

**TRANSMITTAL TO CITY COUNCIL**

<b>Case No.(s)</b> CPC-2008-3440-VZC-CUB-CU-ZV-HD RELATED CASE: VTT-71837	<b>Planning Staff Name</b> LUCI IBARRA 213-978-0092	<b>Contact No.</b>	<b>C.D. No.</b> 13
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<b>Items Appealable to Council:</b> CUB-CU-ZV	<b>Last Day to Appeal:</b> MAY 13, 2013	<b>Appealed:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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**Location of Project (Include project titles, if any.)**  
 1720-1770 N. VINE STREET, 1745-1753 N. VINE STREET, 1746-1770 N. IVAR AVENUE, 1733, 1741 ARGYLE AVENUE, 6236, 6270, 6334 W. YUCCA STREET

**Name(s), Applicant / Representative, Address, and Phone Number.**

MILLENNIUM HOLLYWOOD, LLC MARIO PALUMBO JR. 1995 BROADWAY 3 <sup>RD</sup> FLOOR NEW YORK, NY 10023 212-875-4905	REPRESENTATIVE: ALFRED FRAIJO SHEPPARD MULLIN 333 S. HOPE STREET LOS ANGELES, CA 90071 213-620-1780
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**Name(s), Appellant / Representative, Address, and Phone Number.**

APPELLANT NO. 1: COMMUNITIES UNITED 215 N. MARENGO AVE. 3 <sup>RD</sup> PASADENA, CA 91101  REP.: ROBERT SILVERSTEIN 626-449-4200	APPELLANT NO. 2: RONALD BARNES HEI/GC, HVRA 6250 HOLLYWOOD BLVD. 12D LOS ANGELES, CA 90028 213-393-1350  REP: JEFFER MANGELS	BEN REZNIK, JMBM 1900 AVE. THE STARS 7 <sup>TH</sup> FLOOR LOS ANGELES, CA 90067  310-201-3572
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**Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)**

The development of two sites consisting of eight parcels on 4.47 acres of land with a mixed-use community consisting of office, hotel, commercial and residential development with subterranean and above-grade parking. The project consists of an east site and a west site, with the construction of two towers, ranging in height from 220 feet to 585 feet in the maximum height scenario. The components of the project include 492 residential units, a 200 room hotel, approximately 100,000 square feet of new office space, an approximately 35,000 square foot sports club, approximately 15,000 square feet of retail uses and approximately 34,000 square feet of food and beverage uses. The project may alter the types or amounts of the uses from those listed above in compliance with the Land Use Equivalency program and Development Regulations. A minimum of 5 percent grade level open space will be provided for buildings up to a height of 220 feet and up to 12 percent grade level open space for buildings taller than 550 feet pursuant to the project's Development Regulations.

<b>Fiscal Impact Statement</b> <small>*Determination states administrative costs are recovered through fees.</small>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Environmental No.</b> ENV-2011-675-EIR, SCH#2011041049	<b>Commission Vote:</b> 5-0
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 JAMES K. WILLIAMS, Commission Executive Assistant II	Date: <u>          MAY 14 2013          </u>
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PLANNING & LAND  
USE MANAGEMENT

# MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: CITY COUNCIL

(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: CPC-2008-3440-VZC-CUB-CU-ZV-HD

PROJECT ADDRESS: 1720-1770 Vine; 1745-1753 Vine; 1746-1770 Ivar; 1733-1741 Argyle; 6236/6270/6334 Yucca

FINAL DATE TO APPEAL: May 13, 2013

- TYPE OF APPEAL:
1.  Appeal by Applicant
  2.  Appeal by a person, other than the applicant, claiming to be aggrieved
  3.  Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

## APPELLANT INFORMATION – Please print clearly

Name: Communities United for Reasonable Development

- Are you filing for yourself or on behalf of another party, organization or company?

Self

Other: \_\_\_\_\_

Address: 215 N. Marengo Avenue, 3rd Floor

Pasadena, CA

Zip: 91101

Telephone: (626) 449-4200

E-mail: robert@robertsilversteinlaw.com

- Are you filing to support the original applicant's position?

Yes

No

**FILE COPY**

## REPRESENTATIVE INFORMATION

Name: Robert Silverstein, Esq.; Daniel E. Wright, Esq.; The Silverstein Law Firm, APC

Address: 215 N. Marengo Avenue, 3rd Floor

Pasadena, CA

Zip: 91101

Telephone: (626) 449-4200

E-mail: robert@robertsilversteinlaw.com

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

**JUSTIFICATION/REASON FOR APPEALING** – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire  Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

**ADDITIONAL INFORMATION/REQUIREMENTS**

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

*"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."*  
 --CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: David Wright Date: May 7, 2013

*Planning Staff Use Only*

Amount	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

- Determination Authority Notified  Original Receipt and BTC Receipt (if original applicant)

# THE SILVERSTEIN LAW FIRM

*A Professional Corporation*

215 NORTH MARENGO AVENUE, 3RD FLOOR  
PASADENA, CALIFORNIA 91101-1504

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May 7, 2013

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

Re: Appeal of VTTM-71837-CN-1A and CPC-2008-3440-VZC-CUB-CU-ZV-HD; ENV-2011-0675-EIR

Members of the City Council:

Communities United for Reasonable Development respectfully appeals the April 27, 2013 Determination Letters of the City Planning Commission related to the Millennium Hollywood Project.

The appellant is an unincorporated association of Los Angeles community organizations (and the individuals they represent) including, but not limited to: Beachwood Canyon Neighborhood Association, Hancock Park Homeowners Association, Hollywood Dell Civic Association, Hollywoodland Homeowners Association, Los Feliz Improvement Association, The Oaks Homeowners Association, and Whitley Heights Civic Association.

The appellant is aggrieved because the City Planning Commission erred and abused its discretion in approving the environmental document and all of the project entitlements ("Project Approval"). A copy of the applicable Letter of Determination for this particular appeal is attached at **Exhibit 1**.

**I. THE ENVIRONMENTAL IMPACT REPORT IS LEGALLY DEFICIENT AND DOES NOT SUPPORT THE TRACT MAP OR CPC PROJECT APPROVALS.**

**a. The Failure Of The City To Require The Developer To Specify A Stable, Accurate, and Finite Project Description Violates the Most Basic Mandate of CEQA.**

The City's proposed Land Use Equivalency Program grants so much "flexibility" that City decision makers and the public have been deprived of participating in a meaningful environmental process. "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 405.

The Millennium Project's Draft Environmental Impact Report ("DEIR") describes three scenarios and six project alternatives, but the DEIR fails to specify which of the scenarios, if any, is proposed for construction. An "accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR." San Joaquin Raptor Rescue Center v. County of Merced (2007)149 Cal.App.4th 645, 655 quoting County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193. Accordingly, this EIR is insufficient because the use of an unconstricted Land Use Equivalency Program, with an infinite number of possible mixed use combinations, fails to objectively demonstrate substantial evidence that all possible significant environmental impacts have been identified, much less mitigated to the greatest extent possible.

**b. The Lack Of A Stable, Accurate and Finite Project Description Results In A Cascade Of Failures To Identify And Mitigate Potential Negative Impacts Throughout The EIR.**

Other comment letters submitted to the City in response to the DEIR and other administrative appeals filed against the tract map approvals raised significant and glaring deficiencies with the DEIR's project description. The vague and ever-changing project description combined with other refusals of the Project Developer and the City to disclose and mitigate other major project impacts have been extensively documented in other DEIR objection letters attached at **Exhibit 2**.

These objection letters and the exhibits submitted into the record before the City already demonstrate that the City, as lead agency, failed to adequately analyze the following EIR subject areas: aesthetics, air quality, climate change, cultural resources, land use, noise, open space, parks, parking, public services, traffic, utilities/service systems, vibration, cumulative impacts, growth-inducing impacts, and project alternatives. Appellant adopts all of the objections set forth in the letters attached at **Exhibit 2**, and directs the City Council's attention to all of the data and evidence attached to the DEIR comment letters in the Final EIR.

In addition, appellant adopts each and every objection letter and administrative appeal submitted to the City during the environmental review process and the hearings before the Advisory Agency, Hearing Officers, and the City Planning Commission. Specifically, appellant directs the City Council's attention to the administrative appeals of the Vesting Tentative Tract Map No. 71837-CN by the AMDA College and Conservatory of the Performing Arts, Annie Geoghan, Argyle Civic Association, Beachwood Canyon Neighborhood Association, Hollywood Dell Civic Association, and Hollywoodland Homeowners Association including all of the data and evidence attached to those administrative appeals.

**c. The Lack Of A Finite Project Description Appears Intended To Obscure What The Project Is Until After Expiration Of The CEQA And Planning Act Statutes Of Limitations.**

The Land Use Equivalency Program and Millennium Development Regulations blow a hole in the required CEQA review for this Project. Multiple comments on the DEIR noted that the Project Developer has failed to commit to any particular project. But more ominous than just the inconsistency with CEQA is the very idea that City of Los Angeles officials, led by City Councilmember Eric Garcetti in whose district the Millennium Project resides, would allow a real estate developer to essentially write his own Development Regulations that would apply only to his property and pair it with a Land Use Equivalency Program that allows the developer to wait until after CEQA and Planning Act statutes of limitation expire before requiring public revelation of what the project is. As such, the refusal to commit to a particular project proposal using the pretense that somehow the real estate market is "uncertain" is a gross breach of the City's mandatory good faith duty under CEQA to disclose the proposed project, its impacts and feasible mitigation as part of the environmental review process.

**II. THE CITY VIOLATED THE DUE PROCESS RIGHTS OF APPELLANT AND THE PUBLIC BY FAILING TO ATTACH THE DEVELOPMENT REGULATIONS AND LAND USE EQUIVALENCY PROGRAM TO THE LETTERS OF DETERMINATION.**

The LAMC authorizes any aggrieved person to file an appeal from the CPC's approval of project entitlements and the vesting tentative tract map. It goes without saying before a meaningful appeal may be prepared by any appellant, the City has a duty, as a matter of fair hearing process, to issue a complete letter of determination setting forth the actions taken by the City. On May 1, 2013, counsel for appellant sent notice to the City of the uncertainty of precisely what Development Regulations and what Land Use Equivalency Program was approved by the City Planning Commission:

"RE: VTTM-71837-CN-1A and CPC-2008-3440-VZC-CUB-CU-ZV-HD

Mr. Williams:

Our office received the above-referenced determination letters issued by the Los Angeles City Planning Commission on April 27, 2013.

*VTTM-71837 Determination*

The Determination Letter for VTTM-71837-CN-1A states on page 8, Paragraph 14(b) that: "The design and development of the structure shall be in substantial conformance with the Development Regulations attached to CPC-2008-3440-VZC-CUB-CU-ZV-HD and CPC-2013-103-DA. Paragraph 14(c) contains a similar provision that refers to the Development Regulations.

On page 8, Paragraph 14(a) states: "Limit the proposed development to the following uses, and/or as described in the Land Use Equivalency Program pursuant to CPC-2008-3440-VZC-CUB-CU-ZV-HD and CPC-2013-103-DA."

Thus, in order to fully understand the action of the City Planning Commission in VTTM 71837-CN-1A, a person receiving the Determination Letter must refer to the CPC Determination to review

the proposed Development Regulations and Land Use Equivalency Program.

*CPC Determination*

The CPC Determination Letter on page Q1 in multiple places refers to the "attached" Exhibit D (the Land Use Equivalency Program) and Exhibit C (the Millennium Project Development Regulations). (The CPC Determination Letter makes no apparent reference to any Exhibits A or B.) The detailed Land Use Equivalency Program and the Millennium Project Development Regulations contain substantive provisions of the CPC's decision that are supposed to be attachments to the Determination Letter.

Our review of the copies of the two Determination Letters, and those received by other members of the interested public show that the City failed to attached these critical portions of the CPC Determination Letters. We have no idea if the Land Use Equivalency Program or the Development Regulations adopted by the CPC are the same or different from prior iterations of those documents that were originally proposed as part of a Development Agreement now publicly withdrawn by the Developer and presumably not considered by the City.

Without attaching the precise version of these documents that the CPC supposedly approved as part of its substantive decision, it is impossible for the interested public to determine what the CPC is approving, whether or not the interested public objects to what has been approved, and how to intelligently formulate an appeal of the CPC's decision if one was trying to formulate one. For these reasons, both Determination Letters, which expressly refer to and rely upon substantive portions of the decision omitted from the materials mailed to the interested public, fail to constitute constitutionally valid notice of the actions of the CPC.

On this basis, we demand that the CPC immediately give the public notice of rescission of the two Determination Letters and issue full and complete determination letters in accordance with concepts of constitutionally required notice of the CPC's entire decision.

Please contact me as soon as possible to inform whether or not the City will cure and correct this serious public notice problem.”

Despite this demand for immediate clarification of what the City Planning Commission had approved, the City waited six days to respond. In fact, the response of the City arrived just a few hours before the deadline for filing an appeal of the tract map, thereby foreclosing the ability of appellant to look at the particular location of the final approved documents before expiration of the appeal period. The City Planning Commission Assistant merely stated that it is the “standard practice” of the City to not mail attachments to letters of determination but that the public may view these attachments at the City Planning Department in City Hall during regular business hours. One wonders if there is a difference between the letter of determination of the City Planning Commission mailed to the applicant whose project was approved by the City Planning Commission, and those mailed to everyone else. If there is, the City has shown favoritism toward the applicant’s right to notice compared to those interested persons who asked for written notice of the City’s decision.

Nowhere is this alleged City “standard practice” set forth in the letter of determination so that a member of the public who received the notice of the CPC’s action would know where to look. The closest reference is a statement that the record for the purposes of the environmental review is in the custody of the City Planning Department, but there is no statement of where an aggrieved person might look to find the applicable attachments to the letters of determination.

Additionally, to the best of the knowledge of appellant, the Millennium Development Regulation and the Land Use Equivalency Program are not “voluminous” as asserted by the City Planning Commission’s assistant. Minimum constitutional due process of fair notice requires that the burden of the City to attach the two exhibits to these letters of determination was not so great as to justify not doing so, especially where the letters of determination failed to inform potential appellants where to obtain copies of the actual approved documents.

For this reason, appellant has been prejudiced to the extent it has been unable to formulate and identify all potential grounds for appealing the decisions of the City Planning Commission. The City’s refusal to correct this fatal notice error is a prejudicial abuse of discretion that deprived the appellant of the right of complete notice of the City Planning Commission’s action so that it could formulate a meaningful appeal. For this reason, appellant specifically reserves the right to raise additional grounds for appeal that

are obscured and hidden by the City's failure to give full notice of the decision the City presumably mailed the applicant. The City may not constitutionally pick and choose who is to know the actions of its City Planning Commission.

**III. THE PROJECT ENTITLEMENTS BASED UPON THE UNLAWFULLY ADOPTED HOLLYWOOD COMMUNITY PLAN UPDATE ARE THEMSELVES SUBJECT TO NULLIFICATION.**

The Project has been approved based upon the Hollywood Community Plan which is currently in litigation that may overturn the City Council adoption of the new community plan and its associated zoning. The Project has not been conditioned on the possibility that the underlying zoning will be placed back to the zoning that is much less dense than that purportedly approved in the letters of determination. This flaw is fatal to the density approved for the Project.

**IV. THE LAND USE EQUIVALENCY PROGRAM EXCEEDS THE AUTHORITY OF THE CITY PLANNING DEPARTMENT AND CITY COUNCIL.**

The CPC letter of determination cites LAMC Section 12.32G as authority to adopt "Q" conditions in association with the project approvals. Among the Q conditions, listed in the CPC letter of determination is a statement that:

"The use of the subject property shall be limited to those uses permitted in the Land Use Equivalency Program, attached as Exhibit D or as permitted in the C2 Zone as defined in Section 12.16.A of the LAMC." (Emphasis added.)

The Land Use Equivalency Program claims without any supporting evidence in the record that it is necessary to grant the applicant "flexibility" in deciding what the Project will be due to the "uncertainty" of the real estate market. The Land Use Equivalency Program, completely unjustified as being required for any legitimate purpose (other than to evade CEQA review and public accountability for what the project is or will be), does not meet the purposes of the Q condition ordinance.

Appellant understands that the City enacted the use of Q conditions when developers obtained zone changes and then, instead of submitting plans to build the project that they said they would do, submitted plans to build a project otherwise authorized under the new zone. Q conditions have been used to impose additional

restrictions in use and site development that exceed that imposed by the zoning set forth in the LAMC. Instead of imposing a restriction, the Land Use Equivalency Program grants infinite flexibility for the Project Developer to wait until after expiration of the CEQA and Planning Act statutes of limitations to reveal what will be constructed. Instead of protecting the public from adverse environmental impacts, it may now perversely (and illegally) purport to authorize them.

Because the City has made no showing that the Land Use Equivalency Program is actually necessary, or that it furthers the purposes set forth in LAMC 12.32.G, the Advisory Agency and the City Planning Commission exceeded any Municipal Code authority in approving the Land Use Equivalency Program as part of the applicant's entitlements.

Furthermore, as written above, the Q condition seems to be written as a back door way to return to the very "bait and switch" zone change mischief that Q conditions were intended by the City Council to halt. As the entitlement literally reads, the Millennium Project Developer can choose land uses that were analyzed in the EIR as part of the Land Use Equivalency Program OR it can choose any other land use authorized in the C2 zone. This appears to authorize any of the very broad category of uses in a C2 zone, including uses that have not been disclosed or analyzed at all. Additionally, the C2 zone is not defined in the section cited in the entitlement, so what is precisely being authorized is very unclear – the very opposite of the purpose and intent of Q conditions.

**V. THE MILLENNIUM DEVELOPMENT REGULATIONS, TO THE EXTENT THAT THEY PURPORT TO GRANT RELIEF FROM APPLICABLE LOS ANGELES MUNICIPAL CODE PROVISIONS, VIOLATE THE CITY CHARTER AND STATE LAW ON VARIANCES.**

The Millennium Development conditions, however the final version attached to the applicant's version of the letter of determination may read, purport to allow, through the use of a Q condition, land use entitlements that are more permissive than the applicable LAMC provisions. The DEIR also declared that the Millennium Development Regulations to the extent that they were more permissive than the LAMC would prevail.

This is not consistent with the purpose and intent of a Q condition. As set forth above, Q conditions are utilized by the City to impose additional restrictions to assure that a developer receiving a zone change will build the project promised and not something not even originally proposed. Whenever an applicant requests for relief from strict application of a particular LAMC provision, Los Angeles Charter Section 562

requires the owner to apply for a variance. It is patently unlawful to use a Q condition to adopt custom written development regulations that purport to override the LAMC provisions that are more restrictive, and without applying for a variance as required by the People in their charter. Because the Advisory Agency and the CPC exceeded its authority in approving development regulations that purport to override LAMC provisions and the Los Angeles Charter, the project approvals are void and unenforceable.

**VI. FOR THE CONDITIONAL USES AND VARIANCES GRANTED BY THE CITY, THERE WAS NO SUBSTANTIAL EVIDENCE SUPPORTING THE FINDINGS.**

The Project Developer sought a vesting conditional use to permit a hotel within 500 feet of an R zone and a master conditional use to permit the sale and dispensing of a full-line of alcohol for on and off-site consumption and live entertainment. Additionally, the Project Developer sought a zone variance to permit outdoor eating areas above the ground floor, and a zone variance to permit reduced parking for a sports club/fitness facility.

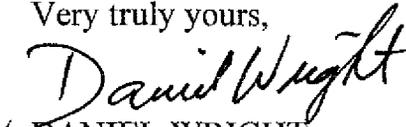
Because the project description fails to set forth the number, location and a myriad of other essential factors to evaluate the location of the hotel and its associated uses or all of the various locations for the dispensing of alcohol, it is impossible to make the necessary findings to support these conditional uses.

Because the project description fails to set forth the number, location and a myriad of other essential factors to evaluate the hardship and other variance findings for the outdoor eating areas and the reduced parking for sports club/fitness facility, it is impossible to make the necessary findings to support the grant of variances. For instance, because the Project Developer had not been required to state what the Project is, the City cannot state in the findings that the bars, restaurant and other outdoor noise, music, and patrons will not disturb the residents of the Project itself. Without a project proposal, the City essentially has handed its authority over to the Project Developer to determine what is or is not compatible with the various uses that end up being built on the site.

**VII. Q CONDITION 2 THAT PURPORTS TO GIVE PLANNING STAFF UNFETTERED DISCRETION TO MODIFY THE PROJECT TO OVERRIDE MUNICIPAL CODE AND THE PROJECT CONDITIONS APPEARS TO BE AN UNLAWFUL DELEGATION OF LEGISLATIVE POWER.**

Q condition 2 includes this breathtaking new authority of the City Planning Department staff: "Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization." This language purports to authorize someone – it is not clear who – to approve minor deviations, which are not defined, from the Municipal Code and the project conditions. No statutory or Municipal Code authority is cited that authorizes such authority. Further, to try to authorize it as part of a Q condition is inconsistent with the purpose and intent of Q conditions. For this additional reason, the CPC exceeded its authority in including such unlawful authority in the project entitlements.

Very truly yours,

A handwritten signature in black ink that reads "Daniel Wright". The signature is written in a cursive, flowing style.

DANIEL WRIGHT

FOR

THE SILVERSTEIN LAW FIRM

DEW:jmr  
Attachments





## CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012, (213) 978-1300  
[www.lacity.org/PLN/index.htm](http://www.lacity.org/PLN/index.htm)

Determination Mailing Date: APR 27 2013

**CASE:** CPC-2008-3440-VZC-CUB-CU-ZV-HD  
**CEQA:** ENV-2011-675-EIR  
SCH No. 2011041049

**Location:** 1720-1770 North Vine Street; 1745-1753 North Vine Street; 1746-1770 North Ivar Avenue; 1733 and 1741 Argyle Avenue; and, 6236, 6270, and 6334 West Yucca Street.  
**Council Districts:** 13 – Hon. Eric Garcetti  
**Plan Area:** Hollywood  
**Requests:** Vesting Zone Change, Height District Change, Conditional Use, Zone Variance

**Related Case:**  
VTT-71837-CN-1A

**Applicant:** Millennium Hollywood, LLC  
**Representative:** Alfred Fraijo, Sheppard Mullin Richter & Hampton, LLP.

At its meeting on March 28, 2013, the following action was taken by the City Planning Commission:

1. **Approved a Vesting Zone Change** from C4 to (T)(Q)C2-2-SN.
2. **Approved a Height District Change** from Height District 2D to **Height District 2**.
3. **Approved the requested Vesting Conditional Use** to permit a hotel within 500 feet of an R Zone.
4. **Approved the requested Master Conditional Use** to permit the sale and dispensing of a full-line of alcohol for on and off-site consumption and live entertainment.
5. **Approved the requested Conditional Use** to permit floor area averaging in a unified development.
6. **Approved a Zone Variance** to permit outdoor eating areas above the ground floor.
7. **Approved a Zone Variance** to permit reduced parking for the sports club/fitness facility.
8. **Approved Reduced On-Site Parking** for Transportation Alternatives.
9. **Adopted the attached Conditions of Approval** as modified
10. **Adopted the attached Findings** as amended.
11. **Reviewed and considered** the Environmental Impact Report, **ENV-2011-675-EIR** (SCH No. 2011041094), including the accompanying mitigation measures, the Mitigation Monitoring and Reporting program, and **Adopted** the related environmental Findings, and Statement of Overriding Considerations as the environmental clearance for the project and Find:
  - a. The Environmental Impact Report (EIR) for the Project, which includes the Draft EIR and the Final EIR, has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State and City of Los Angeles CEQA Guidelines; and
  - b. The Project's EIR was presented to the City Planning Commission (CPC) as a recommending body of the lead agency, and the CPC reviewed and considered the information contained in the EIR prior to recommending the project for approval, as well as all other information in the record of proceedings on this matter; and
  - c. The Project's EIR represents the independent judgment and analysis of the lead agency.

**Recommendations to City Council:**

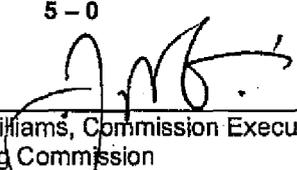
1. **Recommend** that the City Council **Adopt a Vesting Zone Change** from C4 to **(T)(Q)C2-2-SN**.
2. **Recommend** that the City Council **Adopt a Height District Change** from Height District 2D to **Height District 2**.
3. **Recommend** that the City Council **Adopt the attached Conditions of Approval** as modified.
4. **Recommend** that the City Council **Adopt the attached Findings** as amended.
5. **Recommend** that the City Council **Certify** it has reviewed and considered the Environmental Impact Report, ENV-2011-675-EIR (SCH No. 2011041094), including the accompanying mitigation measures, the Mitigation Monitoring and Reporting program, and **Adopt** the related environmental Findings, and Statement of Overriding Considerations as the environmental clearance for the project and Find:
  - a. The Environmental Impact Report (EIR) for the Project, which includes the Draft EIR and the Final EIR, has been completed in compliance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State and City of Los Angeles CEQA Guidelines; and
  - b. The Project's EIR was presented to the City Planning Commission (CPC) as a recommending body of the lead agency, and the CPC reviewed and considered the information contained in the EIR prior to recommending the project for approval, as well as all other information in the record of proceedings on this matter; and
  - c. The Project's EIR represents the independent judgment and analysis of the lead agency.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

**Moved:** Lessin  
**Seconded:** Perlman  
**Ayes:** Freer, Hovaguimian, Romero  
**Recused:** Eng, Roschen  
**Absent:** Burton, Cardoso

**Vote:** 5 - 0

  
 \_\_\_\_\_  
 James K. Williams, Commission Executive Assistant II  
 City Planning Commission

**Effective Date / Appeals:** The City Planning Commission's determination regarding the *Zone Change* request is not appealable (*Applicant waived rights in letter dated April 22, 2013*). Any aggrieved party may file an appeal within 15-days after the mailing date of this determination letter. Any appeal not filed within the 15-day period shall not be considered by the City Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.

FINAL APPEAL DATE:           MAY 13 2013          

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions, Ordinance, Map, Findings  
 City Planner: Lucralia Ibarra  
 City Planning Assistant: Sergio Ibarra

## CONDITIONS FOR EFFECTUATING TENTATIVE (T) CLASSIFICATION REMOVAL

Pursuant to Los Angeles Municipal Code Section 12.32 G, the "T" Tentative Classification shall be removed by the recordation of a final tract map or by posting guarantees satisfactory to the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Planning Department for attachment to the subject City Plan Case.

1. **Dedications and Improvements.** Prior to the issuance of any building permit, public improvements and dedications for streets and other rights of way adjoining the subject property shall be guaranteed to the satisfaction of the Bureau of Engineering, Department of Transportation, Fire Department (and other responsible City, regional and federal government agencies, as may be necessary), the following:
  - A. **Responsibilities/Guarantees.**
    - (1) As part of early consultation, plan review, and/or project permit review, the applicant/ developer shall contact the responsible agencies to ensure that any necessary dedications and improvements are specifically acknowledged by the applicant/developer.
    - (2) Prior to the issuance of sign-offs for final site plan approval and/or project permits by the Department of City Planning, the applicant/developer shall provide written verification to the Department of City Planning from the responsible agency acknowledging the agency's consultation with the applicant/developer. The required dedications and improvements may necessitate redesign of the project. Any changes to the project design required by a public agency shall be documented in writing and submitted for review by the Department of City Planning.
  - B. **Street Dedications**
    - (1) That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
    - (2) That a set of drawings for airspace lots be submitted to the City Engineer showing the following.
      - a. Plan view at different elevations.
      - b. Isometric views.
      - c. Elevation views.
      - d. Section cuts all locations where airspace lot boundaries change.
    - (3) That the owners of the property record an agreement satisfactory to the City Engineer stating that they will grant the necessary private easements for ingress and egress purposes to serve the proposed airspace lots to use upon the sale of the respective lots and they will maintain the private

easements free and clear of obstructions and in safe conditions for use at all times.

C. Street Improvements

- 1) Improve the alley adjoining the subdivision by the reconstruction of any off-grade concrete pavement and also if necessary reconstruction of the alley intersection with Argyle Avenue including any necessary removal and reconstruction of the existing improvements all satisfactory to the Central District Engineering Office.
- 2) That necessary grading and soil reports be submitted to the Geotechnical Engineering Division of Bureau of Engineering for review and approval.

2. Building & Safety – Grading.

- A. Prior to the issuance of any Building or Grading Permits, or the Recordation of the Tract map, additional boring shall be required for the property located at 6334 West Yucca Street and 1770 North Ivar Avenue (where the Enterprise Rent-a-Car property is currently located).
- B. Prior to issuance of any Building or Grading Permits, or the Recordation of the Tract Map, a comprehensive Geotechnical report as discussed in the Department Review Letter dated May 23, 2012, shall be submitted to the Department for review including detailed geotechnical recommendations for the proposed development.
- C. Additional fault exploration will be required if in the future it is determined that a structure or a part of it is proposed within the area located north of the "Northern Limit of Fault Exploration" line depicted on Drawing No. 5 of the report dated November 30, 2012 (where the Enterprise Rent-a-Car property is currently located).

3. Building and Safety – Zoning. The Building and Safety, Zoning Divisions shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied.

- A. Provide a copy of building records, plot plan, and certification of occupancy of all existing structures to verify the last legal use and the number of parking spaces required and provided on each site.
- B. Obtain permits for the demolition or removal of all existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
- C. The legal description and lot numbers on the submitted Map do not agree with each other and with ZIMAS. Revise the Map to address the discrepancy to correctly label the lot numbers per Tract 18237.
- D. Provide a copy of Certificate of Compliance for the lot cut of Lot 1 of Tract 18237.

- E. Provide a copy of affidavit AFF-20478, AFF-20772, AFF-35097, AFF-35104, AFF-43826, AFF-001966012, AF-95-853223-MB, AF-96-2071235-GD, AF-98-0492383-GD, AF-01-0390387, and AF-1243919. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- F. The Department of Building and Safety recommends that the front, side and rear lot line locations be designated by the Advisory Agency for the residential and hotel uses.
- G. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be re-checked as per net lot area after street dedication. Yard setback requirements shall be required to comply with current code as measured from new property lines after dedications.
- H. Record a Covenant and Agreement to treat the buildings and structures located in an Air Space Subdivision as if they were within a single lot.

4. **Department of Transportation.**

- A. A minimum 40-foot reservoir space should be provided between any security gate(s) and the property line.
- B. A parking area and driveway plan shall be submitted to the Citywide Planning Coordination Section of the Department of Transportation (DOT) for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street, Suite 400, Station 3.
- C. The applicant shall comply with the recommendations of the DOT letter dated August 16, 2012 attached to the case file for VTT-71837-CN.
- D. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 185042 and LAMC Section 19.15. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

5. **Department of Fire.** A suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following:

- A. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
- B. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
- C. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.

- D. No proposed development utilizing cluster, group, or condominium design of one or two family dwellings shall be more than 150 feet from the edge of the roadway of an improved street, access road, or designated fire lane.
- E. All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.
- F. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
- G. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- H. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- I. Access for Fire Department apparatus and personnel to and into all structures shall be required.
- J. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
- K. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.
- L. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
- M. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
- N. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- O. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
- P. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150 feet horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.

- Q. Entrance to the main lobby shall be located off the address side of the building.
- R. Any required Fire Annunciator panel or Fire Control Room shall be located within 50 feet visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

6. **Department of Water and Power.**

- A. Upon compliance with these conditions and requirements, the LADWP's Water Services Organization (WSO) will forward the necessary clearances to the Bureau of Engineering after receiving the final tract map.
  - (1) Install new fire hydrant: 1-2 ½" X4" DFH on E/S Ivar Ave, S/O Yucca St
  - (2) Arrange for the Department to install Fire Hydrants
  - (3) Conditions under which water service will be rendered:
    - i. Plumbing for all buildings must be sized in accordance with the Los Angeles City Plumbing Code for a minimum pressure range of 30 to 45 psi at the building pad elevation.
    - ii. Pressure regulators will be required in accordance with the Los Angeles City Plumbing Code for all buildings where pressures exceed 80 psi at the building pad elevation.
  - (4) Los Angeles City Fire Department Requirements:
    - i. New fire hydrants and/or top upgrades to existing fire hydrants are required in accordance with the Los Angeles Fire Code: Install 1-2 ½" X4" DH on E/S Ivar Ave, S/O Yucca St.
  - (5) New Easements Are Required: It is required that easements be dedicated for water line purposes to the City of Los Angeles for the use of the Department of Water and Power and shown as such on the subdivision map:
    - i. The Department's standard Dedication Certificate must be incorporated as part of the Ownership Certificate and executed by the owner of the Subdivision prior to the recording of the subdivision map. A copy of the Dedication Certificate has been forwarded to the subdivision engineer.

7. **Bureau of Street Lighting.**

- A. No street lighting improvements if no street widening per BOE improvement conditions. Otherwise, relocate and upgrade street lights as follows:
  - (1) Three (3) on Ivar Avenue;
  - (2) Four (4) on Yucca Street;
  - (3) Seven (7) on Vine Street;

- (4) Three (3) on Argyle Avenue; and,
  - (5) Four (4) on Hollywood Boulevard.
8. **Street Trees.** Construction of tree wells and planting of street trees and parkway landscaping to the satisfaction of the Street Tree Division of the Bureau of Street Maintenance.
  9. **Sewers.** Construct sewers to the satisfaction of the City Engineer.
  10. **Drainage.** Construct drainage facilities to the satisfaction of the City Engineer.
  11. **Recreation and Parks Dedication/Fee.** Per Section 12.33 of the Municipal Code, the applicant shall dedicate land for park or recreational purposes or pay the applicable Quimby fees for the construction of condominiums, or Recreation and Park fees for construction of apartment buildings.
  12. **Schools.** The applicant shall make payment to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.
  13. **Cable Television.** The applicant shall make necessary arrangements with the appropriate cable television franchise holder to assure that cable television facilities will be installed in City rights-of-way in the same manner as is required of other facilities, pursuant to Municipal Code Section 17.05.N, to the satisfaction of the Information Technology Agency.
  14. **Police.** The building plans shall incorporate design guidelines relative to security, semi-public and private spaces (which may include but not be limited to access control to building), secured parking facilities, walls/fences with key systems, well-illuminated public and semipublic space designed with a minimum of dead space to eliminate areas of concealment, location of toilet facilities and building entrances in high-foot traffic areas, and provision of security guard patrol throughout the project site if needed. Refer to Design out Crime Guidelines: Crime Prevention Through Environmental Design published by the Los Angeles Police Department's Community Relations Section (located at 100 W. 1<sup>st</sup> Street, Suite 250, Los Angeles, Phone: 213-485-6000). These measures shall be approved by the Police Department prior to the issuance of building permits.

## (Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32.G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

### Entitlement Conditions

1. **Permitted Use.** The use of the subject property shall be limited to those uses permitted in the Land Use Equivalency Program, attached as Exhibit D or as permitted in the C2 Zone as defined in Section 12.16.A of the L.A.M.C.
2. **Site Development.** Prior to the issuance of any permits for the subject project, detailed development plans, including a complete landscape and irrigation plan, shall be submitted for review and approval by the Department of City Planning – Major Project Section for verification of compliance with the Development Regulations attached as Exhibit C. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
3. **Maximum Height.** No building or structure located on the subject property shall exceed a height of 585 feet or as permitted by the Development Regulations (Exhibit C) stamped pursuant to Section 12.21.1 of the Municipal Code.
4. **Minimum Tower Height.** No tower, as defined in the attached Development Regulations (Exhibit C), on the subject property shall be constructed less than 220 feet in height.
5. **Maximum Podium Height.** No streetwall, 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.
6. **Multiple Tower Heights.** The tallest tower on any one site (East or West Site) shall be within 15 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 497 feet in height (15% less than 585 feet).

7. **Floor Area.** The floor area of all buildings 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. The FAR shall be averaged across the East and West Sites as a Unified Development as defined in Section 12.24-W, 19 of the Los Angeles Municipal Code. The applicant shall file a Covenant and Agreement per Condition No. 1 under Conditions of Approval (Page C-1).
8. **Residential Density.** 492 residential dwelling units, or as permitted by the Land Use Equivalency Program (Exhibit D), may be constructed on the subject site.
9. **Parking.** Project parking shall include 1,918 parking spaces or as permitted by the Development Regulations, shall be provided and shared among all the uses on the site.
  - a. The residential parking shall be sold and/or leased separately from each residential dwelling unit.

- b. 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.
  - c. If visitor parking spaces are gated, a voice response system shall be installed at the gate. Directions to guest parking spaces shall be clearly posted. Tandem parking spaces shall not be used for visitor parking unless a valet service is provided.
  - d. Prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, shall be submitted for review and approval by the Department of City Planning (200 No. Spring Street, Room 750).
8. **Above Grade Parking.** Parking above grade shall be limited to no more than three stories.
9. **Construction Related Parking.** No employees or subcontractor shall be allowed to park on surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of heavy construction vehicles along Hollywood Boulevard before 9:00 AM or after 4:00 PM, Monday through Friday. All construction vehicles shall be stored on-site unless returned to their owner's base of operations.

#### Traffic Conditions

10. **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, Monday through Friday, and Saturday through Sunday from 8:00 AM to 6:00 PM. No truck deliveries shall occur outside of that time period. No truck queuing related to such deliveries to the project site shall occur on any street within the project vicinity outside of that time period.
11. **Loading.** Loading and unloading activities shall not interfere with traffic on any public street. Public sidewalks, alleys, and/or other public rights-of-way shall not be used for the parking or loading and unloading of vehicles. The location of loading areas shall be clearly identified on the site plan to the satisfaction of the Department of City Planning.
12. **Maintenance.** The subject property including the associated parking facilities, sidewalks, outdoor areas, and landscaping adjacent to the site shall be maintained in an attractive condition and shall be kept free of trash and debris. Trash receptacles shall be located throughout the site.
13. **Dust Walls.** During construction, temporary dust walls (e.g., Visqueen plastic screening or other suitable product, not less than 8 feet in height shall be installed and maintained along the property line between the site and adjoining lots as necessary to preclude dust dispersion from the project site to adjacent uses.
14. **Community Relations.** During construction, a 24-hour "hot-line" phone number for the receipt of construction-related complaints from the community shall be provided to immediate neighbors. The applicant shall be required to respond within 24 hours of any complaint received on this hotline.

15. **Posting of Construction Activities.** The property owners and/or managers of immediately adjacent structures shall be given regular notification of major construction activities and their duration. A visible and readable sign (At a distance of 50 feet) shall be posted on the construction site identifying a telephone number for inquiring about the construction process and to register complaints.
16. **Employee Transportation Demand Management.** The applicant shall implement trip reduction strategies in accordance with Section 12.6-J of the Los Angeles Municipal Code, that would encourage and incentivize project employees to carpool, vanpool, or take transit or other modes. Such strategies can include, but not be limited to, the following: shuttles from remote parking, bicycle amenities like racks and showers, guaranteed ride home program, partially or fully subsidized, monthly, or annual transit passes provided to all eligible project employees, rideshare matching, administrative support for formation of carpools/vanpools, bike and walk to work promotions, and preferential loading and unloading of parking location for ride-sharing.
17. **Bicycle Standards.** The applicant shall provide short- and long-term bicycle parking spaces as well as bicycle facilities in accordance with standards established pursuant to Ordinance No. 182,836.
18. **Construction Impacts.** Prior to the issuance of a demolition permit, the applicant shall submit a construction work site traffic control plan to DOT for review and approval. The plan should show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. DOT also recommends that all construction related traffic be restricted to off-peak hours to the extent feasible. The applicant shall minimize temporary construction impacts to traffic by implementing the following strategies.
  - a. Identify truck staging areas, and implement efficient management of truck access/egress routes.
  - b. Develop worksite traffic control plans.
  - c. Develop a construction worker transportation demand management plan to encourage the use of transit/ridesharing and to minimize parking demand.
  - d. Schedule construction-related deliveries, to the extent feasible, to occur during off-peak travel hours.
  - e. Develop and submit a Freeway Truck Management Plan to Caltrans.
  - f. *Coordinate with LA County Metro to minimize inconvenience to transit users caused by any temporary bus stop relocations and bus line re-routings.*
  - g. All temporary construction traffic control plans in the City involving temporary traffic signal modifications, the relocation of any signal equipment, and the installation of crash cushions or temporary roadway striping shall be prepared, submitted and signed by a registered Civil or Traffic Engineer in the state of California, on DOT standard plan format, for review and approval by DOT's Design Division.

- h. Additionally, all other temporary construction traffic control proposals in the City involving the use of flashing arrow boards, traffic cones, barricades, delineators, construction signage, etc., shall require the review and approval by DOT's Central District Office.

19. **General Conditions.**

- a. All transportation improvements and associated traffic signal work within the City of Los Angeles must be guaranteed through the B-Permit process of the Bureau of Engineering, prior to the issuance of any building permit and shall be completed prior to the issuance of the first certificate of occupancy for the project. Temporary certificates of occupancy maybe granted in the event of any delay through no fault of the applicant, provided that, in each case, the applicant has demonstrated reasonable efforts and due diligence to the satisfaction of DOT.
- b. If a proposed traffic mitigation measure does not receive the required approval, a substitute mitigation measure may be provided subject to the approval of DOT or other governing agency with jurisdiction over the mitigation location, upon demonstration that the substitute measure is equivalent or superior to the original measure in mitigating the project's significant traffic impact.
- c. Any improvements along state highways and at freeway ramps require approval from the State of California Department of Transportation (Caltrans). The applicant may be required to obtain an encroachment permit or other approval from Caltrans for each of these improvements before the issuance of any building permits, to the satisfaction of Caltrans, DOT, and the Bureau of Engineering.

The City Planning Commission considered and approved additional conditions presented at the hearing on March 28, 2013. The City Planning Department prepared the following conditions to reflect testimony offered at the hearing, City Planning Commission deliberation, and project information in the administrative record. The following additional conditions are included as conditions of approval consistent with City Planning Commission action.

- 20. **Circulation Shuttle.** Prior to the issuance of the first final certificate of occupancy, the developer shall procure and thereafter operate a shuttle service, providing for service between the project and residential areas within a two mile radius of the project. Such shuttle service will be operated either on an "on call" basis or a recurring periodic basis, as determined by the developer, during reasonable hours, generally consistent with DASH operations. Such service is intended to improve pedestrian circulation from the residential neighborhoods in vicinity of the project that are currently underserved by the DASH routes, to the project and the public transportation access points within two blocks of the project site. As such, the service will not be required to accommodate linkages between the project and areas already adequately served by DASH and Metro. Developer shall not be obligated to expend more than \$250,000 per year for the operation of such service.
- 21. **Bicycle Amenities Plan.** Commencing upon the issuance of the first final certificate of occupancy, the developer shall maintain bicycle amenities at the project. Bicycle amenities in the first phase of the project shall include, in addition to the bicycle parking facilities required by the Development Regulations, a kiosk or tenant space comprising not less than 200 square feet for the provision by Bicycle Kitchen or other non-profit

organization, for bicycle repair services. No rent shall be charged to any such non-profit organization, but the developer may require such non-profit bicycle repair service to enter into a lease or license agreement on other commercially available terms (including, without limitation, operating hours, use limits, insurance, indemnity, signage). If, despite use of its commercially reasonable efforts, developer is unable to procure the services of a non-profit bicycle service provider, the developer shall have the right to cause such space or kiosk to be leased or licensed to a for-profit bicycle service provider on commercially reasonable terms, including the payment of rent. In addition, each initial phase of the project on the east site and west site shall include, in addition to the bicycle repair facilities required in the Development Regulations, dedicated bicycle ways between the public streets and such facilities and wayfinding signage directing bicycle users to such facilities. The plans submitted by the developer for plan check with the City shall include plans for such bicycle facilities, which shall be reviewed by the Director of Planning.

22. **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 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.
23. **Parking Tracking Services.** Prior to the issuance of the first final certificate of occupancy, the developer shall provide a fixed-fee contribution to supplement the City's Department of Transportation's Express Park program that will provide new parking meter technology, vehicle sensors, a central management system, and real-time parking guidance for motorists in the vicinity of the project. The contribution shall be in the amount of \$50,000 to be paid to the City Department of Transportation.
24. **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.
25. **Metro Passes.** Commencing upon the issuance of the first final certificate of occupancy for the project, 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.

26. **Metro Passes (Non-vehicular Parking for Project Residents).** The developer shall purchase and make available not less than one hundred (100) Metro passes on a monthly basis for residents and tenants of the project.
27. **Monthly Parking Leases for Metro Commuters.** Commencing upon the issuance of the first final certificate of occupancy, the developer shall provide, 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. In the initial year of operation of such "Park and Ride" spaces, the monthly charge to the user of each space shall not exceed \$50.00 per month; thereafter, such monthly charge may be increased each calendar year by not more than three percent (3%) per calendar year. Developer shall establish and maintain a monitoring and reporting program to reasonably assure that such parking continues to meet such condition.
28. **Daily Parking Discount for Metro Commuters.** Commencing upon issuance of the first final certificate of occupancy, 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. Developer shall establish and maintain a monitoring and reporting program of the use of such discounts to reasonably assure that such parking discount continues to be offered as required, which reports shall be provided to the Department of Transportation and/or the Department of City Planning upon request.
29. **Shared Vehicle Parking.** Commencing upon issuance of the first final certificate of occupancy for the project, 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. Notwithstanding the foregoing, City acknowledges that the Developer's failure to cause such service to be provided within the Project (i) for any 180 day period following termination of contract between developer and such operator while a replacement operator is sought, or (ii) during any period in which such no reputable car sharing service provider is operating a car sharing service in the Hollywood area, or (iii) if developer's selected operator is unwilling or unable to operate all ten (10) spaces, will not constitute a default of developers obligations under this condition.
30. **Vine Street Medians.** The developer shall engage an urban planning and/or traffic consulting firm reasonably acceptable to the Director of Planning, DOT, and the 13<sup>th</sup> Council District Councilmember to prepare a study of the design, efficacy, potential cost, feasibility and impact on vehicular and pedestrian circulation from the installation of landscaped medians in Vine Street between Sunset Boulevard and Franklin Street. Such study shall be completed and delivered to the Department of City Planning not later than, and as a condition to, the issuance of the first building permit for the first phase of the project.

