

# SheppardMullin

Sheppard Mullin Richter & Hampton LLP  
333 South Hope Street, 43rd Floor  
Los Angeles, CA 90071-1422  
213.620.1760 main  
213.620.1398 main fax  
www.sheppardmullin.com

213.617.5567 direct  
afraijo@sheppardmullin.com

May 31, 2013

File Number: 23LV-161717

## VIA HAND DELIVERY

Los Angeles City Council  
c/o City Clerk  
200 N. Spring Street, Room 395  
Los Angeles, California 90012

Re: City Council Conditions of Approval

Dear Honorable City Council:

As you know, this firm represents Millennium Hollywood, LLC (the "Applicant" or "Millennium") regarding the proposed Millennium Hollywood Project (the "Project"). The Project would involve the construction and operation of a new mixed-use and transit-oriented development anchored by the historic Capitol Records Building. The Project would transform a series of under-utilized parcels into a pedestrian-friendly development located on an approximately 4.47 acre site (the "Project Site") located in the Hollywood area of the City of Los Angeles (the "City").

On March 28, 2013, the City Planning Commission held a properly-noticed public hearing regarding Case No. CPC-2008-3440-VZC-CUB-CU-ZV-HD and its related environmental documents. On April 27, 2013, after due consideration of all the evidence before it, the City Planning Commission issued a letter of determination recommending approval of the entitlements and approval of the conditions of approval for the Project. The case is now before the City Council. We reviewed the letter of determination and the conditions of approval in it. We respectfully request the following modifications to the conditions of approval and Design Guidelines and Standards. We have reviewed these requested modifications with the Department of City Planning. Please note that additions to the language are underlined and deletions are indicated by strikethrough.

### Conditions of Approval Modifications

Page T3 Condition 4.A. – Consider deleting this condition as it does not appear applicable to the Project Site. ~~"A minimum 40-foot reservoir space should be provided between any security gate(s) and the property line."~~

Page Q1 Condition 5 – Revise this condition to read as follows: "**Maximum Podium Height.** No streetwall podium, as defined in the attached Development Regulations (Exhibit C), on the subject property, shall be greater than 120 feet in height for towers greater than 220 feet in height."

13-0593-S1

# SheppardMullin

Los Angeles City Council  
May 31, 2013  
Page 2

Page Q1 Condition 6 – Consider revising this condition to read as follows:  
“The tallest tower on any one site (East or West Site) shall be within ~~45-35~~ percent of the tallest height on the other site (East or West) in order for the subsequent site to be developed.

Note: For example, if a tower measures 585 feet on the East site, then the West site shall have a tower no less than 380 feet in height (35% less than 585 feet). The height differential will be calculated relative to the tallest tower in the Project.”

Page Q1 Condition 7 – Consider modifying the first sentence of this condition to read as follows: “The floor area of all buildings in total shall be in conformance with the Height District No. 2, permitting a Floor Area Ratio not to exceed 6:1, as approved by the City Planning Commission or City Council on appeal.”

Page Q2 Condition 9.b – Revise this condition to read as follows: “All visitor spaces shall be readily accessible, conveniently located, ~~specifically reserved for guest parking,~~ posted and maintained satisfactory to the Department of Building and Safety. Visitor parking can be accommodated by providing visitor parking passes that permit parking within the public parking areas on the site.”

Page Q2 Condition 9.c – Consider modifying the first sentence of this condition to read as follows: “If visitor parking spaces are gated, a voice response system, or other system or process to provide access, shall be installed at the gate.”

Page Q2 Condition 10 – Revise the first sentence of this condition in order to be consistent with Mitigation Measure K.1-3ii. The first sentence would read as follows, “**Truck Traffic Restricted Hours.** Truck traffic directed to the project site for the purpose of delivering materials or construction-machinery shall be limited to the hours beginning at 9:00 AM and ending at 4:00 PM, and beginning at 6:30 PM and ending at 9:00 PM Monday through Friday, Saturday through Sunday from 8:00 AM to 6:00 PM.”

Page Q4 Condition 20 – Consider modifying the first sentence of this condition to read as follows: “Prior to the issuance of the first final certificate of occupancy, the developer shall procure and thereafter operate, for a fifteen (15) year term, a shuttle service, providing for service between the project and residential areas within a two mile radius of the project.”

Page Q4 Condition 21 – Consider modifying the first sentence of this condition to read as follows: “Commencing upon the issuance of the first final certificate of occupancy, for a fifteen (15) year term, the developer shall maintain bicycle amenities at the project.”

Page Q5 Condition 22 – Remove the condition in its entirety. “~~Linkages to Future Public Transit Services.~~ Prior to the issuance of the first final certificate of occupancy for the project, the developer shall submit proof of payment(s) to the Planning Director. The payment(s) are to: (a) ~~cause to be installed within all ground level pedestrian~~

# SheppardMullin

Los Angeles City Council  
May 31, 2013  
Page 3

~~ways in the project directional signage showing pedestrian routes between the project and all public transportation access points within a four block radius of the project, including bus stops, DASH stops, and the Red Line Station, and (b) provide funding in the amount of \$10,000 to the City's Department of Transportation (DOT) for the installation at DASH access point nearest the Project of directional signage showing pedestrian route between such DASH access point and the Project and (c) provide funding in the amount of \$25,000 to Metro for the installation at all Metro bus and commuter train access points within a four block radius of the Project directional signage showing pedestrian routes between such public transportation access points and the project to the City and/or Metro for such installation."~~

