-9 illustrate Equinox shadows for 9 AM, 1 PM and 5 PM, respectively. There would be a significant impact if sensitive uses were shaded more than 4 hours between 9 AM and 5 PM.

- 9 AM – The Project generates medium-length shadows along the north and west sides of buildings, but fall along streets (McCadden Place, Highland Avenue, and Hawthorn Avenue). No Project-generated shadows are cast on surrounding sensitive uses.
- 1 PM – The Project generates short shadows along north sides of buildings, but these shadows fall primarily within the Project Site, with a small portion falling on the office building at 6772 Hawthorn Avenue. No Project-generated shadows are cast on surrounding sensitive uses.
- 5 PM – The Project generates long shadows along north and east sides of buildings. Shadows fall along streets (McCadden Place, Las Palmas Avenue, and Hawthorn Avenue), alleyways, surface parking, LADWP building, office building at 6772 Selma Avenue, and an office building and a hair salon on Las Palmas Avenue. However, none of these uses are considered a sensitive receptor/use. The residential use at 6753 Selma Avenue, a shadow sensitive use, is covered with Project-generated shadows.

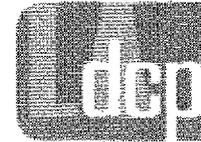
However, since the sensitive receptor was not shaded by Project-generated shadows at 1 PM, it would not have been shaded for more than four hours between 9 AM and 5 PM. Therefore, no significant impact during either equinox would occur.

Exhibit C



Environmental Review Section

City Hall • 200 N. Spring Street, Room 750 • Los Angeles, CA 90012



INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

HOLLYWOOD COMMUNITY PLAN AREA

Highland Selma

Case No. ENV-2011-2158-MND

Council District No. 13

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APPLICANT:

Highland Selma Venture, LLC

PREPARED FOR:

Los Angeles Department of City Planning

PREPARED BY:

CAJA Environmental Services, LLC

December 2012

result in the displacement of any existing housing units, although 10 multi-family residential units were previously located on the Project Site and were demolished prior to preparation of this IS/MND. In addition, these units had been vacant for some time. As the Project would add new housing units to the Project Site, and would not displace substantial numbers of existing housing, no impact will occur.

c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. A significant impact may occur if a project would result in the displacement of existing occupied housing units, necessitating the construction of replacement housing elsewhere. The Project will not result in the displacement of any people. Therefore, no impact will occur.

14. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objective for any of the following public services:

i) Fire protection?

Potentially Significant Impact Unless Mitigation Incorporated. A significant impact may occur if the City of Los Angeles Fire Department (LAFD) could not adequately serve a project, and a new or physically altered fire station would be necessary. LAFD considers fire protection services for a project adequate if a project is within the maximum response distance for the land use proposed. Pursuant to LAMC Section 57.09.07, the maximum response distance between high-density residential/commercial neighborhood land use and a LAFD station that houses an engine or truck company is 1.5 miles. If this distance is exceeded, all structures shall be constructed with automatic fire sprinkler systems.⁴⁷

The Project Site is served by Fire Station No. 27, located at 1327 North Cole Avenue. Fire Station No. 27 is the Battalion 5 Headquarters, containing a Task Force Truck and Engine Company, Paramedic Rescue Ambulance, EMT Rescue Ambulance, and a crew of 5. Fire Station No. 27 is located approximately 0.7 mile from the East Block and 0.83 mile from the West Block of the Project Site.

In addition, Fire Station No. 41, located at 1439 North Gardner Street would also serve the Project Site. Fire Station No. 41 is a single engine company with a crew of 7,⁴⁸ and is located approximately 1 mile

⁴⁷ LAFD website: http://lafid.org/prevention/hydrants/division_9_fc.html

⁴⁸ Draft EIR for City of Los Angeles Hollywood Community Plan Update (SCH No. 1002041009)

from the Project Site. Thus, the Project Site is located within the recommended response distance. Therefore, no impact with regard to response distance is anticipated.