**Administrative Conditions Of Approval**

31. **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.
32. **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.
33. **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.

Notice: Certificates of Occupancies for the subject properties 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.

34. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials or legislation or their successors, designees or amendment to any legislation.
35. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
36. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the buildings submitted to the Department of City Planning and the Department of Building and Safety.
37. **Corrective Conditions.** The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director of Planning, pursuant to Section 12.27.1 of the Municipal Code, to impose additional corrective conditions, if in the decision makers opinion, such actions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
38. **Mitigation Monitoring.** The applicant shall identify mitigation monitors who shall provide periodic status reports on the implementation of the Environmental Conditions specified herein (Mitigation Monitoring and Reporting Program – MMRP), as to area of responsibility, and phase of intervention (pre-construction, construction, post-construction/maintenance) to ensure continued implementation of the Environmental Conditions.
39. **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.

**Mitigation Monitoring and Reporting Program (MMRP)**

- A.1-1** Construction equipment, debris, and stockpiled equipment shall be enclosed within a fenced or visually screened area to effectively block the line of sight from the ground level of neighboring properties. Such barricades or enclosures shall be maintained in appearance throughout the construction period. Graffiti shall be removed immediately upon discovery.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Field inspection sign-off

- A.1-2** The Project shall be developed in conformance with the Millennium Hollywood Development Standards, including, but not limited to, the Density Standards, the Building Height Standards, the Tower Massing Standards, and Building and Streetscape Standards. Prior to construction, Site Plans and architectural drawings shall be submitted to the Department of City Planning to assess compatibility with the Development Standards.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Action Indicating Compliance:** Plan approval

- A.1-3** The Project shall include low-level directional lighting at ground, open terrace and tower levels of the exterior of the proposed structures to ensure that architectural, parking and security lighting does not spill onto adjacent residential properties. The Project's lighting shall be in conformance with the lighting requirements of the City of Los Angeles Green Building Code to reduce light pollution.

**Monitoring Phase:** Pre-Construction (Design Phase); Pre-Occupancy

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- A.1-4** The Project's façades and windows shall be constructed or treated with low-reflective materials such that glare impacts on surrounding residential properties and roadways are minimized.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Action Indicating Compliance:** Plan Approval

- A.2-1** The Project shall conform to the Tower Massing Standards as identified in Section 6 of the Millennium Hollywood Development Regulations which include, but are not limited to, the following Tower Lot Coverage standards identified in Table 6.1.1, Tower Massing Standards: 48% tower lot coverage between 150 and 220 feet above curb level, 28% tower lot coverage between 151 and 400 feet above curb level, 15% tower lot coverage between 151 and 550 feet above curb level, and 11.5% tower lot coverage between 151 and 585 feet above curb level. The Project shall also conform to Standard 6.1.3, which states that at least 50% of the total floor area shall be located below 220 feet.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of City Planning  
**Monitoring Agency:** Department of City Planning  
**Action Indicating Compliance:** Plan approval

- A.2-2** The Project shall conform to the Tower Massing Standards as identified in Section 7 of the Millennium Hollywood Development Regulations which include, but are not limited to, the following Standards: (7.3.1) A tower 220 feet or greater in height above curb level shall be located with its equal or longer dimension parallel to the north-south streets; (7.5.1) Towers shall be spaced to provide privacy, natural light, and air, as well as to contribute to an attractive skyline; and (7.5.2) Generally, any portion of a tower shall be spaced at least 80 feet from all other towers on the same parcel, except the following which shall meet Municipal Code: 1) the towers are offset (staggered), 2) the largest windows in primary rooms are not facing one another, or 3) the towers are curved or angled.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of City Planning  
**Monitoring Agency:** Department of City Planning  
**Action Indicating Compliance:** Plan approval

- B.1-1** The Project Applicant shall include in construction contracts the control measures required and/or recommended by the SCAQMD at the time of development, including but not limited to the following:

*Rule 403 - Fugitive Dust*

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

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- B.1-2** To reduce on-site construction related air quality emissions, the Project Applicant shall ensure all construction equipment meet or exceed Tier 3 off-road emission standards.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- B.1-3** Haul truck fleets during demolition and grading excavation activities shall use newer truck fleets (e.g., alternative fueled vehicles or vehicles that meet 2010 model year United States Environmental Protection Agency NOX standards), where commercially available. At a minimum, truck fleets used for these activities shall use trucks that meet EPA 2007 model year NOx emissions requirements.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- B.1-4** The Project shall meet the requirements of the City of Los Angeles Green Building Code. Specifically, as it relates to the reduction of air quality emissions, the Project shall:

- Be designed to exceed Title 24 2008 Standards by 15%;
- Reduce potable water consumption by 20% through the use of low-flow water fixtures;
- Provide readily accessible recycling areas and containers. It is estimated this shall achieve a minimum 10% reduction of solid waste deposited at local landfills; and
- All residential grade equipment and appliances provided and installed shall be ENERGY STAR labeled if ENERGY STAR is applicable to that equipment or appliance.

**Monitoring Phase:** Pre Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- B.1-5** The Project shall incorporate residential air filtration systems with filters meeting or exceeding the ASHRAE 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety. The CC&Rs recorded for the residential units on the Project Site shall incorporate this measure. High efficiency filters shall be installed and maintained for the life of the Project.

**Monitoring Phase:** Pre Construction (Design Phase); Construction; Occupancy

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off; Annual compliance report submitted by building management

- B.1-6** Heating Ventilation and Air Conditioning (HVAC) air intakes shall be located either on the roof of structures or within areas of the Project Site that are distant from the 101 Freeway to the extent that such placement is compatible with final site design.

**Monitoring Phase:** Pre Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off;

- B.1-7** For portions of new structures that contain sensitive receptors and are located within 500-feet of the 101 Freeway, the project design shall limit the use of operable windows and/or the orientation of outdoor balconies.

**Monitoring Phase:** Pre Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off;

- B.1-8** The Project shall provide electric outlets on residential balconies and common areas for electric barbeques to the extent that such uses are permitted on balconies and common areas per the Covenants, Conditions and Restrictions recorded for the property.

**Monitoring Phase:** Pre Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off;

- B.1-9** The Project shall use electric lawn mowers and leaf blowers, electric or alternatively fueled sweepers with HEPA filters, and use water-based or low VOC cleaning products for maintenance of the building.

**Monitoring Phase:** Occupancy

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Annual compliance report submitted by building management

- C-1** The Project Applicant shall prepare a plan to ensure the protection and preservation of any portions of the Hollywood Walk of Fame that are threatened with damage during construction. This plan shall conform to the performance standards contained in the Hollywood Walk of Fame Terrazzo Pavement, Installation and Repair Guidelines as adopted by the City in March of 2011, and be approved to the satisfaction of the Department of City Planning Office of Historic Resources prior to any construction activities.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning, Office of Historic Resources

**Actions Indicating Compliance:** Approval of Hollywood Walk of Fame plan; Field inspection sign-off

- C-2** The Project Applicant shall prepare an adjacent structure monitoring plan to ensure the protection of adjacent historic resources during construction from damage due to underground excavation, and general construction procedures to mitigate the possibility of settlement due to the removal of adjacent soil. Particular attention shall be paid to maintaining the Capitol Records Building underground recording studios and their special acoustic properties. The adjacent structure monitoring plan shall be approved to the satisfaction of the Department of City Planning, Office of Historic Resources and Department of Building and Safety prior to any construction activities.

The performance standards of the adjacent structure monitoring plan shall include the following: All new construction work shall be performed so as not to adversely impact or cause loss of support to neighboring/bordering structures. Preconstruction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to initiating construction activities. As a minimum, the documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and select interior façades of the buildings immediately bordering the Project Site. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that shall include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to adjacent structures.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of City Planning; Department of Building and Safety

**Monitoring Agency:** Department of City Planning, Office of Historic Resources

**Actions Indicating Compliance:** Approval of adjacent structure monitoring plan; Field inspection sign-off

- C-3** There are currently no plans to renovate the Capitol Records Building as part of the Project. However in the event any structural improvements are made to the Capitol Records Building during the life of the Project, such improvements shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. Compliance with this measure shall be subject to the satisfaction of the Department of City Planning, Office of Historic Resources prior to any rehabilitation activities associated with the Capitol Records Building.

**Monitoring Phase:** Construction; Occupancy (any improvements to Capitol Records Building)

**Enforcement Agency:** Department of City Planning, Office of Historic Resources

**Monitoring Agency:** Department of City Planning, Office of Historic Resources

**Action Indicating Compliance:** Plan approval

- C-4** There are currently no plans to renovate the Gogerty Building as part of the Project. However, in the event any structural improvements are made to the Gogerty Building

during the life of the Project, such improvements shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. Compliance with this measure shall be subject to the satisfaction of the Department of City Planning, Office of Historic Resources prior to any rehabilitation activities associated with the Gogerty Building.

**Monitoring Phase:** Construction; Occupancy (any improvements to the Gogerty Building)

**Enforcement Agency:** Department of City Planning, Office of Historic Resources

**Monitoring Agency:** Department of City Planning, Office of Historic Resources

**Action Indicating Compliance:** Plan approval

- C-5** Prior to construction, the environs of the Project Site (i.e., Project Site and surrounding area) shall be documented with at least twenty-five images in accordance with Historic American Building Survey (HABS) standards. Compliance with this measure shall be demonstrated through a written documentation to the satisfaction of the Department of City Planning, Office of Historic Resources prior to any construction.

**Monitoring Phase:** Pre-Construction

**Enforcement Agency:** Department of City Planning, Office of Historic Resources

**Monitoring Agency:** Department of City Planning, Office of Historic Resources

**Action Indicating Compliance:** Written approval from the Office of Historic Resource

- C-6** If any archaeological materials are encountered during the course of Project development, all further development activity shall halt and:
- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Register of Professional Archaeologists (ROPA) or a ROPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact;
  - b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource;
  - c. The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report; and
  - d. Project development activities may resume once copies of the archaeological survey, study or report are submitted to the SCCIC Department of Anthropology. Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.
  - e. A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to issuance of a grading permit.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Archaeologist field inspection sign-off

- C-7** If any paleontological materials are encountered during the course of Project development, all further development activities shall halt and:

- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum – who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact;
- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource;
- c. The Project Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report; and
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum. Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- e. A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to issuance of a grading permit.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Paleontologist field inspection sign-off

- C-8** If human remains are discovered at the Project Site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of L.A. Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety; Los Angeles County Coroner

**Action Indicating Compliance:** Public Works Department or Native American Heritage Commission sign-off

- D-1** 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.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- D-2** Prior to the issuance of building or grading permits, the Project Applicant shall submit a final geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The final geotechnical report shall ensure adequate geotechnical support for the proposed structures given the existing geologic conditions on the Project Site. The final geotechnical report shall make final design-level recommendations regarding liquefaction, expansive soils, soil strength loss, estimation of settlement, lateral movement and reduction in foundation soil-bearing capacity, as well as carry forward the

applicable recommendations contained in the preliminary geotechnical report. The final geotechnical report shall include additional borings, test pits, groundwater monitoring wells, subsurface shear wave velocity testing, and laboratory testing that shall ensure adequate geotechnical support for the Project's proposed structures and inform compliance with all applicable building codes.

**Monitoring Phase:** Pre-Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Written satisfaction of Department of Building and Safety

- D-3** Towers and other very heavily loaded structures shall be supported by a mat foundation, CIDH pile foundation, an ACIP pile, or a combination of a mat and pile foundation system. Drilled pile bearings within the Old Alluvium shall range from approximately 24 to 36 inches in diameter and shall be designed for loads between approximately 300 to 1,000 kips per pile or higher. Preliminary shallow foundation net bearing capacities in the Old Alluvium shall range from about 6,000 to 10,000 psf.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- D-4** Lighter low-rise structures shall be supported on individual spread footings bearing in the Young Alluvium designed for bearing pressures from about 2,000 to 4,000 psf.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- D-5** Floor slabs shallower than el 347 on the West Site shall be designed as slab-on-grade. Subject to final design-level geotechnical considerations, a pressure slab and waterproofing shall be required for the East Site.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- D-6** *Laterally-braced below-grade walls shall be designed for at-rest earth pressures. Below-grade walls free to rotate at the top shall be designed for active soil pressures. Seismic earth pressure and surcharge pressures shall be accounted for in the below-grade wall design. Hydrostatic pressures shall be accounted for in the design for walls below el 347. Subject to final design-level geotechnical considerations, an equivalent fluid pressure of 60 pcf shall be assumed for non-yielding below grade walls.*

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Plan approval

- D-7** A wall drainage system shall be installed behind below-grade walls to minimize the potential accumulation of hydrostatic pressure behind the walls. Waterproofing shall be required for walls below about el 347.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Plan approval

- D-8** Temporary excavation support, likely soldier beams, and lagging with tiebacks shall be required to facilitate the proposed deep below-grade excavation.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Department of Building and Safety  
**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- D-9** Underpinning of the buildings bordering the East Site and West Site shall be required depending on final new building below-grade footprint limits and proximity to these structures.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Department of Building and Safety  
**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- D-10** Pre-construction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to construction activities. An adjacent structure monitoring program shall be developed for implementation and monitoring during construction.

The performance standards of the adjacent structure monitoring plan shall include the following:

All new construction work shall be performed so as not to adversely impact or cause loss of support to neighboring/bordering structures. Pre-construction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to initiating construction activities.

As a minimum, the documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and select interior facades of the buildings immediately bordering the Project Site. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that shall include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, work shall stop in the

area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to adjacent structures.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Approval of adjacent structure monitoring plan; Field inspection sign-off

- E-1 Before subsurface excavation, the Project Applicant shall conduct a Phase II Subsurface Investigation, in areas identified as being previously used for automobile fueling operations, to determine the extent to which soil or groundwater contamination, if any, beneath the Property has been impacted by historical activities. Any soil contamination and underground storage tanks associated with such historical usage shall be abated in accordance with all applicable City, state, and federal regulations.

**Monitoring Phase:** Pre-Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Submittal of Phase II Subsurface Investigation; Documentation of abatement of any soil contamination and USTs

- E-2 Prior to demolition of any existing on-site structures, all asbestos-containing materials identified on the properties shall be abated in accordance with all applicable City, state, and federal regulations.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Plan approval and issuance of demolition permit

- E-3 Prior to the issuance of a demolition permit for any existing on-site structure, all lead-based paint identified on the properties shall be abated in accordance with all applicable City, state, and federal regulations.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Plan approval and issuance of demolition permit

- E-4 Before subsurface excavation, the Project Applicant shall conduct a subsurface investigation of the suspected subsurface steel structure (located on the 1720 North Vine Street parcel) noted during the geophysical survey to ensure proper removal or treatment of the structure during development activities. Any removal or treatments implemented shall be in accordance with all applicable City, state, and federal regulations.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Submittal of subsurface investigation; Field inspection sign-off

- E-5 Before subsurface excavation, the Project Applicant shall conduct a subsurface investigation of the suspected USTs (located on the 1749 North Vine Street parcel) to ensure proper removal or treatment of the structures during development activities. Any removal or treatments implemented shall be in accordance with all applicable City, state, and federal regulations.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Submittal of subsurface investigation; Field inspection sign-off

- F-1 Excavation and grading activities shall be scheduled during dry weather periods, to the extent feasible. If grading occurs during the rainy season (October 15 through April 1), diversion dikes shall be constructed to channel runoff around the Project Site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Field inspection sign-off

- F-2 Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, veechannels, and inlet and outlet structures, as specified by Section 91.7013 of the Los Angeles Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicated Compliance:** Field inspection sign-off

- F-3 Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Field inspection sign-off

- F-4 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.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- F-5 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.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicated Compliance:** Quarterly compliance report submitted by contractor

- F-6 Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- F-7 Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Field inspection sign-off

- F-8 The Project Applicant shall implement storm water best management practices (BMPs) to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Submittal of certificate; Field inspection sign-off

- F-9 Post-development peak storm water runoff discharge rates shall not exceed the estimated predevelopment rate.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Plan approval

- F-10 The amount of impervious surface shall be reduced to the extent feasible by using permeable pavement materials where appropriate, including: pervious concrete/asphalt, unit pavers (e.g., turf block), and granular materials (e.g., crushed aggregates, cobbles, etc.).

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Plan approval

- F-11 A roof runoff system shall be installed, as feasible, where the site is suitable for installation.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of Public Works  
**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Plan approval

- F-12 All storm drain inlets and catch basins within the Project area shall be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Department of Public Works  
**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Field inspection sign-off

- F-13 Legibility of stencils and signs shall be maintained.

**Monitoring Phase:** Occupancy  
**Enforcement Agency:** Department of Public Works  
**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Field inspection sign-off

- F-14 Materials with the potential to contaminate storm water shall be placed in an enclosure, such as a cabinet or shed or similar structure that prevents contact with or spillage to the storm water conveyance system.

**Monitoring Phase:** Construction; Occupancy  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Field inspection sign-off

- F-15 Storage areas shall be paved and sufficiently impervious to contain leaks and spills.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Department of Building and Safety  
**Action Indicating Compliance:** Plan approval

- F-16 An efficient irrigation system shall be designed and implemented by a certified landscape contractor to minimize runoff including: drip irrigation for shrubs to limit excessive spray; a SWAT-tested weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; rotating sprinkler nozzles; minimum irrigation system distribution uniformity of 75 percent; and flow reducers.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- F-17** The Owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the Owner(s) to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.

**Monitoring Phase:** Occupancy

**Enforcement Agency:** Department of City Planning; Department of Building and Safety

**Monitoring Agency:** Department of City Planning

**Actions Indicating Compliance:** Approval of Form CP-6770; Field inspections sign-off

- F-18** Toxic wastes shall be discarded at a licensed regulated disposal site.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- F-19** The Project Applicant shall comply with all mandatory storm water permit requirements (including, but not limited to SWPPP and SUSMP requirements) at the Federal, State and local level.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Quarterly compliance report submitted by contractor

- H-1** The Project shall comply with the City of Los Angeles Noise Ordinance No. 144331 and 161574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off;

- H-2** 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 or national holidays. No construction activities shall occur on any Sunday.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-3** Noise and groundborne vibration construction activities whose specific location on the Project Site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as feasibly possible from all

adjacent land uses. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be operated efficiently to minimize noise impacts to the maximum extent feasible.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-4 Construction activities shall be scheduled so as to avoid as feasible operating several pieces of equipment simultaneously, which causes high noise levels.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-5 Flexible sound control curtains shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-6 The Project contractor shall use power construction equipment with noise shielding and muffling devices in accordance with the manufacture's recommendations.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-7 Barriers such as plywood structures or flexible sound control curtains extending eight-feet high shall be erected around the Project Site boundary to minimize the amount of noise on the adjacent land uses and surrounding noise-sensitive receptors to the maximum extent feasible during construction.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-8 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.

**Monitoring Phase: Construction****Enforcement Agency: Department of Building and Safety****Monitoring Agency: Department of Building and Safety****Actions Indicating Compliance: Field inspection sign-off; Quarterly compliance report submitted by contractor**

- H-9. The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.

**Monitoring Phase: Construction****Enforcement Agency: Department of Building and Safety****Monitoring Agency: Department of Building and Safety****Actions Indicating Compliance: Field inspection sign-off; Quarterly compliance report submitted by contractor**

- H-10 Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding properties that discloses the construction schedule, including the various types of activities and equipment that shall be occurring throughout the duration of the construction period.

**Monitoring Phase: Pré-Construction****Enforcement Agency: Department of Building and Safety****Monitoring Agency: Department of Building and Safety****Action Indicating Compliance: Documentation of notification provided**

- H-11 All new construction work shall be performed so as not to adversely impact or cause loss of support to on-site and neighboring/bordering structures. Pre-construction conditions documentation shall be performed to document conditions of the on-site and neighboring/bordering buildings, including the Pantages Theater, the Avalon Theater, the Art Deco Storefronts on Yucca Street, the AMDA building at 1777 Vine Street, and the Capitol Records Complex, prior to construction activities. The structure monitoring program shall be developed for implementation and monitoring during construction. The performance standards of the adjacent structure monitoring plan shall include the following. All new construction work shall be performed so as not to adversely impact or cause loss of support to neighboring/bordering structures. Pre-construction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to initiating construction activities. At a minimum, the documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and select interior façades of the buildings immediately bordering the Project Site. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that shall include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are

met or exceeded, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to adjacent structures.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Approval of adjacent structure monitoring plan; Field inspection sign-off

- H-12 Driven soldier piles shall be prohibited during construction. Augered piled are permitted.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-13 All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-14 All mitigation measures restricting construction activity shall be posted at the Project Site and all construction personnel shall be instructed as to the nature of the noise and vibration mitigation measures.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-15 Rubber tired equipment shall be utilized when applicable, such as a combination loader/excavator for light-duty construction operations. Tracked excavator and tracked bulldozers shall be utilized during mass excavation as necessary to facilitate timely completion of the excavation phase of development.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- H-16 All plans and specifications and construction means and methods shall be provided to EMI/Capitol Records for review concurrently with their submission to the City of Los Angeles Department of Building & Safety.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Confirmation of submittal to EMI/Capitol Records and Department of Building and Safety

- H-17 In the event that excavation and development design encounters the foundation or structural walls of the Capitol Records Building echo chamber, a not less than two-inch thick closed cell neoprene foam liner shall be applied to exposed excavation at the West Site adjacent to the EMI/Capitol Records echo chamber provided that: (1) the liner is approved for this use by the City of Los Angeles Department of Building & Safety (if not so approved, then an equivalent product approved for this use by the City of Los Angeles Department of Building and Safety shall be applied) and (2) a Miradrain system (or equivalent product) for drainage and waterproofing shall be installed per manufacturer recommendations. A 10 to 12 inch thick cast-in-place or shotcrete wall shall then be built to attenuate operational noise created by the Project.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Field inspection sign-off

- H-18 All new mechanical equipment associated with the Project shall comply with Section 112.02 of the City of Los Angeles Municipal Code, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than 5 dBA.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Actions Indicating Compliance:** Plan approval; Field inspection sign-off

- H-19 Consistent with Section 99.05.507.4.1 of the LAMC (LA Green Building Code), Exterior Noise Transmission, the proposed building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30. Furthermore, the Project shall comply with Title 24 Noise Insulation Standards, which specifies the maximum allowable sound transmission between dwelling units in new multi-family buildings, and limits allowable interior noise levels in new multi-family residential units to 45 dBA CNEL.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Plan approval

- J.1-1 During demolition and construction, LAFD access from major roadways shall remain clear and unobstructed.

**Monitoring Phase:** Construction

**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department

**Action Indicating Compliance:** Field inspection sign-off

- J.1-2** The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the Project, for review and approval, which shall provide the capacity of the fire mains serving the Project Site. Any required upgrades shall be identified and implemented prior to occupancy of the Project.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Los Angeles Fire Department  
**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department  
**Action Indicating Compliance:** Approval of plan by LAFD

- J.1-3** The design of the Project Site shall provide adequate access for LAFD equipment and personnel to the structure.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Los Angeles Fire Department  
**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department  
**Action Indicating Compliance:** Plan approval

- J.1-4** No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Los Angeles Fire Department  
**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department  
**Action Indicating Compliance:** Plan approval

- J.1-5** During the plan check process, the Project Applicant shall submit plot plans for LAFD approval of access and fire hydrants.

**Monitoring Phase:** Pre-Construction (Design)  
**Enforcement Agency:** Los Angeles Fire Department  
**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department  
**Action Indicating Compliance:** Approval of plot plans by LAFD

- J.1-6** The Project shall provide adequate off-site public and on-site private fire hydrants in its final designs.

**Monitoring Phase:** Pre-Construction (Design)  
**Enforcement Agency:** Los Angeles Fire Department  
**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department  
**Action Indicating Compliance:** Plan approval

- J.1-7** Project Applicant shall submit an emergency response plan to LAFD prior to occupancy of the Project for review and approval. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. Any required modifications shall be identified and implemented prior to occupancy of the Project.

**Monitoring Phase:** Pre-Occupancy  
**Enforcement Agency:** Los Angeles Fire Department

**Monitoring Agency:** Department of Building and Safety; Los Angeles Fire Department  
**Action Indicating Compliance:** Approval of Emergency Response Plan by LAFD

- J.2-1** The contractor shall provide temporary, minimum 6-foot-high, commercial-grade, chain-link construction fences to protect construction zones on both the East and West Sites. The perimeter fence shall have gates installed to facilitate the ingress and egress of equipment and the work force. The bottom of the fence shall have filter fabric to prevent silt run off where necessary. Straw hay bales shall be utilized around catch basins when located within the construction zone. The perimeter and silt fence shall be maintained while in place. Where applicable, the construction fence shall be incorporated with a pedestrian walkway. Temporary lighting shall be installed and maintained at the pedestrian walkway. Should sections of the site fence have to be removed to facilitate work in progress, barriers and or K – rail shall be utilized to isolate and protect the public from unsafe conditions.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- J.2-2** The Project shall provide for the deployment of a private security guard to monitor and patrol the Site on an as-needed basis appropriate to the phase of construction throughout the construction period.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- J.2-3** Emergency access shall be maintained to the Project Site during construction through marked emergency access points approved by the LAPD.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Actions Indicating Compliance:** Field inspection sign-off; LAPD approval of marked access points; Quarterly compliance report submitted by contractor

- J.2-4** If there are partial closures to streets surrounding the Project Site, flagmen shall be used to facilitate the traffic flow until such temporary street closures are complete.

**Monitoring Phase:** Construction  
**Enforcement Agency:** Department of Transportation  
**Monitoring Agency:** Department of Transportation  
**Action Indicating Compliance:** Field inspection sign-off

- J.2-5** The Project shall incorporate landscaping designs that shall allow high visibility around the buildings, and shall consult with the LAPD with respect to its landscaping plan.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Action Indicating Compliance:** Plan approval

- J.2-6** The Project shall provide security lighting around buildings and parking areas in order to improve security, and shall consult with the LAPD as to its lighting plan.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Action Indicating Compliance:** Plan approval

- J.2-7** The Project Site's public and private recreational facilities shall be designed to ensure a high visibility of these areas, including the provision of adequate lighting for security.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Action Indicating Compliance:** Plan approval

- J.2-8** The Project Applicant shall provide the LAPD with the opportunity to review Project plans at the plan check stage of plan approval and shall incorporate any reasonable LAPD recommendations.

**Monitoring Phase:** Pre-Construction (Design Phase)  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Action Indicating Compliance:** Plan approval

- J.2-9** The Project Applicant shall provide the LAPD with a diagram of each portion of the Project Site, showing access routes and additional access information as requested by the LAPD, to facilitate police response.

**Monitoring Phase:** Pre-Construction (Design Phase); Construction  
**Enforcement Agency:** Department of Building and Safety  
**Monitoring Agency:** Los Angeles Police Department  
**Action Indicating Compliance:** Plan approval

- J.3-1** The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

**Monitoring Phase:** Pre-Construction  
**Enforcement Agency:** Department of City Planning  
**Monitoring Agency:** Los Angeles Unified School District  
**Action Indicating Compliance:** Issuance of building permit

- J.4-1** The Project shall provide a minimum of 100 square feet of usable open space for each dwelling unit having less than three habitable rooms; 125 square feet for each dwelling unit having three habitable rooms; and 175 square feet for each dwelling unit having more than three habitable rooms pursuant to the requirements of LAMC Section 12.21(G). A minimum of 25 percent of the common open space area shall be planted

with ground cover, shrubs, or trees and at least one 36 inch box tree is required for every four dwelling units.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Action Indicating Compliance:** Plan approval

- J.4-2** The Project shall pay all applicable fees associated with the Dwelling Unit Construction Tax set forth in LAMC Section 21.10.3(a)(1). The applicable dwelling unit tax shall be paid to the Department of Building and Safety and placed into a "Park and Recreational Sites and Facilities Fund" to be used exclusively for the acquisition and development of park and recreational sites.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of Building and Safety

**Monitoring Agency:** Department of Building and Safety

**Action Indicating Compliance:** Issuance of building permit

- J.4-3** Pursuant to Section 17.12 of the Los Angeles Municipal Code, the Project Applicant shall pay all applicable Quimby fees to the City of Los Angeles for the construction of condominium dwelling units, prior to approval and recordation of the final map.

**Monitoring Phase:** Pre-Construction (Design Phase)

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Department of City Planning

**Action Indicating Compliance:** Approval and recordation of final map

- J.5-1** The Project Applicant shall pay a mitigation fee of \$200 per capita, based on the projected resident population of the proposed development, to the Los Angeles Public Library to offset the potential impact of additional library facility demand in the Project Area.

**Monitoring Phase:** Pre-Occupancy

**Enforcement Agency:** Department of City Planning

**Monitoring Agency:** Los Angeles Public Library; Department of City Planning

**Action Indicating Compliance:** Issuance of certificate of occupancy

- K.1-1** To mitigate potential temporary traffic impacts of any necessary lane and/or sidewalk closures during the construction period, the Project Applicant shall, prior to construction, develop a Construction Management Plan/Worksite Traffic Control Plan (WTCP) to be approved by LADOT. The WTCP shall be designed to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation on the public streets in the area of the Project. The WTCP shall include temporary roadway striping and signage for traffic flow as necessary, elements compliant with conditions xv through xvii in Measure K.1-3, and the identification and signage of alternative pedestrian routes in the immediate vicinity of the Project. The Plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Any construction related hauling traffic shall be restricted to off-peak hours.

**Monitoring Phase:** Pre-Construction; Construction  
**Enforcement Agency:** Department of Transportation  
**Monitoring Agency:** Department of Transportation  
**Action Indicating Compliance:** Approval of WTCP

**K.1-2** In order to minimize peak period construction trips, construction related traffic shall be restricted to off-peak hours. The following language is to be incorporated into the WTCP:

- i. On weekdays, work shifts shall not begin between 7:01 AM and 9:29 AM.
- ii Work shifts shall not end between 3:31 PM and prior to 6:29 PM.

The WTCP shall also include Mitigation Measure K.1-3, Condition ii, time restrictions for hauling.

**Monitoring Phase:** Pre-Construction; Construction  
**Enforcement Agency:** Department of Transportation  
**Monitoring Agency:** Department of Transportation  
**Actions Indicating Compliance:** Approval of WTCP; Quarterly compliance report submitted by contractor

**K.1-3** Prior to the issuance of a grading permit, the Project Applicant shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the Project Applicant to the following haul route conditions:

- i. All Project construction haul truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
- ii. Except under a permitted exception, all hauling (both delivery and export) shall be during the hours of 9:00 AM to 4:00 PM or 6:30 PM to 9:00 PM. Any exceptions to the above time limits shall be permitted by the Department of Building and Safety in consultation with the Department of Transportation. Exceptions to the haul activity time limits are to be permitted only when necessary, such as for the continuation of concrete pours that cannot reasonably be completed otherwise.
- iii. Permitted Days of the week shall be Monday through Saturday. No hauling activities are permitted on Sundays or Holidays.
- iv. Project haul trucks shall be restricted to 18-wheel trucks or smaller.
- v. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
- vi. Streets shall be cleaned of spilled materials at the termination of each work day.
- vii. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.

- viii. The 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.
- ix. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
- x. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- xi. All trucks are to be watered only when necessary at the job site to prevent excessive blowing dirt.
- xii. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
- xiii. The Project Applicant shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
- xiv. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
- xv. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
- xvi. One flag person(s) shall be required at the job site to assist the trucks in and out of the Project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
- xvii. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.
- xviii. Any desire to change the prescribed routes shall be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.
- xix. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.
- xx. A surety bond by Contractor shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond shall be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213.977.6039

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Department of Transportation; Department of Building and Safety; Los Angeles Police Department

**Actions Indicating Compliance:** Plan approval; Issuance of grading permit; Field inspection sign-off; Quarterly compliance report submitted by contractor

- K.1-4** The Project Applicant shall contact the Metro Bus Operations Control Special Events Coordinator at 213-922-4632 regarding construction activities that may impact Metro bus lines.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Metro; Department of Transportation

**Action Indicating Compliance:** Quarterly compliance report submitted by contractor

- K.1-5** Transportation Demand Management (TDM) – The Project is a mixed-use development, located within a quarter mile radius of the Hollywood/Vine Metro Red Line Transit Station and allows immediate access to the Metro Red Line rail system. Additionally, a number of Metro and LADOT bus routes are less than one-quarter mile (considered to be within reasonable walking distance) from the Project Site, providing access for Project employees, visitors, residents and guests. The Project Site is surrounded by numerous supporting and complementary uses, such as additional housing for employees and additional shopping for residents within walking distance.

The Project shall take advantage of these opportunities through a pedestrian/bicycle friendly design and implementation of a TDM program. A preliminary TDM program shall be prepared and provided for LADOT review prior to the issuance of the first building permit for the Project and a final TDM program approved by LADOT is required prior to the issuance of the first certificate of occupancy for the Project. The TDM Program applies to the new land uses to be developed as part of the final development program for the Project. To the extent a TDM Program element is specific to a use, such element shall be implemented at such time that new land use is constructed. Both the pedestrian/bicycle friendly design and TDM program shall be acceptable to the Departments of Planning and Transportation. The TDM program shall include, but not be limited to, the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- A bicycle, transit, and pedestrian friendly environment;
- Administrative support for the formation of carpools/vanpools;
- Inclusion of business services to facilitate work-at-home arrangements for the proposed residential uses, if constructed;
- Flexible/alternative work schedules and telecommuting programs;
- Provide car share amenities (including a minimum of 5 parking spaces for shared car program);
- Parking provided as an option only for all leases and sales;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Provision of a self-service bicycle repair area and shared tools for residents and employees;
- Distribution of information to all residents and employees of the onsite pedestrian, bicycle and transit rider services, including shared car and shared bicycle services;
- Coordinate with LADOT to provide space for a future Integrated Mobility Hub;
- Guaranteed ride home program potentially via the shared car program;

- Transit routing and schedule information;
- Transit pass sales;
- Rideshare matching services;
- Bike and walk to work promotions;
- Visibility of the alternative commute options through a location on the central court of the Project Site;
- Preferential rideshare loading/unloading or parking location;
- Financial contribution to the City's Bicycle Plan Trust Fund established under Ordinance No. 186,272.

In addition to these TDM measures, LADOT also recommends that the Project Applicant explore the implementation of an on-demand van, shuttle or tram service that connects the Project to off-site transit stops based on the transportation needs of the Project's employees, residents and visitors. Such a service shall be included as an additional measure in the TDM program if it is deemed feasible and effective by the Project Applicant.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy; Occupancy

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Department of Transportation

**Actions Indicating Compliance:** TDM program approval; Issuance of building permit; Issuance of certificate of occupancy; Quarterly compliance report submitted by contractor; Annual compliance report submitted by building management

**K.1-6** Hollywood Community Transportation Management Organization (TMO) – The Project shall join or help create a TMO serving the Hollywood Area by providing a meeting area and initial staffing for one year (free of charge). The Project owner shall participate in the TMO as a member. The TMO shall offer services to member organizations, which include:

- Matching services for multi-employer carpools,
- Multi-employer vanpools (to serve areas that are identified as under-served by transit, but contain the residences of the Hollywood area employees),
- Help coordinating the Bicycle Share and Car Share programs,
- Promotion and implementation of pedestrian, bicycle and transit stop enhancements (such as transit/bicycle lanes), and
- Other efforts to encourage and increase the use of alternative transportation modes in the Hollywood area.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy; Occupancy

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Department of Transportation

**Actions Indicating Compliance:** Plan approval; Quarterly compliance report submitted by contractor; Annual compliance report submitted by building management

**K.1-7** Integrated Mobility Hubs – To support the goals of the Project's TDM plan and to expand the City's program, the Project Applicant shall coordinate with LADOT to provide space for a Mobility Hub in a convenient location within or near the Project Site. The Project Applicant has offered to provide on-site parking spaces for shared cars that could be a project-specific amenity or be linked with the larger Mobility Hubs program. The Project Applicant shall also provide space that shall accommodate bicycle parking, bicycle lockers, and shared bicycles. LADOT is currently working on an operating plan and

assessment study for the Mobility Hubs project that shall include specific sites, designs, and blueprints for Mobility Hub stations. The results of this study shall assist in determining the appropriate location and space needed to accommodate a Mobility Hub at the Project Site.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy, Occupancy  
**Enforcement Agency:** Department of Transportation  
**Monitoring Agency:** Department of Transportation  
**Actions Indicating Compliance:** Plan approval; Quarterly compliance report submitted by contractor; Annual compliance report submitted by building management

- K.1-8 Transit Enhancements** –The Project shall provide a pedestrian friendly environment through sidewalk pavement reconstruction/improvements, and improved amenities such as landscaping and shading particularly along the sidewalks on Ivar Avenue and Argyle Avenue linking the project to the Hollywood/Vine Metro Red Line Station. Enhancements shall include reconstructing damaged or missing pavement in the sidewalks along Ivar Avenue and Argyle Avenue between the Project Site and the Hollywood/Vine Metro Red Line Transit Station, and installing up to four transit shelters with benches at stops within a block of the Project Site, as deemed appropriate by LADOT. The LADOT designation of locations shall be made in consultation with Los Angeles County Metropolitan Transportation Authority (Metro).

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy; Occupancy  
**Enforcement Agency:** Department of Transportation  
**Monitoring Agency:** LA County Transportation Authority; Department of Transportation  
**Actions Indicating Compliance:** Plan approval; Quarterly compliance report submitted by contractor; Annual compliance report submitted by building management

- K.1-9 Bike Plan Trust Fund** – The Project Applicant shall contribute a one-time fixed-fee of \$250,000 to be deposited into the City's Bicycle Plan Trust Fund established pursuant to Ordinance No. 186,272. These funds shall be used by LADOT, in coordination with the Department of City Planning and Council District 13, to implement bicycle improvements within the Hollywood area. However, improvements within Hollywood that are consistent with the City's complete streets and smart growth policies shall also be eligible expenses utilizing these funds. Any measures implemented by using the fund shall be consistent with the General Plan Transportation Element. Items beyond signing and striping, such as curb realignment and signal system modifications, may be included in the funded projects, to the degree necessary for safe and efficient operation.

Should shuttle riders on the DASH system warrant an increase in capacity, the Project funding may instead be used for the purchase of a shuttle vehicle for the DASH system.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy; Occupancy  
**Enforcement Agency:** Department of Transportation  
**Monitoring Agency:** Department of Transportation  
**Actions Indicating Compliance:** Plan approval; Quarterly compliance report submitted by contractor; Annual compliance report submitted by building management

- K.1-10 Traffic Signal System Upgrades** – The Project Applicant shall be required to implement the traffic signal upgrades identified in Attachment 3 to the LADOT's Correspondence to the Department of City Planning, dated August 16, 2012 (See Appendix K.2 to this Draft EIR). Should the project be approved, then a final determination on how to implement

these traffic signal upgrades shall be made by LADOT prior to the issuance of the first building permit. These signal upgrades shall be implemented either by the Project Applicant through the B-permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee to LADOT to fund the cost of the upgrades. If LADOT selects the payment option, then the Project Applicant shall be required to pay LADOT the estimated cost to implement the upgrades, and LADOT shall design and construct the upgrades. If the upgrades are implemented by the Project Applicant through the B-Permit process, then these traffic signal improvements shall be guaranteed prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy; Occupancy

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Bureau of Engineering; Department of Transportation

**Actions Indicating Compliance:** Issuance of building permit; Quarterly compliance report submitted by contractor; Issuance of certificate of occupancy; Annual compliance report submitted by building management

**K.1-11** Intersection Specific Improvements – Argyle Avenue/Franklin Avenue – US 101 Freeway Northbound On-Ramp – To mitigate the significant traffic impact at this intersection under both existing (2011) and future (2020) conditions, the Project Applicant shall restripe this intersection to provide a left-turn lane, two through lanes, and a right-turn lane for the southbound approach and two left-turn lanes and a shared through/right lane for the northbound approach. The final design of this improvement shall require the joint approval of Caltrans and LADOT.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy

**Enforcement Agency:** Caltrans; Department of Transportation

**Monitoring Agency:** Caltrans; Department of Transportation

**Actions Indicating Compliance:** Approval of design by Caltrans and LADOT; Implementation of improvement

**K.1-12** Highway Dedication and Street Widening Requirements – The City Council recently adopted the updated Hollywood Community Plan. The new plan includes revised street standards that provide an enhanced balance between traffic flow and other important street functions including transit routes and stops, pedestrian environments, bicycle routes, building design and site access, etc. Vine Street has been designated as a Modified Major Highway Class II requiring a 35-foot half-width roadway within a 50-foot half-width right-of-way. Yucca Street between Ivar Avenue and Vine Street is classified as a Secondary Highway, which requires a 35-foot half-width roadway within a 45-foot half-width right-of-way. Yucca Street between Vine Street and Argyle Avenue is classified as a Local Street. Ivar Avenue and Argyle Avenue are also classified as Local Streets. A Local Street requires a 20-foot half width roadway within a 30-foot half-width right-of-way. The Project Applicant shall check with BOE's Land Development Group to determine if there are any highway dedication, street widening and/or sidewalk requirements for this project.

**Monitoring Phase:** Pre-Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Bureau of Engineering; Department of Transportation

**Action Indicating Compliance:** Confirmation with Bureau of Engineering

**K.1-13 Implementation of Improvements and Mitigation Measures.** The Project Applicant shall be responsible for the cost and implementation of any necessary traffic signal equipment modifications and bus stop relocations associated with the proposed transportation improvements described above. Unless otherwise noted, all transportation improvements and associated traffic signal work within the City of Los Angeles shall be guaranteed through the B-Permit process of the Bureau of Engineering, prior to the issuance of any building permits and completed prior to the issuance of any certificates of occupancy. Temporary certificates of occupancy may be granted in the event of any delay through no fault of the Project Applicant, provided that, in each case, the Project Applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor contact LADOT's B-Permit Coordinator, at (213) 928-9663, to arrange a pre-design meeting to finalize the proposed design needed for the project.

**Monitoring Phase:** Pre-Construction; Construction; Pre-Occupancy; Occupancy

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Bureau of Engineering; Department of Transportation

**Actions Indicating Compliance:** Issuance of building permit; Quarterly compliance report submitted by contractor; Issuance of certificate of occupancy

**K.1-14 East Site Residential Unit and Reserved Residential Parking Cap.** On the East Site, residential development shall be limited to 450 residential units and 675 reserved residential parking spaces.

**Monitoring Phase:** Pre-Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Bureau of Engineering; Department of Transportation

**Action Indicating Compliance:** Issuance of building permit

**K.2-1** No sidewalk in the pedestrian route along a public right-of-way shall be closed for construction unless an alternative pedestrian route is provided that is no more than 500 feet greater in length than the closed route.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Department of Transportation

**Actions Indicating Compliance:** Plan Approval; Quarterly compliance report submitted by contractor

**K.2-2 Construction Related Parking.** Off-street parking shall be provided for all construction-related employees generated by the Project. No employees or subcontractors shall be allowed to park on surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of heavy construction vehicles on the surrounding street for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles that transport workers, on any residential street in the immediate area. All construction vehicles shall be stored on-site unless returned to the base of operations.

**Monitoring Phase:** Pre-Construction; Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Department of Transportation

**Actions Indicating Compliance:** Plan Approval; Quarterly compliance report submitted by contractor

- L.1-1 In the event of temporary partial public street closures, the Project Applicant shall employ flagmen during the construction of water line work, to facilitate the flow of traffic.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Transportation

**Monitoring Agency:** Department of Transportation

**Action Indicating Compliance:** Field inspection sign-off

- L.3-1 All waste shall be disposed of properly and in accordance with the City's Bureau of Sanitation standards. Appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation shall be used. The bulk recyclable material such as broken asphalt and concrete, brick, metal and wood shall be hauled by truck to an appropriate facility. Nonrecyclable materials/wastes shall be hauled by truck to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.

**Monitoring Phase:** Construction

**Enforcement Agency:** Department of Public Works; Bureau of Sanitation

**Monitoring Agency:** Department of Public Works; Bureau of Sanitation

**Actions Indicating Compliance:** Field inspection sign-off; Quarterly compliance report submitted by contractor

- L.3-2 Recycling bins shall be provided at all trash locations, to promote recycling of paper, metal, glass, and other recyclable materials during operation of the Project. These bins shall be emptied and recycled accordingly and consistent with AB 939 as a part of the Project's regular solid waste disposal program.

**Monitoring Phase:** Occupancy

**Enforcement Agency:** Department of Public Works; Bureau of Sanitation

**Monitoring Agency:** Department of Public Works; Bureau of Sanitation

**Action Indicating Compliance:** Annual compliance report submitted by building management report complaints regarding excessive fugitive dust generation. Any reasonable complaints shall be rectified within 24 hours of their receipt.



