



DEPARTMENT OF CITY PLANNING
RECOMMENDATION REPORT



Los Angeles City Planning Commission

Date: November 20, 2008
Time: After 8:30 a.m.
Place: Van Nuys City Hall
14410 Sylvan Street, Council Chamber, 2nd Floor
Van Nuys, California, 91401

Public Hearing: August 15, 2008
Appeal Status: Appealable to City Council
Expiration Date: November 20, 2008
Multiple Approval: LAMC Section 12.36 B

Case No.: CPC-2007-5929-PUB-PAD-ZV-YV-ZAA
CEQA No.: ENV-2007-5928-MND
Related Cases: CPC 2003-7707-PUB-PAD-YV-ZAA
Council No.: 13
Plan Area: HOLLYWOOD
Specific Plan: N/A
Certified NC: Hollywood Studio District
GPLU: Open Space
Zone: A1-1XL
Applicant: Dave Hepburn, Hollywood Forever Cemetery
Representative: Same

PROJECT LOCATION: 6000 West Santa Monica Boulevard

PROPOSED PROJECT: Construction of two new, maximum 50' 8" high, mausoleum additions to the Hollywood Forever Cemetery consisting of a 5,694 square foot addition to the Beth Olam Mausoleum and a 35,362 square foot addition to the interior space of the Garden Mausoleum. The existing cemetery/mausoleum has hours of operation from 7:00 a.m. to 5:00 p.m. 7 days a week and is located on an approximately 53 acre site classified in the A1-1XL Zone.

- REQUESTED ACTION:**
1. Pursuant to Sections 14.00 B, and 12.24 M of the Municipal Code, a **Deemed-to-be-Approved Plan Approval** in conjunction with an **Alternative Compliance Approval for a Public Benefit Project** to permit a mausoleum with the following alternatives from the performance standards of Section 14.00 A 1: (a) a mausoleum building located zero feet from the property line in lieu of the minimum 300 foot distance from any adjoining street or A or R zoned property or residential use; (b) to permit a zero foot front yard along the Gower Street frontage in lieu of the minimum 25 foot front yard setback required by Section 12.0 C 1 of the Municipal Code; and (c) to permit a zero foot setback at various locations along the periphery of the property in lieu of the minimum 10-foot landscape buffer required by Section 14.00 A 1(5) of the Municipal Code.
 2. Pursuant to Section 12.27 of the Municipal Code, a **Variance** from Section 12.21 A 4 to permit a project providing 19 parking spaces in lieu of 82 as required by "philanthropic institutions" or "other similar" uses.
 3. Pursuant to Section 12.27 of the Municipal Code, a **Variance** from Section 12.21.1 A to permit a 50' 8" building in lieu of the maximum 30 feet permitted by Height District 1XL.

4. Pursuant to Section 12.28 of the Municipal Code, an **Adjustment** from Section 12.05 C to permit an 18 foot side yard in lieu of the minimum 25 foot yard otherwise required.

RECOMMENDED ACTIONS:

1. **Approve a Deemed-to-be-Approved Plan Approval** in conjunction with an **Alternative Compliance Approval for a Public Benefit Project** to permit a mausoleum with the following alternatives from the performance standards of Section 14.00 A 1: (a) a mausoleum building located zero feet from the property line in lieu of the minimum 300 foot distance from any adjoining street or A or R zoned property or residential use; (b) to permit a zero foot front yard along the Gower Street frontage in lieu of the minimum 25 foot front yard setback required by Section 12.0 C 1 of the Municipal Code; and (c) to permit a zero foot setback at various locations along the periphery of the property in lieu of the minimum 10-foot landscape buffer required by Section 14.00 A 1(5) of the Municipal Code.
2. **Approve a Variance** from Section 12.21 A 4 to permit a project providing 19 parking spaces in lieu of 82 as required by “philanthropic institutions” or “other similar” uses.
3. **Approve a Variance** from Section 12.21.1 A to permit a 50’ 8” building in lieu of the maximum 30 feet permitted by Height District 1XL.
4. **Approve an Adjustment** from Section 12.05 C to permit an 18 foot side yard in lieu of the minimum 25 foot yard otherwise required.
5. **Adopt** ENV 2007-5928 MND.
6. **Advise** the applicant that pursuant to State Fish and Game Code Section 711.4, a Fish and Game Fee and / or Certificate of Fee Exemption is now required to be submitted to the County Clerk prior to or concurrent with the Environmental Notice of Determination (NOD) filing.