Emergency vehicle access to the Project Site will continue to be provided from local and major roadways near the Project Site (i.e. Highland Avenue, Sunset Boulevard, and Hollywood Boulevard), as well as roadways adjacent to the Project Site (Hawthorn Avenue and Selma Avenue). All circulation improvement proposed would be in compliance with the Fire Code, including any additional access requirements of the LAFD. Additionally, emergency access to the Project Site will be maintained at all times. Therefore, impacts related to emergency access would be less than significant.

The adequacy of fire protection is also based upon the required fire flow, equipment access, and LAFD's safety requirements regarding needs and service for the area. The quantity of water necessary for fire protection varies with the type of development, occupancy rates, life hazard, and the degree of fire hazard. City-established fire flow requirements vary from 2,000 gallons per minute (gpm) in low-density residential areas to 12,000 gpm in high-density commercial or industrial areas. In any case, a minimum residual water pressure of 20 pounds per square inch is to remain in the water system while the required gpm is flowing.⁴⁹

The Project will require 6,000 gpm from four fire hydrants (each at 1,500 gpm) flowing simultaneously at a minimum residual water pressure of 20 psi. The four nearest hydrants around the block would supply the flow.⁵⁰ They are described as follows:⁵¹

- Fire Hydrant (ID 35923, size 4D, 8" inch main) on northwest corner Selma Ave. / McCadden Pl.
- Fire Hydrant (ID 35917, size 4D, 8" main) on northwest corner of Highland Ave. / Hawthorn Ave.
- Fire Hydrant (ID 35928, size 4D, 6" main) on northwest corner of Hawthorn Ave. / McCadden Pl.
- Fire Hydrant (ID 35942, size 4D, 8" main) on northwest corner of Selma Ave. / Las Palmas Ave.

As required prior to approval, the Project will submit a request to the City of Los Angeles Department of Water and Power (LADWP) to determine whether the pressure in the project area is sufficient. If it is not, then upgrades to the existing infrastructure would be necessary.

⁴⁹ LAMC Sec. 57.09.06, Fire Flow: http://lafd.org/prevention/hydrants/division_9_fc.html, September 30, 2011.

⁵⁰ Phone conversation with Inspector O'Connell (213-482-6504), LAFD, October 13, 2011, 8:04 AM

⁵¹ Navigate LA, City of Los Angeles, Bureau of Engineering, DWP (Fire Hydrants) Layer: <http://navigate.la.lacity.org/index01.cfm>

Overall, the Project will not generate the need for, or cause the construction of, new or expanded fire protection facilities, due to an increase of approximately 533 residents and 18 employees. To ensure that fire protection services are adequate within the proposed buildings and around the Project Site, **Mitigation Measure 14-1** is recommended to reduce potential impacts on fire protection services to less than significant. These measures allow the LAFD to ensure that the Project will not increase demand on the fire department to the extent that a new or significantly expanded facility is needed, the construction of which would cause a significant impact on the environment.

Mitigation Measures

14-1 Public Services (Fire)

The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.

ii) Police protection?

Potentially Significant Unless Mitigation Incorporated. A significant impact may occur if a project creates the need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

The Project Site is currently served by the City of Los Angeles Police Department's (LAPD) Hollywood Community Police Station, located at 1358 North Wilcox Avenue, approximately 0.75 mile driving distance from the Center Block portion of the Project Site. The Hollywood Community Police Station is under the jurisdiction of the West Bureau, which oversees LAPD operations in the Hollywood, Olympic, Wilshire, West Los Angeles, and Pacific areas. The Hollywood Community Police Station service area encompasses approximately 300,000 residents in approximately 17.2 square miles.⁵²

⁵² City of Los Angeles Police Department, Hollywood Community Police Station, About Hollywood, website: http://www.lapdonline.org/hollywood_community_police_station/content_basic_view/1665, October 3, 2011