**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Section 12.04 of the Los Angeles Municipal Code by amending the zoning map.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section \_\_. Section 12.04 of the Los Angeles Municipal Code is hereby amended by changing the zone classifications of property shown upon a portion of the Zoning Map incorporated therein and made a part of Article 2, Chapter 1 of the LAMC, so that such portion of the Zoning Map shall conform to the zoning on the map attached hereto and incorporated herein by this reference.



## CONDITIONS OF APPROVAL

### Conditional Use Conditions

1. Floor Area Averaging for Unified Developments: Prior to the issuance of any building permit, the applicant shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770) to run with the land, with the following provisions:
  - a. the applicant shall guarantee the continued maintenance and operation of the development as a unified development;
  - b. the applicant shall indicate the floor area used on each parcel and the floor area potential, if any, that would remain;
  - c. the applicant shall guarantee the continued maintenance of the unifying design elements, and;
  - d. the applicant shall specify an individual or entity to be responsible and accountable for this maintenance. An annual inspection shall be made by the Department of Building and Safety of the development to monitor compliance.
  
2. Alcohol Sales & Live Entertainment: The conditional use authorization herein is for live entertainment and the sale of alcoholic beverages for on-site consumption within the development through the following:
  - a. On-site sales of a full line of alcoholic beverages in conjunction with food service at five (5) restaurant establishments, on-site sales at one (1) café to be located on the observation deck, and on-site sale of a full line of alcoholic beverages in conjunction with a night club/lounge offering live entertainment and dancing. One (1) retail establishment, such as a gourmet grocery or high-end wine and spirits store, selling a full line of alcoholic beverages for off-site consumption. Two (2) mobile bars to provide alcohol service for special events for on-site consumption on the project site.
  - b. Live entertainment and dancing in conjunction with at least one (1) night club/lounge, one (1) restaurant, within the outdoor plaza within the boundaries of the project site, and at (2) mobile special events locations.
  - c. Live entertainment and dancing within the public right-of-way is prohibited under this grant. Note: This does not preclude the applicant or individual operator from securing a special events permit.
  
3. Plan Approval. The applicant or individual operator shall file a Plan Approval with the Zoning Administrator, to establish more site-specific conditions for the uses which are approved as identified above in Condition No. 2a through 2c of this section (alcohol sales and live entertainment). The Plan Approval application shall be accompanied by the payment of appropriate fees and must be accepted as complete by the Planning Department. Mailing labels shall be provided by the applicant for all abutting owners, for the Council Office, the Neighborhood Council and for the Los Angeles Police Department. In reviewing the plan approvals for alcohol sales and consumption, the Director of Planning may consider conditions volunteered by the applicant or suggested

by the Police Department, but not limited to establishing conditions, as applicable, on the following: hours of operation, security plans, maximum seating capacity, valet parking, noise, character and nature of operation, food service and age limits. Entertainment-related and other specific conditions of operation, including the length of a term grant and security, shall be determined as part of the plan approval determination.

4. The hours of operation for the establishments selling and dispensing alcoholic beverages shall be from 7:00 a.m. to 2:00 a.m., Monday through Sunday. Sales and the service of alcohol shall be permitted from 10:00 a.m. to 2:00 a.m., however, hours of operation and hours of alcohol sales may be extended through the filing of plan approvals as the operators are identified. There shall be no business operations at the site between the hours of 2:00 a.m. through 6:59 a.m. including, but not limited to, private and promotional events.
5. Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be provided at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.
6. Any music, sound or noise emitted from the subject businesses shall comply with the noise regulations in the LAMC. All outside personnel associated with music performance and/or acoustical sound shall follow the City's noise regulations and are required to comply.
7. Applicant and its operator shall provide a detailed security plan to be approved by LAPD, prior to opening.
8. The property management company shall be responsible for providing the security guards identified in the preliminary Security Plan, including maintaining a contract and receipts showing ongoing payment for such service.
9. The operator shall be responsible for mitigating the potential negative impacts of its operation on surrounding uses, especially, noise derived from patrons exiting and crowd control during entry and exiting.
10. During the operating hours of the businesses, the Petitioner(s) shall provide security officer(s) inside the premises.
11. Said personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross First-Aid Card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
12. Security shall monitor any sidewalk or patio area used for patron smoking and work to discourage noise or nuisance behavior.
13. The center's business operator shall install and maintain surveillance cameras in all areas of the premises, including the indoor and outdoor dining court lounge area and a 30-day video library that covers all common areas of such business, including all high-risk areas and entrances or exits. The tapes shall be made available to the Police Department upon request.
14. No coin-operated games, video machines, pool or billiard tables are permitted.

15. Prior to the issuance of any permits relative to this matter, the applicant shall submit an overall security plan for the project site which shall be prepared in consultation with the Los Angeles Police Department and which addresses security measures for the protection of visitors and employees. The project shall include appropriate security design features for semi-public and private spaces, which may include, but shall not be limited to: access control to buildings; secured parking facilities; walls/fences with key security; lobbies, corridors, and elevators equipped with electronic surveillance systems; well-illuminated semi-public space designed with a minimum dead space to eliminate areas of concealment; and location of toilet facilities or building entrances in high foot traffic areas.
16. The alcoholic beverage license for the restaurants shall not be exchanged for "public premises" license unless approved through a new conditional use authorization. "Public Premises" is defined as a premise maintained and operated for sale or service of alcoholic beverages to the public for consumption on the premises, and in which food is not sold to the public as a bona fide eating place.
17. Prior to issuance of the certificate of occupancy, the applicant shall submit copies of the plot plan(s) for review and approval to the Fire Department. The Fire Department's approval shall be shown via a stamp on all plans submitted to the Zoning Administrator for sign-off.
18. The owners, operators, managers, and all employees serving alcohol to patrons shall enroll in and complete a certified training program is recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.
19. All establishments applying for an Alcoholic Beverage Control license shall be given a copy of these conditions prior to executing a lease and these conditions shall be incorporated into the lease. Furthermore, all vendors of alcoholic beverages shall be made aware that violations of these conditions may result in revocation of the privileges of serving alcoholic beverages on the premises.
20. A phone number to a responsible representative of the owner shall be posted at each restaurant for the purposes of allowing residents and guests to report an emergency or a complaint about the method of operation of any facility serving alcoholic beverages.
21. The project site managers, individual business owners, and employees of all private security officers shall adhere to and enforce the 10 p.m. curfew loitering laws concerning all minors within the grounds of the project site without a parent or adult guardian. Staff shall monitor the area under its control, in an effort to prevent loitering of persons about the premises.
22. At least one on-duty manager with authority over the activities within the facility shall be on each permitted premises at all times that the facility is open for business.
23. All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.
24. The applicant shall secure a City permit decal denoting approval of alcoholic beverage sales from a Planning Department public counter subsequent to the Zoning

Administrator's signature on the Planning Department sign-off form and mount it on either the inside of the window of the subject site facing the street or on the outside of the building (if inside mounting is not possible). The decal shall be visible at all times and mounted before the privileges granted herein are utilized.

25. There shall be no exterior window signs of any kind or type.
26. There shall be no advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. This does not preclude the use of "bar" or "cocktail" if used to advertise the name of the establishment.
27. Alcohol sales and dispensing only for on-site consumption shall only be served by employees of the restaurant(s). The sale of alcoholic beverages for consumption off the premises of the restaurant(s) is prohibited.
28. Within 60 days of the opening of the establishments selling and/or serving alcohol, all employees of the business shall receive "Server Awareness Alcohol Training" (STAR) and LEAD programs regarding alcohol sales, as respectively sponsored by the Los Angeles Police Department and State of California Alcoholic Beverage Control Department at least two times per year or to the satisfaction of the Los Angeles Police Department. The applicant shall transmit a copy of the completion of such training to the Zoning Administrator for inclusion in the file.
29. No employees shall solicit or accept any beverage from any customer while in the premises. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the licensee provide, permit or make available, either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of any for the customers.
30. Signs shall be posted in a prominent location stating that California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age. "No loitering or Public Drinking" signs shall be posted outside the subject facility.
31. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the City Planning Department to impose additional corrective conditions, if, it is determined by the City Planning Department that such conditions are proven necessary for the protection of person in the neighborhood or occupants of adjacent property.
32. If at any time during the period of the grant, should documented evidence be submitted showing continued violation(s) of any condition(s) of the grant, resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the City Planning Department will have the right to require the Petitioner(s) to file for a Plan Approval application together with the associated fees and to hold a public hearing to review the Petitioner(s) compliance with and the effectiveness of the conditions of the grant. The Petitioner(s) shall submit a summary and supporting documentation of how compliance with each condition of the grant has been attained.
33. A copy of this grant and all Conditions and/or any subsequent appeal of this grant and resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.

34. 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

### General Plan/Charter Findings

- 1. General Plan Land Use Designation.** On June 19, 2012, the City Council adopted an update to the Hollywood Community Plan, part of the Land Use Element, and sets forth specific land use requirements and required entitlements for projects in the Hollywood area. The Hollywood Community Plan Update continued the land use designation of the subject property as Regional Center Commercial with corresponding zone(s) of C2, C4, RAS4, R5, P, and PB. The Regional Center Commercial land use designation allows for the construction of commercial, parking, and high-density multi-family residential uses. Development of the Project would include multi-family residential, retail, restaurant and commercial land uses, in addition to the Capitol Records Complex, which would be retained as part of the Project. This type of development would be consistent with the Regional Center Commercial land use designation. The property is also subject to Adaptive Reuse Incentive Areas Specific Plan, the Hollywood Redevelopment Plan, and the Hollywood Signage Supplemental Use District. The property contains approximately 4.47 net acres and is presently zoned C4-2D-SN. Concurrent with the tract map, the applicant is seeking a Vesting Zone Change and Height District Change from C4-2D-SN to C2-2-SN, where the C2 Zone permits the requested uses sought under the tract map and where the removal of the D Limitation allows for an FAR of 6:1.
- 2. General Plan Text.** The Hollywood Community Plan Update identified land use goals for Regional Center Commercial land uses, including the expansion and appropriate balance of increased employment and new housing opportunities, the location of housing growth in locations with supportive infrastructure and underutilized capacity, and incentives for new mixed-use commercial and residential development. The subject site is located in an FAR Incentive Area with a designated 4.5:1 FAR for Commercial or Mixed Use projects and an FAR of 6:1 permitted on a case by case basis.

The project satisfies many Regional Center policies and programs identified in the recently adopted Hollywood Community Plan, including:

Policy LU.2.1: Use planning tools to encourage jobs and housing growth in the Regional Center.

Policy L.U.2.2: Utilize Floor Area Ratio bonuses to incentivize commercial and residential growth in the Regional Center.

Policy L.U.2.3: Provide opportunities for commercial office and residential development within downtown Hollywood by extending the Regional Center land use designation to include Hollywood Boulevard and Sunset Boulevards, between Gower and the 101 Freeway.

Policy LU.2.10: Use planning tools to encourage a balance of jobs and housing in the Regional Center. Limit stand-alone residential development in Floor Area Ratio (FAR) Incentive Areas.

The project proposes a 6:1 FAR in an effort to provide a mixed-use development that includes a range of high density residential, hotel, retail, and office uses, in keeping with the Regional Center characteristics identified in the Community Plan. Moreover, the provision of both residential and commercial uses contributes to the housing and jobs balance meant for Regional Center areas served by extensive public transit.

Policy LU.2.2.4: Support land uses in the Regional Center which address the needs of visitors who come to Hollywood for businesses, conventions, trade show, entertainment and tourism.

Policy LU.2.4A: Support entertainment uses in the Regional Center.

Policy LU.2.4B: Support hotels and tourist amenities, including a variety of accommodations and encourage flexible parking models to best serve the local context.

The project includes the retention of the historic Capitol Records and Gogerty Buildings, which will be preserved following the Secretary of Interior Standards. Complimenting these structures, the applicant proposes public plazas, large pedestrian pathways, street furniture, and murals addressing history of arts and entertainment in the community while simultaneously providing programmable open space amenable to live entertainment and public gathering. Moreover, the hotel component satisfies the desire to provide additional venues which promote tourism, support local businesses and which promotes the entertainment uses in Hollywood.

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

Policy LU.2.13: Utilize higher Floor Area Ratios to incentivize mixed-use development around transit nodes and along commercial corridors served by the Metro Rail, Metro Rapid bus or 24-hour buslines.

Policy LU.2.14: Encourage projects which utilize FAR incentives to incorporate uses and amenities which make it easier for residents to use alternative modes of transportation and minimize automobile trips.

Policy LU.2.15: Encourage mixed-use and multi-family projects to provide bicycle parking and/or bicycle lockers.

Policy LU.2.16: Encourage large mixed-use projects to consider neighborhood-serving tenants such as grocery stores and shared car or rental car options.

The project is located within a quarter mile radius of the Hollywood/Vine Metro Red Line Transit Station, allowing immediate access to the Metro Red Line rail system. A number of Metro and LADOT bus routes are within walking distance of the site, including bus lines 180, 181, 206, 210, 217, 222, and 780, as well as DOT's Commuter Express lines CE422 and CE423. To promote the availability of public transit, the applicant will coordinate with DOT to provide space for a Mobility Hub as part of a broader Mobility Hub program, with the provision of a shared car system, bicycle parking, bicycle lockers, and a shared bicycle program. In addition, the project will incorporate a Transit Demand Management program meant to promote the use of carpools/vanpools, car share amenities, a self-service bicycle repair area, ridesharing matches, transit pass sales, and other services.

The project satisfies several of the land use goals, policies, and objectives for properties designated for Regional Center Commercial land uses, the preservation of historic resources, locating jobs and housing near major public transit nodes, and for the promotion of pedestrian activity and walkability. The project also supports the applicable land use planning goals, objectives, policies and programs for land uses specified in the

1988 Hollywood Community Plan as well. The project supports and is consistent with the following relevant 1988 Hollywood Community Plan objectives:

Objective No. 1 – To “further the development of Hollywood as a major center population, employment, retail service and entertainment.”

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

Objective No. 4 – To “promote the 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.” Moreover, the applicant is subject to, and not seeking deviations from, the regulations of Hollywood Signage Supplemental Use District.

Development of the Project would support continued development of Hollywood as a major population center by providing some combination of new multi-family residential units, approximately 215,000 square feet of office uses, approximately 15,000 square feet of retail uses, approximately 35,100 square feet of health and fitness uses, and approximately 34,000 square feet of food and beverage uses in the Hollywood community. Development of the project would be consistent with growth projections for the Community Plan Area through the year 2010, as identified by the Department of City Planning and SCAG (as discussed in the EIR). Specifically, the project’s approximately 492 new residential units and their estimated population of approximately 1,078 persons, representing about 0.37 percent of SCAG’s population forecast for the Subregion between 2010 and 2030. Development of the Project would provide approximately 492 residential units to the Hollywood community, thereby, providing housing necessary for the growing community. In addition, development of the project would not result in the removal of any existing housing or the displacement of tenants. Development of the project would provide retail, office, hotel, and residential land uses, all of which would provide a service to the surrounding community consistent with current and long-range planning principles and standards. Those standards include Hollywood Community Plan design guidelines, LAMC standards, and general SCAG projections.

The project will be an in-fill development, which is contiguous and compatible with other development in the immediate vicinity. The project would also intensify the use on the site, which is currently improved and underutilized as surface parking, providing much-needed housing and employment to the area, fostering the jobs-housing balance objectives of the Community Plan.

Framework Element. The Framework Element for the General Plan (Framework Element) was adopted by the City of Los Angeles in December 1996 and re-adopted in August 2001. The Framework Element provides guidance regarding policy issues for the entire City of Los Angeles, including the project site. The Framework Element also sets forth a Citywide comprehensive long-range growth strategy and defines Citywide policies regarding such issues as land use, housing, urban form, neighborhood design, open space, economic development, transportation, infrastructure, and public services.

The project site is currently developed with two surface parking lots. It is one of the few under-improved properties in the vicinity. Development of this site is an infill of an otherwise mix-use neighborhood. By enabling the construction of a supply of housing in close proximity to jobs and services, the proposed General Plan Amendment, Zone

Change and associated Height District Change would be consistent with several goals and policies of the Framework Element.

The Land Use chapter of the Framework Element identifies objectives and supporting policies relevant to the project site. Those objectives and policies seek, in part, to provide for the stability and enhancement of multi-family residential neighborhoods.

Housing Element. Since the proposed development involves approximately 492 multi-family residential units, or as the Land Use Equivalency Program allows, the Housing Element of the General Plan would be applicable to the Project. The Housing Element includes objectives and policies meant to guide the placement of housing opportunities in a manner that addresses the safety and public welfare of the City. The project would satisfy many objectives and policies listed in Table IV.G-2, Housing Element Objectives Consistency Analysis, including:

Objective 2.1: Promote housing strategies which enhance neighborhood safety and sustainability, and provide for adequate population, development, and infrastructure and service capacities within the City and each community plan area, or other pertinent service area:

The project includes a diverse mix of uses including retail, residential, hotel, and uses that promote activities and natural surveillance that would occur during commercial business hours. Being located within the Hollywood area, the residents of the project will be able to take advantage of the extended hours of operation and entertainment activities that characterize the historic district. In addition, development of the project would include the use of "white" light sources in attractive and/or concealed luminaires.

Policy 2.1.3: Encourage mixed use development which provides for activity and natural surveillance after commercial business hours;

Policy 2.1.5: Take steps to eliminate the use of lead-hazards and the use of lead based paint;

Policy 2.1.7: Establish through the Framework Long-Range Land Use Diagram, community plans, and other implementation tools, patterns and types of development that improve the integration of housing with commercial uses and the integration of public services and various densities of residential development within neighborhoods at appropriate locations.

The project provides for on-site security personnel and a controlled access system or residents to minimize the demand for police and fire protection services. Furthermore, the project would also generate revenues to the City's Municipal Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new police facilities and related staffing, as deemed appropriate.

With the possible exception of the existing historic Capitol Record Complex, none of the structures proposed on the project site would include materials that contain lead based paint (LBP), including existing parking kiosks and miscellaneous temporary structures. While the structures that comprise the Capitol Records Complex were constructed prior to 1978, they would remain and be preserved as part of the Project. Therefore, there would be no potential release of LBP. As such, development of the Project Site would be consistent with polices associated with Objective 2.1 of the Housing Element.

3. The **Transportation Element** of the General Plan will be affected by the recommended action herein. However, any necessary dedication and/or improvement of Argyle Avenue and Ivar Avenue to comply with designated Local Street standards, Yucca Street to designated Secondary Highway Standards, and Vine Street to designated Modified Major Highway Class II and Hollywood Walk of Fame standards will assure compliance with this Element of the General Plan and with the City's street improvement standards pursuant to Municipal Code Section 17.05.

Upon its consideration of the project at its public hearing March 28, 2013, the City Planning Commission required the provision of additional transit-related measures to augment the mitigation of traffic-related impacts associated with the project. In addition to the Transit Demand Management (TDM) Plan under the Mitigation Monitoring and Reporting Program (MMRP), the City Planning Commission imposed 11 new qualified ('Q') conditions of approval to address the concerns of the public, and at the request of the applicant, to provide additional measures meant to further encourage transit use. These conditions range from the provision of Metro passes to residents and a circulation shuttle serving a 2-mile radius, to the funding of studies to analyze the feasibility of an additional access portal to the Hollywood Boulevard/Vine Street Metro station along Hollywood Boulevard, as well as a Vine Street Median study. These conditions acknowledge that the project's close proximity to mass transit, its location within a Regional Center Commercial land use designation, and the Hollywood Community Plan Update's goals of encouraging density in these land use areas, warrant transit-related enhancements. In imposing these conditions, the City Planning Commission found that there was considerable support to encourage developers in these areas to provide the community with a wide range of amenities aimed at the encouraging and promoting public transit use.

4. The **Sewerage Facilities Element** of the General Plan will be affected by the recommended action. However, requirements for construction of sewer facilities to serve the subject project and complete the City sewer system for the health and safety of City inhabitants will assure compliance with the goals of this General Plan Element.
5. **Street Lights.** Any City required installation or upgrading of street lights is necessary to complete the City street improvement system so as to increase night safety along the streets which adjoin the subject property.

#### **Vesting Zone Change and Height District Change Findings**

6. Pursuant to LAMC Section 12.32.C.7, and based on these Findings, the recommended action is deemed consistent with public necessity, convenience, general welfare and good zoning practice.

The property is located within the Hollywood Community Plan and Update area and is classified within the Regional Center Commercial land use designation corresponding to the C4, C2, P and PB Zones. It is within the C4-2D-SN Zone and is not within a specific plan area. The property is, however, located within the adopted Hollywood Redevelopment Project Area, the Hollywood Signage Supplemental Use District, the City's Adaptive Reuse Incentive Area, and is within a State Enterprise Zone. The property is located on two city blocks straddling Vine Street south of Yucca Street and stretches from Ivar Avenue across Vine Street to Argyle Avenue. Vine Street is designated as a Major Highway (Class II); Yucca Street is designated as a Secondary Highway between Vine Street and Ivar Avenue (along the West Site) and as a Local Street between Vine Street and Argyle Avenue (along the East Site); and Ivar and Argyle Avenues are designated as Local Streets.

The proposed zone change/height district change would lead to a development that would be deemed consistent with public necessity, convenience, general welfare and good zoning practice. The project site and surrounding properties are almost entirely located in the C4 Zones and in Height District No. 2. The Zone Change from the C4 to the C2 Zone will allow a fitness/sports club use, which is not expressly allowed in the C4 Zone. The C2 Zone expressly permits gymnasiums and health clubs, whereas the C4 Zone does not. The C4 Zone permits most of the same uses permitted in the C2 Zone, with certain enumerated exceptions, including a prohibition on many types of recreational and sporting facilities. The Zone Change requested by the applicant is for the limited purpose of including a sports club with spa in the project. The Zone Change will therefore not provide for any significant departure from the uses permitted elsewhere in the neighborhood, and the sports club will be a neighborhood-serving amenity similar to the sports/fitness facility (LA Fitness) located at 7021 Hollywood Boulevard. This fitness facility was granted a Zone Variance (ZA-2003-5547-ZV) to operate in the C4 Zone with a reduced parking variance for 53 in lieu of the required 263 parking spaces.

The discretionary approval to remove the "D" Limitation in the existing Height District 2D to Height District 2, will permit the project to take advantage of the FAR incentive to 6:1 allowed for in the Hollywood Community Update and which was previously permitted under the CRA's Hollywood Redevelopment Plan area. The removal of the 'D' would not alter the height limit, as there is no height limit imposed under either the existing or proposed height district. Granting the zone change/height district change would allow for the development of 492 residential dwelling units, 200 hotel guest rooms, approximately 100,000 square feet of new office space, coupled with the maintenance of 114,302 square feet of office space (Capitol Records and Gogerty Buildings), 34,000 square feet of restaurant use, 35,000 square feet of fitness/club sport use, and 15,000 square feet of retail use, with 1,918 parking spaces, or as otherwise provide for by the Development Regulations and the Land Use Equivalency Program, consistent with the proposed Regional Center Commercial land use designation. This would enable the project to help bring critical investment on an underutilized site in the Hollywood area, eliminating associated blight and negligible activity and improving the aesthetic and economic environment that fosters entertainment-related uses, increased pedestrian activity, home ownership opportunities, and jobs.

The Vesting Zone Change and removal of the 'D' Limitation allows the applicant to maximize the full utility of the site to construct and maintain a mixed-use development, coupled with the preservation of the Capitol Records Building, that will redevelop underdeveloped parcels into a pedestrian-friendly and transit-oriented development. The project's mix of land uses will invest and support the existing office, entertainment, and residential uses which immediately surround the project site in the historic and prominent section of Hollywood. The project will enliven the Hollywood Boulevard Commercial and Entertainment District by attracting residents, workers and visitors, both day and night, through a mix of economically viable, commercial, residential, entertainment and community-serving uses that add to those already existing in Hollywood.

At the completion of the project, the total floor area of existing commercial development and the proposed new structures will be approximately 1,163,079 square feet, resulting in a 6:1 FAR. An FAR of 6:1 is permitted by the Hollywood Community Plan and Update and the Hollywood Redevelopment Plan. It will provide the mixture and density of uses necessary to ensure the project, including the Capitol Records and Gogerty Buildings, can be sustained economically while supporting the long term preservation of historic structures along Hollywood Boulevard by encouraging visitor and tourist activity in the area consistent with the goals and objectives of the Hollywood Community Plan. At the same time, the inclusion of substantial public and common open space to activate the

ground levels and sidewalks will enhance the neighborhood by creating public gathering areas and increasing the walkability of the area. The project design will also enable pedestrians to pass through the project from Ivar Avenue across Vine Street to Argyle Avenue, mostly along open-air pathways and through open-air plazas. As such, the project will provide open and green space, walkways, plazas and other gathering spaces and connections necessary to promote pedestrian and bicycle linkages between the Project, the regional transit system, the Hollywood Walk of Fame and the greater Hollywood community. This increased activity will bring more economic activity to the area and greater incentive to preserve and promote historic structures for visitors and tourists coming to the Hollywood area.

The project is compatible with and complements the surrounding area because the surrounding area is composed of the same mix of uses that the applicant will develop at the project site: multi-unit residential, commercial, food and beverage, hotel and office. As such, the project is an extension and reflection of its environment and does not fundamentally alter its character. Functionally, the project seeks to activate all frontages. Accordingly, trash and recycling enclosures, as well as other building maintenance equipment are located away from exterior public areas and are shielded from public view. Both sides of Vine Street will be activated by pedestrian plazas, decorative hardscapes, and landscaping while Argyle Avenue will benefit from the entrance to the main pedestrian plaza on the East Site and commercial uses on the ground floor that activate the sidewalk. Exterior lighting will be provided to illuminate the buildings, entrances, walkways and parking areas, but all project-related lighting will be directed exclusively onsite to avoid spillover lighting onto adjacent properties. By spreading programming across the majority of the frontage of the property, the project will benefit the entire neighborhood in all directions.

The General Plan, which includes the Housing Element and Land Use Element, and the Hollywood Community Plan and Update encourage mixed-use projects with housing and pedestrian-oriented commercial uses along major transit corridors. As a result, the mixed uses of the project reflect City 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 project will redevelop a property that, as surface parking, is under-utilized in a manner that discourages pedestrians from traveling north of Hollywood Boulevard into the neighborhood of the Capitol Records Tower.

The City's Housing Element calls for "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 opportunities. The property is located along a major transit corridor, Vine Street, and is less than 500 feet from the intersection of Hollywood Boulevard and Vine Street. Both Vine Street and Hollywood Boulevard are served by local and regional bus lines operated by the Los Angeles County Metropolitan Transportation Authority ("MTA") and the Los Angeles Department of Transportation ("LADOT"), including the MTA Metro Rapid Busses, that stop at the intersection of Hollywood Boulevard and Vine Street. Additionally, an MTA Red Line Metro station is located at the corner of Hollywood Boulevard and Vine Street.

The project supports the applicable land use planning goals, objectives, policies and programs for land uses specified in the 1988 Hollywood Community Plan. The project supports and is consistent with the following relevant 1988 Hollywood Community Plan objectives:

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

*Objective No. 3* – The 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 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:

*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.2.15:* Encourage mixed-use and multi-family residential projects to provide bicycle parking and/or bicycle lockers.

In addition, and as required by the Hollywood Redevelopment Plan, the mixed use development conforms to the applicable "provisions and goals of the Redevelopment Plan." In particular, the project supports and is consistent with the following objectives identified in subsection 506.2.3 of the Redevelopment Plan:

*Objective a)* – The project concentrates a high intensity/density development in an area with direct access to high-capacity transportation facilities;

*Objective b)* – The new construction portion of the development complements the existing architecturally and/or historically significant structures/buildings onsite and in the surrounding area;

*Objective c)* – The project provides a focal point of entertainment, tourist and pedestrian oriented uses, and creates a quality urban environment;

*Objective d)* – The project provides appropriately designed housing; and

*Objective e)* – The project provides substantial and well-designed public open spaces.

In further conformance with the provisions and goals of the Hollywood Redevelopment Plan, the mixed-use development "serves a public purpose objective" by providing significant open space and appropriately redeveloping the site of an architecturally or historically significant building. Specifically, landscaped common open space – consisting of public plazas, multiple landscaped terraces, scenic overlooks and gathering places – will be located throughout the project, and the project will be designed to enhance the historic Capital Records Tower and Gogerty Buildings.

Overall, the project supports the Hollywood Redevelopment Plan objective of "focus[ing] development within the Regional Center Commercial designation . . . in order to provide for economic development and guidance in the orderly development of a high quality commercial, recreational and residential urban environment with an emphasis on entertainment-oriented uses." In further conformance with the Redevelopment Plan, the property and the development are in an area "served by adequate transportation facilities and transportation demand management programs" and "reinforce[s] the

historical development patterns for the area; stimulate[s] appropriate residential housing and provide[s] transitions compatible with adjacent lower-density residential neighborhoods."

The project is consistent with the General Plan, the Hollywood Community Plan and Update, and the Hollywood Redevelopment Plan because it provides uses encouraged by the plans, promotes orderly development, evaluates and mitigates potentially significant environmental impacts to the extent feasible, and promotes public safety and the general welfare. Therefore, approval of the Vesting Zone Change and removal of the "D" Limitation is beneficial to the public necessity, convenience and general welfare, and is representative of good zoning practice.

- b. The action, as recommended, has been made contingent upon compliance with the "T" and "Q" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure a development more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

#### **Conditional Use Findings (Alcohol Sales)**

- 13. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The project proposes to preserve the historic Capitol Records and Gogerty buildings, and replace surface parking lots with a mixed use development consisting of housing, office, restaurant, fitness club, and restaurant and retail uses. The intensity of the mix and types of uses within the development will complement the existing character of development within the immediate community, which caters to daytime residents and employees and also serves as a destination for entertainment, restaurant, and retail options for area residents and tourists. The proposed project will add to Hollywood's identity as an entertainment-oriented and tourist-friendly destination. The development of an underutilized site will enhance the types of venues and destinations amenable to the character of development consistent with the Hollywood Community Plan's vision of Hollywood as "a major center of population, employment, retail services, and entertainment," and which will further the area's 24-hour environment with an assemblage of uses meant to enhance the visitor experience that can be accessed by residents, employees, and tourists. These uses promote dining and entertainment and many include on-site alcohol sales as an integral part of operations. Also, because the project is well served by public transit, including the Metro Red Line and various bus lines, residents, employees and patrons would take advantage of a readily available transit system.

- 14. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The project site encompasses 4.46 acres of land in a highly urbanized setting located on Vine Street between Hollywood Boulevard to the south and the US-101 freeway to the north. The project site is surrounded by a diversity of entertainment-related venues, including the Avalon Theater, the Fonda Theater, and other play house, theater, and club venues. Moreover, several supporting businesses, such as restaurants, cafes, and

bars which cater to these establishments and their employees and patrons immediately surround the project site. The intensity and scale of the mixed-use project is consistent with the provisions of the Regional Center Commercial land use designation and corresponding zones. As such, the sale of alcohol in conjunction with the maintenance and operation of a hotel along with restaurant, office, and potential patrons within the residences will augment economic investment in the community and the sale of alcohol is inherent in the service of these businesses and venues. The project's mix of uses is compatible with, and compliments, the character of development and the land uses prevalent within the community and will improve the visual and economic integrity of the community by replacing surface parking with a project providing increased housing, employment, and economic activity.

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

The sale of alcohol is silent in the Hollywood Community Plan, however, the sale of alcohol is inherent in the operation of entertainment-related venues, restaurants, and bars that are characteristic of Hollywood, especially within Regional Center designated land use areas. The alcohol sales proposed in connection with the project will be consistent with a number of specific policies contained in the Hollywood Community Plan. Including:

Policy LU.2.4 Support land uses in the Regional Center which address the needs of visitors who come to Hollywood for business, conventions, trade shows, entertainment and tourism.

Policy LU.3.27: Encourage extended hour active commercial uses and discourage concentrations of commercial uses which have limited operating hours in areas of high pedestrian activity.

Policy LU.3.28: Promote 24/7 or other extended hour active commercial uses such as street vendors or farmer's markets, adjacent to Metro stations and major transit stops to create safe waiting environments for transit commuters.

As such, approval of the request will be a necessary component of the development as alcohol sales are a key component of live entertainment venues, as well as to the operation of hotels, clubs and restaurants, thereby accomplishing the intent of the policies of the Hollywood Community Plan and Update.

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

The proposed sale of alcohol will be in conjunction with the operation of the hotel and restaurants proposed as part of the mixed-use development. The pertinent community in this instance consists of several entertainment-related venues and businesses serving area residents, employees, and tourists. The addition of alcohol sales within this development is an enhancement of the types of amenities currently available in the community. The Regional Center Commercial land use designation within the Hollywood Community Plan as well as the Community Plan Update calls for active commercial uses with extended hours of operation to promote pedestrian activity and which supports Hollywood as a destination for business, conventions, trade shows, entertainment and tourism. The project has been conditioned herein to ensure the use would not have a detrimental impact to the community and furthers the City's goal to ensure that the establishment does not become a nuisance or require additional resources of LAPD to monitor and enforce.

17. **The granting of such application will not result in an undue concentration in the Area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of such establishments within a one thousand feet radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the Area.**

The property is located within Census Tracts 1902 and 1910, where the State's Department of Alcoholic Beverages Control (ABC) has allocated 6 onsite and 4 offsite licenses to Census Tracts No. 1902 and 3 onsite and 2 offsite licenses to Census Tract No. 1910. Based on state licensing criteria, there is an overconcentration of licenses in the census tracts, however, allocation of licenses does not take into consideration the types land uses or the pattern and intensity of development of the area in which the census tracts are located.

Overconcentration is determined by a census tract's existing population compared to the total number of alcohol licenses within the same census tract. Overconcentration can be undue when the addition of a license will negatively impact a neighborhood. Overconcentration is not undue, however, when approval of a license does not negatively impact the area, and such license benefits the public welfare and convenience. Here, the alcohol licenses are centered on the Vine Street corridor, a commercial and entertainment center in the heart of Hollywood's historic downtown. Although the Census Tracts are numerically over-concentrated, the project will not adversely affect community welfare because it is a desirable mixed use development appropriately situated in a portion of the City designated for entertainment uses. The growth of the community and increasing demand for a mix of uses and services also creates the demand for additional onsite and offsite sales of alcoholic beverages and live entertainment. While licensing criteria may see this as overconcentration, it is in fact a reflection of demand by the community for greater options with regard to dining and lodging. The project is not unlike other regional venues that draw from populations throughout the City. Warner Center, Century City and downtown Los Angeles have a similarly high number of existing licenses compared to the allocation by Alcoholic Beverage Control. The Hollywood area is an entertainment center and a major tourist destination and is an appropriate location to offer alcohol and entertainment establishments.

*The following sensitive uses are within 1,000 feet of the property: Saint Stephen's Episcopal Church at 6125 Carlos Street; First Presbyterian Church at 1760 Gower Street; the Francis Howard Goldwyn Regional Library at 1623 Ivar Avenue; Ecclesia with Kid's Club at 1725 Ivar Avenue; and Hezekiah Inc. at 6051 Hollywood Boulevard #202. A finding of public convenience and welfare will be required from the City Council pursuant to AB 2897, Caldera Legislation. A significant concentration of restaurants and nightclubs offering a full range of alcoholic beverages is not undue for an entertainment destination serving both City residents and visitors.*

Los Angeles Police Department (LAPD) statistics for the Hollywood area indicate that in 2011 a total of 40 crimes per 1,000 persons were committed, compared to a Citywide average of 48 crimes per 1,000 persons. An undue concentration may exist when there are 20% more reported crimes in the district than the average number of reported crimes

from all crime reporting districts in the City. Here, the crime statistics in the Hollywood area are less than those reported citywide. Moreover, the predominant crimes in the Hollywood area are vehicle theft, burglary from vehicle and theft, which are lesser property crimes rather than more serious crimes against persons. Moreover, the subsequent Zoning Administrator plan approval process will ensure that each of the project's venues will operate in a safe and secure manner. Therefore, the approval of the conditional use will not contribute to an undue overconcentration of premises for the onsite sale and consumption and offsite sale of alcoholic beverages.

18. **The proposed use will not detrimentally affect nearby residentially zoned communities in the area after giving consideration to the distance of the proposed use from the following: residential buildings, churches, schools, hospitals, public playgrounds, and other similar uses; and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.**

The project site is located in a highly urbanized and very popular historic district within Hollywood. The vicinity of the project site contains high and medium density housing together with restaurant, office, entertainment, bar and hotel uses which currently serve alcohol as an integral part of daily operations. The intensity of commercially improved and entertainment-related uses serving alcohol is a staple of downtown Hollywood and would increase the availability of such amenities to both residents and visitors alike. As such, the sale of alcoholic beverages will enhance rather than detrimentally affect nearby residentially zoned communities.

#### **Conditional Use Findings (Hotel Use, Live Entertainment, Floor Area Averaging)**

19. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

##### **Hotel Use**

The hotel is appropriate in relation to the adjacent uses or the development of the community and will provide a service that is beneficial to the tourist industry and businesses in the community. Although located within 500 feet of residentially-zoned property along Ivar Avenue to the north across Yucca Street, the multi-family residences would be buffered by the hotel with the commercially-zoned and improved uses which front both sides of Yucca Street. These commercial uses consist of studio, laundry, market, TV repair, and office uses. In addition, there is an existing motel use in the C4-2D-SN Zone along Cahuenga Boulevard, which immediately abuts multi-family residences in the R4-2 Zone. The hotel will be a part of a unified mixed-use development that is characteristic of the types of uses and intensities currently found in Hollywood community. The development will replace surface parking with a hotel together with other uses of the project, including the restaurant, retail, and fitness club uses and invest lively development with common open spaces and enhanced walkability.

Moreover, the property is located in the vicinity of existing hotels including the W Hotel and the Redbury Hotel. The hotel use is consistent with ongoing redevelopment efforts in the community, located in an area well suited to visitor-serving uses. Moreover, there are already a number of facilities within the immediate vicinity of the hotel that attract substantial pedestrian tourist traffic such as the Pantages Theater, the Hollywood Walk of Fame and the Capitol Records Tower. The hotel will capitalize on the existing foot traffic and tourism attractions to provide accommodations for visitors to Hollywood and

the Los Angeles region and will also create additional business and pedestrian activity in the Hollywood area.

#### Floor Area Averaging

Although located on separate parcels, the project is a unified development as defined by LAMC Section 12.24.W.19 because: it is a combination of functional linkages, such as pedestrian or vehicular connections; is characterized by common architectural and landscape features, which constitute distinctive design elements of the development; is composed of two or more contiguous parcels or lots of record separated only by a street or alley; and when viewed from adjoining streets appears to be a consolidated whole. The project contains a mix of uses across the entire site that are designed to work together to create a cohesive whole. Both the pedestrian and the vehicular connections are designed to promote connectivity between the East and West Sites and functionally link their uses with an emphasis on walkability. The new structures on the East and West Sites are designed to complement each other with distinctive design elements, harmonize with the surrounding neighborhood and preserve historic view corridors. The landscape features and open space are also designed to flow continuously between and connect the East and West Sites and create cohesion by repeating common features and themes. The project site is composed of multiple parcels that are separated only by Vine Street and is designed to work together as an integrated whole. Because of the functional linkages and comprehensive design and landscape plans, the project appears to be a consolidated whole when viewed from adjoining streets. Accordingly, the project is a unified development as defined by LAMC Section 12.24.W.19.

Floor area averaging will allow the project to provide an appropriate mix of uses distributed across the site, which flanks two sides of Vine Street, in an effort to maximize the open space, pedestrian walkability and to better unify the public improvements which serve the project. The project's proposed uses, including office, residences, hotel, sports and fitness facility, restaurant and retail, promote the jobs and housing balance sought by the Hollywood Community Plan and Update, while simultaneously providing publically accessible and pedestrian-friendly open space and plazas. FAR averaging across the unified development also enables the project to provide mid-block connections with pedestrian walkways and plazas designed to complement and accentuate views of the Capitol Records Building and other historic structures which surround the project. FAR averaging will allow full utility and flexibility of the types and intensity of uses across the entire site to the standards established in the Development Regulations and Land Use Equivalency Program. As such, FAR averaging will enhance the built environment and perform a function that is beneficial to the community.

#### Live Entertainment

A conditional use permit to allow live entertainment and dancing within the project will be beneficial to the community because this area of Hollywood has historically function as an entertainment district with theaters, restaurants, and night clubs. The provision of live entertainment would be located within restaurant with alcohol service and a dance floor with approximately 1,500 square feet and the nightclub/lounge also with alcohol service. Special events with live performances and dancing are proposed at various locations throughout the project site to accommodate corporate-sponsored events, the promotion of local business, social and fundraising events, and other programs meant to advertise the cultural and entertainment venues in Hollywood.

The approval for live entertainment has been conditioned herein to require that individual operator(s) apply for a plan approval from the Zoning Administrator before the operator

is authorized to allow public dancing or dance hall uses at an establishment within the project. Plan approval allows the Zoning Administrator to provide oversight to ensure that each operator proposes a use that is compatible with the master conditional use permit and that each individual establishment is vetted for security and safety concerns.

The project's dancing and live entertainment uses will be consistent with the types of uses prevalent in Hollywood and which support other live entertainment and dancing venues in the community. The development is located in a highly urbanized area of the City, which attracts large numbers of tourists and visitors seeking entertainment-related venues and amenities characteristic of Hollywood. Moreover, the project will provide a mix of residential and commercial uses primarily designed to accommodate residents and community members interested in living, working and playing in an urban setting. In order to be economically viable and revitalize the surrounding area, the project must provide a full range of commercial, dining and entertainment options that are attractive to both local residents and visitors. Live entertainment, including dancing, is a basic component of high-end restaurant, nightclub lounge and special events uses and which satisfies consumer demand in Hollywood. Accordingly, the provision of live entertainment and dancing will enhance the pattern of uses which define Hollywood.

20. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

#### Hotel Use

The proposed hotel will be compatible with and will not adversely affect or further degrade adjacent uses or properties because the project will fill the need for hospitality type uses within the region and provide new jobs for the local economy. Moreover, the project is located in a rapidly growing neighborhood that is already characterized by tourism and entertainment businesses, restaurants and commercial uses.

The Hollywood area of Los Angeles contains a variety of high-intensity urban activities in a compact built environment that includes commercial, residential, cultural, recreational, and hotel uses such as the W Hotel and the Redbury Hotel. Accordingly, Hollywood is a proper location for hotel development, if built, because it is a focal point of the regional interests, contains a mass transit hub and is already substantially developed with office buildings, commercial stores, theaters and other places of entertainment, cultural facilities and government offices. These diverse uses support balanced community development and create increased interest for visitors from all walks of life who come to Hollywood. Therefore, the proposed hotel is compatible with and will not adversely affect or further degrade adjacent uses or improvements.

#### Floor Area Averaging

FAR averaging across the development is compatible with and will not adversely affect or further degrade adjacent uses or property because it facilitates a beneficial mix of uses and a creative project design that preserves the historic Capitol Records Tower and Gogerty Building and maximizes open space areas. FAR averaging across the project allows for the successful integration of the historic Capitol Records Tower and Gogerty Building sites because it permits the development of two new structures with massing that better relates to the historic structures. Averaging FAR across the project site also allows for an open space scheme that connects the East and West Sites and enhances walkability. The combination of office, residential, entertainment, commercial

and sports club uses will meet the demand from local residents and allow project residents and office employees to work, eat, play and shop for goods and services within the property. Further, FAR averaging ensures the flexibility to make adjustments in the design of the project to meet community needs by accommodating those uses that are ultimately built in the most efficient layout and in a way that preserves and respects the Capitol Records Complex. There will also be design consistency as a unified development including a combination of functional linkages, such as pedestrian or vehicular connections and common architectural and landscape features, which constitute distinctive design elements of the development. The project contains a mix of uses across the entire site that are designed to work together to create a cohesive whole. Both the pedestrian and the vehicular connections are designed to promote walkability through functional linkages (including walkways, open space corridors and wayfinding features) within the Project, between the East and West Sites, and to the neighborhood beyond. The new structures on the East and West Sites are required to be designed to complement each other with distinctive design elements, harmonize with the surrounding neighborhood and preserve historic view corridors. The landscape features and open space are also designed to flow continuously between and connect the East and West Sites and create cohesion by repeating common features and themes. Accordingly, the averaging of FAR across the project is compatible with and will not adversely affect or further degrade adjacent uses or property.

#### Live Entertainment

The live entertainment component of the project is compatible with and will not adversely affect or further degrade adjacent uses or property because it is representative of the other live entertainment venues and theaters but also furthers the Hollywood Community Plan's objective of extending nightlife activity, including restaurants, nightclubs, and cafes, along commercial corridors while simultaneously increasing pedestrian activity and enhancing Hollywood as an entertainment destination for both residents and visitors alike. The area surrounding the project is predominately zoned for commercial uses and is largely developed for these purposes. The surrounding area along Hollywood Boulevard is designated as a major entertainment area in both the Hollywood Redevelopment Plan as well as the Hollywood Community Plan Update. The project and its dancing and live entertainment venues will not be detrimental to the character of the immediate area, but will instead have a positive impact on the economic welfare of the community.

The project will encompass a variety of high-end uses to serve both residents and visitors. A key element of upscale special event spaces, assembly rooms, nightclub lounges and certain restaurant uses is the ability to provide a venue for dancing and live music. The plan approval process conditioned herein permits the Zoning Administrator *authority to carefully screen the live entertainment uses and to condition them* appropriately to ensure that they positively complement the nature of the project and the character of the surrounding community. This process allows for the careful consideration of the location of these venues in relation to the project's other uses and the surrounding area's uses.