Page Q5 Condition 24 – Remove the condition in its entirety. ~~"**Vine Street Metro Connection.** The Developer shall engage an urban planning and architectural firm reasonable acceptable to the Director of Planning, the 13<sup>th</sup> Council District and Metro to prepare a study of the potential design, efficacy, potential cost, feasibility and impact on vehicular and pedestrian circulation of a portal along the north side of Hollywood Boulevard leading into the Hollywood Boulevard/Vine Street Metro Station. Such study shall be completed and delivered to the Department of Planning not later than, and as a condition to, the issuance of the first building permit for the project."~~

Page Q5 Condition 25 – Revise this condition to read as follows: "**Metro Passes.** Commencing upon the issuance of the first final certificate of occupancy for the project, for a fifteen (15) year term, the developer shall provide within the project, either by machine or through its management office, for the sale of Los Angeles County Metropolitan Transportation Authority (Metro) passes to project residents, tenants, and their employees."

Page Q6 Condition 26 – Revise this condition to read as follows: "**Metro Passes (Non-vehicular Parking for Project Residents).** The developer shall purchase and make available, for a fifteen (15) year term, not less than one hundred (100) Metro passes on a monthly basis for residents and tenants of the project (which passes may be distributed by developer to such persons in its sole discretion)."

Page Q6 Condition 27 – Consider modifying the first sentence of this condition to read as follows: "Commencing upon the issuance of the first final certificate of occupancy, the developer shall provide, for a fifteen (15) year term, within each publicly accessible parking area in the project, not less than ten (10) "Park and Ride" spaces for monthly lease to persons who are not tenants or occupants of the project who use the spaces and then transfer to a Metro commuter train or bus for transportation to their place of employment."

Page Q6 Condition 28 – Consider modifying the first sentence of this condition to read as follows: "Commencing upon issuance of the first final certificate of occupancy, for a fifteen (15) year term, the developer shall provide each holder of a Metro pass who parks in any publicly accessible transient or daily parking area in the project, a ten percent (10%) discount off the developer's regularly daily parking fees, otherwise payable for such parking."

# SheppardMullin

Los Angeles City Council  
May 31, 2013  
Page 4

Page Q6 Condition 29 – Consider modifying the first sentence of this condition to read as follows: “Commencing upon issuance of the first final certificate of occupancy for the project, for a fifteen (15) year term, the developer shall maintain ten (10) parking spaces within the non-residential parking areas of the project for a shared vehicle service and shall use its commercially reasonable efforts to cause the same to be at all times operated by a reputable shared car service provider selected by the developer, which may include Zipcar, Inc.; Avis Budget group, Inc./Avis on Location; Hertz Global Holdings, Inc./Hertz on Demand; Uhaul/U Car Share; Enterprise Rent-A-Car/We Car; Daimler/Car2Go N.A. LLC; City CarShare; Mint/Cars on Demand; Center for Neighborhood Technology/I-Go; RelayRides; Getaround or other reasonably similar organization or program.”

## Design Guideline and Standards Modifications

Page 11, Section 5.1 – Add Section 5.1.1 to read, “The number of stories of a building shall be counted to the last occupiable programmatic floor, excluding all mechanical spaces (interior and exterior), observation deck(s), and any occupiable space required to access and/or service the above uses, including, but not limited to elevator lobbies, vestibules, and restrooms.”

Page 11, Section 5.1 – Add Section 5.1.2 to read, “The height of the building and number of stories shall be measured from the curb/grade level of the primary street frontage for that portion of the Project Site (i.e., West Site Zone B tower measured from Vine Street).”

Page 13, Table 6.1.1 – Revise “Maximum Tower Lot Coverage” column at “151-550” row to read, “20.” Revise “Maximum Tower Floor Plate (sq.ft.)” column at “151-550” row to read, “23, 173 East Site” for 20% and “15,726 West Site” for 20%.

Page 19, Figure 6.1.2.c.1 – Revise the graphic notation on the plan to read, “MAXIMUM TOTAL TOWER FLOOR PLATE 23,173 SF” for 20%. Revise the graphic notation on axon to read, “20%.”

Page 20, Figure 6.1.2.c.2 – Revise the graphic notation on the plan to read, “MAXIMUM TOTAL TOWER FLOOR PLATE 15,726 SF” for 20%. Revise the graphic notation on axon to read, “20%.”

Page 28, Figures 6.6.1 and 6.6.2 – Revise the figures to include the wood colored material palette and the white material palette.

Page 32, Section 6.8 – Add Section 6.8.3 to read, “No podium shall be greater than 120 feet, except that portion of the podium that is built to the property line on Ivar Avenue.”

Page 35, Section 7.3.7 – Revise this section to read as follows: “The tallest tower on any one site (East site or West site) shall be within 35 percent of the tallest height

# SheppardMullin

Los Angeles City Council  
May 31, 2013  
Page 5

on the other site (East site or West site). The height differential shall be calculated relative to the tallest tower in the Project."

Page 39, Section 8.2 – Add Section 8.2.7 to read as follows: "Sections 8.3.4 through 8.3.10 (excepting 8.3.4.a) below shall apply to Grade Level Open Space."

We appreciate the City's consideration of these requested modifications to the conditions of approval and Design Guidelines and Standards.

Very truly yours,



Alfred Fraijo Jr.  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Ms. Luciralia Ibarra, Hearing Officer, Major Projects, Department of City Planning

SMRH:408401972.6