S. GAIL GOLDBERG, AICP
Director of Planning

David Gay, Principal City Planner

Lynda J. Smith, Hearing Officer
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PROJECT ANALYSIS

Project Summary

Construction of two new, maximum 50' 8" high, mausoleum additions to the Hollywood Forever Cemetery consisting of a 5,694 square foot addition to the Beth Olam Mausoleum and a 35,362 square foot addition to the interior space of the Garden Mausoleum. The existing cemetery/mausoleum has hours of operation from 7:00 a.m. to 5:00 p.m. 7 days a week and is located on an approximately 53 acre site classified in the A1-1XL Zone.

Background

Hollywood Forever Cemetery (HFC) is requesting the subject approvals in order to construct much needed additions to the existing Beth Olam and Garden Mausoleum structures. Provision of mausoleum burial space is an integral and major part of the HFC business as traditional ground burial spaces continues to diminish and many more families prefer mausoleum memorialization. City Planning Case No. CPC-2003-7707-PUB-PAD-YV-ZAA was previously approved by the City Planning Commission (June 10, 2004) to permit the construction of a 49,970 square foot, 77 feet in height, addition to an existing mausoleum structure located immediately adjacent to the cemetery's Gower Street wall. The previous project was delayed due to construction costs and market conditions and therefore the previously approved entitlement requests expired.

The current request will include two additions: The Beth Olam Mausoleum addition, which is proposed at 5,694 square feet, approximately 22 feet in height and is located immediately south of the existing structure, adjacent to the Gower Street frontage. This structure is an outdoor level garden crypt mausoleum which will extend from the internal cemetery road to the west towards Gower replacing the existing gate along the Gower frontage; and

The Courtyard Mausoleum addition, proposed at 35,362 square feet, 50 feet 8 inches in height and will located at the north western portion of the HFC. The north wing of the new structure will be located immediately adjacent to an existing commercial strip mall which fronts Santa Monica Boulevard and the west wing will be separated from Gower Street by the existing maintenance yard and mausoleum structure.

The Hollywood Cemetery (aka Hollywood Forever Cemetery) is identified Historic Cultural Monument No 2707 (National Register Designation) with individual structures such as the Columbarium and the Beth Olam Mausoleum, listed as contributors. The subject additions were reviewed by the Los Angeles Department of City Planning Office of Historic Resources and it was determined that the Project as proposed, does not impact historic, character-defining features of the property and may be approved for compatibility with the Secretary of the Interiors Standards for Historic Preservation.

Subject Property

<u>Existing Land Use:</u>	Cemetery
<u>Plan Land Use:</u>	Open Space
<u>Existing Zone:</u>	A1-1XL
<u>Site Net Area:</u>	2,260,149 square feet (51.9 net acres)

Surrounding Land Use and Zoning

- North:** Parcels located to the north of Santa Monica Boulevard and immediately north of the subject site are developed with one and two story commercial buildings including strip commercial, auto repair and mini-storage uses. Parcels are zoned CM-1VL and C2-1D and have a land use designation of Highway Oriented Commercial.
- East:** Parcels to the east across Van Ness Avenue include one to four story apartment buildings, and the Santa Monica Boulevard School. Parcels are zoned [Q]PF-1XL, R3-1 and R3-1XL and have the following land use designations: Public Facility and Medium Density Residential.
- West:** Parcels to the west across Gower Street are developed with one and two story apartments, and commercial buildings which include auto repair, parking and warehouse uses. Parcels are zoned [Q]C2-1VL, C2-1D and R3-1XL and have the following land use designations: Commercial Manufacturing, Highway Oriented Commercial and Medium Density Residential.
- South:** Parcels to the south are three to five story industrial uses occupied by Paramount Studios. Parcels are zoned [Q]M1-2D, [Q]M1-1, [M1]-2D and [Q]C2-1 and have a land use designation of Limited Manufacturing.