21. **The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan. (Hotel Use, FAR Averaging and Live Entertainment)**

At its hearing on March 28, 2013, the City Planning Commission considered the project characteristics, applicable land use plans, and environmental documentation contained in the record to determine that the project substantially conforms with the purpose, intent

and provisions of the General Plan and applicable community plan. More specifically, the Los Angeles General Plan, which includes the Housing Element and Land Use Element, and the Hollywood Community Plan Update encourage mixed-use projects with housing and pedestrian-oriented commercial uses along major transit corridors. As a result, the mixed uses of the project reflect City 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 City Planning Commission acknowledged public testimony regarding concerns about height, density and traffic while recognizing that the property and the surrounding area are located in an area of the City that is near transit and 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, entertainment, commercial and professional office uses, among others.

Per 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. The site is located along a major transit corridor. The area is currently served by public transit (Metro Red Line, Hollywood DASH, and LADOT Commuter Express 422 & 423). Further, the Metro Rail Red Line travels along Hollywood Boulevard and connects to the Hollywood DASH near the corner of Hollywood Boulevard and Vine Street.

The project supports the applicable land use planning goals, objectives, policies and programs for land uses specified in the 1988 Hollywood Community Plan. The project supports and is consistent with the following relevant 1988 Hollywood Community Plan objectives:

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

Objective No. 3 – The 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 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:

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.2.15: Encourage mixed-use and multi-family residential projects to provide bicycle parking and/or bicycle lockers.

In addition, and as required by the Hollywood Redevelopment Plan, the proposed mixed-use development conforms to the applicable "provisions and goals of the

Redevelopment Plan." In particular, the proposed project supports and is consistent with the following objectives identified in subsection 506.2.3 of the Redevelopment Plan:

Objective a) – The proposed project concentrates a high intensity/density development in an area with direct access to high-capacity transportation facilities;

Objective b) – The new construction portion of the proposed development complements the existing architecturally and/or historically significant structures/buildings onsite and in the surrounding area;

Objective c) – The project provides a focal point of entertainment, tourist and pedestrian oriented uses, and creates a quality urban environment;

Objective d) – The proposed project provides appropriately designed housing; and

Objective e) – The proposed project provides substantial and well-designed public open spaces.

Overall, the proposed project clearly supports the Hollywood Redevelopment Plan objective of "focus[ing] development within the Regional Center Commercial designation . . . in order to provide for economic development and guidance in the orderly development of a high quality commercial, recreational and residential urban environment with an emphasis on entertainment-oriented uses." In further conformance with the Redevelopment Plan, the property and the development are in an area "served by adequate transportation facilities" and "reinforce[s] the historical development patterns for the area" and "stimulate[s] appropriate residential housing and provide[s] transitions compatible with adjacent lower-density residential neighborhoods."

The hotel use, if built, is in keeping with the Community Plan's intent to "further the development of Hollywood as a major center of population, employment, retail service and entertainment." The hotel is compatible with the uses of the neighborhood and will encourage continued revitalization of the surrounding commercial areas. The hotel use is compatible with the surrounding neighborhood that includes the W Hotel and the Redbury Hotel and will not be materially detrimental to the character of development in the immediate neighborhood.

FAR averaging across the project's unified development will permit development of the project to be more sensitive to the historic resources within the site and to the surrounding community. The resulting varied heights and massing will create a project design that preserves view corridors to and from the site and facilitates a beneficial and efficient mix of uses. By averaging FAR across the project, the resulting development will simultaneously reduce its impacts on the immediate neighborhood and create beneficial new uses and open spaces that benefit the wider community.

The development of entertainment and commercial uses is consistent with the nature of the Hollywood area and will fill an existing need through the creation of a mixed-use development that furthers the vision for Hollywood as a major center of population, employment, retail service and entertainment. These uses are intended to serve the future residents, employees and visitors who will live, work and engage in recreation in the immediate neighborhood. The property is currently underutilized with a substantial portion of the site used for surface parking. The project will develop the site with a mix of beneficial uses, be welcoming to pedestrians and easily accessible by public transportation. Moreover, the City will have the opportunity to ensure that each establishment serving or selling alcohol and offering live entertainment will operate in a manner that is not detrimental to the character of the neighborhood through the required

plan approvals issued by the Zoning Administrator subsequent to the grant of a master conditional use permit for these uses.

Therefore, the proposed project is consistent with the General Plan, Hollywood Community Plan and Update, and Hollywood Redevelopment Plan 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 site, that safe and convenient ingress/egress is provided, and that the proposed uses and design are compatible with the surrounding properties. As such, the project including the hotel use, FAR Averaging, alcohol and live entertainment uses substantially conform with the purpose, intent and provisions of the General Plan and the applicable community plan.

### ZONE VARIANCE FINDINGS

22. **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.**

#### Restaurant Use with Above-Ground Floor Outdoor Eating

The strict application of the provisions of the Zoning Ordinance to prohibit restaurants with outdoor eating areas above the ground floor would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. The zoning regulations allow certain land uses in various zones in order to achieve compatibility between respective uses. Such regulations, however, are written on a City-wide basis and often do not take into account the unique characteristics of a specific site's intended use or the character of a particular community. In this instance, the Code's desire to regulate noise from the above ground outdoor eating establishments, which is addressed in the EIR for the project, will not cause significant noise impacts. The proposed outdoor dining areas are amenities that will serve project residents, employees and local and regional visitors and, as studied in the project EIR, will not cause noise impacts. As such, the general purpose and intent of the zoning regulation, to regulate noise, has been addressed.

In addition, the uses surrounding the project consist of commercial uses meant to engage pedestrian activity and attract tourists, including concert venues, theaters, restaurants with live entertainment, as well as dance clubs, and bars. The outdoor dining is an amenity consistent with the Community Plan's objectives of providing increased destinations which further the area's identity as an entertainment district and as "a major center of population, employment, retail services, and entertainment." The project will further this vision and will support historic downtown Hollywood.

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 since mix of uses, including the proposed residential, hotel, office, sports club, commercial, and restaurant uses are substantially in compliance with the Regional Center Commercial land use designation of the project and the surrounding properties. The provision of an outdoor and above ground eating area is the type of use that would solidify the City's identity, climate, and views, and will reinforce Hollywood's status as a nationally recognized entertainment district. The construction and design of the project, which includes above-ground-floor restaurants with outdoor dining areas, is not expected to create any additional impacts above and beyond the allowable uses.

Parking Variance (Fitness/Sports Club)

The project proposes an approximate 35,000 square foot fitness/sports club facility as part of the mixed-use development. Section 12.21 A.4(c)(2) of the LAMC calls for "at least one automobile parking space for each 100 square feet of floor area" for health clubs and permits an exception for a health club "located within an office building of at least 50,000 square feet or more of gross floor area." When located in an office building with 50,000 square feet of office space, the general commercial use parking requirements would apply, allowing one parking space for every 500 square feet of floor area.

The project is a unified development consisting of two parcels divided by Vine Street and which may consist of more than 264,000 square feet of gross office floor area. Programming considerations, including the preservation of the 114,303 square feet of office space in the Capitol Records and Gogerty Buildings, may require the applicant to physically locate the sports club in one location, while locating the office space in a different building. While the sports club may not be located together with the office building, the intent of the Code is met by having a sports club and office use as part of the same project. Moreover, the project is located less than 500 feet from the Red Line Metro Station at Hollywood Boulevard and Vine Street, where Section 12.24.Y of the LAMC allows for a 10% reduction from the Code-required parking. Additionally, because the project is located in the Hollywood Redevelopment Project area, Section 12.21-A.4(x)(3) of the Code permits "only two parking spaces for every one thousand square feet of combined gross floor area of commercial office, business, retail, restaurant, bar and related uses, trade schools, or research and development buildings on any lot." As such, the reduced parking for the sports club, at one parking space for every 500 square feet of floor area, satisfies the intent of the LAMC.

The sports club use will predominantly serve onsite users and the strict application of the zoning ordinance would result in practical difficulties or unnecessary hardships because: (i) the unified development is bisected by Vine Street, making it impossible to physically locate the sports club in the same building as all the onsite uses that it is intended to serve; and (ii) the sports club will be heavily utilized by onsite users. The proposed mix of uses have been programmed to integrate with each other and to accommodate the needs of the development's residents, employees, and hotel guests and the reduced parking is intended to reflect the sports/fitness club as an on-site amenity primarily serving project residents and employees.

Approval of Reduced On-Site Parking/Shared Parking (12.21-A.4(y))

Section 12.21 A.4 of the Code establishes parking requirements and standards for the various land uses of the project. Due to the mixed-use nature of the project, the attached Development Regulations incorporate shared parking procedures by which uses would share parking spaces when the uses have different parking requirements and different demand patterns within a 24-hour cycle or on weekends and weekdays.

The intent and purpose of the parking requirements is to standardize numerical assumptions for general parking requirements for individual uses. These assumptions, however, do not account for a mix of uses within a unified development and with generous access to public transit. The strict application of these parking provisions would result in practical difficulties and unnecessary hardships inconsistent with the general purposes and intent of the LAMC as the project has a mix of uses that generate different parking demands based on day and time of day and not as a series of stand-alone uses. The project's close proximity to mass transit and the associated site-specific

TDM Program in the EIR will further reduce vehicle trips with the provision of pedestrian/bicycle/transit rider friendly amenities, including long and short-term bicycle parking facilities, car share amenities, and improving the pedestrian sidewalk linkage to the Hollywood/Vine Metro Red Line Transit Station to and from the project site.

Other provisions of the LAMC allow for reduced parking, including "City Planning Commission Authority for Reduced On-Site Parking with Remote Off-site Parking or Transportation Alternatives" under Section 12.21A.4 (y), "Shared Parking" under Section 12.24.X.20 (permits two or more uses to share off-street parking spaces with ZA approval), and "Special Permission for Reduction of Off-Street Parking Spaces by the Director" under Section 12.24.Y (permits a 10% reduction for project located within 500 feet of mass transit). The requested variance satisfies the intent provided for in the exceptions of the Code which recognizes the need for shared parking in mixed-use developments while acknowledging expanding access to public transit. With the reduced parking/shared parking per City Planning Commission approval, the project will meet parking demand of on-site facilities consistent with these sections of the LAMC.

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

Restaurant Use with Above-Ground Floor Outdoor Eating

The project will transform the property's existing underutilized surface parking into a mixed-use development that will incorporate the existing historical Capitol Records Tower and Gogerty Building. Outdoor dining facilities above the ground floor will be designed to take advantage of spectacular views of the property's existing features, including the Capitol Records Tower and Gogerty Building, as well as surrounding hills and the Hollywood skyline. The project is located within a portion of Hollywood that will continue to generate and promote a nationally-recognized entertainment district. The Code's restriction on outdoor dining is not consistent with the Hollywood Community Plan's vision for this vibrant entertainment zone. The distinction of outdoor dining is a unique and innovative design feature that provides the public with panoramic views of Los Angeles and which is appropriate in Hollywood, but which is not currently recognized by the LAMC.

Parking Variance (Fitness/Sports Club)

The unique circumstances of locating a single, unified development with a combination of residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness club uses, and retail establishments across a city street (Vine Street) and less than 500 feet from the Red Line Metro Station supports the variance request.

Being located on both sides of Vine Street requires the applicant to provide pedestrian-level linkages and additional design features which require residents and visitors to recognize and move safely between the East and West Sites. The project will activate four sidewalks (Ivar Avenue, both sides of Vine Street and Argyle Avenue) on two city blocks and the project's open design across the East and West Sites of Vine Street will invite pedestrians up from revitalizing areas of the Vine Street corridor south of the project and the bustling corner of Hollywood Boulevard and Vine Street. Additionally, the bisection provided by Vine Street enables the project to redevelop an area almost entirely composed of large surface parking lots with pedestrian-friendly mid-block connections with a development offering more than one million square feet of net new

development while preserving the historic Capitol Records and Gogerty Building. The unique design element of spanning a unified development across an existing city street will be maintained as a central design element of the project unlike any other development on Vine Street.

Moreover, the project is a transit-oriented development located in a dense urban environment intended for reduced parking. The southeast corner of the project along Argyle Avenue is approximately 430 feet from the entrance to the Red Line Metro Station on Hollywood Boulevard just east of Vine Street. The applicant would therefore be entitled to a 10% reduction from the Code Parking Requirement pursuant to LAMC Section 12.24.Y. The project is also less than 300 feet from the corner of Hollywood Boulevard and Vine Street, both serviced by numerous bus lines, including Metro Rapid busses. The project site is also immediately adjacent to the Hollywood Freeway (U.S. 101), where an off-ramp from the southbound Hollywood Freeway is located less than one block from the project just south of the intersection of Franklin Avenue and Vine Street, and on-ramps to the northbound and southbound Hollywood Freeway located at the corner of Franklin and Argyle Avenues and just north of the intersection of Yucca Street and Argyle Avenue, respectively. Accordingly, the location of the project near numerous transit options reduces the need for on-site parking facilities.

Zoning regulations are written on a Citywide basis and do not take into account a particular property or development's individual, unique characteristics. The requested Variance effectuates the intent of the parking requirements because the sports club will be significantly utilized by patrons who (i) work in the project; (ii) live in the project; or (iii) are guests of the hotel in the project. Requiring the applicant to provide parking for the sports club as a complete and separate entity from the project would be inconsistent with the intent of the Code and of a Unified Development. The strict application of the parking requirement would result in the practical difficulty and unnecessary hardship of needing to provide additional parking spaces even though the sports club would be located within the same project with some combination of residential dwelling units, luxury hotel rooms, and office and associated uses. As such, the imposition of such stringent requirements would be inconsistent with the general purpose and intent of the Code Parking Requirement and the LAMC.

#### Approval of Reduced On-Site Parking/Shared Parking (12.21-A.4(y))

The City Planning Commission considered the project site characteristics, proposed parking plan, and relevant environmental documentation contained in the record to determine that there are special circumstances that support use of the purposed on-site shared parking plan. The City Planning Commission also considered these circumstances in connection with concerns raised by the public regarding this reduced/shared parking request as they were discussed at its hearing on March 28, 2013.

In particular, the City Planning Commission considered the unique circumstances of locating a single, unified development with some combination of residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness club uses, and retail establishments across a city street (Vine Street), less than 500 feet from the Red Line Metro Station, and with a project-specific TDM Program support the request for reduced/shared parking.

The unusual step of locating the project on both sides of Vine Street significantly enhances the resulting project and the effect of the project on the neighborhood in two significant ways. First, the project will activate four sidewalks (Ivar Avenue, both sides of Vine Street and Argyle Avenue) on two city blocks. Second, the project's open design

across the east and west sides of Vine Street will invite pedestrians up from areas of the Vine Street corridor south of the project and the bustling corner of Hollywood Boulevard and Vine Street. Additionally, the project's location spanning Vine Street enables the project to redevelop an area almost entirely composed of surface parking lots into a development of more than one million square feet of net new development while maintaining the historic Capitol Records and Gogerty Building. The unique design element of spanning a unified development across an existing city street will be maintained as a central design element of the project.

Moreover, the project is a transit-oriented development located in a dense urban environment ripe for reduced parking. The southeast corner of the project along Argyle Avenue is approximately 430 feet from the entrance to the Red Line Metro Station on Hollywood Boulevard just east of Vine Street. The project is also less than 300 feet from the corner of Hollywood Boulevard and Vine Street. Both streets are major arterial thoroughfares serviced by numerous bus lines, including Metro Rapid busses. The project site is also immediately adjacent to the Hollywood Freeway (U.S. 101) - an off-ramp from the southbound Hollywood Freeway is located less than one block from the project just south of the intersection of Franklin Avenue and Vine Street, and on-ramps to the northbound and southbound Hollywood Freeway are located at the corner of Franklin and Argyle Avenues and just north of the intersection of Yucca Street and Argyle Avenue, respectively. Accordingly, the location of the project near numerous transit options reduces the need for on-site parking facilities.

24. **That such variance 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 special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

Restaurant Use with Above-Ground Floor Outdoor Eating

Numerous other sites in the surrounding area with similar uses have been granted variances and adjustments to facilitate unique design features, such as the Music Box, the W Hotel, and the Redbury Hotel. These uses often exist on above-ground terraces, mezzanines and rooftops of buildings, which allow for and take advantage of the visibility of the Hollywood Hills and the surrounding cityscape. The project will redevelop a currently underutilized project area primarily operated as surface parking into a development that enlivens the Hollywood Boulevard Commercial and Entertainment District by attracting residents and visitors, both day and night, through a mix of economically viable, commercial, residential, entertainment and community-serving uses that add to those already existing in Hollywood. In order for the project to provide uses necessary to ensure the viability and competitiveness of the project, the provision of above ground outdoor eating establishment is necessary design feature. Additionally, the outdoor eating amenity will further complement existing and proposed development in the Hollywood area.

Parking Variance (Fitness/Sports Club)

The applicant has proposed to redevelop surface parking areas into a substantial, mixed-use development that is consistent with the General Plan, Hollywood Community Plan and Update and Hollywood Redevelopment Plan. The applicant is also receiving approval of a Conditional Use Permit for a Unified Development, and the approval is conditioned on the applicant's recordation of a covenant guaranteeing continued operation of the project as a unified development. To require parking as if the project

was not a single, integrated mixed-use development located adjacent to the Red Line Metro Station would impose an unnecessary hardship on the applicant.

The variance is necessary for the preservation and enjoyment of substantial property rights and uses generally possessed by other properties in the same zone and vicinity, but which, because of special circumstances and practical difficulties or unnecessary hardships, are denied for the site. The project is preserving the historic Capitol Records and Gogerty Buildings and will continue to provide parking for those uses. In doing so, however, the site is burdened in ways that the surrounding properties are not. As such, the variance is necessary for the applicant to provide adequate parking for the future tenants of the project, while preserving the historic Capitol Records and Gogerty Buildings, in a manner that is comparable to that enjoyed by the owners of many other parcels in the same zone and vicinity.

Approval of Reduced On-Site Parking/Shared Parking (12.21-A.4(y))

The project will provide parking in a manner consistent with the various exceptions in the Code which recognize the unique characteristics of mixed-use developments and the need to incentivize projects within close proximity to mass transit. The applicant's commitment to preserve the Capitol Records and Gogerty Buildings while simultaneously revitalizing large surface parking lots not only improves the economic and aesthetic vitality of Hollywood, but satisfies the Hollywood Community Plan's goals of achieving a jobs and housing balance in Regional Center Commercial land uses area. The parking reduction/shared parking provision reflects the project's jobs-housing balance by providing an intense mix of restaurant, retail, office, and fitness club use available to on-site residents.

Therefore, the reduced/shared parking is necessary for the applicant to provide adequate parking for the future tenants of the project, while preserving the historic Capitol Records and Gogerty Buildings, in a manner comparable to other developments in the same zone and vicinity which have also taken advantage of the reduced parking exceptions.

25. **That the granting of such variance 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.**

Restaurant Use with Above-Ground Floor Outdoor Eating

Allowing the project to incorporate outdoor eating areas above the ground floor 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 use is compatible with the surrounding regional commercial uses and complements the City's vision of Hollywood as a thriving entertainment district. The project's unique architectural features, including outdoor dining areas with scenic overlooks and landscaped, pedestrian-friendly open space, will benefit the public welfare by creating an interesting mixed-used development that will enhance Hollywood's image as an entertainment destination and a desirable place to live and work. The LAMC's restriction on above-ground outdoor dining is no longer in keeping with the City's vision for Hollywood, nor does the restriction encourage the advancement of Hollywood as a nationally-recognized dining and entertainment area. Further, the general intent of the regulation, to regulate noise, would still be accommodated by the project. The above the ground floor dining establishments do not create significant noise impacts as demonstrated in the project's environmental impact report. A variance to allow above-ground dining will

advance the City's plan by significantly increasing the project area's open space, walkability, and unique views of Los Angeles. The project's facilities, including those above-ground, will attract world-class restaurants and cafes that will benefit project residents, the general public, and tourists alike.

Parking Variance (Fitness/Sports Club)

Allowing the applicant to provide sports club parking at the same rate as general commercial use parking will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity. Departing from a rigid application of the technical requirement will not adversely impact surrounding properties or improvements because parking will be required for the sports club in a manner consistent with several exceptions in the code which reflect incentives for mixed-use developments and those which are located in close proximity to public transit. Because the project will provide amenities and uses that would encourage residents to use on-site, the variance will not be materially detrimental or injurious to other property or improvements elsewhere.

Approval of Reduced On-Site Parking/Shared Parking (12.21-A.4(y))

As previously mentioned, the approval of reduced on-site/share parking will not be materially detrimental to the public welfare or injurious to the property in the same vicinity because the project will improve the existing conditions and will enhance the economic and pedestrian activity of the surrounding community. The project will create a mixed-use campus that maintains the historic Capitol Records and Gogerty Buildings, that concentrates new development in close proximity to mass transit, and which is consistent with the General Plan, the Hollywood Community Plan and Update, and the Hollywood Redevelopment Plan. Allowing the applicant to utilize shared parking recognizes the parking exceptions in the Code, which seek to encourage mixed use developments in proximity to public transit. Varying from a rigid application of the technical requirement does not adversely impact surrounding properties or improvements because by virtue of their land use designation, zone, and proximity to public transit, are able to invoke the same parking exceptions provided for in the LAMC.

26. **That the granting of such variance will not adversely affect any element of the General Plan.**

Restaurant Use with Above-Ground Floor Outdoor Eating

The granting of this variance will not adversely affect any element of the General Plan. The use of outdoor terraces for dining and entertainment is consistent with the Hollywood Community Plan goal of being a "major center of population, employment, retail services, and entertainment," as well as other goals and policies in the General Plan and the Community Plan Update. The use of unique and innovative architectural elements will help to transform the area into a thriving entertainment district and desirable place to live. Allowing well-designed and effectively-programmed outdoor dining above the ground floor will not hinder the achievement of community redevelopment goals, nor will it negatively affect the character of development in the immediate neighborhood. Rather, the project will promote revitalization of an underutilized area by providing a true mixed-use development, a project compatible with surrounding retail, restaurant and other commercial uses, and that will enhance Hollywood.

Parking Variance (Fitness/Sports Club)

Granting the variance will not adversely affect any element of the General Plan. Enforcing the intent of the stand-alone parking requirement for health clubs by permitting the applicant to provide parking at the same rate as general commercial uses, will not hinder the achievement of community redevelopment goals, nor will it negatively affect the character of development in the immediate neighborhood.

Further, the Community Plan Update includes a Mobility Plan chapter that guides the land use and transportation policies of the Community Plan so that citywide transportation policies established in the General Plan Framework and the Transportation Element are carried out in the Hollywood Community Plan. The Mobility Plan also has policies to improve utilization of existing parking resources, shared parking, and district valet programs. For example, Policy M.102 calls for the consideration of parking reductions for projects located within 1,500 feet of a Metro rail station. Policy M.106 calls for supporting proposal to build parking structures which can be used by multiple customer groups in areas of high demand. As such, granting the variance would promote the policies of the Community Plan.

Approval of Reduced On-Site Parking/Shared Parking (12.21-A.4(y))

The property is subject to the requirements of the Hollywood Community Plan Update, which is part of the Land Use Element of the City's General Plan. The grant of reduced/shared parking would not adversely affect the Hollywood Community Plan or any other element of the General Plan as both encourage the development of mixed-use projects with housing and pedestrian-oriented commercial uses along major transit corridors. As a result, the mix of uses within the project reflect the City's land use goals because they provide compatible uses to an underutilized, commercially zoned property located along a major transit corridor and adjacent to high-capacity transit.

Further, the Community Plan Update includes a Mobility Plan chapter that guides the land use and transportation policies of the Community Plan so that citywide transportation policies established in the General Plan Framework and the Transportation Element are carried out in the Hollywood Community Plan. The Mobility Plan also has policies to improve utilization of existing parking resources, shared parking, and district valet programs. For example, Policy M.100 encourages the sharing of parking resources provided by new development, Policy M.102 calls for the consideration of parking reductions for projects which are located within 1,500 feet of a Metro station, and Policy M.106 calls for supporting proposal to build parking structures which can be used by multiple customer groups in areas of high demand. As such, granting the reduced/shared parking would further the policies of the Community Plan Update.

**FINDINGS OF FACT (CEQA)****I. INTRODUCTION**

Millennium Partners, LLC (the Project Applicant), is proposing to develop a mixed-use development that spans the north half of two blocks (i.e., the East Site and West Site) on either side of Vine Street between Hollywood Boulevard and Yucca Street. The Project Site is currently occupied by commercial and office uses and surface parking lots including the Capitol Records Building and the Gogerty Building (the Capitol Records Complex). The Capitol Records Complex on the East Side will be preserved and maintained and the rental car facility on the West Site will be demolished. The Project will develop a mix of land uses, including some

combination of residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness center uses, and retail establishments.

The project includes Development Regulations, which establish the requirements for development on the Project Site. Wherever the Development Regulations contain provisions, which establish requirements that are different from, or more or less restrictive than, the zoning or land use regulations in the Los Angeles Municipal Code (LAMC), the Development Regulations shall prevail. Where the Development Regulations are silent, the LAMC and governing land use policies of the General Plan shall prevail.

## II. ENVIRONMENTAL DOCUMENTATION BACKGROUND

In compliance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was prepared by the Department of City Planning and distributed to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties on April 28, 2011. The NOP for the Draft EIR was circulated until May 31, 2011.

A Notice of Availability (NOA) and the Draft EIR were submitted to the State Clearinghouse, Office of Planning and Research, various public agencies, citizen groups, and interested individuals for a 45-day public review period from October 25, 2012, through December 10, 2012.

During that time, the Draft EIR was also available for review at the City of Los Angeles Department of City Planning, various City libraries, and via Internet at <http://cityplanning.lacity.org>. The Draft EIR analyzed the effects of a reasonable range of alternatives to the Project. Following the close of the public review period, written responses were prepared to the comments received on the Draft EIR. Comments on the Draft EIR and the responses to those comments are included within the Final EIR (Final EIR).

The Final EIR is comprised of: an Introduction; List of Commenters; Responses to Comments; Corrections and Additions to the Draft EIR; a Mitigation Monitoring and Reporting Program; and Appendices. The Final EIR, together with the Draft EIR, makes up the Final EIR as defined in CEQA Guidelines Section 15132 (the Final EIR).

The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA findings are based are located at the Department of City Planning, 200 North Spring Street, Room 750. This information is provided in compliance with CEQA Section 21081.6(a)(2).

## III. FINDINGS REQUIRED TO BE MADE BY LEAD AGENCY UNDER CEQA

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

- A. The first possible finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (State CEQA Guidelines Section 15091, subd. (a)(1))
- B. The second possible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (State CEQA Guidelines Section 15091, subd. (a)(2))

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

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set forth therein. Although Section 15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR. For each of the significant impacts associated with the Project, either before or after mitigation, the following sections are provided.

Description of Significant Effects - A specific description of the environmental effects identified in the Final EIR, including a judgment regarding the significance of the impact.

Mitigation Measures - Identified mitigation measures or actions that are required as part of the Project.

Finding - One or more of three specific findings in direct response to CEQA Section 21081 and CEQA Guidelines Section 15091.

Rationale - A summary of the reasons for the finding(s).

Reference - A notation on the specific section in the Draft EIR or Final EIR, which includes the evidence and discussion of the identified impact.

The documents and other materials that constitute the record of proceedings on which the City of Los Angeles' CEQA findings are based are located at the Department of City Planning, Environmental Review Section, 200 North Main Street, Room 750, Los Angeles California 90012. This information is provided in compliance with CEQA Section 21081.6(a)(2).

#### IV. DESCRIPTION OF PROPOSED PROJECT

The Project Site is located within the Hollywood Community Planning Area of the City. Yucca Street, Ivar Avenue, Argyle Avenue, and Hollywood Boulevard generally bound the Project Site. Please see Figure II-1, Regional and Project Vicinity Map. The Project Site is bisected by Vine Street, which thereby creates two development subareas referred to as the West Site and the East Site, respectively. The West Site is approximately 78,629 square feet (1.81 acres) and the East Site is approximately 115,866 square feet (2.66 acres), for a combined lot area of approximately 194,495 square feet (4.47 acres).

The Project would develop a mix of land uses, including some combination of residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness center uses, and retail establishments. The Development Regulations and the Land use Equivalency Program afford flexibility with regard to the proposed arrangement and density of specific land uses, siting, and massing characteristics.

Particularly, the Equivalency Program would provide development flexibility so that the Project could respond to the growth of Hollywood and market conditions over the build-out duration of the development. Land uses to be developed would be allowed to be exchanged among the permitted land uses so long as the limitations of the Equivalency Program are satisfied and do

not exceed the analyzed upper levels of environmental impacts that are identified in this Draft EIR or exceed the maximum Floor Area Ratio (FAR). All permitted land use increases can be exchanged for corresponding decreases of other permitted land uses under the proposed Equivalency Program once the maximum FAR is reached. Further, the maximum allowable peak hour trips permitted under any development scenario would be limited to 574 AM peak hour trips and 924 PM peak hour trips (the Trip Cap). The total development of land uses for the Project resulting from the Land Use Equivalency Program will not exceed this Trip Cap.

As flexibility is contemplated in the Development Regulations with regard to particular land uses, siting, and massing characteristics, a conceptual plan has been prepared as an illustrative scenario to demonstrate a potential development program that implements the land use and development standards (Concept Plan). Thus, the defined Concept Plan presented in the Final EIR represents one scenario that may result from the approval of the proposed Development Regulations. The Concept Plan provides an illustrative assemblage of land uses and developed floor area that conforms to the terms of the Development Regulations. The Concept Plan is based on the 2008 Entitlement Application that was initially filed with the City in 2008. The Concept Plan includes approximately 492 residential dwelling units (approximately 700,000 square feet of residential floor area), 200 luxury hotel rooms (approximately 167,870 square feet of floor area), approximately 215,000 square feet of office space including the existing 114,303 square-foot Capitol Records Complex, approximately 34,000 square feet of quality food and beverage uses, approximately 35,100 square feet of fitness center/sports club use, and approximately 15,000 square feet of retail use. The Concept Plan would result in a total developed floor area of approximately 1,166,970 square feet, which yields an FAR of 6:1.

The residential portion of the Concept Plan consists of 492 residential units (approximately 700,000 square feet). The dwelling units would be located on both the East and West Sites. The proposed Concept Plan consists of 200 luxury hotel rooms (approximately 167,870 square feet of floor area), including ancillary uses such as the lobby, registration area, conference rooms, hotel office, internal food and beverage uses, and back of house areas. The hotel use will include a tract map to operate internal food and beverage uses as separate entities from the hotel. Approximately 215,000 square feet of office space would be provided with the Concept Plan, including the approximately 114,303 square feet of existing office and recording studio uses at the Capitol Records Complex that would remain. Vehicular ingress and egress to the Capitol Records Complex office space would continue to be provided through the existing Yucca Street and Argyle Avenue entrances. Approximately 15,000 square feet of retail uses and approximately 34,000 square feet of food and beverage uses would be provided under the Concept Plan. Pedestrian access within the West Site would connect Vine Street to Ivar Avenue. Commercial uses on the East Site would be along a pedestrian plaza connecting Vine Street to Argyle Avenue and fronting Argyle Avenue, activating the Project's eastern street frontage. An approximately 35,100 square-foot fitness center/sports club is included as part of the Concept Plan. Amenities at the fitness center/sports club might include a spa that is open to the public and a child activity center for the benefit of members visiting the facility. The spa would include a full menu of services including massage, manicure and pedicure services, among other services. The fitness center/sports club would be accessible to residents of the Project and hotel guests, and a membership program will be available to the general public.

The EIR also identified and analyzed two additional development scenarios, the Commercial Scenario and the Residential Scenario that could be developed on the Project Site through implementation of the Development Regulations. The Commercial Scenario would consist of approximately 461 residential dwelling units (approximately 507,100 square feet of floor area), 254 luxury hotel rooms (approximately 190,567 square feet of floor area), approximately 264,303 square feet of office space including the existing 114,303 square-foot Capitol Records Complex (a net increase of 150,000 square feet of office use) approximately 100,000 square feet of retail space, approximately 25,000 square feet of quality food and beverage uses, and an

approximately 80,000 square-foot fitness center/sports club use. The Residential Scenario would consist of approximately 897 residential dwelling units (approximately 987,667 square feet of residential floor area), no hotel uses, no increase in office space beyond the 114,303 square feet of office space that currently exists in the Capitol Records Complex, approximately 25,000 square feet of retail space, approximately 10,000 square feet of quality food and beverage uses, and approximately 30,000 square feet of fitness center/sports club uses.

The Project would provide on-site parking in accordance with the parking requirements of the LAMC, and as otherwise permitted through the discretionary actions for the Project. The actual number of parking spaces required for the Project will be dependent upon the land uses constructed in accordance with the Equivalency Program. For the commercial office, retail, and restaurant uses the Project would provide at least two (2) parking spaces for every 1,000 square feet. For the fitness center/sports club use, subject to the requested variance, two (2) parking spaces would be provided for every 1,000 square feet of floor area for the building. For the residential uses the Project would provide one (1) parking space for dwelling units of less than three (3) habitable rooms, one-and-a-half (1.5) parking spaces for dwelling units of three (3) habitable rooms, and two (2) parking spaces for dwelling units of three (3) or more habitable rooms. Consistent with the policies of the Redevelopment Plan and Community Plan Update a shared parking program would be applied on the Project Site when the uses have different parking requirements and different demand patterns in a 24-hour cycle. The intent for a shared parking program is to maximize efficient use of the Project Site by matching parking demand with complementary uses.

The Project's use of signage and lighting would be in conformance with all applicable laws and regulations. No off-site advertising signage is proposed as part of the Project. The Project Site is located within the Hollywood Signage SUD (Ord. No. 181340, LAMC Section 13.11), and is thus subject to the rules and regulations established in the Hollywood Signage SUD. The Project's signage will include directional way-finding signs, on-site tenant identification signs, and informational signage as permitted by the Municipal Code. The Project will be in conformance with all applicable requirements of the Hollywood Signage SUD, the Building Code and the Development Regulations.

The development of open space is an important objective for the overall Project design. Open space will be used to enhance the experience of visitors and residents. Open space will also enable important pedestrian linkages and through-block connections for the Project. Grade level open space will be designed to showcase the Capitol Records Building and Jazz Mural and will include design features and outdoor furniture to enliven the ground floor amenities. The Development Regulations will ultimately determine the amount and placement of open space on the Project Site. In addition, the Development Regulations will set forth the standards and guidelines for all open space areas for the Project, including areas to be accessible to the public (grade level open space, publicly accessible passageways, and any observation deck-level rooftop open space which may be built) and areas to be designed for the residential uses (common open space and private open space).

The Development Regulations establish heights zones (A, B, C, and D) and maximum floor plates for the towers to limit maximum building heights and control bulk. These regulations respond to the Development Objectives requiring context with the built environment and to preserve public view corridors to the Capitol Records Building. The Project would involve the development of four various height zones, as identified in Figure II-8, Millennium Hollywood Site Plan Height Zone Overlay of the Draft EIR. The Height Zones include the following:

- Height Zone A would permit development to a maximum of 220 feet above grade and would be located on the northwest portion of the West Site.

- Height Zone B would permit development to a maximum of 585 feet above grade and would be located on the eastern half of the West Site.
- Height Zone C would be located on the west side of the East Site fronting Vine Street (south of the Capitol Records Building) and would permit buildings to be a maximum of 585 feet above grade.
- Height Zone D would be located on the east side of the East Site fronting Argyle Avenue and would permit buildings to a maximum height of 220 feet above grade.

In addition to the Height Zones, the scale and massing of the Project will be regulated pursuant to the Development Regulations in a manner that the buildout of the Project will occur within a pre-determined massing envelope. The tower elements will be required to conform to the tower massing standards in the Development Regulations that apply to the portion of a building located 150 feet above the curb level. The standards regulate total floor plate for the towers and bulk below 220 feet depending on the height of the proposed towers and their location on the Project Site, whether on the East Site or West Site. For example, a tower located on the East Site with a maximum height between 221 and 550 feet could have a maximum floor plate of 17,380 square feet.

The City of Los Angeles Department of City Planning is the Lead Agency for the Project. In order to construct the Project, the Project Applicant is requesting approval of the following discretionary actions from the City of Los Angeles and/or other agencies:

- Vesting Tentative Tract Map for the subdivision of the mixed-use development.
- Vesting Zoning Change from C4 Zone to the C2 Zone (to permit Fitness Center/Sports Club use).
- Height District Change to remove the D Development limitation.
- Conditional Use Permit for limited sale and on-site consumption of alcoholic beverages, live entertainment, and floor area ratio averaging in a unified development.
- Vesting Conditional Use Permit for a hotel within 500 feet of an R Zone.
- Variance for sports club parking, and for restaurants with outdoor eating areas above the ground floor.
- City Planning Commission Authority for Reduced On-Site Parking with Remote Off-site Parking or Transportation Alternatives to allow for shared parking/reduced on-site parking.
- Demolition, grading, excavation, and foundation permits.
- Haul Route Approval.
- Any other discretionary actions or approvals that may be requested to implement the Project.

Other reviewing departments within the City may include:

- Los Angeles Police Department (Site Plan Review).
- Los Angeles Fire Department (Site Plan Review, Hydrants Unit Sign-Off).

- Los Angeles Department of Transportation (B-Permit Sign-Off, Traffic Study Review, Site Plan Review for Driveway Access and Pedestrian Safety).
- Building and Safety (Site Plan Review, Building Permits, Certificate of Occupancy).

Other Responsible Agencies within the City may include:

- DLA design review for projects within the Hollywood Redevelopment Project Area as may be applicable. The Project Applicant is also seeking DLA approval, or City approval should DLA authority be transferred to the City, to permit a floor area ratio in excess of 4.5:1 in accordance with the applicable land use policies of the Hollywood Redevelopment Plan.

#### V. ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT

Section 15128 of the CEQA Guidelines states that an EIR shall contain a brief statement indicating reasons that various possible significant effects of a project were determined not to be significant and not discussed in detail in the Draft EIR. An Initial Study was prepared for the project and is included in Appendix A of the Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impact areas and the reasons that each topical area is or is not analyzed further in the Draft EIR.

The City of Los Angeles Planning Department prepared an Initial Study for the Project, in which it determined that the Project would not have the potential to cause significant impacts in the areas of Agricultural and Forestry Resources, Biological Resources, and Mineral Resources. Therefore, these issue areas were not examined in detail in the Draft EIR or the Final EIR. The rationale for the conclusion that no significant impact would occur is also summarized below:

##### a. Agricultural and Forestry Resources

The Project is located in a highly developed area of the City, does not contain any agricultural uses, and is not delineated as agricultural land on any maps prepared pursuant to the Farmland Mapping and Monitoring Program. The Project Site is fully developed with urban uses (structures and parking lots) and does not contain any agricultural resources or forestland. The Project Site does not have the potential to convert farmland to a non-agricultural use or forestland to a non-forest use. The Project Site is not zoned for agricultural or forest use and as the City does not participate in the Williamson Act, the Project would not conflict with a Williamson Act contract. There would be no Project-specific or cumulative impacts to agricultural or forestry resources.

##### b. Biological Resources

The Project Site is in an area characterized by urban development. There are no natural open spaces or areas of significance, areas that might act as a wildlife corridor or facilitate movement of any resident or migratory fish or wildlife species, nor any areas of significant biological resource value that may be suitable for sensitive plant or animal species in either's vicinity. Furthermore, no candidate, sensitive or special status species identified in local plans, policies, or regulations or by the California Department of Fish and Game, the California Native Plant Society, or the U.S. Fish and Wildlife Service would be expected to occur at the Project Site.

Likewise, the Project Site does not contain riparian or other sensitive habitat areas that are located on or adjacent to the Project Site. Accordingly, the Project does not have the potential to have a substantial adverse effect on wetland habitat or "waters of the United States" as defined by Section 404 of the Clean Water Act. Local ordinances protecting biological resources are limited to the City of Los Angeles Protected Tree Ordinance. The trees currently present at the Project Sites are common ornamental tree species. Finally, the Project Site and surrounding areas are not part of a draft or adopted Habitat Conservation Plan, Natural Community Conservation Plan, nor other approved local, regional, or State habitat conservation plan. Therefore, no impact related to any such plan would occur and the Project would have no impact on biological resources.

c. Mineral Resources

The Project Site is not known to be the likely source for any mineral resources of value to the region, residents, or the State. The Project Site is not located within a locally important mineral resource recovery area delineated on a local general plan, specific plan, or other land use plan. Furthermore, as the Project Site is currently developed, the Project would not alter its status with respect to the availability of mineral resources.

VI. IMPACTS FOUND NOT TO BE SIGNIFICANT PRIOR TO MITIGATION (No Mitigation Measures Required to Reduce Impacts)

The following effects associated with the Project were analyzed in the Draft EIR and found to be less-than-significant prior to mitigation and no mitigation measures are required:

**Land Use and Planning (Land Use Consistency)**

The Project would not conflict with the City's General Plan or any other applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (i.e., SCAG) adopted for the purpose of avoiding or mitigating an environmental effect. Also, development of the Project Site would not conflict with, and would work to implement, key regional goals, policies, and strategies applicable to the Project and surrounding areas. Further, development of the Project under the Concept Plan would not be considered a regionally significant project pursuant to SCAG and the State CEQA Guidelines.

As discussed in Section IV.G. Land Use Planning, and in Sections IV.B.1 Air Quality and IV.I Population, Housing, and Employment, of the Draft EIR, the Project is consistent with regional planning, transportation, and air quality strategies to promote infill development and to discourage urban sprawl. The Project also serves an unmet housing need that contributes to lower urban sprawl and attendant air quality and congestion impacts by providing housing opportunities near existing employment and by providing new jobs near existing housing.

The Project would be consistent with SCAG's adopted land use plans for the region. Specifically, the Project would be consistent with the adopted 1996 RCPG, 2008 RCP, 2008 RTP, and the Compass Blueprint 2% Strategy. The Project is also generally consistent with, density, lot area, setback, height and open space requirements of the LAMC, and would be consistent with the FAR zoning designation with the granting of the zone change/height district change. Further, the Project would be consistent with adopted local plans such as the City's General Plan, Redevelopment Plan, and the Hollywood Community Plan and Update. The Project is also consistent with the goals of the Draft Hollywood Boulevard District and Franklin Avenue Design District Urban Design Standards and Guidelines.

With regard to the Walkability Checklist, the pedestrian-oriented design features incorporated into the Project would meet the Walkability Checklist objectives for projects within the public and private realm to improve pedestrian access, comfort and safety. The Project's orientation, building frontages, on-site landscaping, off-street parking, driveways, building signage and lighting within the private realm would be consistent with the guidelines established in the Walkability Checklist.

The Project is also compatible with the applicable good-planning practices set forth in the Do Real Planning publication. The Do Real Planning principles set forth a number of objectives for building neighborhoods and communities that preserve a neighborhood's character and promoting good planning initiatives. Specifically, the Project meets Do Real Planning objectives by enhancing walkability, offering good fundamental design, creating density around transit, encouraging housing for every income, locating jobs near housing, arresting visual blight, providing abundant landscaping and implementing smart parking strategies.

Therefore, Project impacts and cumulative impacts would be less than significant with respect to land use and planning, prior to mitigation.

#### **Land Use and Planning (Divide Established Community/Land Use Compatibility)**

Development of the Project would not divide an established community; rather, it would introduce compatible infill development into an area of the City that is already urbanized. While the Project may be larger in terms of scale and height than the surrounding development, it will introduce similar and compatible uses to the community. Further, with the numerous open spaces, plazas, and pedestrian passageways, the Project will serve as a gathering place as well as a link to surrounding uses and adjoining mass transit, arterials, and freeways. Development of the Project Site would not result in the permanent closure of any Project area roadways. As such, no impacts associated with division of an established community would occur.

With respect to land use compatibility, the Project Site is surrounded by a mix of uses including public facilities and a seven-story office building to the north, a multi-family residential building to the east, a mix of commercial, entertainment, retail, and office buildings with associated parking to the south, and commercial, retail, and entertainment, and residential buildings with associated parking to the west. The Project would not physically divide an established community and would be compatible with the surrounding land uses, density, and the overall urban community surrounding the Project Site. Therefore, Project and cumulative impacts with regard to land use compatibility and the division of an established community would be less than significant and no mitigation is required.

#### **Population and Housing**

The Residential Scenario includes approximately 405 more residential units than the Concept Plan. These units would be added to the Hollywood Community Plan Area. Even with the increased residential units, the Project's direct households represent only approximately 0.06 percent of the households forecasted for 2035 in the City of Los Angeles, or approximately 0.43 percent of the growth forecasted between 2012 and 2035.

In addition, the approximately 897 units associated with the Residential Scenario would generate approximately 1,966 new residents. This represents 0.05 percent of SCAG's population estimate for the City of Los Angeles for 2035, and 0.4 percent of the population growth forecasted between 2012 and 2035. The Residential Scenario would contribute toward, but not exceed, the population growth forecast for the City of Los Angeles, and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT.

The Project would increase the density of residential uses, bringing more housing units closer to major employment centers. This additional density would be located in an area currently served by public transit (Metro Red Line, Hollywood DASH, and LADOT Commuter Express 422 & 423), and would be located near existing transportation corridors. The Project's density falls within the range of densities found within the area, and provides housing closer to jobs at densities that are consistent with the VMT reduction strategies of the RCPG and AQMP. Therefore, for these reasons, Project and cumulative related population and housing impacts would be less than significant and no mitigation is required.

### **Employment**

The Commercial Scenario would generate approximately 1,635 direct jobs. Using the information described in the Draft EIR, the Project's forecasted employment represents approximately 0.086 percent of SCAG's projected 2035 employment in the City of Los Angeles, and approximately 0.95 percent of the employment growth between 2008 and 2035. The Project is, therefore, consistent with SCAG's employment forecast for the City of Los Angeles.

In addition, the Project's increase in employment represents approximately 1.37 percent of SCAG's projected employment in the Hollywood Community Plan Area in 2030. The growth related to the Project-related permanent jobs is accounted for in the applicable job and employment forecasts. Thus, the Project would not result in substantial job-related growth that would cause adverse physical change in the environment and Project-specific and cumulative impacts would be less than significant and no mitigation is required.

### **Utilities and Service Systems (Wastewater)**

The Commercial Scenario has been identified as the development plan that could have the maximum potential impacts to wastewater services, given its greater potential increase in total occupancy at the Project Site. Based on the estimated flow, the sewer system will accommodate the total flow for the Project under the Commercial Scenario. Wastewater from the Project Site would be subsequently conveyed to the Hyperion Treatment Plant (HTP), which has a remaining treatment capacity of approximately 88 million gpd. The 158,940 gpd net increase in wastewater over the existing Project Site uses represents approximately 0.2 percent of the remaining capacity at the HTP. Therefore, the HTP has enough remaining capacity to accommodate the Project under the Commercial Scenario as well, a fact also confirmed by the City's Bureau of Sanitation (BOS). Further, the City's implementation of the Sewer Allocation Ordinance assures that sufficient capacity is available at the HTP at the time a building permit is issued by the City.

Thus, the Project's additional wastewater flows would not substantially or incrementally exceed the future scheduled capacity of any one treatment plant by generating flows greater than those anticipated in the Wastewater Facilities Plan or General Plan and its amendments. Impacts upon wastewater treatment capacity as a result of the Project would be less than significant.

As described in the City's BOS letter, further detailed gauging and evaluation may be needed as part of the permit process to identify the most suitable sewer connection point(s). If, for any reason, the local sewer lines have insufficient capacity, then the Project Applicant will be required to build a secondary line to the nearest larger sewer line with sufficient capacity. The BOS identified the connection to be made as either to the 8-inch line on Vine Street and/or the existing 12-inch line on Yucca Street. The construction of a secondary line, if necessary, would not result in significant impacts as the construction would be of short duration and with the implementation of best practices, such as the use of a flagman during work in the public right of way during construction, would not significantly impact traffic or emergency access. A final

approval for sewer capacity and connection permit will be made at the time of final building design.

Further, the Project would not result in the requirement of construction of new storm water drainage facilities or expansion of existing facilities and the Project does not result in a measurable increase in wastewater flows at a point where, and a time when, a sewer's capacity is already constrained or that would cause a sewer's capacity to become constrained. Overall, impacts related to the Project, and cumulative related projects, would be considered less than significant prior to mitigation.

### **Energy (Electricity and Natural Gas)**

The Commercial Scenario is estimated to demand approximately 10,034,399 kw-h/year of electricity. The Project annual electricity consumption would represent approximately 0.0379 percent of the forecasted electricity consumption in 2020. Thus, the Commercial Scenario is within the anticipated demand of the LADWP system and LADWP's planned electricity supplies would be sufficient to support the Project's electricity consumption. The Commercial Scenario would not require the acquisition of additional electricity resources beyond those that are anticipated by LADWP.

Under existing conditions, the LADWP is able to supply 7,197 mw of power with a peak of 6,142 mw. Thus, there is 1,055 mw of additional power capacity. If the Project demand of approximately 10,034 mw-h/year in energy were operating at full load for a full year (8,760 hours), it would be approximately 1.14 mw of power. This represents 0.11 percent of the additional power capacity at existing levels. Peak demand is expected to grow to 6,211 mw in 2020 and 7,000 mw in 2030. Despite these growth projections, they would still not exceed the existing capacity of 7,197 mw. Thus, there is adequate supply capacity and the operational impacts associated with the consumption of electricity would be less than significant and no mitigation is required. It should also be noted that the Project's estimated electricity consumption is based on usage rates that do not account for the Project's energy conservation features. Therefore, actual electricity consumption from the Project would likely be lower than estimated.

The Commercial Scenario is estimated to demand approximately 3,654,924 cf/month (121,831 cf/day) of natural gas. The natural gas demand is based on natural gas usage rates from the SCAQMD and without taking credit for the Project's energy conservation features, which would reduce natural gas usage. SCG is able to supply 4.84 million cf/day with current peak demand of 4.6 million cf/day. Thus, there is approximately 230,000 cf/day of additional capacity. The Project's demand is approximately 121,831 cf/day. This represents approximately 53 percent of the additional natural gas capacity at existing levels. Peak demand is expected to grow to over 6 million cf/day in both 2020 and 2030. Despite these growth projections, the Project's natural gas demand still would not exceed the existing supply of 4.84 million cf/day. Thus, there is adequate supply capacity and impacts would be less than significant.

Further, the Commercial Scenario's natural gas consumption would represent approximately 0.02 percent of SCG total natural gas supply in 2030. The Commercial Scenario would not require the acquisition of additional natural gas resources beyond those existing or those anticipated by SCG.

Therefore, Project impacts and cumulative impacts would be less than significant with respect to energy and no mitigation is required.

**Transportation-Parking (Construction-Temporary Parking Lane Closures and Operational)****Construction-Temporary Parking Lane Closures**

Limited segments of parking lanes are anticipated to be temporarily closed along the east side of Ivar Avenue, the south side of Yucca Street (between Ivar Avenue and the Project Site boundary), the east and west sides of Vine Street fronting the Project Site, and the west side of Argyle Avenue fronting the Project Site. The closure of these parking lanes would result in the temporary displacement of approximately 21 existing metered parking spaces, including: four (4) spaces on the east side of Ivar Avenue fronting the West Site, six (6) metered spaces on the south side of Yucca Street fronting the West Site, two (2) spaces on the west side of Vine Street fronting the West Site, and nine (9) spaces on the east side of Vine Street fronting the East Site.

In addition, two (2) existing taxi loading spaces located in the southbound parking lane on Vine Street fronting the West Site would be temporarily displaced. All parking lane closures would be conducted through the review and approval of the LADOT permitting process. In the event that the entire Project Site is developed at one time, the loss of 21 on-street parking spaces would occur at the same time throughout the duration of the construction process. If construction is staggered such that concurrent construction on both Sites does not occur, the temporary displacement of on-street parking would be reduced to the displacement of 12 spaces during the construction of the West Site and nine (9) spaces during the construction period for the East Site. Because the loss of on-street parking would be temporary, Project impacts associated with temporary parking lane closures would be less than significant.

**Operational**

The Parking Standards that are proposed as part of the Development Regulations are generally consistent with the LAMC parking requirements. The Project Applicant is however requesting an exception to the LAMC required parking for fitness center/sports club uses. Under the LAMC, one parking space is required for every 100 square feet of area. However, if the fitness center/sports club use is located within a building that contains at least 50,000 square feet of office space, the LAMC requirement is two (2) spaces per 1,000 square feet of area. Under the proposed Development Regulations and pursuant to the requested variance the requirement for the fitness center/sports club use would be the same as for other commercial uses and as for a fitness center/sports club use within a 50,000 square foot office space, which is two (2) spaces per 1,000 square feet. For example, under the Concept Plan and the Commercial Scenario, the fitness center/sports club use would be within the approximately 215,000 square feet of office space, and thus, the two (2) spaces per 1,000 square feet requirement would apply. However, under the Residential Scenario, no new office use would be constructed. The fitness center/sports club parking would still be parked at two (2) spaces per 1,000 square feet pursuant to the variance for the Residential Scenario or any other scenario developed based on the Equivalency Program and the Development Regulations. Under the Los Angeles Municipal Code (the LAMC), if the fitness center/sports club use is located within a building that contains at least 50,000 square feet of office space, the parking requirement is the requested two spaces per 1,000 square feet of area. The Project also already includes approximately 114,000 square feet of office use that will remain, and although the fitness center/sports club will not be in the existing office building, the intent of the LAMC is met by having a sports club and office use as part of the same project.

Implementation of the shared parking program will be a component of the Development Regulations and City Planning Commission approval under Section 12.21 A.4(y) of the LAMC. As the shared parking analysis indicates, the Project's peak parking demand will be approximately 1,572 to 2,129 parking spaces, depending on the finalized mix of land uses. The

Development Regulations provide for the parking supply to be increased or decreased depending upon the final mix of uses so that the demand is met. For example, the Residential Scenario would require and provide a total of at least 2,129 parking spaces to meet the parking demand.

The Project would be designed and constructed in accordance with all applicable Building Code standards pertaining to Project access points and physical design features' configurations that affect the visibility of pedestrians and bicyclists to drivers entering and exiting the Site and the visibility of cars to pedestrians and bicyclists. Therefore, impacts related to the safety of pedestrians and or bicyclists would be less than significant.

## VII. POTENTIAL SIGNIFICANT IMPACTS MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

### **Aesthetics (Views/Light and Glare)**

#### Description of Effects

##### Construction

During the Project's construction period, the Project Site would undergo considerable changes with respect to the aesthetic character of the Project Site and surrounding area. Construction activities would require grading, excavation, and building construction. These construction activities could create unsightly debris and soils stockpiles, staged building materials and supplies, and construction equipment, all of which could occupy the field of view of passing motorists, pedestrians, and neighboring properties. Thus, the existing visual character of the Project Site would temporarily change from urban surface parking lots to construction-related activities. This temporary change in visual character of the Project Site would be visible by on-site occupants and the surrounding neighborhood, which could detract from the existing visual quality of the surrounding area.

##### Operation

Under all development massing envelopes, the view of the Capitol Records Building would be partially visible from the street level at Hollywood Boulevard and Vine Street after Project development. The Development Regulations mandate greater open space on the ground floor and smaller floor-plates for the towers as building height is increased up to the maximum permitted height. The Development Regulations govern the orientation of the proposed structures to address context with existing buildings and protect view corridors to varying degrees based on massing envelopes. Thus, the visibility of the Capitol Records Building and other valued focal views are preserved in varying degrees based on implementation of the Development Regulations including the standards for setbacks, tower placement and ground floor open space.

Glare in the Project area is currently generated by reflective materials on existing buildings and from vehicles passing on the surrounding streets. Further, substantial glare is currently present on the Project Site since it consists primarily of an un-shaded paved surface parking lot occupied with vehicles during the day. However, the extent of the daytime glare effect is limited to the ground surface level. The Project would include a high-rise development constructed of glass and other architectural materials that may be reflective, and contribute to new sources of glare.

The Project will generate new sources of exterior lighting to provide for an active and safe pedestrian environment. The Project would be required to comply with the lighting power

requirements in the California Energy Code, California Code of Regulations (CCR), Title 24, Part 6, and design interior and exterior lighting such that zero direct-beam illumination leaves the Project Site. The Project would also be required to meet or exceed exterior lighting levels and uniformity ratios for lighting

#### Mitigation Measures

- A.1-1** Construction equipment, debris, and stockpiled equipment shall be enclosed within a fenced or visually screened area to effectively block the line of sight from the ground level of neighboring properties. Such barricades or enclosures shall be maintained in appearance throughout the construction period. Graffiti shall be removed immediately upon discovery.
- A.1-2** The Project shall be developed in conformance with the Millennium Hollywood Development Standards, including, but not limited to, the Density Standards, the Building Height Standards, the Tower Massing Standards, and Building and Streetscape Standards. Prior to construction, Site Plans and architectural drawings shall be submitted to the Department of City Planning to assess compatibility with the Development Standards.
- A.1-3** The Project shall include low-level directional lighting at ground, open terrace and tower levels of the exterior of the proposed structures to ensure that architectural, parking and security lighting does not spill onto adjacent residential properties. The Project's lighting shall be in conformance with the lighting requirements of the City of Los Angeles Green Building Code to reduce light pollution.
- A.1-4** The Project's façades and windows shall be constructed or treated with low-reflective materials such that glare impacts on surrounding residential properties and roadways are minimized.

#### Findings

The Project's impact after mitigation measures A.1-1 and A.1-2 would be less than significant with respect to panoramic view obstructions and the 550-foot and 585-foot-high massing envelopes for focal view obstructions. The Project would not result in significant impacts related to light and glare with implementation of mitigation measures A.1-3 and A.1-4. Thus, changes or alterations have been incorporated into the Project that reduce these impacts to less-than-significant as identified in Aesthetics – Views / Light and Glare in the Final EIR.

#### Rationale for Findings

Mitigation Measure A.1-1 calls for the Project Applicant to enclose or visually shield construction equipment, debris, and stockpiled equipment from being visible on the ground level of neighboring properties. Such barricades or enclosures shall be maintained in appearance throughout the construction period. In addition, any graffiti shall be removed immediately upon discovery. The temporary nature of construction activities, combined with implementation of Mitigation Measure A.1-1, would reduce potential aesthetic impacts on the quality and character of the Project Site to a less than significant level.

To ensure the Project is developed in a manner that is described and analyzed in this Draft EIR, and to ensure preservation of valued focal views of the historic Capitol Records Building, Mitigation Measures A.1-2 and A.1-3 are identified to ensure the Development Regulations are

implemented and enforced as the Project is developed. Accordingly the Project's impact after mitigation would be less than significant with respect to panoramic view obstructions and the 550-foot and 585-foot-high massing envelopes for focal view obstructions.

To further ensure the Project complies with the Building Code requirements, Mitigation Measure A.1-3 would require that the Project's lighting be in conformance with the lighting requirements of the City of Los Angeles Green Building Code to reduce light pollution.

Mitigation Measure A.1-4 would ensure that the Project's façades and windows are constructed with low-reflective materials.

#### Reference

For a complete discussion of Aesthetics - Views / Light and Glare impacts, see Section IV.A.1 of the Draft EIR.

#### **Aesthetics (Shade and Shadow)**

##### Description of Effects

The Project's tower elements would be positioned and spaced to ensure that shadows cast upon off-site properties are broken up throughout different periods of the day such that the Project would not cast shadows on any one property, including those identified as sensitive receptors, for more than three consecutive hours between 9:00 AM and 3:00 PM during the winter months. Specifically, the Concept Plan results in a broken and intermittent shadow pattern between the hours of 11:00 AM to 2:00 PM during the winter months to certain sensitive receptors. Thus, the affected properties would not be impacted by a continuous shadow for more than three consecutive hours between 9:00 AM and 3:00 PM.

##### Mitigation Measures

**A.2-1** The Project shall conform to the Tower Massing Standards as identified in Section 6 of the Millennium Hollywood Development Regulations which include, but are not limited to, the following Tower Lot Coverage standards identified in Table 6.1.1, Tower Massing Standards: 48% tower lot coverage between 150 and 220 feet above curb level, 28% tower lot coverage between 151 and 400 feet above curb level, 15% tower lot coverage between 151 and 550 feet above curb level, and 11.5% tower lot coverage between 151 and 585 feet above curb level. The Project shall also conform to Standard 6.1.3, which states that at least 50% of the total floor area shall be located below 220 feet.

**A.2-2** The Project shall conform to the Tower Massing Standards as identified in Section 7 of the Millennium Hollywood Development Regulations which include, but are not limited to, the following Standards: (7.3.1) A tower 220 feet or greater in height above curb level shall be located with its equal or longer dimension parallel to the north-south streets; (7.5.1) Towers shall be spaced to provide privacy, natural light, and air, as well as to contribute to an attractive skyline; and (7.5.2) Generally, any portion of a tower shall be spaced at least 80 feet from all other towers on the same parcel, except the following which shall meet Planning Code: 1) the towers are offset (staggered), 2) the largest windows in primary rooms are not facing one another, or 3) the towers are curved or angled.

## Findings

Although the Project would not result in significant impacts related to shade/shadow prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Project, which further reduce these less-than-significant impacts upon Aesthetics – Shade and Shadow as identified in the Final EIR.

## Rationale for Findings

The Project's summer shadow patterns are significantly shorter than the winter shadows. During the summer months, the Project's morning shadows would extend as far west as N. Cahuenga Boulevard. By 1:00 PM the Project's shadow pattern would fall entirely within the boundaries of the Project Site and the two commercial properties located immediately to the north of the West Site fronting Yucca Street. These two properties would be partially shaded by the Project beginning at approximately 11:00 AM until 5:00 PM. However, these properties are not considered shade and shadow sensitive land uses because they are commercial office and retail uses. The summer afternoon shadows would not affect any of the surrounding properties located to the east of Argyle Avenue until after 2:00 PM. As such no property east of the Project Site would be impacted by Project shadows for more than four hours. Compliance with the Development Regulations and Mitigation Measures would ensure that no sensitive land use is shaded for more than three continuous hours between 9:00 AM and 3:00 PM. Therefore, with adherence to the Development Regulations and the Mitigation Measures, the Project's shade and shadow impacts would be mitigated to less-than-significant levels. Therefore, pursuant to the *L.A. CEQA Thresholds Guide*, the Project's summer shadow impacts would be considered less than significant.

## Reference

For a complete discussion of Aesthetics - Shade/Shadow impacts, see Section IV.A.2 of the Draft EIR.

## **Greenhouse Gases**

### Description of Effects

The Project will result in GHG emissions both during construction and during operation. Emissions during both phases of development were calculated using CalEEMod Version 2011.1.1 for each year of construction. As detailed in the Final EIR, and as recommended by the SCAQMD, the Project's total GHG construction emissions were amortized over a 30-year lifetime of the Project. The greatest annual increase in GHG emissions from Project construction activities would be approximately 3,477.96 CO<sub>2</sub>e MTY in 2016. This represents the highest annual level of construction intensity and GHG-producing activities. The total amount of construction-related GHG emissions is estimated to be approximately 10,707.76 CO<sub>2</sub>e MTY, or approximately 356.93 CO<sub>2</sub>e MTY amortized over a 30-year period.

The GHG emissions resulting from operation of the Project, which involves the usage of on-road mobile vehicles, electricity, natural gas, water, landscape equipment, hearth combustion, and generation of solid waste and wastewater, were calculated for both a Project With GHG-Reducing Measures scenario and a Project Without GHG-Reducing Measures scenario. Particularly, the net increase in GHG emissions generated by the Project without GHG-reducing measures would be approximately 33,265.93 CO<sub>2</sub>e MTY. The net increase in GHG emissions generated by the Project with GHG-reducing measures would be approximately 19,091.63 CO<sub>2</sub>e MTY. Thus, the reduction in GHG emissions resulting from the Project's GHG-reducing measures would be approximately 14,174.30 CO<sub>2</sub>e MTY, or 42.6 percent.

### Mitigation Measures

Mitigation Measure B.1-4, identified in Section IV.B.1, Air Quality, outlining requirements of the LA Green Building Code, is applicable to GHG emission reductions.

### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to GHG emissions, as identified in the Final EIR, to a less-than-significant level.

### Rationale for Findings

The Project, through its density, combination of residential, hotel and commercial land uses and its proximity to the regional public transportation system, is a smart-growth project which will promote energy efficiency and reduce GHG emissions. The Project is in close proximity to the MTA Hollywood and Vine Redline Subway Station, located approximately 500 feet southeast of the Project Site, and numerous other bus stops located within a quarter-mile of the Project Site. The Project is also situated in a well-established commercial and entertainment area, which provides numerous neighborhood-serving establishments such as grocery, restaurants, and retail uses within walking distance. As such, the Project's trip generation and vehicle miles traveled are anticipated to be reduced as a function of the Project's mixed-use nature and location, when compared to a project in a location without transit access and a project without mixed-use characteristics. Accordingly, the Project's GHG emissions would be reduced as a function of this infill development. Therefore, the Project's incremental GHG emissions would be less than significant under the qualitative threshold of significance. Impacts related to GHG emissions would be less-than-significant with implementation of mitigation.

The impacts of GHG emissions are considered a cumulative occurrence. Compliance with the mitigation measures in the Final EIR and consistency with applicable plans is the genesis of the conclusion that the Project's cumulative contribution to GHG emissions will be less-than-significant.

### Reference

*For a complete discussion of GHG Emission impacts, see Section IV.B.2 of the Draft EIR.*

### **Cultural Resources**

#### Description of Effects

The Project will potentially add considerable height and density in areas currently used primarily for surface parking. Thus, the immediate surroundings of the on-site and historic resources adjacent to the Project Site will be altered.

Based on the findings and conclusions in the Final EIR and the Historic Resources Report, development of the Project consistent with the Development Regulations would not materially impair the significance of an identified onsite or offsite historical resource. The Project does not *propose the demolition, destruction, relocation or alteration of any historic resource either on the Project Site or in the vicinity of the Project Site*. The Project would preserve in place the Capitol Records Building and the Gogerty Building. The Project would also protect the portion of the Walk of Fame along Vine Street during construction by complying with the City's Hollywood

Walk of Fame Terrazzo Pavement, Installation and Repair Guidelines. The Project will, however, alter the immediate surroundings of historic resources both on the Project Site and in the vicinity by constructing new low-rise and high-rise structures. Nonetheless, as demonstrated in the Final EIR, such alternative does not result in a significant unavoidable impact.

The Hollywood Boulevard Commercial and Entertainment District is significant as an intact grouping of properties associated with Hollywood Boulevard's status as an important commercial street during Hollywood's heyday in the first half of the 20th Century. The Project Site is located outside of the District and new construction will remain outside of the District boundaries. In order to protect the significance of the District, it is important to maintain a clear separation between the District boundary and new construction on the Project Site. The combination of grade-level setback and massing standards ensures that the Project's bulk and height are effectively distanced from contributing buildings to the District.

The Project Site is in an urbanized area and has been previously developed. According to the Department of City Planning, there are no designated archaeological paleontological sites or survey areas within the Project Site. Nonetheless, an archeological and paleontological records search was conducted in connection with preparation of the Final EIR. No sites were identified on or within a 0.5-mile radius of the Project Site.

#### Mitigation Measures

- C-1** The Project Applicant shall prepare a plan to ensure the protection and preservation of any portions of the Hollywood Walk of Fame that are threatened with damage during construction. This plan shall conform to the performance standards contained in the Hollywood Walk of Fame Terrazzo Pavement, Installation and Repair Guidelines as adopted by the City in March of 2011, and be approved to the satisfaction of the Department of City Planning Office of Historic Resources prior to any construction activities.
- C-2** The Project Applicant shall prepare an adjacent structure-monitoring plan to ensure the protection of adjacent historic resources during construction from damage due to underground excavation, and general construction procedures to mitigate the possibility of settlement due to the removal of adjacent soil. Particular attention shall be paid to maintaining the Capitol Records Building underground recording studios and their special acoustic properties. The adjacent structure monitoring plan shall be approved to the satisfaction of the Department of City Planning, Office of Historic Resources and Department of Building and Safety prior to any construction activities.

The performance standards of the adjacent structure monitoring plan shall include the following: All new construction work shall be performed so as not to adversely impact or cause loss of support to neighboring/bordering structures. Preconstruction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to initiating construction activities. As a minimum, the documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and select interior façades of the buildings immediately bordering the Project Site. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that shall include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, work shall stop in the area of the affected building until measures have

been taken to stabilize the affected building to prevent construction related damage to adjacent structures.

- C-3** There are currently no plans to renovate the Capitol Records Building as part of the Project. However in the event any structural improvements are made to the Capitol Records Building during the life of the Project, such improvements shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. Compliance with this measure shall be subject to the satisfaction of the Department of City Planning, Office of Historic Resources prior to any rehabilitation activities associated with the Capitol Records Building.
- C-4** There are currently no plans to renovate the Gogerty Building as part of the Project. However, in the event any structural improvements are made to the Gogerty Building during the life of the Project, such improvements shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation. Compliance with this measure shall be subject to the satisfaction of the Department of City Planning, Office of Historic Resources prior to any rehabilitation activities associated with the Gogerty Building.
- C-5** Prior to construction, the environs of the Project Site (i.e., Project Site and surrounding area) shall be documented with at least twenty-five images in accordance with Historic American Building Survey (HABS) standards. Compliance with this measure shall be demonstrated through a written documentation to the satisfaction of the Department of City Planning, Office of Historic Resources prior to any construction.
- C-6** If any archaeological materials are encountered during the course of Project development, all further development activity shall halt and:
- a. The services of an archaeologist shall then be secured by contacting the South Central Coastal Information Center (657-278-5395) located at California State University Fullerton, or a member of the Register of Professional Archaeologists (ROPA) or a ROPA-qualified archaeologist, who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact;
  - b. The archaeologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource;
  - c. The Project Applicant shall comply with the recommendations of the evaluating archaeologist, as contained in the survey, study or report; and
  - d. Project development activities may resume once copies of the archaeological survey, study or report are submitted to the SCCIC Department of Anthropology. Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, archaeological reports have been submitted, or a statement indicating that no material was discovered.

A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to issuance of a grading permit.

- C-7** If any paleontological materials are encountered during the course of Project development, all further development activities shall halt and:
- a. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology - USC, UCLA, California State University Los Angeles,

California State University Long Beach, or the Los Angeles County Natural History Museum - who shall assess the discovered material(s) and prepare a survey, study or report evaluating the impact;

- b. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource;
- c. The Project Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report; and
- d. Project development activities may resume once copies of the paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum. Prior to the issuance of any building permit, the Project Applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.

A covenant and agreement binding the Project Applicant to this condition shall be recorded prior to issuance of a grading permit.

- C-8** If human remains are discovered at the Project Site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the City of L.A. Public Works Department and County Coroner shall be immediately notified. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

### Findings

Although the Project would not result in significant impacts related to historical resources prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Project, which further reduce these less-than-significant impacts upon historic resources as identified in the Final EIR.

### Rationale for Findings

Adherence to the Development Regulations and Mitigation Measures ensures that the proposed new development would be compatible with on-site and adjacent resources. The Project incorporates several design features that buffer the Project from adjacent historic resources and implements the Development Regulations, which shift the Project's mass and scale up and away from the on-site historic and adjacent off-site structures. Therefore, the Project ultimately has a less than significant adverse impact because, overall, the Capitol Records Building, the Gogerty Building, the Hollywood Boulevard Commercial and Entertainment District, and the commercial building at 6316-6324 Yucca Street would retain sufficient integrity to remain eligible for listing in the National Register and/or the California Register. Under any Project development scenario, the onsite and adjacent historic resources would retain eligibility similar to existing conditions.

Implementation of the Project in conformance with the Project Design Features and Development Regulations would reduce potential Project impacts on historic resources to less than significant levels. The Project would not relocate either the Capitol Records Building or the Gogerty Building. The Project does not include the relocation of any adjacent buildings. The Project does, however, anticipate the temporary removal and relocation of portions of the

Hollywood Walk of Fame, which borders the Project Site along Vine Street. The affected portion of the Walk of Fame would be re-installed after construction is completed.

The Project includes the new construction of some combination of residential, hotel, commercial, and other mixed-use components on the Project Site. The Project does not include the immediate rehabilitation or alteration of any significant historic resource. Thus, the proposed construction or operational elements of the Project would not trigger the application of the Secretary of the Interior's Standards for Rehabilitation or the Guidelines for Rehabilitating Historic Buildings.

Project activities are not anticipated to disturb archeological or paleontological resources. The Project together with related projects could, however, result in the increased potential for encountering archaeological or paleontological resources in the Project vicinity. Not all archaeological and paleontological resources are of equal value however, therefore, an increase in the frequency of encountering resources does not necessarily imply an adverse impact. Moreover, each related project will be required to implement standard mitigation measures identical to or equivalent to those required in connection with the Project. For these reasons, with implementation of the mitigation measures in the Final EIR, Project-specific and cumulative impacts will be less-than-significant.

#### Reference

For a complete discussion of Cultural Resources impacts, see Section IV.C of the Draft EIR.

#### **Geology and Soils**

##### Description of Effects

The Project would develop the Project Site with pervious and impervious surfaces, including structures, paved areas, and landscaping. As such, during operations it would not leave soils exposed at or increase the rate of erosion at the Project Site. During construction, however, particularly during excavation for the subterranean parking levels, there is the potential for erosion to occur, and impacts would be potentially significant.

The Project Site is not located in an area delineated on the Alquist-Priolo Earthquake Fault Zoning Map. Likewise, the Project Site is not located within a fault rupture zone. The California Geological Survey (CGS) and the City of Los Angeles ZIMAS system (<http://zimas.lacity.org/map.asp>) show the closest fault to the Project Site with the potential for fault rupture as the Santa Monica/Hollywood Fault. It is located approximately 0.4 miles from the Project Site.

The risk for ground failure based on liquefaction at the Project Site is low. Groundwater levels at the Project Site are relatively deep and therefore less susceptible to liquefaction. Based on the City of Los Angeles Safety Element "Areas Susceptible to Liquefaction" map the Project Site is located within an area mapped as "Liquefiable Area". However, the California Geological Survey (CGS) Hazard Zone Map indicates that the Project Site is not located within a State Mapped liquefaction hazard zone. The conclusions in the Draft EIR and technical reports supporting the geology and soils analysis conclude that the Project Site is suitable for development and impacts are less than significant with mitigation incorporated.

Mitigation Measures

- D-1** 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.
- D-2** Prior to the issuance of building or grading permits, the Project Applicant shall submit a final geotechnical report prepared by a registered civil engineer or certified engineering geologist to the written satisfaction of the Department of Building and Safety. The final geotechnical report shall ensure adequate geotechnical support for the proposed structures given the existing geologic conditions on the Project Site. The final geotechnical report shall make final design-level recommendations regarding liquefaction, expansive soils, soil strength loss, estimation of settlement, lateral movement and reduction in foundation soil-bearing capacity, as well as carry forward the applicable recommendations contained in the preliminary geotechnical report. The final geotechnical report shall include additional borings, test pits, groundwater monitoring wells, subsurface shear wave velocity testing, and laboratory testing that shall ensure adequate geotechnical support for the Project's proposed structures and inform compliance with all applicable building codes.
- D-3** Towers and other very heavily loaded structures shall be supported by a mat foundation, CIDH pile foundation, an ACIP pile, or a combination of a mat and pile foundation system. Drilled pile bearings within the Old Alluvium shall range from approximately 24 to 36 inches in diameter and shall be designed for loads between approximately 300 to 1,000 kips per pile or higher. Preliminary shallow foundation net bearing capacities in the Old Alluvium shall range from about 6,000 to 10,000 psf.
- D-4** Lighter low-rise structures shall be supported on individual spread footings bearing in the Young Alluvium designed for bearing pressures from about 2,000 to 4,000 psf.
- D-5** Floor slabs shallower than el 347 on the West Site shall be designed as slab-on-grade. Subject to final design-level geotechnical considerations, a pressure slab and waterproofing shall be required for the East Site.
- D-6** Laterally braced below-grade walls shall be designed for at-rest earth pressures. Below-grade walls free to rotate at the top shall be designed for active soil pressures. Seismic earth pressure and surcharge pressures shall be accounted for in the below-grade wall design. Hydrostatic pressures shall be accounted for in the design for walls below el 347. Subject to final design-level geotechnical considerations, an equivalent fluid pressure of 60 pcf shall be assumed for non-yielding below grade walls.
- D-7** A wall drainage system shall be installed behind below-grade walls to minimize the potential accumulation of hydrostatic pressure behind the walls. Waterproofing shall be required for walls below about el 347.
- D-8** Temporary excavation support, likely soldier beams, and lagging with tiebacks shall be required to facilitate the proposed deep below-grade excavation.
- D-9** Underpinning of the buildings bordering the East Site and West Site shall be required depending on final new building below-grade footprint limits and proximity to these structures.
- D-10** Pre-construction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to construction activities. An adjacent structure

monitoring program shall be developed for implementation and monitoring during construction.

The performance standards of the adjacent structure monitoring plan shall include the following: All new construction work shall be performed so as not to adversely impact or cause loss of support to neighboring/bordering structures. Pre-construction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to initiating construction activities.

As a minimum, the documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and select interior facades of the buildings immediately bordering the Project Site. A registered civil engineer or certified engineering geologist shall develop recommendations for the adjacent structure monitoring program that shall include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to adjacent structures.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant effect of all Project impacts related to Geology and Soils.

#### Rationale for Findings

In addition to implementing the BMPs set forth in the mitigation measure referenced above, all on-site earthwork and grading activities will be done with permits from the Department of Building and Safety, which will further reduce impacts. In addition, all on-site grading and site preparation would comply with applicable provisions of Chapter IX, Division 70 of the LAMC, which addresses grading, excavations, and fills, and the recommendations of the Geotechnical report for the Project. With implementation of these requirements, impacts will be reduced to a less-than-significant level.

Geologic hazards are site-specific and there is little, if any, cumulative relationship between implementation of the Project and related projects. Accordingly, related projects would not cumulatively expose people or structures to substantial erosion or loss of topsoil, liquefaction, ground shaking, and cumulative impacts will also be less-than-significant with implementation of mitigation.

#### Reference

For a complete discussion of Geology and Soils impacts, see Section IV.D of the Draft EIR.

## **Hazards and Hazardous Materials**

### Description of Effects

The Project will require the demolition of existing facilities at the Project Site. The age of the existing uses on the Project Site, and subsurface explorations, dictate that removal of underground storage tanks, PCBs, asbestos-containing materials, and/or lead-based paint may be required. Moreover, these conditions could result in impacts if they are not handled appropriately prior to construction of the Project. Based upon the foregoing, impacts in these issue areas are potentially significant.

### Mitigation Measures

- E-1 Before subsurface excavation, the Project Applicant shall conduct a Phase II Subsurface Investigation, in areas identified as being previously used for automobile fueling operations, to determine the extent to which soil or groundwater contamination, if any, beneath the Property has been impacted by historical activities. Any soil contamination and underground storage tanks associated with such historical usage shall be abated in accordance with all applicable City, state, and federal regulations.
- E-2 Prior to demolition of any existing on-site structures, all asbestos-containing materials identified on the properties shall be abated in accordance with all applicable City, state, and federal regulations.
- E-3 Prior to the issuance of a demolition permit for any existing on-site structure, all lead-based paint identified on the properties shall be abated in accordance with all applicable City, state, and federal regulations.
- E-4 Before subsurface excavation, the Project Applicant shall conduct a subsurface investigation of the suspected subsurface steel structure (located on the 1720 North Vine Street parcel) noted during the geophysical survey to ensure proper removal or treatment of the structure during development activities. Any removal or treatments implemented shall be in accordance with all applicable City, state, and federal regulations.
- E-5 Before subsurface excavation, the Project Applicant shall conduct a subsurface investigation of the suspected USTs (located on the 1749 North Vine Street parcel) to ensure proper removal or treatment of the structures during development activities. Any removal or treatments implemented shall be in accordance with all applicable City, state, and federal regulations.

### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all Project impacts related to Hazards and Hazardous Materials, as identified in the Final EIR, to a less-than-significant level.

### Rationale for Findings

While there is the potential for encountering underground storage tanks, PCBs, asbestos-containing materials and/or lead-based paint in connection with the demolition proposed as part of the Project, impacts related to any such discovery will be mitigated to a less-than-significant level through implementation of the mitigation measures. Implementation of the proposed

mitigation measures will also ensure that there are no impacts related to hazards and hazardous materials when the Project becomes operational.

With respect to cumulative impacts, related projects may also present dangers associated with hazards and hazardous materials. However, each related project would also be required to evaluate for potential threats and impose mitigation necessary to reduce impacts to the extent feasible. Further, local municipalities are required to follow local, state, and federal laws regarding hazardous materials and other hazards. Therefore, with implementation of the proposed mitigation measures both Project-specific and cumulative impacts for hazards and hazardous materials will be less-than-significant.

#### Reference

For a complete discussion of Hazards and Hazardous Materials impacts, see Section IV.E of the Draft EIR.

### **Hydrology and Water Quality**

#### Description of Effects

The Project Site does not contain any streams or rivers. Similarly, runoff from the Project Site discharges to the local existing storm drain infrastructure and does not directly discharge to a stream or river. Accordingly, the Project would not alter the course of any stream or river.

The Project Site is almost entirely impervious, and during storm events, water sheet flows across the site and drains to the south and southeast of the Project Site to the local City storm drain system. The Project would alter on-site drainage patterns by changing the pattern of development and modifying the elevations of the site, thus it will alter the storm water runoff pattern. However, this alteration would not result in on-site erosion or siltation, because all runoff would be directed to areas of BMPs and/or other storm drain infrastructure that is developed in connection with the Project. Moreover, the amount of runoff associated with the Project Site will not exceed existing runoff rates and volumes, as required by the Bureau of Sanitation, and will be collected and conveyed via an on-site storm water collection system designed in accordance with City Building Code specifications.

The Project under the conservative development scenario that would have the maximum potential storm water impacts increases the impervious surfaces on the Project Site by approximately 0.04 acres (approximately 1,742 square feet). However, the Project Site contains shallow, low permeability soil, as documented in the Preliminary Geotechnical Engineering Study (refer to Section IV.D, Geology and Soils, and Appendix IV.D). These soils significantly limit the potential for groundwater recharge regardless of the percentage of impervious surfaces on the Project Site. Therefore, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, yields or flow directions. Therefore, Project's impacts to groundwater would be less than significant.

*No significant impacts related to surface hydrology were identified, and no mitigation measures are required. However, the City requires implementation of certain standard mitigation measures meant to address Hydrology and Water Quality.*

#### Mitigation Measures

F-1 Excavation and grading activities shall be scheduled during dry weather periods, to the extent feasible. If grading occurs during the rainy season (October 15 through April 1),

diversion dikes shall be constructed to channel runoff around the Project Site. Channels shall be lined with grass or roughened pavement to reduce runoff velocity.

- F-2** Appropriate erosion control and drainage devices shall be provided to the satisfaction of the Building and Safety Department. These measures include interceptor terraces, berms, vee-channels, and inlet and outlet structures, as specified by Section 91.7013 of the Los Angeles Building Code, including planting fast-growing annual and perennial grasses in areas where construction is not immediately planned.
- F-3** Stockpiles and excavated soil shall be covered with secured tarps or plastic sheeting
- F-4** 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.
- F-5** 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.
- F-6** Pavement shall not be hosed down at material spills. Dry cleanup methods shall be used whenever possible.
- F-7** Dumpsters shall be covered and maintained. Uncovered dumpsters shall be placed under a roof or be covered with tarps or plastic sheeting.
- F-8** The Project Applicant shall implement storm water best management practices (BMPs) to treat and infiltrate the runoff from a storm event producing 0.75 inch of rainfall in a 24-hour period. The design of structural BMPs shall be in accordance with the Development Best Management Practices Handbook, Part B, Planning Activities. A signed certificate from a California licensed civil engineer or licensed architect that the proposed BMPs meet this numerical threshold standard shall be required.
- F-9** Post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate.
- F-10** The amount of impervious surface shall be reduced to the extent feasible by using permeable pavement materials where appropriate, including: pervious concrete/asphalt, unit pavers (e.g., turf block), and granular materials (e.g., crushed aggregates, cobbles, etc.).
- F-11** A roof runoff system shall be installed, as feasible, where the site is suitable for installation.
- F-12** All storm drain inlets and catch basins within the Project area shall be stenciled with prohibitive language (such as NO DUMPING - DRAINS TO OCEAN) and/or graphical icons to discourage illegal dumping.
- F-13** Legibility of stencils and signs shall be maintained.
- F-14** Materials with the potential to contaminate storm water shall be placed in an enclosure, such as a cabinet or shed or similar structure that prevents contact with or spillage to the storm water conveyance system.

- F-15** Storage areas shall be paved and sufficiently impervious to contain leaks and spills.
- F-16** An efficient irrigation system shall be designed and implemented by a certified landscape contractor to minimize runoff including: drip irrigation for shrubs to limit excessive spray; a SWAT-tested weather-based irrigation controller with rain shutoff; matched precipitation (flow) rates for sprinkler heads; rotating sprinkler nozzles; minimum irrigation system distribution uniformity of 75 percent; and flow reducers.
- F-17** The Owner(s) of the property shall prepare and execute a covenant and agreement (Planning Department General form CP-6770) satisfactory to the Planning Department binding the Owner(s) to post construction maintenance on the structural BMPs in accordance with the Standard Urban Stormwater Mitigation Plan and or per manufacturer's instructions.
- F-18** Toxic wastes shall be discarded at a licensed regulated disposal site.
- F-19** The Project Applicant shall comply with all mandatory storm water permit requirements (including, but not limited to SWPPP and SUSMP requirements) at the Federal, State and local level.

#### Findings

Although the Project would not result in significant impacts related to hydrology and water quality prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Project which further reduce these less-than-significant impacts upon Hydrology and Water Quality as identified in the Final EIR.

#### Rationale for Findings

Project activities are not anticipated to result in significant impacts related to hydrology and water quality as explained in the Draft EIR. The Project will be required to implement structural or treatment control BMPs as part of its design. The plans for these features will be reviewed and approved by the City, and will be consistent with the Low Impact Development (LID) standards contained in the City's Best Management Practices handbook. The Project together with related projects could impact hydrology in the area. However, when new construction occurs it generally does not lead to substantial additional runoff, since related projects are also required to control the amount and quality of stormwater coming from their respective sites. For these reasons, with implementation of the above mitigation measures, Project-specific and cumulative impacts for Hydrology and Water Quality will be less-than-significant.

#### Reference

For a complete discussion of Hydrology and Water Quality impacts, see Section IV.F of the Draft EIR.

#### **Noise (Operational)**

##### Description of Effects

The Project would increase local noise levels by a maximum of approximately 1.7 dBA CNEL during the Existing Traffic Plus Project Traffic Scenario for the roadway segment of Ivar Avenue between Yucca Street and Hollywood Boulevard. Based on predicted noise levels along Vine Street, proposed residential uses may be exposed to noise levels that exceed 70.0 dBA CNEL, which falls within the normally unacceptable category for residential and open spaces uses

identified the L.A. CEQA Thresholds Guide. Thus, the Project would result in generally unacceptable exterior noise levels for any proposed residential or open space uses fronting Vine Street. However, exterior-to-interior reduction of newer residential units with windows closed is generally 25 dBA or more with double-pane windows. Therefore, future interior noise levels associated with roadway traffic along Vine Street could still exceed the City standard 45.0 dBA for interior residential uses.

Also, on-site equipment would be shielded and appropriate noise muffling devices would be installed on the equipment to reduce noise levels that affect nearby noise-sensitive uses. Nighttime noise limits would be applicable to any equipment items required to operate between the hours of 10:00 PM and 7:00 AM. As such, this impact would be less than significant after mitigation. All new mechanical equipment associated with the Project would adhere to Section 112.02 of the LAMC.

Although the Project would increase the number of vehicles parking on-site, the types of noise would be similar to those currently occurring on the Project Site. While periodic noise levels from car alarms, horns, slamming of doors, etc., would increase as a result of the Project, these events would not occur consistently over a 24-hour period and thus would not have potential to increase ambient noise levels by 5 dBA CNEL. As such, noise impacts from parking structures would be considered less than significant and no mitigation measures are required.

The Project would not include stationary equipment that would result in high vibration levels, which are more typical for large industrial projects. Although groundborne vibration at the Project Site and immediate vicinity may currently result from heavy-duty vehicular travel (e.g. refuse trucks and transit buses) on nearby local roadways, the proposed land uses would not result in substantial increased use of these heavy duty vehicles. The number of transit buses that travel along roadways in the Project vicinity would also not substantially increase due to the Project. As such, vibration impacts associated with operation of the Project would be less than significant and no mitigation measures are required.

The Project is anticipated to include outdoor eating and gathering places at the pedestrian level at-grade and above the ground floor on the podium levels and observation deck levels of the proposed towers. Ambient noise levels in the Project vicinity have the potential to exceed 70 dBA CNEL. Given the existing relatively high ambient noise levels at the Project Site, the distance provided between the podium levels and any noise sensitive receptors, and attenuation of sound created by existing and/or proposed structures that may block the line of sight between receptors and noise sources, it is not expected that Project-related outdoor noise levels would substantially increase the ambient noise at surrounding off-site uses.

#### Mitigation Measures

- H-18** All new mechanical equipment associated with the Project shall comply with Section 112.02 of the City of Los Angeles Municipal Code, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level on the premises of other occupied properties by more than 5 dBA.
- H-19** Consistent with Section 99.05.507.4.1 of the LAMC (LA Green Building Code), Exterior Noise Transmission, the proposed building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30. Furthermore, the Project shall comply with Title 24 Noise Insulation Standards, which specifies the maximum allowable sound transmission between dwelling units in new multi-family buildings, and limits allowable interior noise levels in new multi-family residential units to 45 dBA CNEL.

### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Noise, as identified in the Final EIR, to a less-than-significant level.

### Rationale for Findings

Implementation of Mitigation Measure H-19 would require that the proposed building envelope shall have a minimum STC of 50, and exterior windows shall have a minimum STC of 30. Specifically, the Project would be required to comply with LAMC Section 99.05.507.4.1 (LA Green Building Code), Exterior Noise Transmission, which states: wall and roof-ceiling assemblies making up the building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30 for any of the following building locations: 1) within 1,000 ft. (300 m.) of right of ways of freeways, 2) within 5 mi. (8 km.) of airports serving more than 10,000 commercial jets per year, and 3) where sound levels at the property line regularly exceed 65 decibels, other than occasional sound due to church bells, train horns, emergency vehicles and public warning systems.