A report dated August 8, 2008 was received from the Los Angeles Unified School District Office of Environmental Health and Safety. Recommendations from that report are reflected in this document. The subject site is located within 1500 feet of the following schools:

The Hollywood Primary Center;
 The Santa Monica Community Charter School;
 Le Conte Middle School;
 Vine Street Elementary School

Street Classification

Santa Monica Boulevard is a designated Major Highway dedicated to a variable width of 80 to 90 feet. Van Ness Avenue is a designated Collector street dedicated to a width of 60 feet and Gower Street is a designated Secondary Highway dedicated to a variable width of 55 to 75 feet. All are improved with gutter, curb and sidewalks.

Prior Relevant Cases

Case No. ZA 15624 - January 16, 1961, approved a zone variance to permit the construction and maintenance of additions to a mausoleum to be known as Beth Olsen Corridor.

Case No. ZA 138149 - December 17, 1958, approved a zone variance to permit the construction and maintenance of additions to a mausoleum to be known as Beth Olsen Corridor.

Case No. ZA 14619 - May 6, 1958, approved a zone variance to permit the construction and maintenance of additions to a mausoleum to be known as Beth Olsen Corridor.

Case No. ZA 14268 - June 11, 1957, approved a zone variance to permit construction, use and maintenance of corridor extension of existing mausoleum.

Case No. YC 2631 - September 11, 1946, approved a yard variance to allow the construction of an 8-foot 6-inch wall in the front yard.

Conclusion

The subject request is related to the expansion and upgrading of an existing cemetery use. The cemetery operates under special needs not associated with other private developments. These requirements require minor deviations in the site plan layout that will afford effective use of the site and preservation of the park-like setting without disruption of historic features such as grave sites. Without the requested entitlements the cemetery will have practical difficulties in meeting its operational needs. The existing facility currently has structures built along the Gower Street frontage, therefore, the proposed addition(s) will cause minimal change to views from the street along this frontage. The proposed site design is the optimal design for the subject location and use, and will compliment the existing cemetery's park-like, historic setting. This design meets the needs of the cemetery while minimizing any undesirable impacts on the surrounding community.

CONDITIONS OF APPROVAL**A. Public Benefit Alternative Compliance Conditions of Approval.**

1. **New Construction Location.** An addition to an existing mausoleum building located zero feet from the property line, and an addition to an existing mausoleum building located within 100 feet from the property line in lieu of the minimum 300 foot distance from any adjoining street or A or R zoned property or residential use shall be permitted.
2. **Front Yard Setback.** A zero foot front yard shall be permitted along the Gower Street frontage
3. **Landscape Buffer.** A zero foot setback shall be permitted at various locations along the periphery of the property adjacent to existing and new building construction.

B. Variance Conditions.

4. **Parking.** A minimum of 19 parking spaces shall be required.
5. **Height.** The maximum height permitted for Garden Mausoleum addition shall be 50 feet 8 inches.

- C. **Adjustment Condition.** A minimum 18 foot side-yard shall be permitted adjacent to the Garden Mausoleum addition.

D. Public Benefit Compliance Conditions of Approval.

7. **Use.** The subject Project shall be limited to the construction of two mausoleum additions to the existing Hollywood Forever Cemetery. Said mausoleums shall be limited to a maximum 5,694 square foot addition to the Beth Olam Mausoleum and a maximum 35,362 square foot addition to the interior space of the Garden Mausoleum.
8. **Site Plan.** The use and development of the property shall be in substantial conformance with the Site plan and elevations dated **November 20, 2008**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the City Planning Department for review.
9. **Security Lighting.** Any proposed lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.