The on-site equipment would be designed such that they would be shielded and appropriate noise muffling devices would be installed on the equipment to reduce noise levels that affect nearby noise-sensitive uses. In addition, nighttime noise limits would be applicable to any equipment items required to operate between the hours of 10:00 PM and 7:00 AM. As such, this impact would be less than significant after mitigation. Mitigation Measure H-18 is included to ensure that all new mechanical equipment associated with the Project would adhere to Section 112.02 of the LAMC.

Given the existing relatively high ambient noise levels at the Project Site, the distance provided between the podium levels and any noise sensitive receptors, and attenuation of sound created by existing and/or proposed structures that may block the line of sight between receptors and noise sources, it is not expected that Project-related outdoor noise levels would substantially increase the ambient noise at surrounding off-site uses given implementation of the above mentioned mitigation measures.

### Reference

For a complete discussion of Noise impacts, see Section IV.H of the Draft EIR.

### **Project – Public Services (Fire Protection)**

#### Description of Effects

Project construction would not be expected to burden firefighting and emergency services to the extent that there would be a need for new or expanded fire facilities in order to maintain acceptable service ratios, response times, or other performance objectives of the LAFD, due to the limited duration of construction activities and compliance with applicable codes. However, mitigation measures are proposed to reduce impacts. With regards to operational impacts, the Commercial Scenario would introduce approximately 1,010 new residents and approximately 1,635 jobs to the Project Site. This increase in population and employment at the Project Site would generate an increased demand for fire protection services over the existing Project Site conditions. General and emergency access to the Project would be provided from Vine Street, Ivar Avenue, Argyle Avenue, and Yucca Street.

The LAFD provided a written response on December 14, 2011, for the Draft EIR for the Project. That response, by Captain Mark Woolf, included information about medical emergency services, stated, in part: "The response times to the proposed site would be within 5 minutes from Fire Station 27. These response times meet the desired response distance standards of the LAFD." This response time is not limited to structure fires and as such medical response times are adequate as well. As noted in the letter, Fire Station 27 also houses a Paramedic Ambulance and a Basic Life Support Ambulance. Although operational impacts related to fire services would be less than significant, conformance with applicable Fire Code requirements set forth in Mitigation Measures J.1-1 to J.1-7, in conjunction with the proximity of the Project Site to area fire stations, would ensure adequate on-site fire protection, and that construction of new facilities or expansion, consolidation or relocation of existing facilities would not be required to serve the Project.

#### Mitigation Measures

- J.1-1 During demolition and construction, LAFD access from major roadways shall remain clear and unobstructed.
- J.1-2 The Project Applicant shall submit a plot plan to the LAFD prior to occupancy of the Project, for review and approval, which shall provide the capacity of the fire mains serving the Project Site. Any required upgrades shall be identified and implemented prior to occupancy of the Project.
- J.1-3 The design of the Project Site shall provide adequate access for LAFD equipment and personnel to the structure.
- J.1-4 No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.
- J.1-5 During the plan check process, the Project Applicant shall submit plot plans for LAFD approval of access and fire hydrants.
- J.1-6 The Project shall provide adequate off-site public and on-site private fire hydrants in its final designs.
- J.1-7 Project Applicant shall submit an emergency response plan to LAFD prior to occupancy of the Project for review and approval. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments. Any required modifications shall be identified and implemented prior to occupancy of the Project.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Fire Protection, as identified in the Final EIR, to a less-than-significant level.

#### Rationale for Findings

It is anticipated that a proposed access plan would provide adequate access to and from the Project Site in the event of an emergency. The Project Applicant would be required to submit the proposed plot plan for the Project to the LAFD for review for compliance with applicable Fire

Code, California Fire Code, City Building Code, and National Fire Protection Association standards. Furthermore, pursuant to Mitigation Measure J.1-7, the Project Applicant would be required to submit an emergency response plan for approval by the LAFD, to help ensure that Project construction and operations would not impede fire access to and from the Project Site, which would create the need for new or physically altered facilities. The emergency response plan would include, but not be limited to, mapping of emergency exits, evacuation routes for vehicles and pedestrians, locations of nearest hospitals, and fire departments. For these reasons, with implementation of the above mitigation measures, Project-specific and cumulative impacts will be less than significant for Fire Protection.

#### Reference

For a complete discussion of Fire Protection impacts, see Section IV.J.1 of the Draft EIR.

#### **Public Services (Police Protection)**

##### Description of Effects

While there is the potential for the construction to create an increase in demand for police protection services, the Project would provide security on the Project Site as needed and appropriate during the phases and course of the construction process. This security includes perimeter fencing, lighting, and after-hours security guards, thereby reducing the demand for LAPD services. The specific type and combination of construction site security features will depend on the phase of construction. Therefore, construction impacts as they relate to increased on-site demand during construction would be potentially significant without mitigation.

Additionally, construction-related activities could potentially impact the provision of LAPD police protection services due to construction activities impacting area roadways and thus effecting police response times in the vicinity of the Project Site. Also, construction sites can be sources of nuisances and hazards, and can be areas that invite theft and vandalism. When not properly secured, construction sites can become a distraction for local law enforcement from more pressing matters that require their attention. This could result in an increase in demand for police protection services. Nevertheless, emergency access to the Project Site would be maintained in order to facilitate emergency responders.

The Hollywood Community Police Station maintains an officer-to-resident ratio of 1 officer per 833 residents (or 1.2 officers/1,000 residents). Thus, the additional approximately 1,966 residents under the Residential Scenario would require 2 additional officers to maintain the same ratio. The Hollywood Community Police Station has 360 sworn police officers. The addition of 2 officers to maintain the existing ratio represents a 0.55 percent increase over existing staffing levels. Consequently, the demand for 2 additional officers to the Hollywood Community Police Station to maintain current resident service ratios would not require the expansion, consolidation, or relocation of this station.

The Project would increase activity at the Project Site and therefore the potential to increase crime. A poorly designed building with low visibility has the potential to increase crimes, especially thefts. By providing natural surveillance (visibility from streets and sidewalks) and natural access control (landscaping buffers and other distinctions between public and private spaces), the Project can be designed to reduce crime.

There is the potential for a delay in police response if a building has locked access or a confusing layout. Also, emergency access to the Project would be provided by the existing on-site street systems. City review of street widths, street lighting, and street signage would be

based on an evaluation of requirements for the provision of emergency access, and would ensure access is maintained.

#### Mitigation Measures

- J.2-1** The contractor shall provide temporary, minimum 6-foot-high, commercial-grade, chain-link construction fences to protect construction zones on both the East and West Sites. The perimeter fence shall have gates installed to facilitate the ingress and egress of equipment and the work force. The bottom of the fence shall have filter fabric to prevent silt run off where necessary. Straw hay bales shall be utilized around catch basins when located within the construction zone. The perimeter and silt fence shall be maintained while in place. Where applicable, the construction fence shall be incorporated with a pedestrian walkway. Temporary lighting shall be installed and maintained at the pedestrian walkway. Should sections of the site fence have to be removed to facilitate work in progress, barriers and or K – rail shall be utilized to isolate and protect the public from unsafe conditions.
- J.2-2** The Project shall provide for the deployment of a private security guard to monitor and patrol the Site on an as-needed basis appropriate to the phase of construction throughout the construction period.
- J.2-3** Emergency access shall be maintained to the Project Site during construction through marked emergency access points approved by the LAPD.
- J.2-4** If there are partial closures to streets surrounding the Project Site, flagmen shall be used to facilitate the traffic flow until such temporary street closures are complete.
- J.2-5** The Project shall incorporate landscaping designs that shall allow high visibility around the buildings, and shall consult with the LAPD with respect to its landscaping plan.
- J.2-6** The Project shall provide security lighting around buildings and parking areas in order to improve security, and shall consult with the LAPD as to its lighting plan.
- J.2-7** The Project Site's public and private recreational facilities shall be designed to ensure a high visibility of these areas, including the provision of adequate lighting for security.
- J.2-8** The Project Applicant shall provide the LAPD with the opportunity to review Project plans at the plan check stage of plan approval and shall incorporate any reasonable LAPD recommendations.
- J.2-9** The Project Applicant shall provide the LAPD with a diagram of each portion of the Project Site, showing access routes and additional access information as requested by the LAPD, to facilitate police response.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Police Protection, as identified in the Final EIR, to a less than significant level.

#### Rationale for Findings

Fencing, temporary lighting, and security guards as necessary would be provided at the Project Site during construction, according to Mitigation Measures J.2-1 and J.2-2.

Emergency access would be maintained as described as Mitigation Measure J.2-3. Traffic flow during temporary street closures would not impact police protection services as described in Mitigation Measure J.2-4.

By providing natural surveillance (visibility from streets and sidewalks) and natural access control (landscaping buffers and other distinctions between public and private spaces), the Project can be designed to reduce crime. Mitigation Measures J.2-1 to J.2-8 are intended to address security-through-design requirements and recommendations to ensure that impacts to police services are less than significant.

Furthermore, the Project would also generate revenues to the City's Municipal Fund (e.g., in the form of property taxes and sales tax revenue) that could be applied toward the provision of new police facilities and related staffing, as deemed appropriate. The Project's security design features as well as revenue to the Municipal Fund would help offset the increase in demand for police services.

There is the potential for a delay in police response if a building has locked access or a confusing layout. To ensure that this potential impact is reduced police access into the Project Site and buildings themselves would be ensured through Mitigation Measure J.2-9.

#### Reference

For a complete discussion of Police Protection impacts, see Section IV.J.2 of the Draft EIR.

#### **Project – Public Services (Schools)**

##### Description of Effects

The 897 dwelling units under the Residential Scenario would generate a direct population of 1,966 persons. The increase in the number of permanent residents on the Project Site resulting from the Project and the potential need to enroll any school-aged children into LAUSD schools would increase the demand for school services. Based on LAUSD demographic analysis, the Project would result in 724 additional LAUSD students (414 elementary students, 104 middle school students, and 206 high school students).

With the addition of Project-generated students to existing school enrollments, Cheremoya Elementary would operate over capacity by 193 students, Le Conte Middle would operate over capacity by 219 students, and Hollywood High would operate under capacity by 361 students.

##### Mitigation Measures

**J.3-1** The Project Applicant shall pay all applicable school fees to the Los Angeles Unified School District to offset the impact of additional student enrollment at schools serving the project area.

##### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Schools, as identified in the Final EIR, to a less than significant level.

### Rationale for Findings

Pursuant to Section 65995 of the California Government Code, the payment of developer fees in accordance with SB 50 is considered to provide full and complete mitigation for any impact to school facilities. Therefore, with payment of the required SB 50 fees, per Mitigation Measure J.3-1, Project impacts to schools would be less than significant.

### Reference

For a complete discussion of Schools impacts, see Section IV.J.3 of the Draft EIR.

### **Project – Public Services (Parks and Recreation)**

#### Description of Effects

The 897 dwelling units under the Residential Scenario would generate a direct population of 1,966 persons. Based on the combined neighborhood and community parkland per population ratio of four acres per 1,000 persons, the Residential Scenario would generate a demand of an additional approximately 7.9 acres of new neighborhood and community parkland. Based on six acres of regional parkland per 1,000 residents, the Project would also generate a demand for 11.8 acres of regional parkland. The demand for approximately 19.7 acres of new neighborhood, community, and regional parks and recreational facilities in a currently underserved area would potentially increase the demand on existing parks and recreation facilities.

#### Mitigation Measures

- J.4-1** The Project shall provide a minimum of 100 square feet of usable open space for each dwelling unit having less than three habitable rooms; 125 square feet for each dwelling unit having three habitable rooms; and 175 square feet for each dwelling unit having more than three habitable rooms pursuant to the requirements of LAMC Section 12.21(G). A minimum of 25 percent of the common open space area shall be planted with ground cover, shrubs, or trees and at least one 36-inch box tree is required for every four dwelling units.
- J.4-2** The Project shall pay all applicable fees associated with the Dwelling Unit Construction Tax set forth in LAMC Section 21.10.3(a)(1). The applicable dwelling unit tax shall be paid to the Department of Building and Safety and placed into a "Park and Recreational Sites and Facilities Fund" to be used exclusively for the acquisition and development of park and recreational sites.
- J.4-3** Pursuant to Section 17.12 of the Los Angeles Municipal Code, the Project Applicant shall pay all applicable Quimby fees to the City of Los Angeles for the construction of condominium dwelling units, prior to approval and recordation of the final map.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Parks and Recreation, as identified in the Final EIR, to a less-than-significant level.

### **Rationale for Findings**

To offset the demand for park and recreational services, the Project would create open space and recreational amenities, including recreational rooms, green spaces, and plazas, and other publicly-accessible areas on the Project Site. In addition to the provision of on-site open space and recreational amenities that would be provided for the residents and visitors to the Project Site, the Project would be subject to LAMC requirements that are intended to reduce the increased demands that are created by residential development projects. As such, the combination of the above described project design features, mandatory code compliance requirements, and mitigation measures would reduce the Project's impacts to Parks and Recreation to a less than significant level.

### **Reference**

For a complete discussion of Parks and Recreation impacts, see Section IV.J.4 of the Draft EIR.

### **Project – Public Services (Libraries)**

#### **Description of Effects**

The 897 dwelling units under the Residential Scenario would generate a direct population of 1,966 persons. Based on Department of City Planning estimates, the LAPL estimates the Hollywood Regional Branch service population is approximately 91,980 (2010) and its 2020 service population will be approximately 94,494. Although the LAPL estimates the service population as above 90,000, which would warrant consideration of a second branch nearby, there are no planned improvements to add capacity through expansion or for development of any new libraries to serve the Project area. The addition of approximately 1,966 persons would be accommodated within the planned increase of approximately 2,514 persons through 2020. The Project would represent approximately 78 percent of the increase.

Although the Project would increase the demand for library services through its resident population, it would not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. As such, impacts to library services would be less than significant.

#### **Mitigation Measures**

**J.5-1** The Project Applicant shall pay a mitigation fee of \$200 per capita, based on the projected resident population of the proposed development, to the Los Angeles Public Library to offset the potential impact of additional library facility demand in the Project Area.

#### **Findings**

Although the Project would not result in significant impacts related to Libraries prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Project, which further reduce these less than significant impacts upon Libraries as identified in the Final EIR.

#### **Rationale for Findings**

The L.A. CEQA Thresholds Guide considers features (on-site library facilities, direct support to LAPL) that would reduce the demand for library services. It is likely that the residents of the Project would have individual Internet service, which provides information and research

capabilities that studies have shown reduce demand at physical library locations. Further, as discussed above, the Project Applicant would provide direct support to the LAPL by paying the \$200 per capita rate requested by the LAPL. Separate from any specific LAPL fees, the Project would contribute tax revenue to the City's General Fund through development. Regular funding of the operation of the LAPL Fund comes from the General Plan and fluctuates with City priorities. Funding for specific branch projects is funded by bond measures presented to voters. As a result, impacts to Libraries are less than significant and implementation of Mitigation Measure J.5-1 will further ensure impacts remain less than significant.

#### Reference

For a complete discussion of Libraries impacts, see Section IV.J.5 of the Draft EIR.

#### **Transportation/Traffic (Traffic – Construction)**

##### Description of Effects

Hauling activities for demolition and excavation would occur pursuant to Mitigation Measure K.1-3. Temporary traffic congestion impacts to the surrounding neighborhood could be anticipated during the hauling phases as a result of trucks staging, idling, and traveling on area roadways.

Traffic lane closures on Vine Street would be used for intermittent construction staging for specified hours during Project construction, subject to special permit by governing agencies for each traffic lane closure as required. Traffic lane closures would also be used for intermittent construction staging for specified hours during Project construction on Argyle Avenue and Ivar Avenue. Further, although no bus stops are located directly adjacent to the Project Site construction areas, there are bus stops located nearby the Project Site.

##### Mitigation Measures

**K.1-1** To mitigate potential temporary traffic impacts of any necessary lane and/or sidewalk closures during the construction period, the Project Applicant shall, prior to construction, develop a Construction Management Plan/Worksite Traffic Control Plan (WTCP) to be approved by LADOT. The WTCP shall be designed to minimize the effects of construction on vehicular and pedestrian circulation and assist in the orderly flow of vehicular and pedestrian circulation on the public streets in the area of the Project. The WTCP shall include temporary roadway striping and signage for traffic flow as necessary, elements compliant with conditions xv through xvii in Measure K.1-3, and the identification and signage of alternative pedestrian routes in the immediate vicinity of the Project. The Plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. Any construction related hauling traffic shall be restricted to off-peak hours.

**K.1-2** In order to minimize peak period construction trips, construction related traffic shall be restricted to off-peak hours. The following language is to be incorporated into the WTCP:

- i. On weekdays, work shifts shall not begin between 7:01 AM and 9:29 AM.
- ii. Work shifts shall not end between 3:31 PM and prior to 6:29 PM.

The WTCP shall also include Mitigation Measure K.1-3, Condition ii, time restrictions for hauling.

- K.1-3** Prior to the issuance of a grading permit, the Project Applicant shall record and execute a Covenant and Agreement (Planning Department General Form CP-6770), binding the Project Applicant to the following haul route conditions:
- i. All Project construction haul truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
  - ii. Except under a permitted exception, all hauling (both delivery and export) shall be during the hours of 9:00 AM to 4:00 PM or 6:30 PM to 9:00 PM. Any exceptions to the above time limits shall be permitted by the Department of Building and Safety in consultation with the Department of Transportation. Exceptions to the haul activity time limits are to be permitted only when necessary, such as for the continuation of concrete pours that can not reasonably be completed otherwise.
  - iii. Permitted Days of the week shall be Monday through Saturday. No hauling activities are permitted on Sundays or Holidays.
  - iv. Project haul trucks shall be restricted to 18-wheel trucks or smaller.
  - v. The Traffic Bureau of the Los Angeles Police Department shall be notified prior to the start of hauling (213.485.3106).
  - vi. Streets shall be cleaned of spilled materials at the termination of each work day.
  - vii. The final approved haul routes and all the conditions of approval shall be available on the job site at all times.
  - viii. The 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.
  - ix. Hauling and grading equipment shall be kept in good operating condition and muffled as required by law.
  - x. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
  - xi. All trucks are to be watered only when necessary at the job site to prevent excessive blowing dirt.
  - xii. All trucks are to be cleaned of loose earth at the job site to prevent spilling. Any material spilled on the public street shall be removed by the contractor.
  - xiii. The Project Applicant shall be in conformance with the State of California, Department of Transportation policy regarding movements of reducible loads.
  - xiv. All regulations set forth in the State of California Department of Motor Vehicles pertaining to the hauling of earth shall be complied with.
  - xv. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - xvi. One flag person(s) shall be required at the job site to assist the trucks in and out of the Project area. Flag person(s) and warning signs shall be in compliance with Part II of the 1985 Edition of "Work Area Traffic Control Handbook."
  - xvii. The City of Los Angeles, Department of Transportation, telephone 213.485.2298, shall be notified 72 hours prior to beginning operations in order to have temporary "No Parking" signs posted along the route.

xviii. Any desire to change the prescribed routes must be approved by the concerned governmental agencies by contacting the Street Use Inspection Division at 213.485.3711 before the change takes place.

xix. The permittee shall notify the Street Use Inspection Division, 213.485.3711, at least 72 hours prior to the beginning of hauling operations and shall also notify the Division immediately upon completion of hauling operations.

xx. A surety bond by Contractor shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond shall be issued by the Central District Engineering Office, 201 N. Figueroa Street, Room 770, Los Angeles, CA 90012. Further information regarding the bond may be obtained by calling 213.977.6039

**K.1-4** The Project Applicant shall contact the Metro Bus Operations Control Special Events Coordinator at 213-922-4632 regarding construction activities that may impact Metro bus lines.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Transportation – Traffic - Construction, as identified in the Final EIR, to a less-than-significant level.

#### Rationale for Findings

Mitigation Measures K.1-1 through K.1-4 would be implemented to facilitate the flow of vehicle and bus traffic during construction activities near the Project Site. Mitigation Measure K.1-4 above was added in the Final EIR pursuant to a request by Metro and will help to facilitate the flow of bus traffic during construction.

#### Reference

For a complete discussion of Transportation – Traffic impacts, see Section IV.K.1 of the Draft EIR.

#### **Transportation – Parking**

##### Description of Effects

Construction- Temporary Sidewalk Closures and Construction Worker Parking Based on a review of the anticipated temporary closures and pedestrian detour routes resulting from said closures, pedestrian access would not be significantly impacted during construction. Pedestrian access routes in a north-south direction on Argyle Avenue and Ivar Avenue would remain unobstructed on the opposing sides of the street. North-South access on Vine Street would still be possible, but would require pedestrians to cross the street mid-block. East-West access along the Yucca Street sidewalk would be maintained at all times and would not be impacted by the Project. In addition, Mitigation Measures IV.K.2-1 is recommended to further ensure that walking distances associated with alternative sidewalk routes and pedestrian detours are reduced to an acceptable standard. Therefore, Project impacts associated with temporary sidewalk closures would be considered less than significant.

In the event that both the East and West Sites are built out simultaneously, parking for construction workers will be located off-site with shuttle service if necessary and all staging and lay down areas will be on-site and/or in the sidewalk and parking curb lanes until the below grade parking structure is completed. If the East and West Sites are built out separately, construction worker parking and staging will be at the undeveloped portion of the Project Site. If one Site's development has been completed, worker parking would occur at the completed parcel. With implementation of Mitigation Measure K.2-2 and a Construction Management Program, as required through Mitigation Measure K.1-1, parking impacts associated with construction worker parking would be less than significant.

#### Mitigation Measures

**K.2-1** No sidewalk in the pedestrian route along a public right-of-way shall be closed for construction unless an alternative pedestrian route is provided that is no more than 500 feet greater in length than the closed route.

**K.2-2** Construction Related Parking. Off-street parking shall be provided for all construction-related employees generated by the Project. No employees or subcontractors shall be allowed to park on surrounding residential streets for the duration of all construction activities. There shall be no staging or parking of heavy construction vehicles on the surrounding street for the duration of all construction activities. There shall be no staging or parking of construction vehicles, including vehicles that transport workers, on any residential street in the immediate area. All construction vehicles shall be stored on-site unless returned to the base of operations.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Transportation - Parking, as identified in the Final EIR, to a less-than-significant level.

#### Rationale for Findings

Mitigation Measure IV.K.2-1 is recommended to further ensure that walking distances associated with alternative sidewalk routes and pedestrian detours are reduced to an acceptable standard. Therefore, Project impacts associated with temporary sidewalk closures *would be considered less than significant*.

With implementation of Mitigation Measure K.2-2 and a Construction Management Program, as required through Mitigation Measure K.1-1, parking impacts associated with construction worker parking would be less than significant.

#### Reference

For a complete discussion of Transportation – Parking impacts, see Section IV.K.2 of the Draft EIR.

#### **Project – Utilities and Service Systems (Water)**

##### Description of Effects

The Project is estimated to consume a total of approximately 250,659 gpd (251,406 gpd total less existing uses of 250 gpd and additional conservation of 497 gpd). This equates to

approximately 281 AFY of water demand for the Commercial Scenario. The Water Supply Assessment included in the Draft EIR concluded that the approximately 281 AFY water demand generated by the Project falls within the available and projected water supplies for normal, single-dry, and multiple-dry years through 2035, and within the water demand growth projected in LADWP's Year 2010 Urban Water Management Plan.

The Project would replace the existing on-site water system with new water lines configured in a looped system that would be maintained and supplied by the LADWP via two connection points to the existing 12-inch LADWP water main near Vine Street and Hollywood Boulevard. The replacement or addition of infrastructure could potentially result in temporary partial public street closures on Vine Street and Yucca Street. The LADWP confirmed that the Project Site can be supplied with water from the municipal system. All infrastructure improvements would be built to the LADWP and Los Angeles City Plumbing Code standards. The LADWP modeled the fire flow requirements against the existing water infrastructure and determine that the existing system has adequate capacity. Similarly, the water facilities that serve the Project Site currently has the capacity to treat and convey an additional 125 mgd of water. The Project's net increase of 222,455 gpd (i.e., approximately 0.002 percent of the LAAFP available capacity) would be accommodated within the existing treatment capacity. The Project would not trigger the need for improvements that would create a significant adverse effect.

#### Mitigation Measures

L.1-1 In the event of temporary partial public street closures, the Project Applicant shall employ flagmen during the construction of water line work, to facilitate the flow of traffic.

#### Findings

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant effect of all of the impacts related to Utilities and Service Systems - Water, as identified in the Final EIR, to a less-than-significant level.

#### Rationale for Findings

In addition to Mitigation Measure L.1-1, hydrants, water lines, and water tanks would be installed per Code requirements for the Project. If necessary, and as determined during the plan check process, potential water main and other infrastructure upgrades would not be expected to create a significant impact to the physical environment because: (1) any disruption of service would be of a short-term nature; (2) replacement of the water mains would be within public and private rights-of-way; and (3) the existing infrastructure would be replaced with larger infrastructure in areas that have already been significantly disturbed. The Draft EIR determined that adequate water supply, treatment capacity at applicable facilities, and conveyance systems were adequate to implement the Project without creating significant impacts.

#### Reference

For a complete discussion of Utilities and Service Systems – Water impacts, see Section IV.L.1 of the Draft EIR.

#### **Utilities and Service Systems (Solid Waste)**

### Description of Effects

The demolition and construction phase of the Project in the most impactful scenario would generate approximately 3,942.4 tons of debris. The demolition and construction debris associated with the Project would primarily be classified as inert waste and would be recycled in accordance with Ordinance 181519 at one of the City certified construction and demolition waste processor facilities, which is most likely the Peck Road Gravel Pit, located in the City of Monrovia.

The Project in the most impactful scenario during operation would generate approximately 2.205 net tpd of solid waste, not accounting for the effectiveness of recycling efforts, which the Project will implement. The solid waste generation under the Residential Scenario would represent approximately 0.022 percent of the remaining combined daily intake capacity at the Sunshine Canyon and Chiquita Canyon Landfills. Furthermore, operations within the City and the Project Site would continue to be subject to and support the requirements set forth in AB 939 requiring each city or county to divert 50 percent of its solid waste from landfill disposal through source reduction, recycling, and composting. Thus, as determined in the Draft EIR, the Project would have less than significant impacts related to solid waste generation.

### Mitigation Measures

- L.3-1 All waste shall be disposed of properly and in accordance with the City's Bureau of Sanitation standards. Appropriately labeled recycling bins to recycle demolition and construction materials including: solvents, water-based paints, vehicle fluids, broken asphalt and concrete, bricks, metals, wood, and vegetation shall be used. The bulk recyclable material such as broken asphalt and concrete, brick, metal and wood shall be hauled by truck to an appropriate facility. Non-recyclable materials/wastes shall be hauled by truck to an appropriate landfill. Toxic wastes shall be discarded at a licensed regulated disposal site.
- L.3-2 Recycling bins shall be provided at all trash locations, to promote recycling of paper, metal, glass, and other recyclable materials during operation of the Project. These bins shall be emptied and recycled accordingly and consistent with AB 939 as a part of the Project's regular solid waste disposal program.

### Findings

Although the Project would not result in significant impacts related to solid waste prior to the implementation of mitigation measures, changes or alterations nonetheless have been incorporated into the Project, which further reduce these less-than-significant impacts upon Utilities and Service Systems – Solid Waste as identified in the Final EIR.

### Rationale for Findings

The Project would be consistent with AB 939 and in turn support the goals and policies in the SSRE. The Project would also be consistent with Ordinance 181519 and other plans and policies related to solid waste. Mitigation Measures L.3-1 and L.3-2 are designed to ensure that all operational waste is disposed of properly and consistent with City ordinances, policies, and objectives. Additionally, the estimated amount of construction/demolition waste could be accommodated by this and other facilities in accordance with Ordinance 181519, which requires compliance with AB 939, and which requires haulers to obtain a City permit to discharge construction and demolition waste at one of the City's facilities.

## Reference

For a complete discussion of Utilities and Service Systems - Solid Waste impacts, see Section IV.L.3 of the Draft EIR.

## VIII. SIGNIFICANT IMPACTS WHICH REMAIN SIGNIFICANT AFTER MITIGATION MEASURES.

### **Aesthetics (Views/Light and Glare)**

#### Description of Significant Effects

##### *Focal View Obstruction*

To determine the extent of a view obstruction impact, the L.A. CEQA Thresholds Guide states that the degree of obstruction can generally be categorized as either: (a) total blockage; (b) partial interruption; or (c) minor diminishment. The Development Regulations ensure that no development scenario of the Project would result in the total blockage of the Capitol Records Building from the recognized viewpoint at Hollywood Boulevard and Vine Street looking north. As discussed below, however, the Project could result in varying degrees of visual blockage from this vantage point depending on the height and massing envelope.

As illustrated in the Draft EIR, Figure IV.A.1-16 (View 6), provides conceptual renderings of the Project at the 220-, 400-, 550- and 585-foot high massing envelopes and illustrates the visibility of the Capitol Records Building from the corner of Hollywood Boulevard and Vine Street. This is considered the vantage point at street level where the Project could most impact a valued focal view. In each rendering the Capitol Records Building is visible to varying degrees. As shown in View 6(a), which is the most impactful scenario, the Project with a 220-foot high massing envelope results in a high degree of view interruption. From this vantage point, the Project would significantly obstruct views of the Capitol Records Building. However, even in this most impactful scheme, the Capitol Records Building and Jazz Mural remain visible at grade level due to the open space setback fronting the mural and minimum 10-foot structural setback along Vine Street as depicted in Figure IV.A.1-2 in the Draft EIR, Axonometric of Permitted Building Envelope West Site - 220 Feet Maximum Tower Height. Regardless, the extent of view blockage of the Capitol Records Building from this vantage point (considering the 220-foot high massing envelope) results in a significant visual impact.

Likewise, View 6(b), which is the 400-foot high massing envelope, shows that the Project would obstruct a substantial portion of the Capitol Records Building view from the corner of Hollywood Boulevard and Vine Street. This level of obstruction is considered a substantial, yet partial, interruption of the focal view due to the ability to recognize some, but not all, of the Capitol Records Building's distinguishing architectural features. Thus, the Project (considering the 400-foot high massing envelope) could result in a significant visual impact based on the extent of view blockage caused by the Project on the Capitol Records Building from this vantage point.

#### Mitigation Measures

**A.1-2** The Project shall be developed in conformance with the Millennium Hollywood Development Standards, including, but not limited to, the Density Standards, the Building Height Standards, the Tower Massing Standards, and Building and Streetscape Standards. Prior to construction, Site Plans and architectural drawings shall be submitted to the Department of City Planning to assess compatibility with the Development Standards.

### Findings

The City adopts CEQA Finding C which states that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines Section 15091, subd. (a)(3))

### Rationale for Findings

The Project's impact after mitigation would be significant and unavoidable regarding focal view obstruction under the 220-foot and 400-foot high development scenarios for the intersection view of Capitol Records Building from Hollywood Boulevard and Vine Street; and with respect to cumulative aesthetic impacts.

Mitigation Measure A.1-2 ensures that the Project is developed according to the Development Regulations, which implement numerous standards that reduce the Project's potential view obstruction impacts. Grade-level open space, setbacks, and structure articulation controls in the Development Regulation all help minimize focal view impacts on valued viewsheds to the extent feasible while still accomplishing most of the Project objectives.

### Reference

For a complete discussion of Aesthetics - Views / Light and Glare impacts, see Section IV.A.1 of the Draft EIR.

### **Aesthetics (Views/Light and Glare)**

#### Description of Significant Effects

##### *Cumulative Visual Impacts (height and massing of aesthetic character)*

From a variety of perspectives, several of the Related Projects analyzed in the Draft EIR could enter the same viewshed as the Project. Many of the Related Projects are urban infill development that would not be out of character with the existing visual environment. However, development of the Project, in conjunction with several of the Related Projects, would have the potential to contrast with the overall existing aesthetic environment due to increased height and densities. The Related Projects have the potential to block views from local streets and other vantage points throughout the Project area towards valued views such as the HOLLYWOOD Sign and would also develop recognizable structures within the existing Hollywood urban node. These new developments would be collectively visible from the Hollywood Hills and lend to the evolution of a vertically expanding Hollywood skyline. Therefore, although the Project's aesthetics impacts are generally considered less than significant, the cumulative impact of the Related Projects together with the Project is considered cumulatively considerable and significant with respect to increased heights and densities.

### Mitigation Measures

There are no mitigation measures that would apply to the Related Projects.

**A.1-2** The Project shall be developed in conformance with the Millennium Hollywood Development Standards, including, but not limited to, the Density Standards, the Building Height Standards, the Tower Massing Standards, and Building and Streetscape Standards. Prior to construction, Site Plans and architectural drawings shall be

submitted to the Department of City Planning to assess compatibility with the Development Standards.

### Findings

The City adopts CEQA Finding C which states that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines Section 15091, subd. (a)(3))

### Rationale for Findings

The cumulative significant impact results from several of the Related Projects that could enter in the same viewshed as the Project. There are no mitigation measures or Project Alternatives that could affect how the Related Projects are proposed and implemented. The Applicant does not control the extent of development associated with the other Related Projects and thereby cannot feasibly reduce this cumulative aesthetic impact.

### Reference

For a complete discussion of Aesthetics - Views / Light and Glare impacts, see Section IV.A.1 of the Draft EIR.

### **Air Quality (Construction)**

#### Description of Significant Effects

The daily emissions generated during the Project's building construction phase would exceed the regional threshold recommended by the SCAQMD for ROG and NO<sub>x</sub>. It should be noted that ROG emissions would only exceed the daily threshold during the architectural coating activities.

#### Mitigation Measures

**B.1-1** The Project Applicant shall include in construction contracts the control measures required and/or recommended by the SCAQMD at the time of development, including but not limited to the following:

##### *Rule 403 - Fugitive Dust*

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

- B.1-2** To reduce on-site construction related air quality emissions, the Project Applicant shall ensure all construction equipment meet or exceed Tier 3 off-road emission standards.
- B.1-3** Haul truck fleets during demolition and grading excavation activities shall use newer truck fleets (e.g., alternative fueled vehicles or vehicles that meet 2010 model year United States Environmental Protection Agency NO<sub>x</sub> standards), where commercially available. At a minimum, truck fleets used for these activities shall use trucks that meet EPA 2007 model year NO<sub>x</sub> emissions requirements.

### Findings

The City adopts CEQA Finding A, which states that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (State CEQA Guidelines Section 15091, subd. (a)(1))

### Rationale for Findings

Mitigation Measures B.1-1 through B.1-3 would reduce construction related air quality impacts to the maximum extent feasible. Specifically, these measures would reduce impacts associated with fugitive dust and off-road construction equipment exhaust. Nevertheless, as shown in Table IV.B.1-11 of the Draft EIR, Estimated Peak Daily Construction Emissions – Mitigated, the mitigated peak daily emissions generated during the Project’s site preparation, grading, and excavation phase would exceed the regional emission threshold recommended by the SCAQMD for NO<sub>x</sub> largely due to off-road diesel powered equipment and soil hauling. In addition, the Applicant implemented additional mitigation measures in response to a comment letter on the Draft EIR submitted by the South Coast Air Quality Management District. See Response to Letter No. 7 in the Final EIR, which demonstrates how all feasible mitigation has been implemented to reduce this air quality impact to the extent feasible. There are no mitigation measures that would further this impact to less than significant considering the localized and regional air quality in the existing environment.

### Reference

For a complete discussion of Air Quality impacts, see Section IV.B.1 of the Draft EIR.

### **Air Quality (Operations)**

#### Description of Significant Effects

The Project would result in unmitigated operational emissions that would exceed the established SCAQMD threshold levels for ROG and NO<sub>x</sub> during both the summertime (smog season) and wintertime (non-smog season).

Additionally, a detailed Health Risk Assessment (HRA) was prepared for the Project. As discussed in detail therein, the HRA assesses ambient air pollution levels and Toxic Air Contaminates (TACs) in the vicinity of Project, which is located near the Hollywood (U.S. 101) Freeway in the Hollywood Community Plan Area of the City of Los Angeles. The 101 Freeway is an existing source of TACs. It creates an unhealthy ambient air quality environment at the Project Site. Thus, due to the existing conditions surrounding the 101 Freeway, the Project Site is located in an ambient air quality environment that could expose sensitive receptors to elevated air quality health risks levels that exceed the SCAQMD threshold for TACs. Accordingly, the HRA has quantified and disclosed the potential air quality health risks

associated with the Project Site location consistent with the recommendations of CARB and the Department of City Planning. The Project Site is located in an ambient air quality environment that would expose sensitive receptors to elevated TACs that cannot be mitigated below a level of significance by the Project. Therefore, the related impact associated with exposure to existing TACs is considered significant and unavoidable.

#### Mitigation Measures

- B.1-4** The Project shall meet the requirements of the City of Los Angeles Green Building Code. Specifically, as it relates to the reduction of air quality emissions, the Project shall:
- Be designed to exceed Title 24 2008 Standards by 15%;
  - Reduce potable water consumption by 20% through the use of low-flow water fixtures;
  - Provide readily accessible recycling areas and containers. It is estimated this would achieve a minimum 10% reduction of solid waste deposited at local landfills; and
  - All residential grade equipment and appliances provided and installed shall be ENERGY STAR labeled if ENERGY STAR is applicable to that equipment or appliance.
- B.1-5** The Project shall incorporate residential air filtration systems with filters meeting or exceeding the ASHRAE 52.2 Minimum Efficiency Reporting Value (MERV) of 13, to the satisfaction of the Department of Building and Safety. The CC&Rs recorded for the residential units on the Project Site shall incorporate this measure. High efficiency filters shall be installed and maintained for the life of the Project.
- B.1-6** Heating Ventilation and Air Conditioning (HVAC) air intakes shall be located either on the roof of structures or within areas of the Project Site that are distant from the 101 Freeway to the extent that such placement is compatible with final site design.
- B.1-7** For portions of new structures that contain sensitive receptors and are located within 500-feet of the 101 Freeway, the project design shall limit the use of operable windows and/or the orientation of outdoor balconies.
- B.1-8** The Project shall provide electric outlets on residential balconies and common areas for electric barbeques to the extent that such uses are permitted on balconies and common areas per the Covenants, Conditions and Restrictions recorded for the property.
- B.1-9** The Project shall use electric lawn mowers and leaf blowers, electric or alternatively fueled sweepers with HEPA filters, and use water-based or low VOC cleaning products for maintenance of the building.

#### Findings

The City adopts CEQA Finding C which states that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines Section 15091, subd. (a)(3))

#### Rationale for Findings

Mitigation Measures B.1-4 through B.1-9 would reduce operational air quality impacts to the maximum extent feasible. Specifically, this measure would reduce air quality emissions associated with energy consumption. This mitigation measure would serve to reduce emissions

associated with mobile vehicle sources. Nevertheless, impacts associated with regional operational emissions from the Project would be significant and unavoidable.

To minimize adverse health effects associated with diminished ambient air pollution levels in the Project vicinity, Mitigation B.1-5 is proposed. The Project Site is located in an ambient air quality environment that would expose sensitive receptors to elevated TACs that cannot be mitigated below a level of significance by the Project. Therefore, the related impact associated with exposure to existing TACs is considered significant and unavoidable. Nevertheless, there are no mitigation measures or Project Alternatives that could affect how the Related Projects are proposed and implemented.

#### Reference

For a complete discussion Air Quality impacts, see Section IV.B.1 of the Draft EIR.

#### **Noise (Construction and Operation)**

##### Description of Significant Effects

The Project would have significant noise impacts during construction on the sensitive receptors identified in the Draft EIR. Table IV.H-9 therein indicates that sensitive land uses including residential, hotels, and the recording studios at the Capitol Records Building could experience temporary noise levels above applicable thresholds.

Similarly, the Project would have significant construction vibration impacts at the sensitive receptors identified in Table IV.H-11 of the Draft EIR.

With respect to the Capitol Records Building's underground echo chambers, construction impacts would produce potentially significant impacts with respect to human annoyance and disrupting existing studio recording operations.

With respect to placing proposed residential uses along the street segments, future roadway noise levels at distances of 35 feet from the Vine Street centerline could reach up to approximately 72.1 dBA CNEL. All other locations where residential uses could be placed on the Project Site would front street segments with future traffic noise below 70 dBA CNEL. Nevertheless, based on predicted noise levels along Vine Street, proposed residential uses may be exposed to noise levels that exceed 70.0 dBA CNEL, which falls within the normally unacceptable category for residential and open spaces uses identified in the *L.A. CEQA Thresholds Guide*. This type of impact is considered an impact of the environment on the Project. Nonetheless, the Project would result in generally unacceptable exterior noise levels for any proposed residential or open space uses fronting Vine Street.

##### Mitigation Measures

- H-1 The Project shall comply with the City of Los Angeles Noise Ordinance No. 144331 and 161574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- H-2 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 or national holidays. No construction activities shall occur on any Sunday.
- H-3 Noise and groundborne vibration construction activities whose specific location on the Project Site may be flexible (e.g., operation of compressors and generators, cement

mixing, general truck idling) shall be conducted as far as feasibly possible from all adjacent land uses. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be operated efficiently to minimize noise impacts to the maximum extent feasible.

- H-4 Construction activities shall be scheduled so as to avoid as feasible operating several pieces of equipment simultaneously, which causes high noise levels.
- H-5 Flexible sound control curtains shall be placed around all drilling apparatuses, drill rigs, and jackhammers when in use.
- H-6 The Project contractor shall use power construction equipment with noise shielding and muffling devices in accordance with the manufacture's recommendations.
- H-7 Barriers such as plywood structures or flexible sound control curtains extending eight-foot high shall be erected around the Project Site boundary to minimize the amount of noise on the adjacent land uses and surrounding noise-sensitive receptors to the maximum extent feasible during construction.
- H-8 All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors to the extent feasible.
- H-9 The Project shall comply with the City of Los Angeles Building Regulations Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.
- H-10 Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to the immediate surrounding properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period.
- H-11 All new construction work shall be performed so as not to adversely impact or cause loss of support to on-site and neighboring/bordering structures. Pre-construction conditions documentation shall be performed to document conditions of the on-site and neighboring/bordering buildings, including the Pantages Theater, the Avalon Theater, the Art Deco Storefronts on Yucca Street, the AMDA building at 1777 Vine Street, and the Capitol Records Complex, prior to construction activities. The structure-monitoring program shall be developed for implementation and monitoring during construction.

The performance standards of the adjacent structure-monitoring plan shall include the following. All new construction work shall be performed so as not to adversely impact or cause loss of support to neighboring/bordering structures. Pre-construction conditions documentation shall be performed to document conditions of the neighboring/bordering buildings, including the historic structures that are on or adjacent to the Project Site, prior to initiating construction activities. As a minimum, the documentation shall consist of video and photographic documentation of accessible and visible areas on the exterior and select interior façades of the buildings immediately bordering the Project Site. A registered civil engineer or certified engineering geologist shall develop

recommendations for the adjacent structure monitoring program that shall include, but not be limited to, vibration monitoring, elevation and lateral monitoring points, crack monitors and other instrumentation deemed necessary to protect adjacent building and structure from construction-related damage. The monitoring program shall include vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, work shall stop in the area of the affected building until measures have been taken to stabilize the affected building to prevent construction related damage to adjacent structures.

- H-12 Driven soldier piles shall be prohibited during construction. Augered piled are permitted.
- H-13 All construction equipment engines shall be properly tuned and muffled according to manufacturers' specifications.
- H-14 All mitigation measures restricting construction activity shall be posted at the Project Site and all construction personnel shall be instructed as to the nature of the noise and vibration mitigation measures.
- H-15 Rubber tired equipment shall be utilized when applicable, such as a combination loader/excavator for light-duty construction operations. Tracked excavator and tracked bulldozers shall be utilized during mass excavation as necessary to facilitate timely completion of the excavation phase of development.
- H-16 All plans and specifications and construction means and methods shall be provided to EMI/Capitol Records for review concurrently with their submission to the City of Los Angeles Department of Building & Safety.
- H-17 In the event that excavation and development design encounters the foundation or structural walls of the Capitol Records Building echo chamber, a not less than two-inch thick closed cell neoprene foam liner will be applied to exposed excavation at the West Site adjacent to the EMI/Capitol Records echo chamber provided that: (1) the liner is approved for this use by the City of Los Angeles Department of Building & Safety (if not so approved, then an equivalent product approved for this use by the City of Los Angeles Department of Building and Safety shall be applied) and (2) a Miradrain system (or equivalent product) for drainage and waterproofing shall be installed per manufacturer recommendations. A 10 to 12 inch thick cast-in-place or shotcrete wall will then be built to attenuate operational noise created by the Project.
- H-18 All new mechanical equipment associated with the Project shall comply with Section 112.02 of the City of Los Angeles Municipal Code, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise level of the premises of other occupied properties by more than 5 dBA.
- H-19 Consistent with Section 99.05.507.4.1 of the LAMC (LA Green Building Code), Exterior Noise Transmission, the proposed building envelope shall have an STC of at least 50, and exterior windows shall have a minimum STC of 30. Furthermore, the Project shall comply with Title 24 Noise Insulation Standards, which specifies the maximum allowable sound transmission between dwelling units in new multi-family buildings, and limits allowable interior noise levels in new multi-family residential units to 45 dBA CNEL.

### Findings

The City adopts CEQA Finding C which states that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly

trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines Section 15091, subd. (a)(3)).

#### Rationale for Findings

With the implementation of construction Mitigation Measures H-1 through H-17, which limit the hours of construction activities, and require the use of noise reduction devices and techniques during construction at the Project Site, the Project's construction-related noise impacts would be reduced to the maximum extent feasible. However, even with the implementation of the identified mitigation measures, potential noise levels generated by Project construction would in some cases exceed applicable thresholds. Thus, further reducing construction related noise levels considered technically infeasible. As discussed in the Final EIR, numerous additional mitigation measures were added to reduce construction noise impacts to on-site and surrounding land uses. The feasibility of other suggested noise mitigation was thoroughly assessed in Appendix J, Feasibility Assessment, Noise and Vibration Mitigation Measures for the Project.

With the implementation of the Mitigation Measures H-1 through H-17, potential groundborne vibration impacts associated with the Project would be reduced to the maximum extent feasible. Nevertheless, because potential construction vibration levels at the identified sensitive off-site receptors would exceed the FTA's annoyance thresholds, potential construction groundborne vibration impacts would be significant and unavoidable.

With respect to the Capitol Records Building's underground echo chambers, any vibration-related land use conflicts would be resolved through tenant-landlord agreements and further coordination between each entity with respect to on-site activities. For the purposes of CEQA analysis, however, the Project's physical vibration-related annoyance impacts on the existing environment would be considered significant and unavoidable.

#### Reference

For a complete discussion of Noise impacts, see Section IV.H of the Draft EIR.

#### **Transportation and Traffic (Operational)**

##### Description of Significant Effects

Five study intersections would be significantly impacted by the Project under the Existing (2011) With Project conditions scenario:

- Cahuenga Boulevard/Franklin Avenue (PM peak hour)
- Argyle Avenue/Franklin Avenue – US 101 Freeway Northbound On-Ramp (PM peak hour)
- Cahuenga Boulevard/Hollywood Boulevard (AM peak hour & PM peak hour)
- Vine Street/Hollywood Boulevard (AM peak hour & PM peak hour)
- Vine Street/Sunset Boulevard (AM Peak Hour)

##### *Cumulative Impacts*

The Project is expected to significantly contribute to cumulative impacts at the following 13 study intersections under the Future (2020) conditions:

- Highland Avenue (North)/Franklin Avenue (PM peak hour)

- Cahuenga Boulevard/Franklin Avenue (AM peak hour & PM peak hour)
- Argyle Avenue/Franklin Avenue – US 101 Freeway Northbound On-Ramp (PM peak hour)
- La Brea Avenue/Hollywood Boulevard (PM peak hour)
- Highland Avenue/Hollywood Boulevard (PM peak hour)
- Cahuenga Boulevard/Hollywood Boulevard (AM peak hour & PM peak hour)
- Vine Street/Hollywood Boulevard (AM peak hour & PM peak hour)
- Argyle Avenue/Hollywood Boulevard (PM peak hour)
- Gower Street/Hollywood Boulevard (AM peak hour & PM peak hour)
- Cahuenga Boulevard/Sunset Boulevard (PM peak hour)
- Vine Street/Sunset Boulevard (AM peak hour & PM peak hour)
- Vine Street/Fountain Avenue (AM peak hour & PM peak hour)
- Vine Street/Santa Monica Boulevard (AM peak hour & PM peak hour)

#### *Horizon Year (2035) Impacts*

The Project, for the Horizon Year (2035), would significantly impact traffic conditions at three additional intersections beyond the 13 intersections for Future (2020) conditions. Those additional intersections are:

- Cahuenga Boulevard and Yucca Street (PM peak hour)
- Vine Street and Selma Avenue (PM peak hour), and
- Vine Street and De Longpre Avenue (PM peak hour).

#### *No Vine Street Access Impacts*

Under the No Vine Street Access Scenario, one additional intersection would be significantly impacted by Project traffic compared to the Project (which includes access on Vine Street). The additional impact would be both under the Future Plus Project (2020) conditions and under the Horizon Year (2035) Plus Project conditions.

The following additional intersection would be significantly impacted:

- Ivar Avenue and Hollywood Boulevard (Future (2020) PM peak hour and Horizon Year (2035) AM peak hour & PM peak hour)

The other two intersections significantly impacted under the No Vine Street Access Scenario, which were also significantly impacted under the Project, are Vine Street and Hollywood Boulevard (Existing (2011), Future (2020) and Horizon Year (2035)) and Argyle Avenue and Hollywood Boulevard (Future (2020) and Horizon Year (2035)).

#### *Project Component Shifting Analysis*

The Project Applicant is considering a potential shift in the location of the individual uses for the Project. Therefore, an analysis was prepared to address the potential traffic impacts resulting from the relocation of Project uses/components and associated parking between the East and West Sites. The square footages of the land uses for the Project, totaled for both Sites, would remain the same.

The scenario considered for the maximum development shift to the East Site (the Maximum East Site Development Scenario) would incorporate the location of all 264,303 square feet of office space, all 254 hotel rooms, 173 residential dwelling units, all 25,000 square feet of restaurant space, and 25,000 square feet of retail space on the East Site. Development of the

West Site would consist of all 80,000 square feet of health club space, 288 residential dwelling units, and 75,000 square feet of retail space. The parking associated with each Project use/component would be located on the Site containing that use/component.

The scenario considered for the maximum development shift to the West Site (the Maximum West Site Development Scenario) would incorporate the location of all of the office parking (but not the office space), all 254 hotel rooms, all 80,000 square feet of health club space, 95,000 square feet of retail space, 20,000 square feet of restaurant space, and 350 residential dwelling units on the West Site. Development on the East Site would consist of all 264,303 square feet of office space (but not the office parking), 111 residential dwelling units, 5,000 square feet of restaurant space, and 5,000 square feet of retail space. The parking associated with each Project use/component, except for the office space, would be located on the Site containing that use/component.

As such, traffic impacts for the Maximum East Site and Maximum West Site Development Scenarios were also analyzed. The Project component shifts are only anticipated to affect the traffic at the six intersections located at the corners of the blocks containing the East Site and West Site (the Affected Intersections). The six Affected Intersections are listed below:

10. Ivar Avenue and Yucca Street
11. Vine Street and Yucca Street
12. Argyle Avenue and Yucca Street
17. Ivar Avenue and Hollywood Boulevard
18. Vine Street and Hollywood Boulevard
19. Argyle Avenue and Hollywood Boulevard

Under the Existing (2011) conditions analysis for the Maximum East Site and Maximum West Site Development Scenarios, the site shift would not change any conclusions for the Existing (2011) conditions analysis. A significant traffic impact would occur at intersection 18 - Vine Street and Hollywood Boulevard under all three scenarios (Project, Maximum East Site and Maximum West Site Development Scenarios), With or With No Vine Street Access, but no other significant traffic impacts were identified.

Under the Future (2020) conditions analysis for the Maximum East Site and Maximum West Site Development Scenarios, With or with No Vine Street Access, Intersection 18 - Vine Street and Hollywood Boulevard would be significantly impacted. An additional significant impact would occur at intersection 19 - Argyle Avenue and Hollywood Boulevard. Under the Future (2020) conditions (with No Vine Street access), a third intersection (17 - Ivar Avenue and Hollywood Boulevard) would be significantly impacted under all three scenarios (Project, Maximum East Site and Maximum West Site Development Scenarios).

Under the Horizon Year (2035) conditions analysis for the Maximum East Site and Maximum West Site Development Scenarios (With Vine Street Access) the Project component shifts would cause the conclusions/impacts to change at one intersection. With at least 20 percent of the shift in location assumed for the Maximum East Site Development Scenario, the Project PM peak-hour impact at the intersection of 19 - Argyle Avenue and Hollywood Boulevard would be significantly impacted. With 100% of the Maximum East Site location shift (with No Vine Street Access conditions), the impact at intersection 12 - Argyle Avenue and Yucca Street would be significant.

In summary, the change in the balance of Project land-use components and parking between the West Site and the East Site is anticipated to have localized traffic impacts at the intersections immediately surrounding the Project Site. As discussed above, this analysis was performed for the two scenarios that represent the maximum shift in location of the Project

uses/components and parking: There would be changes to the conclusions/impacts for the Project at two intersections that would accompany the analyzed shifts in land uses. Those conclusions are regarding the significance of the impacts at intersection 19 - Argyle Avenue and Hollywood Boulevard, and at intersection 12 - Argyle Avenue and Yucca Street.

#### Mitigation Measures

**K.1-5 Transportation Demand Management (TDM)** – The Project is a mixed-use development, located within a quarter mile radius of the Hollywood/Vine Metro Red Line Transit Station and allows immediate access to the Metro Red Line rail system. Additionally, a number of Metro and LADOT bus routes are less than one-quarter mile (considered to be within reasonable walking distance) from the Project Site, providing access for Project employees, visitors, residents and guests. The Project Site is surrounded by numerous supporting and complementary uses, such as additional housing for employees and additional shopping for residents within walking distance. The Project shall take advantage of these opportunities through a pedestrian/bicycle friendly design and implementation of a TDM program. A preliminary TDM program shall be prepared and provided for LADOT review prior to the issuance of the first building permit for the Project and a final TDM program approved by LADOT is required prior to the issuance of the first certificate of occupancy for the Project. The TDM Program applies to the new land uses to be developed as part of the final development program for the Project. To the extent a TDM Program element is specific to a use, such element shall be implemented at such time that new land use is constructed. Both the pedestrian/bicycle friendly design and TDM program shall be acceptable to the Departments of Planning and Transportation. The TDM program shall include, but not be limited to, the following strategies:

- Provide an internal Transportation Management Coordination Program with an on-site transportation coordinator;
- A bicycle, transit, and pedestrian friendly environment;
- Administrative support for the formation of carpools/vanpools;
- Inclusion of business services to facilitate work-at-home arrangements for the proposed residential uses, if constructed;
- Flexible/alternative work schedules and telecommuting programs;
- Provide car share amenities (including a minimum of 5 parking spaces for shared car program);
- Parking provided as an option only for all leases and sales;
- A provision requiring compliance with the State Parking Cash-out Law in all leases;
- Provision of a self-service bicycle repair area and shared tools for residents and employees;
- Distribution of information to all residents and employees of the onsite pedestrian, bicycle and transit rider services, including shared car and shared bicycle services;
- Coordinate with LADOT to provide space for a future Integrated Mobility Hub;
- Guaranteed ride home program potentially via the shared car program;
- Transit routing and schedule information;
- Transit pass sales;
- Rideshare matching services;
- Bike and walk to work promotions;
- Visibility of the alternative commute options through a location on the central court of the Project Site;
- Preferential rideshare loading/unloading or parking location;
- Financial contribution to the City's Bicycle Plan Trust Fund that is currently being established (CF 10-2385-S5).

In addition to these TDM measures, LADOT also recommends that the Project Applicant explore the implementation of an on-demand van, shuttle or tram service that connects the Project to off-site transit stops based on the transportation needs of the Project's employees, residents and visitors. Such a service shall be included as an additional measure in the TDM program if it is deemed feasible and effective by the Project Applicant.

**K.1-6 Hollywood Community Transportation Management Organization (TMO)** – The Project shall join or help create a TMO serving the Hollywood Area by providing a meeting area and initial staffing for one year (free of charge). The Project owner shall participate in the TMO as a member. The TMO shall offer services to member organizations, which include:

- Matching services for multi-employer carpools,
- Multi-employer vanpools (to serve areas that are identified as under served by transit, but contain the residences of the Hollywood area employees),
- Help coordinating the Bicycle Share and Car Share programs,
- Promotion and implementation of pedestrian, bicycle and transit stop enhancements (such as transit/bicycle lanes), and
- Other efforts to encourage and increase the use of alternative transportation modes in the Hollywood area.

**K.1-7 Integrated Mobility Hubs** – To support the goals of the Project's TDM plan and to expand the City's program, the Project Applicant shall coordinate with LADOT to provide space for a Mobility Hub in a convenient location within or near the Project Site. The Project Applicant has offered to provide on-site parking spaces for shared cars that could be a project-specific amenity or be linked with the larger Mobility Hubs program. The Project Applicant shall also provide space that shall accommodate bicycle parking, bicycle lockers, and shared bicycles. LADOT is currently working on an operating plan and assessment study for the Mobility Hubs project that shall include specific sites, designs, and blueprints for Mobility Hub stations. The results of this study shall assist in determining the appropriate location and space needed to accommodate a Mobility Hub at the Project Site.

**K.1-8 Transit Enhancements** – The Project shall provide a pedestrian friendly environment through sidewalk pavement reconstruction/improvements, and improved amenities such as landscaping and shading particularly along the sidewalks on Ivar Avenue and Argyle Avenue linking the project to the Hollywood/Vine Metro Red Line Station. Enhancements shall include reconstructing damaged or missing pavement in the sidewalks along Ivar Avenue and Argyle Avenue between the Project Site and the Hollywood/Vine Metro Red Line Transit Station, and installing up to four transit shelters with benches at stops within a block of the Project Site, as deemed appropriate by LADOT. The LADOT designation of locations shall be made in consultation with Los Angeles County Metropolitan Transportation Authority (Metro).

**K.1-9 Bike Plan Trust Fund** – The Project Applicant shall contribute a one-time fixed-fee of \$250,000 to be deposited into the City's Bicycle Plan Trust Fund that is currently being established (CF 10-2385-S5). These funds shall be used by LADOT, in coordination with the Department of City Planning and Council District 13, to implement bicycle improvements within the Hollywood area. However, improvements within Hollywood that are consistent with the City's complete streets and smart growth policies shall also be eligible expenses utilizing these funds. Any measures implemented by using the fund shall be consistent with the General Plan Transportation Element. Items beyond signing

and striping, such as curb realignment and signal system modifications, may be included in the funded projects, to the degree necessary for safe and efficient operation. Should shuttle riders on the DASH system warrant an increase in capacity, the Project funding may instead be used for the purchase of a shuttle vehicle for the DASH system.

- K.1-10 Traffic Signal System Upgrades** – The Project Applicant shall be required to implement the traffic signal upgrades identified in Attachment 3 to the LADOT's Correspondence to the Department of City Planning, dated August 16, 2012 (See Appendix K.2 to this Draft EIR). Should the project be approved, then a final determination on how to implement these traffic signal upgrades shall be made by LADOT prior to the issuance of the first building permit. These signal upgrades would be implemented either by the Project Applicant through the B-permit process of the Bureau of Engineering (BOE), or through payment of a one-time fixed fee to LADOT to fund the cost of the upgrades. If LADOT selects the payment option, then the Project Applicant shall be required to pay LADOT the estimated cost to implement the upgrades, and LADOT shall design and construct the upgrades. If the upgrades are implemented by the Project Applicant through the B-Permit process, then these traffic signal improvements shall be guaranteed prior to the issuance of any building permit and completed prior to the issuance of any certificate of occupancy.
- K.1-11 Intersection Specific Improvements** – Argyle Avenue/Franklin Avenue – US 101 Freeway Northbound On-Ramp – To mitigate the significant traffic impact at this intersection under both existing (2011) and future (2020) conditions, the Project Applicant shall restripe this intersection to provide a left-turn lane, two through lanes, and a right-turn lane for the southbound approach and two left-turn lanes and a shared through/right lane for the northbound approach. The final design of this improvement shall require the joint approval of Caltrans and LADOT.
- K.1-12 Highway Dedication and Street Widening Requirements** – The City Council recently adopted the updated Hollywood Community Plan. The new plan includes revised street standards that provide an enhanced balance between traffic flow and other important street functions including transit routes and stops, pedestrian environments, bicycle routes, building design and site access, etc. Vine Street has been designated as a Modified Major Highway Class II requiring a 35-foot half-width roadway within a 50-foot half-width right-of-way. Yucca Street between Ivar Avenue and Vine Street is classified as a Secondary Highway, which requires a 35-foot half-width roadway within a 45-foot half-width right-of-way. Yucca Street between Vine Street and Argyle Avenue is classified as a Local Street. Ivar Avenue and Argyle Avenue are also classified as Local Streets. A Local Street requires a 20-foot half width roadway within a 30-foot half-width right-of-way. The Project Applicant shall check with BOE's Land Development Group to determine if there are any highway dedication, street widening and/or sidewalk requirements for this project.
- K.1-13 Implementation of Improvements and Mitigation Measures.** The Project Applicant shall be responsible for the cost and implementation of any necessary traffic signal equipment modifications and bus stop relocations associated with the proposed transportation improvements described above. Unless otherwise noted, all transportation improvements and associated traffic signal work within the City of Los Angeles shall be guaranteed through the B-Permit process of the Bureau of Engineering, prior to the issuance of any building permits and completed prior to the issuance of any certificates of occupancy. Temporary certificates of occupancy may be granted in the event of any delay through no fault of the Project Applicant, provided that, in each case, the Project Applicant has demonstrated reasonable efforts and due diligence to the satisfaction of LADOT. Prior to setting the bond amount, BOE shall require that the developer's

engineer or contractor contact LADOT's B-Permit Coordinator, at (213) 928-9663, to arrange a pre-design meeting to finalize the proposed design needed for the project.

**K.1-14 East Site Residential Unit and Reserved Residential Parking Cap.** On the East Site, residential development shall be limited to 450 residential units and 675 reserved residential parking spaces.

#### Findings

The City adopts CEQA Finding C which states that "specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (State CEQA Guidelines Section 15091, subd. (a)(3)).

#### Rationale for Findings

Implementation of Mitigation Measures K.1-5 through K.1-14 above to help to reduce Project-related traffic impacts to a less than significant level. However, even with implementation of the Mitigation Measures, some traffic-related impacts will remain significant as follows:

#### Existing (2011) Plus Mitigation

The Mitigation Measures above reduce impacts to less than significant levels under Existing (2011) conditions at three of the five significantly impacted intersections. Under Existing (2011) conditions, traffic impacts would remain significant at two intersections even with implementation of the mitigation measures identified. These intersections are:

4. Cahuenga Boulevard/Franklin Avenue (PM peak hour)
18. Vine Street/Hollywood Boulevard (PM peak hour).

#### Cumulative Impacts Plus Mitigation

The Mitigation Measures above reduce impacts to less than significant levels under Future (2020) conditions at eight of the 13 significantly impacted intersections. Project impacts under the Future (2020) conditions would remain at a significant level even with implementation of the above mitigation measures at five study intersections. These intersections are:

4. Cahuenga Boulevard/Franklin Avenue (PM peak hour)
15. Highland Avenue/Hollywood Boulevard (PM peak hour)
16. Cahuenga Boulevard/Hollywood Boulevard (AM and PM peak hour)
18. Vine Street/Hollywood Boulevard (AM and PM peak hour)
31. Vine Street/Sunset Boulevard (PM peak hour).

Implementation of Mitigation Measure K.1-14 would reduce the significant impact at the intersection of Argyle Avenue and Hollywood Boulevard under Future (2020) conditions under the Residential Scenario to a less than significant level.

#### Horizon Year (2035) Plus Mitigation

With implementation of the mitigation measures, the Project impacts at two of the additional three significantly impacted intersections would be reduced to a less than significant level. Impacts at the intersection of Vine Street and Selma Avenue would remain significant. Potential additional Project mitigation measures were reviewed, but no feasible mitigation measures were identified.

### No Vine Street Access Scenario Plus Mitigation

The proposed Project trip reducing and signal system capacity enhancing mitigation measures would have benefits at the intersection of Ivar Avenue and Hollywood Boulevard, but would not reduce the impact to a less than significant level. In order to further reduce the impacts to a less than significant level at this location, potential additional Project mitigation measures were reviewed, but no feasible additional measures were identified. As such, impacts at the intersection of Ivar Avenue and Hollywood Boulevard would remain significant under the No Vine Street Access Scenario.

### Project Component Shifting Analysis

In summary, the change in the balance of Project land-use components and parking between the West Site and the East Site is anticipated to have localized traffic impacts at the intersections immediately surrounding the Project Site. As discussed above, this analysis was performed for the two scenarios that represent the maximum shift in location of the Project uses/components and parking. There would be changes to the conclusions/impacts for the Project at two intersections that would accompany the analyzed shifts in land uses. Those conclusions are regarding the significance of the impacts at intersection 19 - Argyle Avenue and Hollywood Boulevard, and at intersection 12 - Argyle Avenue and Yucca Street.

The conclusion/impact change would begin with a shift in the location of 20% of the trip generation of that associated with the Maximum East Site Development Scenario, (with Vine Street access), impacts at intersection 19 - Argyle Avenue and Hollywood Boulevard would no longer be able to be mitigated to less than significance and as such would remain significant. With essentially all of the Maximum East Site Shift, the impact at intersection 12 - Argyle Avenue and Yucca Street (with the No Vine Street Access) would be significant prior to mitigation, but the impact would be mitigated to a less than significant level with implementation of the mitigation measures. Thus, under the Maximum East Site Development Scenario, starting with a 20% shift, there is one additional significant impact that cannot be mitigated (at intersection 19 - Argyle Avenue and Hollywood Boulevard). Under the Maximum West Site Development Scenario, there are no additional significant impacts beyond the Project impacts.

### Reference

For a complete discussion of impacts to Traffic, see Section IV.K of the Draft EIR.

## IX. ALTERNATIVES TO THE PROJECT

State CEQA Guideline Section 15126.6(a) requires an EIR to: (1) describe a range of reasonable alternatives to the Project, or to the location of the project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project; and (2) evaluate the comparative merits of the alternatives. Sections II.D and VI of the Draft EIR describe the objectives that have been identified for the Project, which are also listed in detail below:

### Development Objectives

*Create a Vibrant Mixed Use Project that Responds to the Growth of Hollywood and the Region. The Project aims to:*

- Redevelop a currently underutilized Project area primarily operated as surface parking into a vibrant, development that enlivens the Hollywood Boulevard

Commercial and Entertainment District by attracting residents and visitors, both day and night, through a mix of economically viable, commercial, residential, entertainment and community-serving uses that add to those already existing in Hollywood. Provide the mixture and density of uses necessary to ensure the Project, including the Capitol Records Complex, can sustain itself economically as well as support the long-term preservation of historic structures along Hollywood Boulevard.

- Promote local and regional land use and mobility objectives and reduce vehicular trips by integrating a mix of land uses in close proximity to existing transit and transportation infrastructure, encouraging shared parking alternatives and creating pedestrian accessibility to the regional transit system and existing development.
- Create an equivalency program to allow changes in uses and floor area to support the continued revitalization of Hollywood and the region while ensuring the Project has the necessary flexibility to respond to changing market conditions and consumer needs in the Hollywood area.
- Create a major mixed-use center in Hollywood that will provide the critical land use density near existing infrastructure necessary to support existing business, resident, visitor, transit, and cultural activities in the area. Provide the flexibility necessary to ensure that the mix of uses developed will meet the needs of Hollywood at the time of development.
- Create a hub of activity surrounding the Capitol Records Complex and the intersection of Hollywood Boulevard and Vine Street to reinvigorate the eastern end of Hollywood Boulevard and terminus of the Walk of Fame.

### Design Objectives

*Maximize the Development Potential of the Project Site in Context with the Area Through Quality Design and Development Controls that Ensure a Unified and Cohesive Development.*

*The Project aims to:*

- Create a landmark mixed-use project that becomes a visible icon enhancing the energy and vitality of the area while complementing the existing built environment. Utilize vertical architecture consistent with the historic Vine Street high-rise corridor to provide the mix of uses and density necessary to create a dynamic and thriving Hollywood while maintaining the setbacks and view corridors necessary to honor and highlight the Capitol Records Complex and the historic Hollywood Boulevard Commercial and Entertainment District.
- Provide open and green space, walkways, plazas and other gathering spaces and connections necessary to promote pedestrian linkages between the Project, the regional transit system, the Hollywood Walk of Fame and the greater Hollywood community.
- Replace the existing surface parking lots with visually interesting buildings, landscaped open space and convenient walkways in order to enhance the pedestrian experience in Hollywood. Provide the mix of uses and density necessary to create a dynamic and vibrant area that is attractive to residents and visitors.
- Establish site-wide development standards and criteria that permit sufficient design flexibility to respond to changing market conditions while establishing a set of development controls and objectives that are specific enough to ensure

the Project will integrate good design, fulfill local and regional policies and complement the existing built environment. Establish standards for use, bulk, parking and loading, architectural features, landscape treatment, signage, lighting, and sustainability that promote the long-term development of the Project Site.

### **Sustainability Objectives**

*Support Local and Regional Sustainability Goals Through Urban Infill and Transit Oriented Development. The Project aims to:*

- Promote the use and maximize the benefits of the Project Site's adjacency to regional transit systems and density corridors.
- Create a development that encourages transit use by providing attractive linkages between the Project and the transit infrastructure and the necessary energy and vitality to make those linkages attractive to pedestrians.
- Encourage pedestrian activity by providing the density and height needed to create the critical mass of uses necessary to activate the street, sidewalks and other public spaces both day and night. Without a sufficient level of density, the mix of uses necessary to support a level of activity that makes the pedestrian experience safe and attractive will not be achieved.
- Create architecture that seeks to be a leader in enhancing efficiency and modernization in the use of materials, energy and development of spaces in an urban setting.
- Incorporate sustainable and green building design to promote resource conservation, including waste reduction and conservation of electricity and water. Building design and construction will promote efficient use of materials and energy.

### **Public Benefit Objectives**

*Generate Maximum Community Benefits by Maximizing Land Use Opportunities and Providing a Vibrant Urban Environment with New Amenities, Public Spaces and State-of-the-Art Improvements. The Project aims to:*

- Promote greater utilization of urban spaces and existing infrastructure including the Metro Red Line Station at Hollywood Boulevard and Vine Street by promoting walkability, stimulating public spaces within the Project and along Vine Street, and providing a density and mix of uses to activate the area. Support infrastructure improvements and implement a transportation demand management plan that reduces vehicular usage and promotes walkability and public transportation.
- Create a long-term increase in tax revenue for the City of Los Angeles by increasing the property tax base of the Project Site, generating additional sales and possibly transient occupancy tax, and providing the density and energy necessary to support existing developments in the area.
- Create open and green space in Hollywood accessible to and for the enjoyment of the public in context with a new landmark development, the Capitol Records Complex, and the Hollywood Boulevard Commercial Entertainment District. Enhance pedestrian circulation and enjoyment of public spaces both throughout the Project Site and between the Project and the community.

- Create jobs, business activity, and new revenue sources for the City of Los Angeles. Provide the energy and vitality needed to allow the Project to support itself and support existing development in Hollywood. The Project aims to ensure that this iconic intersection of Hollywood will remain a thriving commercial corridor for the community, the City of Los Angeles, and the region.
- Improve public safety by creating a vibrant development that provides the level of density and mix of uses necessary to activate the area, the street and pedestrian connections both day and night. The Project aims to bring the critical mass of density that will support the mix of uses necessary to create an active and vibrant environment that tends to reduce criminal activity.

### Economic Objectives

*Sustain and Promote the Economic Growth of Hollywood Through The Development of New Amenities and Land Uses While Attracting Businesses, Residents, and Tourists and Generate New Revenues Sources for the City. The Project aims to:*

- Stimulate direct economic activity in the Project area to ensure that Hollywood and the historic main street remain competitive given the economic changes in the region and the changing needs of the community. Promote Hollywood and its commercial corridor on Vine Street through new land uses, the creation of new temporary and permanent jobs, as well as direct and indirect economic benefits for surrounding commercial uses.
- Improve the local and regional economy by creating jobs, increasing tax revenues, and providing the density that is critical to support the mix of uses necessary to support both the Project and existing businesses in the area.
- Create a dynamic mixed-use project that generates new economic activity for Downtown Hollywood, promotes tourism, commercial expansion, and new business relocation to Hollywood.
- Develop a vibrant and economically-feasible mixed-use project that includes adequate density and height to ensure the level of economic activity necessary to sustain the Project and existing development within the Hollywood area. Maximizing density will ensure the development of a variety of land uses, including some combination of residential dwelling units, commercial uses, luxury hotel rooms, office space, retail establishments, sports club, parking facilities, and open space. Without the increased density, the necessary increase in businesses and pedestrian activity that sustain Hollywood Boulevard will not be achieved.

### Preservation Objectives

*Preserve the Capitol Records Complex and Promote the Hollywood Boulevard Commercial Entertainment District with a New Development that is Responsive to the History of Hollywood and is Sensitive to the Built Environment. The Project aims to:*

- Preserve, maintain and rehabilitate the Capitol Records Complex. Incorporate ground-floor open space and building setbacks to reduce massing at the street level and moderate overall massing of the Project in a manner that preserves views to and from the Capitol Records Building, the Hollywood Boulevard Commercial and Entertainment District, and important view corridors to the Hollywood Hills.

- Promote and preserve the status of the Hollywood Boulevard Commercial Entertainment District as the main commercial corridor for the Hollywood community. Reinforce the urban and historical importance of the intersection of Hollywood and Vine by the creation of an active street life focused on Vine Street.
- Integrate new uses and new urban spaces into the Project Site in order to revitalize this historic intersection and continue to retain and attract residents, visitors, and businesses that promote economic vitality and preservation of the District.
- Create design standards that address, respect and complement the existing context, including standards for ground-level open space, podium heights, and massing setbacks that minimize impacts to historic setting. Design of new buildings to be in a manner that is differentiated from but compatible with adjacent historic resources.

Consistent with State CEQA Guidelines Section 15126.6, the EIR evaluated a reasonable range of six alternatives to the Project. The six alternatives analyzed in the EIR include a variety of uses and would reduce significant impacts of the Project.

The Alternatives discussed in detail in the Draft EIR include:

- Alternative 1: No Project – No Build (Continuation of Existing Uses)
- Alternative 2: Reduced Density Mixed-Use Development – 4.5:1 FAR
- Alternative 3: Reduced Density Mixed-Use Development – 3:1 FAR
- Alternative 4: Reduced Height Development
- Alternative 5: Residential-Focused Land Use Development
- Alternative 6: Commercial-Focused Land Use Development

In accordance with CEQA requirements, the alternatives to the Project include a No Project alternative and alternatives capable of eliminating the significant adverse impacts of the Project. These alternatives and their impacts, which are summarized below, are more fully described in Chapter VI of the Draft EIR.

***Alternative 1: No Project – No build (no Build – Continuation of Existing Uses)***

Description of the Alternative

The No Project – No Build (Continuation of Existing Uses) Alternative assumes that the Project would not be implemented. The Project Site would remain in its existing condition. Future on-site activities would be limited to the continued operation and maintenance of existing land uses. Accordingly, the Project Site would continue to function as commercial office uses and surface parking lots. The Capitol Records Complex, existing rental car facility, and parking lot facilities would continue to function as is on the Project Site.

Impact Summary of the Alternative

The No Build Alternative would eliminate significant impacts that would occur with the Project, including: aesthetics, air quality, noise, and traffic impacts. The No Build Alternative impacts would be less than those associated with the Project in all other impact areas. Conversely, the No Build Alternative would not meet any of the Project objectives.

### Findings

The significant impacts that would occur with the Project would not occur with Alternative 1. However, it is found pursuant to Section 21081(a)(3) of the California Public Resources Code that specific economic, legal, social, technological, or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations), below, make infeasible Alternative 1.

### Rationale for Findings

With the No Build Alternative, environmental impacts projected to occur in connection with the Project would be avoided. The No Build Alternative would reduce all significant impacts that would occur with the Project because this alternative would leave the Project Site in the existing condition

However, the No Build Alternative would not attain any of the basic objectives outlined for the Project. For example, Alternative 1 would not achieve the Project's objectives or its underlying purpose to revitalize the Project Site from its existing use to a vibrant and modern mixed-use development that retains the iconic Capitol Records Complex while maximizing the opportunity for creative development consistent with the priorities and unique vision in the urban land use policies for Hollywood and expressed by various stakeholders. Alternative 1 would not meet the Project Objective to maximize the development potential of the Project Site in context with the Project area through quality design and development controls that ensure a unified and cohesive development. Alternative 1 would also not meet the Project Objective related to supporting local and regional sustainability goals through urban infill and transit-oriented development. Since the Project would not be developed under this Alternative, it would not provide urban infill, as no hotel, retail, or office uses would be constructed. The Project Objective to generate maximum community benefits by maximizing land use opportunities and providing a vibrant urban environment with new amenities, public spaces, and state-of-the-art improvements would also not be realized under this alternative. Additionally, since no new development would occur under Alternative 1, it would not sustain and promote the economic growth of Hollywood through the development of new amenities and land uses, while attracting businesses, residents, and tourists and generate new revenue sources for the City. Also, the protection of the Capitol Records Complex would not be assured under this alternative, as no development standards and guidelines for construction adjacent to the Capitol Records Complex would be incorporated, which would be designed to provide sensitive architectural treatment of the Capitol Records Complex. Finally, the promotion of the Hollywood Boulevard Commercial Entertainment District would not occur because under the Project, new state of the art amenities and new uses would be provided in order to revitalize the historic section of Hollywood while also attracting visitors.

The City finds that this alternative would not reduce all of the significant and unavoidable impacts of the Project and would not meet the Project objectives to the same extent as the Project. On that basis, the City rejects Alternative 1.

### Reference

For a complete discussion of Alternative 1, see Section VI of the Draft EIR.

***Alternative 2: Reduced Density Mixed-Use Development – 4.5:1 FAR***

### Description of the Alternative

The Reduced Density Mixed-Use Development – 4.5:1 FAR Alternative would mirror the Project's Concept Plan with respect to land uses, but reduce the intensity of development to a 4.5:1 FAR across all land use categories, as opposed to a 6:1 FAR under the Project. The reduction in land use density would result in a total of approximately 875,228 net square feet of development on the Project Site, including the existing 114,303 square feet of office space occupied by the Capitol Records Complex. Alternative 2 would include approximately 328 residential dwelling units and a 150-room hotel accompanied by approximately 110,697 square feet of new office space, approximately 12,000 square feet of commercial retail, approximately 15,228 square feet of quality food and beverage uses, and approximately 30,000 square feet of fitness center/sports club use. This Alternative would not include the Development Regulations but would, to a lesser degree, attain the general community benefits realized by the Project.

### Impact Summary of the Alternative

The Reduced Density Mixed-Use Development – 4.5:1 FAR Alternative would reduce significant impacts at several traffic intersections that would be impacted under the Existing-With-Project and Future-With-Project conditions because of the reduced project size. This alternative would also reduce to a certain extent the Project's significant and unavoidable noise and air quality impacts since this alternative requires less construction activity and results in less operational impacts because of its sensitive size.

### Findings

It is found, pursuant to Section 21081(a)(3) of the California Public Resources Code, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations), below, make infeasible Alternative 2.

### Rationale for Findings

This alternative would not decrease all of the significant and unavoidable impacts associated with the Project to a less-than-significant level. While significant air quality impacts would be avoided, significant and unavoidable traffic impacts at several Project area intersections will remain. Moreover, significant and unavoidable noise (cumulative construction) impacts would remain. In addition, Alternative 2 would meet only some of the Project objectives.

Since Alternative 2 includes development of the Project Site with the same mix of land uses proposed under the Project but at a lesser density, this alternative would meet most of the basic Project Objectives but to a lesser degree due to the reduction in the overall density when compared to the Project. Alternative 2 would not completely meet the Project Objective to revitalize the Project Site from its existing use to a vibrant and modern mixed-use project that responds to the growth of Hollywood and the region because Alternative 2 will not provide the critical mass, at the same levels of density, necessary to activate the area. This alternative would also promote local mobility objectives by reducing vehicle trips. Although this alternative would meet this overall objective, a smaller hotel, less multi-family residential area, and reduced office space would not provide the same support and usage of the existing transit infrastructure and, therefore, would not meet the Project Objectives to the same degree as the Project. The Project Objective to support the local and regional sustainability goals through urban infill and transit-oriented development would be met, but to a lesser degree. Due to a reduction in overall square footage when compared to the Project, Alternative 2 would not fully meet the Project Objective to generate maximum community benefits by maximizing land use opportunities and providing a vibrant urban environment with state-of-the-art improvements. As mentioned in the

above paragraph, Alternative 2 would promote the economic growth of Hollywood through development of new amenities, which would, in turn, generate new revenue for the City of Los Angeles. However, when compared to the Project, these benefits would not be as much as they would be under the Project.

The City finds that this alternative would not reduce all of the significant and unavoidable impacts of the Project and would not meet the Project objectives to the same extent as the Project. On that basis, the City rejects Alternative 2.

#### Reference

For a complete discussion of Alternative 2, see Section VI of the Draft EIR.

#### ***Alternative 3: Reduced Density Mixed-Use Development – 3:1 FAR***

##### Description of the Alternative

The Reduced Density Mixed-Use Development – 3:1 FAR Alternative would mirror the Project's Concept Plan with respect to land uses, but reduce the intensity of development to a 3:1 FAR across all land use categories, as opposed to a 6:1 FAR under the Project. The existing FAR is 3:1 according to the D Limitation and the Project Site zoning. The reduction in land use density would result in a total of approximately 583,485 net square feet of development on the Project Site, including the existing 114,303 square feet of office space occupied by the Capitol Records Complex. Alternative 3 would include approximately 172 residential dwelling units and a 150-room hotel, accompanied by approximately 50,697 square feet of new office space, approximately 7,000 square feet of commercial retail, approximately 10,485 square feet of quality food and beverage uses, and approximately 30,000 square feet of fitness center/sports club use. This Alternative would not include the Development Regulations but would, to a lesser degree, attain the general community benefits realized by the Project.

##### Impact Summary of the Alternative

The Reduced Density Mixed-Use Development – 3:1 FAR Alternative would reduce significant impacts at certain traffic intersections that would be impacted under the Existing-With-Project and Future-With-Project conditions. This alternative would also reduce certain significant and unavoidable noise and air quality impacts associated with the Project because construction duration and overall operational size would be materially reduced.

##### Findings

It is found, pursuant to Section 21081(a)(3) of the California Public Resources Code, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations), below, make infeasible Alternative 3.

##### Rationale for Findings

Of the alternatives analyzed in the Final EIR, Alternative 3 is considered the environmentally superior alternative, with the exception of the No Build Alternative (Alternative 1, above). However, Alternative 3 would not reduce all of the significant and unavoidable impacts of the Project. In addition, it would not meet Project objectives and would still result in significant and unavoidable traffic impacts.

Due to the reduced square footage of overall development on the Project Site, Alternative 3 would not completely achieve the Project Objective to develop the Project Site as a vibrant and modern mixed-use development that retains the iconic Capitol Records Complex while maximizing the opportunity for creative development consistent with the priorities and unique vision in the urban land use policies for Hollywood. Alternative 3 would not fully meet the Project Objective to revitalize the Project Site from its existing use to a vibrant and modern mixed-use project that responds to the growth of Hollywood and the region because it will not provide the critical mass of density necessary to activate the area and accommodate long-term development trends. Alternative 3's smaller hotel, reduced multi-family residential component, and reduced office space would not provide the same level of support and usage of the existing transit infrastructure and, therefore, would not meet the Project Objectives to the same degree as the proposed Project. Alternative 3 would meet the Project Objective to support the local and regional sustainability goals through urban infill and transit-oriented development to a lesser degree than the Project. While Alternative 3 would encourage pedestrian activity, it would not provide the necessary density and height to support the mix of uses necessary to activate the street, sidewalks, and other public spaces, both day and night. Due to a reduction in overall square footage when compared to the Project, Alternative 3 would not meet the full extent of the Project Objective to generate the maximum community benefits by maximizing land use opportunities and providing a vibrant urban environment with state-of-the-art improvements. Specifically, with a reduced version of the Project, the objective to ensure that this iconic intersection of Hollywood would remain a thriving commercial corridor for the community would not be fully realized, given the reduction in land uses proposed, because this alternative would not generate the density of residents and employees needed to sustain the existing and proposed business, resident, visitor, transit and cultural activities in the area.

The City finds that all significant and unavoidable impacts of the Project would not be eliminated under this alternative and that the attainment of important Project objectives would be significantly reduced under this alternative, and, on that basis, rejects Alternative 3.

#### Reference

For a complete discussion of Alternative 3, see Section VI of the Draft EIR.

#### ***Alternative 4: Reduced Height Development***

##### Description of the Alternative

The Reduced Height Development Alternative would retain the existing 114,303-square-foot Capitol Records Complex and would limit the development height of towers on the Project Site to 220 feet. Alternative 4 would develop the same mix of land uses as under the Project's Concept Plan but would apply a 4.5:1 FAR across all land use categories, as opposed to a 6:1 FAR under the Project. Accordingly, this Alternative would result in a total of approximately 875,228 net square feet of development on the Project Site, including approximately 328 residential units and a 150-room hotel, accompanied by approximately 110,697 square feet of new office space, approximately 12,000 square feet of commercial retail, approximately 15,228 square feet of quality food and beverage uses, and approximately 30,000 square feet of fitness center/sports club use. However, the tower structure design would be significantly different (i.e., lower height with less grade-level open space) than the Project due to the height constraint under Alternative 4. This Alternative would not include the Development Regulations, but would, to a lesser degree, attain the general community benefits realized by the Project.

### Impact Summary of the Alternative

As noted in Table VI-70, Comparison of Impacts Under the Project to Impacts under Project Alternatives, in the Draft EIR, this alternative reduces impacts in most environmental categories. Particularly, the reduced height minimizes certain aesthetic impacts associated with the Project towers. As with other reduced density alternatives, this alternative presents a 4.5:1 FAR which generally reduces impacts because the alternative is also less dense. However, it would not meet Project objectives as discussed below.

### Findings

It is found, pursuant to Section 21081(a)(3) of the California Public Resources Code, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations), below, make infeasible Alternative 4.

### Rationale for Findings

This alternative would not accomplish objectives related to creating a high-quality mixed-use development that utilizes the Project Site to the extent possible. In addition, it would not avoid any of the significant and unavoidable impacts of the Project, even if it will reduce significant traffic impacts slightly.

Due to the reduced square footage of overall development, in addition to reduced height and density, on the Project Site, Alternative 4 would not achieve the Project Objective to develop the Project Site as a vibrant and modern mixed-use development that retains the iconic Capitol Records Complex while maximizing the opportunity for creative development consistent with the priorities and unique vision in the urban land use policies for Hollywood. While this alternative would redevelop a currently underutilized area, with a mix of uses that would improve the Hollywood Boulevard Commercial and Entertainment District by complementing existing uses, it would not provide the critical mass of residents, employees, and visitors necessary to create a vibrant project that responds to the modern needs of Hollywood. This alternative would also promote local mobility objectives by reducing vehicle trips. However, Alternative 4's smaller hotel and multi-family residential buildings, with reduced office space, would not provide the same support and usage of the existing transit infrastructure and, therefore, would not meet the Project Objectives to the same degree as the Project. While Alternative 4 would encourage pedestrian activity, it would not provide the necessary density and height to support the mix of uses necessary to activate the street, sidewalks, and other public spaces, both day and night. Due to a reduction in overall square footage when compared to the Project, Alternative 4 would not meet, to the same extent as the Project, the Project Objective of generating the maximum community benefits by maximizing land use opportunities and providing a vibrant urban environment with state-of-the-art improvements. This alternative, with its reduced density and height when measured against the Project, would not maximize land use opportunities available. Alternative 4 would not create as great of a long-term increase in tax revenue to the City, or create as many additional jobs, or attract as much business activity in the Hollywood Area when compared to the Project as proposed. The reduction in FAR, in combination with a 220-foot height limit, would result in overall shorter building heights. Accordingly, more massing would occur at lower levels than under the Project. Although Alternative 4 would preserve the Capitol Records Complex, it would not protect its character as well as the Project would. In particular, the limitation on building height will require the buildings to be more massive at lower heights in order to achieve a 4.5:1 FAR; and the Alternative would not be subject to the Development Regulations, which were specifically designed to protect views and the historic character of the Capitol Records Building and Gogerty Building.

The City finds that this alternative does not reduce the significant and unavoidable impacts of the Project and that the attainment of basic Project objectives would be significantly reduced under this alternative, and, on that basis, rejects Alternative 4.

#### Reference

For a complete discussion of Alternative 4, see Section VI of the Draft EIR.

#### ***Alternative 5: Residential-Focused Land Use Development***

##### Description of the Alternative

The Residential-Focused Land Use Development Alternative would retain the existing 114,303-square-foot Capitol Records Complex and would develop the Project Site at a 4.5:1 FAR, including approximately 682 new residential units and approximately 10,000 square feet of ancillary commercial/retail land uses, for a total of approximately 760,925 square feet of new development. Alternative 5 assumes an average of approximately 1,100 square feet per residential unit. This Alternative would not include the Development Regulations, but would, to a lesser degree, attain the general community benefits realized by the Project. Alternative 5 is essentially a residential alternative with minimal ancillary uses to support the residential dwelling units.

##### Impact Summary of the Alternative

As noted in Table VI-70, Comparison of Impacts Under the Project to Impacts under Project Alternatives, in the Draft EIR, this alternative reduces impacts in most environmental categories. Particularly, the reduced height minimizes certain aesthetic impacts associated with the Project towers. As with other reduced density alternatives, this alternative presents a 4.5:1 FAR which generally reduces impacts because the alternative is also less dense. However, it would not meet Project objectives as discussed below. Alternative 5 would result in the similar significant and unavoidable air quality, noise and traffic impacts as the Project. However, it would reduce significant impacts related to traffic at only a few intersections under the Reduced Height Development Alternative. *This alternative generally reduces impact because of the reduced density.* However, it increases some impacts related to environmental issues like population and housing, public services and land use policies because of its residential development focus. In addition, it would not meet Project objectives as discussed below.

##### Findings

It is found, pursuant to Section 21081(a)(3) of the California Public Resources Code, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations), below, make infeasible Alternative 5.

##### Rationale for Findings

While Alternative 5 would meet some Project objectives, it would not include commercial or office uses and; therefore, it would not accomplish objectives related to creating a high-quality mixed-use development. In addition, it would not avoid any of the significant and unavoidable impacts of the Project, even if it will reduce significant traffic impacts slightly.