10. **Fence/Wall.** A minimum 8-foot high solid, decorative masonry wall or wrought iron fence shall be maintained along the Gower Street property line of the subject property. Said wall shall be buffered with plant material and/or other material to deter graffiti.
11. **Sign(s).** One double-faced monument sign shall be permitted on the site.
12. **Graffiti.** 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. 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.
12. **Street Requirements.** All streets, alleys, or sidewalks adjoining the property shall meet standard street requirements.
13. **Assembly Areas.** The use shall have sufficient areas for assembly.

E. Environmental Conditions.

14. **Aesthetics (Landscaping).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan, including an automatic irrigation plan, prepared by a licensed landscape architect to the satisfaction of the decision maker.
15. **Seismic.** The design and construction of the project shall conform to the Uniform Building Code seismic standards as approved by the Department of Building and Safety.
16. **Construction (Air Quality).**
 - a) All unpaved demolition and construction areas shall be wetted at least twice daily during excavation and construction, and temporary dust covers shall be used to reduce dust emissions and meet SCAQMD District Rule 403. Wetting could reduce fugitive dust by as much as 50 percent.
 - b) The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by grading and hauling, and at all times provide reasonable control of dust caused by wind.
 - c) All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
 - d) All materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amount of dust.
 - e) All clearing, grading, earth moving, or excavation activities shall be discontinued during periods of high winds (i.e., greater than 15 mph), so as to prevent excessive amounts of dust.
 - f) General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.

17. Construction (Noise).

- a) The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b) Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c) Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d) The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- e) The project shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

18. General Construction.

- 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.
- 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.
- Shall not hose down pavement at material spills. Dry cleanup methods shall be used whenever possible.
- Dumpsters shall be covered and maintained. Place uncovered dumpsters under a roof or cover with tarps or plastic sheeting.
- Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment into streets.
- 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 clothes shall be used to catch drips and spills.

- 19. Cultural Resources (Historical).** Environmental impacts may result from project implementation due to the fact that a City designated Historic-Cultural Monument - **The Hollywood Cemetery/Beth Olam Mausoleum, Historic Monument No. 2707/ US-99000550**, is located on the project site. However, the potential impact will be mitigated to a level of insignificance by following the Secretary of the Interior's standards for Historical Resources as approved by the Department of Cultural Affairs prior to Planning Department sign-off by its decision maker.

- a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b) The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces shall be avoided.
 - c) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, shall not be undertaken.
 - d) Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved.
 - e) Distinctive features, finishes and construction techniques or examples of skilled craftsmanship which characterize an historic property shall be preserved.
 - f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive historic feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - g) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - h) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
 - i) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
 - j) No permit shall be issued for any addition, alteration, construction, demolition, reconstruction, rehabilitation, relocation or removal of any building, structure, landscaping, or natural feature of the property prior to obtaining a written clearance from the Department of City Planning, Office of Historic Resources.
- 20. Explosion/Release (Methane Gas).** All commercial, industrial, and institutional buildings shall be provided with an approved Methane Control System, which shall include these minimum requirements; a vent system and gas-detection system which shall be installed in the basements or the lowest floor level on grade, and within underfloor space of buildings with raised foundations. The gas-detection system shall be designed to automatically activate the vent system when an action level equal to 25% of the Lower Explosive Limit (LEL) methane concentration is detected within those areas.
- 21. Flooding.** The project shall comply with the requirements of the Flood Hazard Management Specific Plan, Ordinance No. 172081 effective 7/3/98.

22. **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.
23. **Utilities (Local or Regional Water Supplies).** Unless otherwise prohibited, dual-flush water closets (maximum 1.28 gpf) and no-flush or waterless urinals shall be utilized in all restrooms as appropriate. In the case such installations are not permitted, high-efficiency toilets (maximum 1.28 gpf) and high-efficiency urinals (maximum 0.5 gpf) may be utilized. Rebates may be offered through the Los Angeles Department of Water and Power to offset portions of the costs of these installations. The project shall comply with Ordinance No. 170,978 (Water Management Ordinance), which imposes numerous water conservation measures in landscape, installation, and maintenance (e.g. use drip irrigation and soak hoses in lieu of sprinklers to lower the amount of water lost to evaporation and overspray, set automatic sprinkler systems to irrigate during the early morning or evening hours to minimize water loss due to evaporation, and water less in the cooler months and during the rainy season).

(All new Construction) Unless otherwise required, and to the satisfaction of the Department of Building and Safety, the applicant shall install: Restroom faucets with a maximum flow rate of 1.5 gallons per minute and self-closing design. Single-pass cooling equipment shall be strictly prohibited from use. Prohibition of such equipment shall be indicated on the building plans and incorporated into tenant lease agreements.

(Landscaping). In addition to the requirements of the Landscape Ordinance, the landscape plan shall incorporate the following:

- a. Weather-base irrigation controller with rain shutoff;
 - b. Matched precipitation (flow) rates for sprinkler heads;
 - c. Drip/microspray/subsurface irrigation where appropriate;
 - d. Minimum irrigation system distribution uniformity of 75 percent;
 - e. Proper hydro-zoning, turf minimization and use of native/drought tolerant plant materials; and
 - f. Use of landscape contouring to minimize precipitation runoff.
 - g. A separate water meter (or submeter), flow sensor, and master valve shutoff shall be installed for irrigated landscape areas totaling 5,000 sf and greater, to the satisfaction of the Department of Building and Safety.
24. **Utilities (Solid Waste).**
- a. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
 - b. Prior to the issuance of any demolition or construction permit, the applicant shall provide a copy of the receipt or contract from a waste disposal company providing services to the project, specifying recycled waste service(s), to the satisfaction of the Department of Building and Safety. The demolition and construction contractor(s) shall only contract for waste disposal services with a company that recycles demolition and/or construction-related wastes.

c. To facilitate onsite separation and recycling of demolition and construction-related wastes, the contractor(s) shall provide temporary waste separation bins onsite during demolition and construction. These bins shall be emptied and recycled accordingly as a part of the project's regular solid waste disposal program.

F. Other Conditions of Approval.

25. Public Requirements. If determined necessary by the City Engineer, the applicant shall provide the following:

- a. Construction of drainage facilities to the satisfaction of the City Engineer;
- b. Dedication and/or improvement of streets adjoining the subject property to the satisfaction of the City Engineer;
- c. Installation of street lights to the satisfaction of the Bureau of Street Lighting; and
- d. Installation of tree wells and the planting of street trees satisfactory to the City Engineer and Street Tree Division of the Bureau of Street Services.

Notice:

If conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.

Certificates of occupancy for the subject project will not be issued by the City until the construction of all the public improvements (streets, sewers, storm drains, etc.), as required herein, are completed to the satisfaction of the City Engineer.

26. Schools. Prior to construction, LAUSD Transportation Branch, (323) 342-1400, shall be contacted regarding the potential impact, if any, upon existing school bus routes. Unrestricted access for school buses shall be maintained during construction.

- a) Contractors shall not endanger passenger safety or delay student drop-off or pickup due to changes in traffic patterns, lane adjustments, altered bus stops, or traffic lights;
- b) Contractors must guarantee that safe and convenient pedestrian routes LAUSD schools are maintained. (School Pedestrian Route Maps are available at: <http://www.lausd-oehs.org/saferoutestoschools.asp>).
- c) Contractors shall maintain ongoing communication with the administration at affected schools, providing sufficient notice to forewarn children and parents when existing pedestrian and vehicular routes to school will be impacted;
- d) Appropriate traffic controls (signs and signals) shall be installed as needed, to ensure pedestrian and vehicular safety;
- e) Haul routes are not to be routed past affected school sites, except when school is not in session. If that is infeasible, not haul during school arrival and dismissal times;
- f) No staging or parking of construction vehicles, including vehicles to transport workers will be permitted on streets adjacent to school sites
- g) Funding for crossing guards shall be provided when safety of children is compromised by construction-related activities at impacted crossings.
- h) Security patrols should be funded and provided to minimize trespassing, vandalism, and short-cut attractions.

- i) Fencing and/or barriers should be installed to secure construction equipment and to minimize trespassing, vandalism and short-cut attractions.

G. Administrative Conditions of Approval

- 27. Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 28. Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions may vary.
- 29. Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement shall be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.
- 30. Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public offices, legislation or their successors, designees or amendment to any legislation.
- 31. Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
- 32. Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
- 33. Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, design or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
- 34. Indemnification.** The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

FINDINGS

A. General Plan Findings.

General Plan Land Use Designation. The subject property is located within the Hollywood Community Plan area, which was adopted by the City Council on December 13, 1988 (Case No. CF- 86-0695). The Plan map designates the subject property as Open Space with corresponding zone of A1-1XL.

This action has been made contingent upon compliance with the conditions of approval imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties and to secure an appropriate development in harmony with the General Plan. Based upon the subject findings, this public benefit project approval is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

B. Entitlement Findings.

1. **Public Benefit Findings.** Pursuant to Municipal Code Section 14.00 A, cemeteries must meet the performance standards established by Code Section 14.00 A.1. The proposed project does not meet all of the performance standards and therefore must comply with Code Section 14.00 B, Alternative Compliance Procedures. Code Section 14.00 B.5 requires that findings be made to show how the project substantially meets the goals of the performance standards established in Section 14.00 A.1. Those findings are listed below:

All buildings on the site are at least 300 feet from any adjoining street or any A or R zoned property or residential use.

Alternative Compliance Measure. The subject site is an existing cemetery operating as Hollywood Forever Cemetery. The cemetery was founded in 1899 and has operated at its current location of over one hundred years. The current facility includes several buildings which were permitted and constructed within 300 feet of the property line. At the present time there are mausoleum structures adjacent to the southern property line shared with Paramount Studios, along the western property line on Gower Street and adjacent to the northern property line shared with the strip mall at Gower Street and Santa Monica Boulevard. There is also an office building and a separate funeral home within 300 feet of the northern property line on both sides of the main entrance. In order for the business to continue, it must utilize all available undeveloped square footage in order to provide for new cemetery inventory. The subject requests include approval of construction of an addition to an existing mausoleum structure which is located within 300 feet of the Gower Street property line. In order to maintain the park-like setting of the existing site and to minimize any disruption to existing grave-sites, construction would need to occur along the perimeter of the site just as previous additions were developed.

Security night lighting is shielded so that the light source cannot be seen from adjacent residential properties.

Compliant. The project site contains existing security lights which meet this compliance measure.

There is a solid, decorative, masonry or wrought iron wall or fence at least 8 feet in height, or the maximum height permitted by the zone, whichever is less. The wall or fence encircles the periphery of the property and does not extend into the required front yard setback.

Compliant. The site currently contains an existing wall which surrounds the property but does extend into the front yard as approved by Case No. YC 2631 (September 11, 1946).

The front yard setback is at least as deep as the setback required by the zone.

Alternative Compliance Measure. The subject site is an existing cemetery. The property, with the exception of an open area along Gower Street (the site of the proposed mausoleum addition) has been developed right up to the property lines on all sides of the site with ground burial space, mausoleum structures, maintenance buildings and an office building which is located along the Santa Monica Boulevard frontage. The perimeter of the site is either fenced at the property line, contains some type of structure (as previously indicated) or is landscaped behind an existing wall (Santa Monica entrance).

The property is improved with a 10-foot landscaped buffer along the periphery of the property which is maintained and is equipped with an automatic irrigation system.

Alternative Compliance Measure. As indicated above, the subject site is an existing cemetery. The property, with the exception of an open area along Gower Street (the site of the proposed mausoleum addition) has been developed right up to the property lines on all sides of the site with ground burial space, mausoleum structures, maintenance buildings and an office building. The perimeter of the site is either fenced at the property line, contains some type of structure (as previously indicated) or is landscaped behind an existing wall (Santa Monica entrance). The requested addition will be built to the property line fence, with the existing mausoleum structures, which will continue the existing site development pattern. As a substitute the applicant is being required to provide street trees as a public improvement and to screen the Gower Street frontage.

The site has only one double-faced monument sign, with a maximum of 20 square feet per side.

Compliant. The site has an existing sign and no new signs are being proposed.

All graffiti on the site is removed or painted over in the same color as the surface to which it is applied within 24 hours of its occurrence.

Compliant. The applicant has been conditioned to remove or paint all graffiti within 24 hours of occurrence.

All streets, alleys and sidewalks adjoining the property meet standard street dimensions.

Compliant. The project has been conditioned to meet all public requirements including dedications and installation of street lights and other improvements if deemed necessary.

The use meets the parking requirements of 12.21 A.

Alternative Compliance. While the proposed mausoleum structures will not generate significant additional vehicle parking, a Variance has been requested from LAMC Section 12.21 A 4 to permit 19 parking spaces in lieu of 82.

The property has sufficient areas for assembly.

Compliant. The subject site has existing areas for assembly. No new areas are proposed.

2. Plan Approval Findings. Pursuant to Section 12.24 M.

The proposed location will be desirable to the public convenience or welfare.

Existing cemetery was previously operated as the Hollywood Memorial Park and has been at its current location for over 100 years. It is located in the Hollywood community and is readily accessible to all. Presently known as the Hollywood Forever Cemetery and Library of Lives, the facility has provided service to the Hollywood community and the region since its founding. Its location affords it the desirability of being not just a service operation, but a local destination as well.

The proposed project is proper in relation to adjacent uses or the development of the community.

The existing site encompasses over 50 acres of land located along Santa Monica Boulevard between Gower Street and Van Ness Avenue. The use is surrounded by light and commercial manufacturing, highway oriented commercial and medium density residential uses. The cemetery is the largest open space area in the immediate neighborhood and is proper in relation to the surrounding uses and development.

The proposed project will not be materially detrimental to the character of development in the immediate neighborhood.

As previously indicated, the cemetery has operated at this location for over 100 years. Based upon the size of the site, the existing location of similar structures on the parcel and the conditions imposed, no detrimental effects are envisioned related to the character of development in the immediate neighborhood. The improvements recently made to the facility and those proposed will enhance the facility's contributions as an asset to the Hollywood community.

The proposed project will be in harmony with the various elements and objectives of the General Plan.

The adopted Hollywood Community Plan designates the subject site as Open Space with a corresponding zone of A1-1XL. An Objective of the Hollywood Community Plan is to: designate lands at appropriate locations to for the various private uses and public facilities in the quantities and densities required to accommodate population and activities projected to the year 2010. The General Plan supports the provision of adequate social services in all communities of the City, and the provision and maintenance of desirable open space.

3. **Variance Findings.** To permit a project providing 19 parking spaces in lieu of 82 as required by “philanthropic institutions” or “other similar” uses, and to permit a 50’ 8” building in lieu of the maximum 30 feet permitted by Height District 1XL.

*That the strict application of the provisions of the zoning ordinance **would** result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.*

The strict application of the zoning code would result in impaired use of the subject site and practical difficulties. The intent of the zoning code is to provide some type of buffer for adjacent properties with regard to light, shadow and air. The subject site is located adjacent to commercial and Industrial uses. In order for the cemetery to expand, it must utilize all available undeveloped square footage in order to provide for new cemetery inventory. To maintain the park-like setting of the existing site and to minimize any disruption to existing grave-sites and other existing structures, construction would need to occur along the perimeter of the site just as previous additions were developed. The building design includes a stepped back feature above the second story which will provide less bulk along the Gower Street frontage and will match the height of the existing 2 and 3 story mausoleum structures.

Cemetery uses must meet LAMC parking requirements as defined in Section 12.21 A which requires 1 parking space per 500 square feet of floor area, or 82 spaces in the case of the subject additions. A cemetery use is unique in that it does not generate the need for parking that other institutional type uses would, such as a hospital. Most of the floor area provided is for crypt placement which has a very low parking generation number. Additionally, since a cemetery normally has temporary parking along it’s streets, parking is not also not necessary at the same rate as other institutional type uses. The existing facility has ample street parking which is used on a temporary basis, but because of LAMC requirements 82 parking spaces are required. In order to provide an additional 82 parking spaces which would not be used at a normal rate, a parking structure would be necessary. Building a parking structure would result in both practical difficulties (use of available space for grave sites and/or mausoleums) and an unnecessary hardship (lack of need). Therefore the subject Variance has been requested.

*That there **are** special circumstances applicable to the subject property such as size, shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity.*

The unique features of the subject site include size, shape, configuration and location of the property as well as the location of existing improvements thereon, all of which relate directly to the provision of cemetery services. The request as proposed would allow for the functional integration of new construction with the existing improvements on the site.

*That such variance(s) **is necessary** for the preservation and enjoyment of a substantial property right or use generally possessed by other property 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 request will allow for the orderly expansion of the facility. The unique use requires that development of the site occur in a manner that utilizes the site as

efficiently as possible while maintaining the park-like grounds associated with cemetery uses and assuring preservation of a historic resource.

*That the granting of such variances will **not** be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements because it utilizes the most logical locations on site for expansion of the facility and is bordered and buffered by commercial and industrial uses.

*That the granting of the variance will **not** adversely affect the General Plan.*

The adopted Hollywood Community Plan designates the subject site as Open Space with a corresponding zone of A1-1XL. The General Plan supports the provision of adequate social services in all communities of the City, and the provision and maintenance of desirable open space.

4. **Adjustment Findings.** To permit an 18 foot side yard in lieu of the minimum 25 foot yard otherwise required.

That the granting of an adjustment will result in development compatible and consistent with the surrounding uses.

The requested adjustment will not result in development that is incompatible or inconsistent with the surrounding uses as the existing facility has been at it's current location for over 100 years. The site is buffered by commercial uses along the Santa Monica frontage, industrial uses to the south (Paramount Studios) and commercial manufacturing and medium density residential uses are located directly across the street from the site along Gower Street and Van Ness Avenue, respectively. The cemetery is zoned A1-1XL and provides a low density, open space for the surrounding uses.

That the granting of an adjustment will be in conformance with the intent and purpose of the General Plan of the City.

The adopted Hollywood Community Plan designates the subject site as Open Space with a corresponding zone of A1-1XL. The General Plan supports the provision of adequate social services in all communities of the City, and the provision and maintenance of desirable open space.

That the granting of an adjustment is in conformance with the spirit and intent of the Planning and Zoning Code of the City.

The Zone Code allows for adjustments to projects that have effectively mitigated any adverse impacts from design deviations.

That there are no adverse impacts from the proposed adjustment or any adverse impacts have been mitigated.

The existing facility currently has structures built along the Gower Street frontage. The proposed site design is the optimal design for the subject location and use. This design meets the needs of the cemetery while minimizing any undesirable impacts on the surrounding community.

That the site and/or existing improvements make strict adherence to zoning regulations impractical or infeasible.

As previously indicated, the unique features of the subject site include size, shape, configuration and location of the property as well as the location of existing improvements thereon, all of which relate directly to the provision of cemetery services. The subject site has operated under this site design with various improvements/expansions for many years. The request as proposed would allow for the functional integration of new construction with the existing improvements on the site.

5. CEQA Findings.

A Mitigated Negative Declaration (ENV-2007-5928-MND) was prepared for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that, with imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. The attached Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street. I hereby adopt that the Mitigated Negative Declaration, imposed the conditions shown in that document on this approval.

PUBLIC HEARING AND COMMUNICATIONS

The public hearing on this matter was held August 15, 2008. The applicant, and representatives were in attendance. The applicant's representative explained how the proposed cemetery was designed, its history and why the subject requests were necessary to complete the expansion of the facility. It was explained that the requested entitlements are needed to accommodate the necessary expansion of the site as related to the unique features and needs associated with the placement and layout of the cemetery. There was no testimony presented in opposition to the Project.