Because Alternative 5 does not include a diversity of commercial land uses, Alternative 5 would meet the Project Objectives to a much lesser degree as discussed below. Alternative 5 would revitalize the existing parking lot uses into a more vibrant development; however, it would not

create a mixed-use project that responds to the urbanized needs of the Project vicinity, Hollywood, and the region. This alternative would not provide the same amount of mixed land uses and density necessary to create a dynamic and vibrant area. With regards to the ever changing market conditions of Hollywood, a primarily residential development does not completely fulfill local and regional policies, such as those in the Hollywood Community Plan, to create a mixed-use environment that would promote long term use of the Project Site. Alternative 5's increased multi-family residential component, and only ancillary commercial/retail space would not provide the same level of support and usage of the existing transit infrastructure and, therefore, would not meet the Project Objectives to the same degree as the proposed Project. By creating a mostly residential development with minimal commercial uses, Alternative 5 would not create as much of a long-term increase in the local tax revenue as the Project, since there would be minimal sales tax and transient occupancy tax produced and significantly fewer jobs generated. It would also not reinforce, to the same extent as the Project, the urban and historical importance of the intersection of Hollywood and Vine by the creation of an active street life focused on Vine Street due to its primarily residential proposed land use.

The City finds that this alternative does not reduce the significant and unavoidable impacts of the Project and that the attainment of basic Project objectives would be significantly reduced under this alternative, and, on that basis, rejects Alternative 5.

#### Reference

For a complete discussion of Alternative 5, see Section VI of the Draft EIR.

#### ***Alternative 6: Commercial-Focused Land Use Development***

##### Description of the Alternative

The Commercial-Focused Land Use Development Alternative would retain the existing 114,303-square-foot Capitol Records Complex and would develop an approximately 448-room hotel, approximately 135,697 square feet of new office space, approximately 252,228 square feet of commercial/retail land uses, approximately 12,000 square feet of quality food and beverage uses, and approximately 25,000 square feet of fitness center/sports club use, all with a 4.5:1 FAR. Alternative 6 assumes an average of approximately 750 square feet per hotel room. No residential uses would be developed under this Alternative. This Alternative would not include the Development Regulations, but would, to a lesser degree, attain the general community benefits realized by the Project.

##### Impact Summary of the Alternative

As noted in Table VI-70, Comparison of Impacts Under the Project to Impacts under Project Alternatives, in the Draft EIR, this alternative reduces impacts in most environmental categories. Particularly, the reduced height minimizes certain aesthetic impacts associated with the Project towers. As with other reduced density alternatives, this alternative presents a 4.5:1 FAR which generally reduces impacts because the alternative is also less dense. However, it would not meet Project objectives as discussed below. Alternative 6 would result in the similar significant and unavoidable air quality, noise, and traffic impacts as the Project. However, it would reduce significant impacts related to traffic at several intersections near the Project Site. Because Alternative 6 includes development of the Project Site with a greater density of land uses than what currently exists at the Project Site, this Alternative would meet most the basic Project Objectives to some degree. However, because Alternative 6 does not include a balance of land uses, Alternative 6 would not meet all of the Project Objectives and would meet most to a much lesser degree than would the Project.

### Findings

It is found, pursuant to Section 21081(a)(3) of the California Public Resources Code, that specific economic, legal, social, technological, or other considerations, including considerations identified in Section IX (Statement of Overriding Considerations), below, make infeasible Alternative 6.

### Rationale for Findings

This alternative would not address traffic issues on a regional level by increasing density near major mass transit nodes to the same extent as the Project, it would not fully utilize the site consistent with the goals and policies of the Hollywood Community Plan; it would not reduce VMT by constructing retail amenities closer to existing consumers to the same extent as the Project, since the Project would be a mixed-use development; and it would not increase jobs through construction and operation of a new mixed-use development to the same extent as the Project.

This alternative would not create a mixed-use vibrant development that activates the Hollywood Boulevard Commercial and Entertainment District. Alternative 6 proposes mostly commercial uses. As such, it would not attract residents, both day and night as the commercial uses would not activate the area at night. Further, it would not meet this objective to the same degree as the Project, as the alternative would not create the critical mass or mix of residents, employees, and visitors necessary to sustain the existing and proposed business, resident, visitor, transit, and cultural activities in the area. This alternative would not provide the same degree of mixed uses and density necessary to create a fully dynamic and vibrant area. A solely commercial development does not fulfill local and regional policies, such as those in the Hollywood Community Plan, to create a mixed-use environment that would promote long term use of the Project Site. Alternative 6 would meet the Project Objective of generating community benefits, but to a lesser degree than the Project because this Alternative does not maximize land use opportunities that would provide a vibrant urban community. The workers who are present during the day would leave at night, which would create an empty and unattended area that could become a magnet for crime and other nuisance activity. Additionally, the alternative will worsen the jobs/housing balance in the area, which results in more overall car trips for the area. Creating a mostly commercial development with no residential uses would not activate the area on a 24-hour basis and would not create a long-term increase in the local tax revenue, since there would be minimal property tax produced by the Project Site under Alternative 6. Nevertheless, there would be some residential property taxes produced by the Project Site on an annual basis, although, it is expected that commercial taxes would not increase the local tax revenue to the level a mixed-use or residential development could at the Project Site. Nonetheless this alternative does not fully meet the Historic Resource Preservation Objective of promoting the Hollywood Boulevard Entertainment District with new development that is responsive to the history of Hollywood by constructing a primarily commercial development at an iconic intersection in Hollywood. Although this alternative would preserve the Capitol Records Complex, it would not promote the Hollywood Boulevard Entertainment District as the main mixed-use corridor for the Hollywood Community.

The City finds that this alternative does not reduce the significant and unavoidable impacts of the Project and does not meet the basic Project objectives to the same extent as the Project, and, on that basis, rejects Alternative 6.

### Reference

For a complete discussion of Alternative 6, see Section VI of the Draft EIR.

***Growth Inducing Impacts of the Project***

The Project would contribute a total of approximately 1,966 net new residents to the Project area and the City of Los Angeles. In addition, employment opportunities would be provided during the construction and operation of the Project.

While the Project would induce growth in the City, this growth will be consistent with area-wide population and housing forecasts and well within SCAG's anticipated growth rate. Additionally, although the Project's approximately 1,966 residents would represent approximately 0.4 percent of the growth between the years 2012 and 2035 anticipated for the Hollywood Community Plan area, the Project's residential population will be within the anticipated growth for the Community Plan area and SCAG forecasts. Further, roadways and other infrastructure (e.g., water facilities, electricity transmission lines, natural gas lines, etc.) associated with the Project would not induce growth because it would only serve the Project.

***Significant Irreversible Impacts***

The CEQA Guidelines require that an EIR address any significant irreversible environmental changes that would be involved in a project should it be implemented (CEQA Guidelines, Sections 15126(c) and 15126.2(c)). CEQA Guidelines Section 15126.2(c) indicates that "[u]ses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified."

The types and level of development associated with the Project would consume limited, slowly renewable and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. Committed resources would include: (1) building materials, (2) fuel and operational materials/resources, and (3) resources used in the transport of goods and people to and from the Project Site.

The commitment of resources to the Project would limit the availability of these resources for future generations. However, insofar as the Project is consistent with, or brought into consistency with, applicable land use plans and policies, this resource consumption would be consistent with growth and anticipated change in the Hollywood Community and in the Los Angeles region.

Also, the Project is being developed in a densely populated urban area, and will provide additional local amenities within walking distance of offices and homes, potentially reducing, rather than increasing the need for certain resources, including infrastructure. In addition, the Project will meet the City's Green Building Code by incorporating a variety of green building elements.

A consideration of all the foregoing factors supports the conclusion that the Project's use of resources is justified, and that the Project will not result in significant irreversible environmental changes that warrant further consideration.

- A. The City of Los Angeles (the City), acting through the Planning Department, is the "Lead Agency" for the Project evaluated in the Final EIR. The City finds that the Final EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has

independently reviewed and analyzed the Final EIR for the Project, and that the Final EIR reflects the independent judgment of the City.

- B. The City finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
- C. The Planning Department evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Planning Department prepared written responses describing the disposition of significant environmental issues raised. The Final EIR and provides adequate, good faith and reasoned responses to the comments. The Planning Department reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The lead agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the Final EIR.
- D. The mitigation measures, which have been identified for the Project, were identified in the text and summary of the Final EIR. The final mitigation measures are described in the Complete MMRP. Each of the mitigation measures identified in the Complete MMRP, and contained in the Final EIR, is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the Mitigation Measures identified in the Complete MMRP, and contained in the Final EIR.
- E. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The Planning Department staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with the Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process.
- F. CEQA requires the lead agency approving a project to adopt an MMRP for the changes to the project, which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The mitigation measures included in the Final EIR as certified by the City and included in the Complete MMRP as adopted by the City serve that function. The Complete MMRP includes all of the mitigation measures identified in the Final EIR and has been designed to ensure compliance during implementation of the Project. In accordance with CEQA, the Complete MMRP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the Mitigation Monitoring and Reporting Program.
- G. In accordance with the requirements of Public Resources Code §21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

- H. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the: Department of City Planning, City of Los Angeles 200 North Spring Street, Room 750, Los Angeles, CA 90012.
- I. The City finds and declares that substantial evidence for each and every finding made herein is contained in the Final EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
- J. In light of the entire administrative record of the proceedings for the Project, the City determines that there is no significant new information (within the meaning of CEQA) that would have required a recirculation of the sections of the Draft EIR or Final EIR.
- K. The "References" subsection of each impact area discussed in these Findings are for reference purposes only and are not intended to represent an exhaustive listing of all evidence that supports these Findings.
- L. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the Final EIR as comprising the Project. It is contemplated that there may be a variety of actions undertaken by other State and local agencies (who might be referred to as "responsible agencies" under CEQA). Because the City is the lead agency for the Project, the Final EIR is intended to be the basis for compliance with CEQA for each of the possible discretionary actions by other State and local agencies to carry out the Project.
- X. STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR has identified unavoidable significant impacts, which will result from implementation of the Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts which are identified in the EIR but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record.

Article I of the City of Los Angeles CEQA Guidelines incorporates all of the State CEQA Guidelines contained in title 15, California Code of Regulations, section 15000 et seq. and hereby requires, pursuant to CEQA Guidelines Section 15093(b) that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the record of proceedings, including but not limited to the Final EIR, and other documents and materials that constitute the record of proceedings.

The following impacts are not mitigated to a less-than-significant level for the Project: Aesthetics; Air Quality; Noise; and Traffic, as identified in the Final EIR, and it is not feasible to mitigate such impacts to a less-than-significant level.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible alternatives to the Projects discussed above, (iii) recognized all significant, unavoidable impacts, and (iv) balanced the benefits of the Project against their significant and unavoidable impacts,

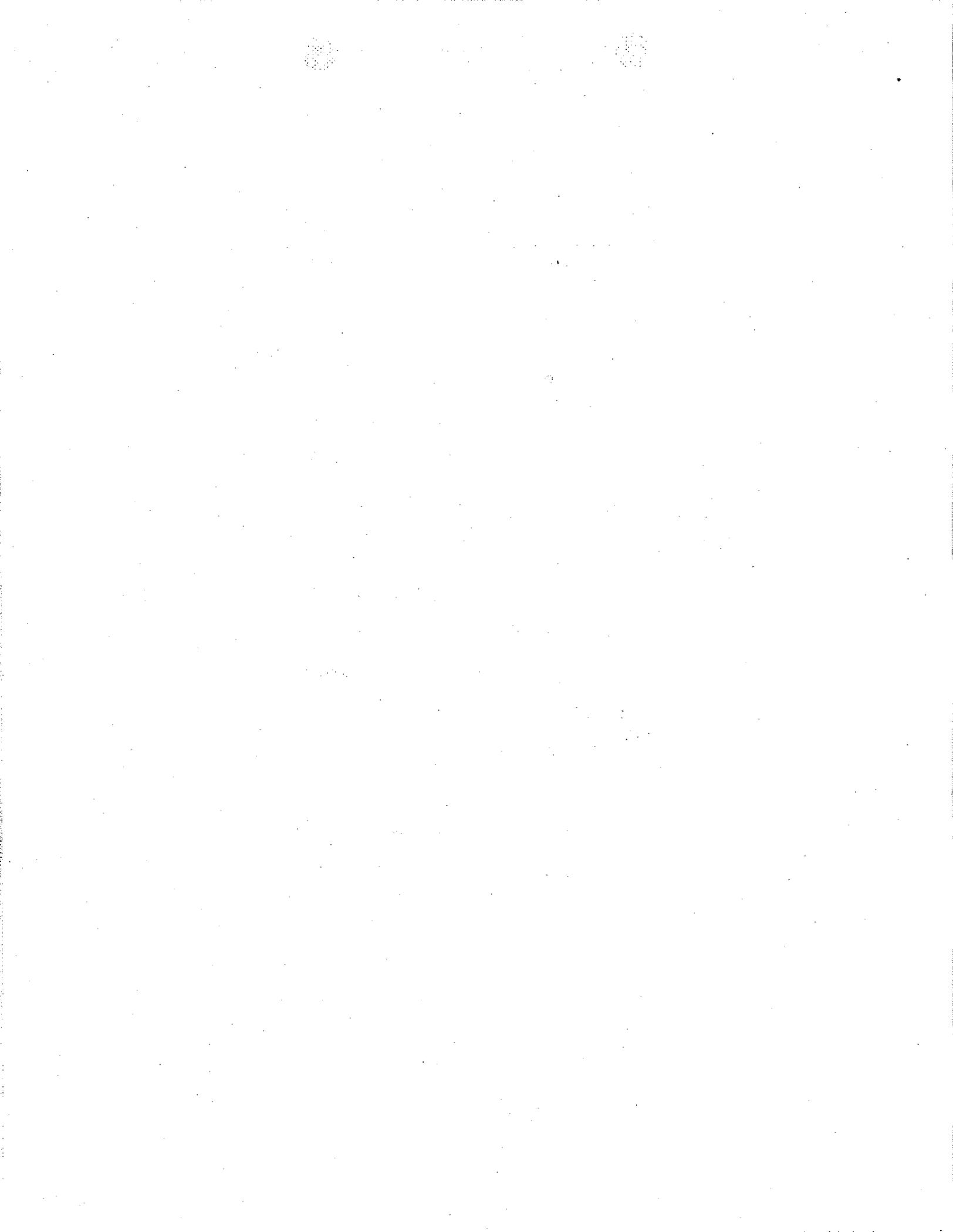
the City hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated below.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the rationale for the benefits of the Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the adverse environmental impacts of the Project and justify their adoption and certification of the Final EIR.

1. Implementation of the Project will create a high-quality mixed-use development that increases density near major mass transit modes, promotes integrated urban living, and furthers sound planning goals, including goals set out by SCAG for addressing regional housing needs through the development of infill sites.
2. Implementation of the Project will create a vibrant mixed-use project that responds to the growth of Hollywood and the region.
3. Implementation of the Project will maximize the development potential of the Project Site in context with the area through quality design and development controls that ensure a unified and cohesive development.
4. Implementation of the Project will support local and regional sustainability goals through urban infill and transit-oriented development.
5. Implementation of the Project will generate maximum community benefits by maximizing land use opportunities and providing a vibrant urban environment with new amenities, public spaces and state-of-the-art improvements.
6. Implementation of the Project will sustain and promote the economic growth of Hollywood through the development of new amenities and land uses while attracting businesses, residents, and tourists, and generate new revenues sources for the City.
7. Implementation of the Project will preserve the Capitol Records Complex and promote the Hollywood Boulevard Commercial Entertainment District with a new development that is responsive to the history of Hollywood and is sensitive to the built environment.
8. Implementation of the Project will reduce vehicular trips by integrating a mix of land uses in close proximity to existing transit; and will work to promote alternative methods of transportation and create provisions for non-vehicular travel by providing pedestrian pathways/linkages within the Project Site and providing bicycle parking and storage.
9. Implementation of the Project would increase the amount of tax revenue generated by the Project Site. When aggregated over a 15-year period, the Project will produce a total of approximately \$103 million in fees and tax revenue to the City.
10. Implementation of the Project would result in a net increase of approximately 1,635 direct jobs.
11. Implementation of the Project will provide for logical, consistent area-wide planning and uniform land use designations within the Project area, and in the neighborhood as a whole.

The City Planning Commission hereby concurs with and adopts the Mitigation Monitoring and Reporting Program for the Project as set forth in the FEIR.

The custodian of the documents or other material which constitute the record of proceedings upon which the City Planning Commission's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.





December 10, 2012

Client-Matter: 46782-060

**VIA E-MAIL AND U.S. MAIL**

Ms. Srimal P. Hewawitharana  
Environmental Specialist II  
Department of City Planning  
Environmental Analysis Section  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012

Re: Comments on the Draft Environmental Impact Report for the Millennium  
Hollywood Project (Case Number: ENV-2011-675-EIR)

Dear Ms. Hewawitharana:

This firm represents AMDA College and Conservatory of the Performing Arts ("AMDA"). On behalf of AMDA, thank you for providing us with the opportunity to comment on the Draft Environmental Impact Report ("DEIR") for the Millennium Hollywood Project (the "Project"). The proposed Project would be constructed directly adjacent to AMDA's approximately 2-acre campus in Hollywood. In particular, AMDA's building at 1777 Vine Street ("AMDA's 1777 Vine Street Building"), a five-story facility housing the majority of AMDA's classrooms, acting rehearsal rooms, dance studios, and private voice rooms, shares a property line with the Project where one of the two proposed 585-foot high towers could be built without even the most minor of setbacks. Thus, the impacts of the proposed Project's construction alone could be catastrophic to AMDA if not properly mitigated in accordance with the California Environmental Quality Act ("CEQA").

As one of the key players in Hollywood's revitalization, first purchasing and painstakingly restoring 6305 Yucca Street, an eight-story Art Deco building (the "Vine Tower") that serves as the administrative and student hub of AMDA's campus, and then building a formidable presence on the block bounded by Yucca Street, Vine Street, Ivar Avenue, and U.S. 101 (the "Hollywood Freeway"), much of which is now used for student residences, AMDA is not opposed to the continued development and revitalization of the neighborhood it is so proud to call home. AMDA welcomes responsible development and looks forward to working with community stakeholders on the continued improvement of Hollywood.

However, a massive one million-plus square foot project needs to be appropriately analyzed and mitigated under CEQA, something which this DEIR fails to do. As a threshold

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December 10, 2012  
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matter, although the DEIR acknowledges that schools are sensitive receptors, it does not identify AMDA as a sensitive receptor. This is unacceptable; all of the Project's potentially significant impacts to AMDA must be disclosed, analyzed, and mitigated to the maximum extent feasible. Likewise, CEQA requires an accurate, stable, and finite project description, yet the DEIR's equivalency program would allow virtually any type of development to be built, irrespective of what the DEIR renderings and vague development regulations (the "Development Regulations") might indicate. Greater specificity about the project is necessary for the public to meaningfully participate in the approval process for the Project.

In short, the DEIR fails to comply with CEQA's minimum legal requirements in several respects and must be revised and re-circulated.

#### **I. AMDA AND ITS HOLLYWOOD CAMPUS.**

AMDA is one of the country's preeminent non-profit colleges for the performing arts, with its two campuses in New York City and Los Angeles recognized internationally for launching some of the most successful careers in theater, film, and television. Fully accredited by the National Association of Schools of Theater ("NAST")<sup>1</sup>, AMDA's Los Angeles campus enrolls approximately 700 students from throughout the world and offers both a 4-year bachelor of fine arts and various 2-year certificate programs. Since 2003, AMDA's Hollywood campus has been a thriving community of young artists engaged daily in everything from general education courses typical of more traditional 4-year colleges, to musical theater, dance studios, and voice recitals.

AMDA's campus is comprised of several buildings in the immediate vicinity of the Project. The Vine Tower, AMDA's main building, is kitty-corner from the Project and houses administrative offices, classrooms, studio spaces, a costume shop, a stage combat armory, a computer lab, the AMDA Café, the campus store and a black box theatre. AMDA's 1777 Vine Street Building across the street from the Vine Tower, and sharing a property line with the Project site, is a five-story facility with 23 classrooms, 11 private voice studios, acting rehearsal rooms, a student lounge, the film production office, the scene shop, and other ancillary AMDA uses. An outdoor performance space, a campus piazza, a performing arts library, and film, television and editing facilities are also located on campus.

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<sup>1</sup> NAST has been designated by the United States Department of Education as the agency responsible for the accreditation throughout the United States of freestanding institutions and units offering theatre and theatre-related programs (both degree and non-degree-granting). NAST cooperates with the six regional associations in the process of accreditation and, in the field of teacher education, with the National Council for Accreditation of Teacher Education. NAST consults with the American Alliance for Theatre and Education, the Association for Theatre in Higher Education, and similar organizations in the development of NAST standards and guidelines for accreditation.

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Finally, six residential buildings, primarily on the same block as the Vine Tower, have been purchased, or are otherwise controlled by AMDA, for student housing (The Franklin Building, the Yucca Street Apartments, the Allview Apartments, Ivar Residence Hall, the Vine Street Apartments, and the "Bungalows").

Simply stated, AMDA's investment in, and commitment to the Hollywood community is sustained and substantial.

## **II. THE HOLLYWOOD MILLENNIUM PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT.**

The DEIR has several flaws and must be revised and re-circulated to comply with CEQA. Set forth below are our specific comments on the DEIR.

### **A. The DEIR's Equivalency Program is Much Too Broad To Apprise the Public of the Project's Impacts.**

As a threshold matter, the DEIR is more a program-level EIR than a project-level EIR. The ultimate project that could be built under this DEIR could be almost all apartments, all condominiums, all hotel, all health/fitness club, all office, all restaurant, or all retail – so long as the total vehicle trip count falls within a cap set forth in the DEIR. As explained in greater detail throughout this comment letter, protection of the environment is about more than vehicle trip counts. Although CEQA does not foreclose equivalency program analysis, there comes a point when an equivalency program is so over-ambitious that the public has no idea what type of uses will ultimately be built, where on the site they will be, what their general design will be, and what the *ultimate environmental impacts* will be.

That is the case here. The DEIR's attempt to analyze every possible development scenario results in an environmental analysis that fails to disclose and analyze the most basic of things – like project driveways and ingress and egress from the Project's approximately 4.5 acre site. Will left-turns be allowed out of the Project's Vine driveways (assuming there will be Vine driveways)? The answer to that simple question can have a dramatic impact on traffic circulation in one of Hollywood's most congested areas, but the DEIR is silent on these basics. Likewise, the DEIR is completely inconsistent with the project that has been applied for, and which could be built under the proposed Development Agreement. For example, the Project applications call for approximately seven stories of above-ground parking. (See Exhibit A.) The DEIR, however, says there will likely be three. (See Exhibit B.) In other instances, key Project components, including a night-club and an outdoor viewing deck with a café and alcohol sales; are completely missing from the DEIR's environmental analysis. (See Exhibit C.) The DEIR's renderings and *discussion* about the "Development Regulations" might imply good design, but

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the plans submitted with the application would indicate that huge podium parking structures with large, massive, undifferentiated walls are back in vogue. (See Exhibit D.) Ultimately, because the Project Development Agreement and Development Regulations are so vague, nothing in the DEIR would prevent the absurd, say twenty stories above-ground parking.

The case law on equivalency programs is limited, but the general principles behind CEQA are clear. First, an accurate, stable, and consistent project description is required for a legally sufficient EIR. Inconsistencies in the project description, including "using variable figures" can be fatal. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 653 (holding that the failure to provide a stable and consistent project description invalidated the EIR); also see *City of Santee v. County of San Diego* (1989) 214 Cal. App. 3d 1438, 1454-55 (concluding that an EIR that did not contain an accurate, stable, and finite project description could not "adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences.").

In short, we have no idea what will be built, except that it will likely be massive. And even if the DEIR analyzed ingress and egress for the Concept Plan, for example, that analysis would be meaningless because the Applicant has no obligation to build the Concept Plan or a project that looks anything like it. An EIR cannot stultify CEQA's public disclosure requirements. *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 198 ("A curtailed, enigmatic or unstable project description draws a red herring across the path of public input."); also see *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal. 3d 376, 405 ("An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.").

The DEIR fails to provide a meaningful understanding of the Project. By analyzing the Concept Plan, the DEIR gives the public the impression that something approaching that plan will be built even though the Development Agreement allows different parts of the Project site to be sold to different developers who may choose to build something that bears no real resemblance to the Concept Plan. (See Development Agreement, Section 6.8.1.)(Exhibit E.) This is all the more shocking given that the Development Agreement also provides that no subsequent approvals/environmental review would be required for any subsequent build-out of the Project. (See Development Agreement, Section 3.1.5.)(Exhibit F.) Without discussing things as simple as ingress and egress (required analysis for much smaller projects), or what will ultimately be built, the DEIR's enigmatic project description has the effect of cutting the public out of some of the more important questions about the Project. And it certainly cannot provide the City Council with enough information to support a Statement of Overriding Considerations. CEQA requires more.

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**B. The DEIR Excludes Analysis and Mitigation of Clearly Significant and Adverse Noise and Vibration Impacts to AMDA and Avoids Meaningful Analysis and Mitigation of Noise and Vibration Impacts, Generally.**

1. The DEIR Fails to Disclose and Analyze AMDA as a Sensitive Receptor.

The *L.A. CEQA Thresholds Guide* defines noise sensitive land uses to include residences, transient lodging, schools, libraries, churches, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks. (*L.A. CEQA Thresholds Guide*, p. I.1-2.) Although the DEIR acknowledges that schools, auditoriums, and concert halls are sensitive receptors at page IV.H-15, inexplicably AMDA – which shares a property line with the Project – is excluded from the list of sensitive land uses adjacent to the Project site.<sup>2</sup> The DEIR's omission of AMDA as a sensitive receptor is a material error in the DEIR that has prevented significant impacts from being disclosed and mitigated.

To be perfectly clear, AMDA is a school and the quintessential sensitive receptor. Within AMDA's 1777 Vine Street Building, for example, when students are not taking classes such as "Harmony Review Lab," "Sight Singing Review Lab," and "Piano Lab," they may be practicing their singing in a private voice room, dancing ballet in one of the dance studios, or doing breathing exercises with a voice tutor. Every day, the AMDA campus is a thriving hub of productions, recitals, rehearsals, and classes from early morning until about 11:30 p.m., and in summer months AMDA's outdoor stage hosts multiple productions. How all this could continue to happen with the immediately adjacent construction of over one million square feet of towers is something the DEIR cannot ignore.

2. The DEIR Must Disclose, Analyze, and Mitigate Significant Construction Noise Impacts to AMDA.

The DEIR must be re-circulated with information about the magnitude of construction and operational noise impacts to AMDA, as well as all feasible mitigation measures that would reduce those impacts. It is impossible to state the precise construction-related noise impacts to AMDA because the DEIR ignored analysis of AMDA altogether, but there can be no question that the impacts will be extremely significant and adverse. Table IV.H-9 of the DEIR, for example, reveals that noise levels at the Pantages and Avalon Theaters, both of which are anywhere from two to ten feet from the Project, will skyrocket from 69.8 dBA  $L_{eq}$  to 113.9 dBA

<sup>2</sup> AMDA has been a prominent member of the Hollywood community since 2003 and various principals of Millennium Hollywood LLC (the "Applicant") have been familiar with AMDA for several years, all of which makes the omission very confusing to AMDA. Moreover, since 2010, well before issuance of the DEIR's Notice of Preparation, all of AMDA's 1777 Vine Street Building was being used by the college.

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$L_{eq}$ . As DEIR Table IV.H-1 indicates, a dBA of 113.9  $L_{eq}$  would be louder than a jet flying overhead at a height of 100 feet (throughout the entire day) and louder than a rock band in an indoor concert. This is troubling because the DEIR would allow construction next to AMDA at a similar distance from the Pantages Theater. There is no way that AMDA could continue operating in such an environment without specific mitigation that deals with AMDA as a sensitive receptor. Putting aside the fact that no school could teach music in the middle of a rock concert, the Project would be putting AMDA students and faculty in an environment that the DEIR states can cause temporary or permanent hearing loss. ("Frequent exposure to noise levels greater than 85 dBA over time can cause temporary or permanent hearing loss.") (DEIR, p. IV.H-3.) Mitigation of these impacts on AMDA are of the utmost necessity.

Furthermore, mitigation must address multiple different construction impacts – not just construction machinery. For example, the DEIR notes that "[t]he Yucca street parking curb lane will be retained for construction vehicle waiting and staging for the duration of Project construction during all hours . . ." (DEIR, p. IV.K.2-22.) A revised DEIR should disclose that this truck staging area would literally divide AMDA's main campus area (i.e., the Vine Tower and AMDA's 1777 Vine Street Building) and consider whether the noise impacts from this staging area can be relocated away from a sensitive receptor.

3. The DEIR's Use of the Equivalent Noise Level ( $L_{eq}$ ) for Construction-Related Noise Hides the Project's True Noise Impacts.

The DEIR fails to fully disclose Project impacts by only reporting  $L_{eq}$  and not the full range of dBA increases that would result from the project.  $L_{eq}$ , or the equivalent energy noise level, "is the *average* acoustic energy content of noise for a stated period of time." (DEIR, p. IV.H-2.) The DEIR is required to not only disclose the average dBA over a period of time, but the full range of dBA (i.e., what will be the loudest noises that will be occurring throughout construction). Disclosure of the full range of dBA is important for many reasons. First, the *L.A. CEQA Thresholds Guide* provides that a Project will have a significant impact if construction activities lasting more than a day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use, or 5 dBA or more at a noise-sensitive use for construction activities lasting more than ten days in a three-month period. (DEIR, p. IV.H-20.) The thresholds are not based on  $L_{eq}$  – they are based on dBA alone. By only disclosing  $L_{eq}$ , the DEIR underreports the true range and magnitude of significant impacts.

Second, the aforementioned distinction between  $L_{eq}$  and dBA is about more than technical legal compliance with the CEQA threshold; the loudest noises that may occur at any given time matter. Particularly loud construction episodes, for example, would undoubtedly interrupt

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courses, recitals, and other AMDA activities to a greater extent than the already high average noise levels. All feasible mitigation must be imposed for these high noise incidents.

Finally, the  $L_{eq}$  reported in the DEIR could be masking the true noise impacts of the Project because the DEIR fails to disclose the period of time over which construction noise is being averaged (e.g., the  $L_{eq}$  period may be including nighttime noise when no construction is taking place, break times, or other similar non-representative time periods).

4. The DEIR's Noise Section Is Rendered Meaningless by Failure to Report Post-Mitigation Noise Impacts and Failure to Define Mitigation Measures with any Precision or Certainty.

Despite reporting Project noise impacts that are clearly unacceptable, the DEIR fails to indicate what the Project's noise impacts will be *after* mitigation. This approach is not only contrary to the approach taken in the DEIR's Air Quality and Traffic sections, it is contrary to the City's practice for other environmental impact reports. (See Exhibit G.) Disclosure of impact levels after mitigation is required, and the Applicant must be required to abide by the post-mitigation noise levels that are set forth in the DEIR. Indeed, without post-mitigation noise projections, community members and stakeholders affected by the Project have no way of knowing with any certainty if the mitigation measures in the DEIR are, in fact, effective in reducing noise levels, and if they are, by how much noise levels will be reduced. The DEIR must disclose the resulting (i.e., post-mitigation) noise levels at the relevant property lines so that AMDA and the public can determine if the mitigation measures truly reduce noise to the maximum extent feasible.

Part of the reason for the DEIR's failure to provide any information about post-mitigation noise levels may be that many of the noise mitigation measures in the DEIR are illusory. For example, many of the mitigation measures are tempered with phrases like "as far as feasibly possible" or other language that actually has the effect of creating an inordinate amount of flexibility for the Applicant and/or depriving the measure of any certainty. Examples of deficient noise mitigation measures in the DEIR are set forth below, followed by a discussion of how each mitigation measure is legally deficient:

- *Noise and groundborne vibration construction activities whose specific location on the Project may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as feasibly possible from the nearest noise- and vibration- sensitive land uses. (Mitigation Measure H-3) (Emphasis added.)*

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- *Construction activities shall be scheduled so as to avoid **as feasible** operating several pieces of equipment simultaneously, which causes high noise levels.* (Mitigation Measure H-4) (Emphasis added.)
- *The Project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices **as available**.* (Mitigation Measure H-6) (Emphasis added.)
- *Barriers such as plywood structures or flexible sound control curtains extending eight-feet high shall be erected around the Project Site boundary to minimize the amount of noise on the surrounding noise-sensitive receptors **to the maximum extent feasible** during construction.* (Mitigation Measure H-7) (Emphasis added.)
- *All construction truck traffic shall be restricted to truck routes approved by the City of Los Angeles Department of Building and Safety, which shall avoid residential areas and other sensitive receptors **to the extent feasible**.* (Mitigation Measure H-8) (Emphasis added.)

All the bolded language above serves to remove any assurances or standards from the mitigation. For example, relative to Mitigation Measure H-3, there is no reason that the DEIR should not disclose exactly where flexible noise-generating equipment will be located to reduce impacts to AMDA and other sensitive uses (and the resulting post-mitigation noise levels at the property line). A mere representation that the activities will be conducted "as far as feasibly possible" deprives the public of the ability to comment on whether the Applicant truly is mitigating "as far as feasibly possible."

In fact, when the Applicant's current tenant, EMI, was previously concerned about impacts to Capitol Records from a nearby construction project at 6941 Yucca (the "Yucca Condominium Project"), it secured mitigation measures such as the following:

- No stationary equipment will be operated *within 40 feet* of the west project site property line with EMI/Capital [sic] Records. Tower cranes and personnel lifts shall be positioned *near Argyle on the eastern edge of the project site*. (Mitigation Measure Supp 18) (Emphasis added.)

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- Construction materials shall be stock-piled at distant portions of the site, *at least 40 feet* from the western project site property line with EMI/Capitol Records. The equipment warm-up areas, water tanks and equipment storage areas described in Mitigation Measure I-5 above shall also be located *at least 40 feet* from the western project site property line with EMI/Capitol Records. (Mitigation Measure Supp 19) (Emphasis added.)
- *Within 40 feet* of the western project site property line with EMI/Capitol [sic] Records, demolition, excavation and construction activities at or below the street level of the project site (including loading of demolition refuse), grading equipment and activities, augured pile driving, vibratory rollers, jumping jack compactors, and other excavation and construction equipment and activities *shall be prohibited after 10:00 a.m. Mondays through Saturdays*, unless one of the following exceptions apply . . . (Mitigation Measure Supp 12) (Emphasis added.)

A complete list of mitigation measures for the Yucca Condominium Project is attached as Exhibit H for reference.

The precision that EMI/Capitol Records previously received to protect itself from noise and vibration impacts needs to be reflected in the other mitigation measures for this Project too – not just Measure H-3. For example, Mitigation Measure H-4 must disclose which construction equipment will not be operated simultaneously.<sup>3</sup> The same goes for Mitigation Measure H-6. If state-of-the-art noise shielding and muffling devices are too expensive, or being used at another construction site, does this mean that the noise levels need not be mitigated? With respect to Mitigation Measure H-7, how will an eight-foot noise barrier be enough to mitigate noise impacts to the maximum extent feasible, and why not disclose the full gamut of noise attenuation barriers available given that one can do better than plywood structures? Most importantly, why did the Yucca Condominium Project (112,917 square feet of construction) next door to the Capitol Records Tower require noise barriers of 16 feet in height, whereas this 1,052,667 net square foot project only requires eight-foot barriers? (See Exhibit I.) (The DEIR also needs to consider special mitigation for the Project's high-rise towers, such as sound wall barriers as construction proceeds to the upper floors.) Finally, with respect to Mitigation Measure H-8, aside from it being impermissible deferred mitigation, how can the DEIR state that construction

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<sup>3</sup> The scheduling of different construction activities and their resulting noise levels needs to be disclosed as part of the public review process. Otherwise, how would a decision to stop operating multiple pieces of equipment be made on the construction site after the Project has already been approved, especially if the DEIR has no standards (just vague "as feasible" language)?

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truck traffic will avoid sensitive receptors to the maximum extent feasible, and then in another section state that construction truck staging will be right outside AMDA?

Ultimately, the DEIR needs to establish specific mitigation measures and post-mitigation noise standards that can be measured and adhered to. As drafted, the DEIR says nothing about how loud Project noise will be after the imposition of mitigation measures, renders the little mitigation there is meaningless with vague, imprecise language, and does not commit the Applicant to any specific noise standard.

5. The DEIR's CNEL Baseline Is Not Supported by Substantial Evidence.

The DEIR states that noise measurements were recorded by Parker Environmental Consultants staff on April 19, 2011, at six locations in the vicinity of the Project Site *for a period of 15 minutes per location*, between the hours of 2:50 PM and 4:30 PM. (DEIR, p. IV.H-5.) Somehow, despite only taking measurements for 15 minutes, the DEIR established dBA CNEL baselines for the five studied roadways. CNEL, the Community Noise Equivalent Level, "is a 24-hour average  $L_{eq}$ ." (DEIR, p. IV.H-3.) The DEIR needs to disclose how a 24-hour average was derived for the baseline from a mere 15 minute measurement. Given the role that the CNEL baseline plays in establishing the Project's operational impacts, coupled with the large scope of this Project, anything less than a true understanding of the Project area's CNEL renders the DEIR's noise analysis meaningless.

6. The DEIR Fails to Study those Roadways That May Be Most Impacted By Traffic-Related Noise and Masks True Roadway Noise Impacts.

The DEIR's analysis of roadway traffic impacts is highly deficient. As a threshold matter, the DEIR fails to consider whether there are residential streets that may be most impacted by traffic noise, even if those streets will not receive the most Project traffic. The DEIR states that "[t]he roadway segments selected for analysis are considered to be those that are expected to be most directly impacted by project-related traffic, which for the purpose of this analysis, includes the roadways that are nearest to the Project site." (DEIR, p. IV.H-14.) This selection of streets for roadway noise impacts, while appealing at first blush, has the effect of potentially masking significant impacts along nearby residential roadways that may receive lower project-related traffic, but have a lower significance threshold (3 dBA CNEL rather than the 5 dBA CNEL streets studied in the DEIR's noise analysis). As such, further analysis of streets more sensitive to noise is required.

Moreover, the traffic noise analysis suffers from other methodological problems. In addition to the previously discussed concerns about the CNEL baseline, which appears to be

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based on a 15-minute measurement, the DEIR's traffic analysis grossly underreports the Project's true traffic impacts. Accordingly, it is very likely that the higher traffic impacts will lead to higher, and significant, roadway noise impacts. The DEIR therefore needs to be re-circulated with disclosure of actual noise impacts from Project traffic.

7. The DEIR Must Analyze and Mitigate Vibration Impacts on AMDA's Building.

The DEIR must be re-circulated with information about the magnitude of the Project's construction and operational vibration impacts to AMDA, as well as all feasible mitigation measures that would reduce those impacts to a level less than significant. The DEIR completely ignores vibration impacts on AMDA's classroom building despite making clear elsewhere that vibration impacts from construction on buildings further away would be significant. Based on Table IV.H-11 and Table IV.H-12, impacts to the Pantages Theater, the Avalon Theater, and the Capitol Records Tower (all of which have similar distances to the Project as AMDA), it appears that construction-related vibration impacts at AMDA's 1777 Vine Street Building would range from approximately 119.9 VdB to 162 VdB and 3.9 PPV to 491.66 PPV – impacts that wildly exceed the significance thresholds of 65 VdB and 0.12 PPV. There is little question that AMDA's 1777 Vine Street Building would suffer significant damage from such high vibration levels. (The DEIR states that 100 VdB is the general threshold where minor damage can occur in a fragile building yet Project-related VdB on AMDA's building is expected to be approximately 120 VdB to 162 VdB.) (DEIR, p. IV.H-4). Likewise, given the types of activities that occur in AMDA's building (e.g., breathing exercises, music classes, ballet), AMDA would be considered a Category 1 Building (65 VdB threshold) more akin with university research operations than a typical school building (75 VdB threshold) with respect to operational vibration annoyance impacts. Irrespective of what threshold is applied, however, the vibration impacts on AMDA's building are significant and must be mitigated.

8. The DEIR Avoids Required Analysis of the Project's Impacts on the Capitol Records Echo Chambers and Recording Studios.

CEQA does not allow an impact on the environment to be ignored if only the Applicant's property would be directly affected. This is obvious, yet that appears to be the position taken by the DEIR with respect to the Project's noise and vibration impacts on the Capitol Records recording studios and historic echo chambers – a City-designated Historic Cultural Monument ("HCM"). The DEIR states that the Capitol Records underground echo chambers are located approximately 20 feet north of the proposed limits of excavation for the Project and that Capitol Records Recording Studios A, B, and C are approximately 0.08 feet away from the Project. (DEIR, pp. IV.H-16 and IV.H-29.) Despite the proximity of these uses, and the fact that the DEIR identifies vibration impacts as significant, the DEIR brushes off any meaningful impact

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analysis or mitigation on the ground that these sensitive receptors are owned by the Applicant. (DEIR, p. IV.H-29.) The DEIR goes on to state that “[v]ibration-related impacts upon these uses will be addressed through agreements between the owner and the tenant, with the intent of minimizing noise-related impacts on the uses.” (*Id.*)

The DEIR’s analysis is akin to a statement that no historic resource analysis for the demolition of an HCM is necessary if it is the owner that wishes to demolish the building. Interestingly, the Applicant’s tenant has previously stated in connection with other adjacent construction (the aforementioned Yucca Condominium Project) that significant impacts to the echo chambers would “basically render unusable the Echo Chambers at the Capitol Records property.” (Exhibit J.) Simply put, the same level of analysis and mitigation that the City has previously required for other projects needs to be imposed here – especially because the Applicant may now have an economic interest in not protecting these historic monuments.

9. The DEIR’s Mitigation for Groundborne Vibration Damage to Adjacent Buildings is Not Supported by Substantial Evidence.

Even though estimated vibration levels from construction of the Project are expected to range from 3.9 PPV to 491.66 PPV and the threshold of significance is 0.12 PPV, the DEIR provides that groundborne vibration damage to adjacent buildings will be reduced to insignificance because Mitigation Measure H-11 “requires the Project Applicant to perform all construction work without damaging or causing the loss of support for on-site and adjacent structures.” (DEIR, p. IV.H-31). But is that even possible? Can an impact of 491.66 PPV be reduced to a level below 0.12 PPV? Exactly how will adjacent buildings not be damaged? One would not know from the DEIR because the one proffered mitigation measure to address this impact is completely conclusory.

10. The DEIR Mentions a Rooftop Observation Deck But Provides No Analysis of its Potential Noise Impacts.

The Project’s application and the DEIR mention a rooftop observation deck, but the DEIR does not analyze its noise impacts on the surrounding neighborhood. Oddly enough, even though the application states the rooftop deck will be outdoors, will have alcohol service, and that special events with live entertainment could conceivably occur, the DEIR is completely silent on the noise impacts of that deck. The DEIR does not even disclose that the deck will be outdoors. Likewise, the Project’s application makes clear that other outdoor decks may be incorporated into the Project. These decks must be analyzed and their impacts mitigated to the maximum extent feasible in a re-circulated DEIR.

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11. The DEIR Must Fully Analyze Potential Impacts From Above-Ground Parking Structures.

Nothing in the DEIR prevents the construction of an above-ground parking structure adjacent to AMDA's 1777 Vine Street Building or other sensitive receptors. Should this occur, the Project would be raising vehicles from a street-level parking lot to be directly adjacent to AMDA's 1777 Vine Street Building's windows on multiple levels. (The DEIR "envisions" three levels of above-grade parking, but the equivalency program would not prevent above-grade parking structures from being significantly taller.) The DEIR must analyze noise from car alarms, tire squealing, honking, and other loud parking structure noises that might impact AMDA.

12. The Project Would Expose AMDA to Interior Noise Levels Beyond Regulatory Standards.

The DEIR states that "the Project would result in generally unacceptable exterior noise levels for any proposed residential or open space uses fronting Vine Street . . . Therefore, future interior noise levels associated with roadway traffic along Vine Street could still exceed the City standard 45.0 dBA for interior residential uses." (DEIR, p. IV.H-37.) To mitigate this impact to a level less than significant, the DEIR requires Project buildings to include sound-proof windows and noise insulation. Therefore, because AMDA's 1777 Vine Street Building is a sensitive receptor fronting Vine Street, the DEIR must provide similar upgrades to AMDA's 1777 Vine Street Building. In addition, because this impact was not disclosed as significant in the DEIR, this is yet another reason the DEIR must be re-circulated.

**C. The DEIR's Traffic Analysis Has Multiple Material Flaws and is Not Supported By Substantial Evidence.**

1. The DEIR's Equivalency Program Makes It Impossible to Understand the Full Range of Possible Uses and Configurations, All of Which Would Affect Traffic in Different Ways.

The DEIR provides the impression that CEQA traffic analysis begins and ends at total trips, and that no further analysis is required so long as total trips are maintained below a certain number. This is not the case; the imprecise nature of the DEIR's equivalency program means that the DEIR fails to provide a true understanding of the Project's impacts. Because the DEIR does not disclose precise driveway points and what specific uses those driveways would be serving, the public is not afforded an understanding of the peak hour usage of those driveways, how pedestrian activity at specific project access points may create hazards or create internal

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parking structure queuing, or how driveways at specific access points may back up traffic behind vehicles making a left-hand turn into the Project.<sup>4</sup> (Granted, the DEIR does not even discuss if left-hand turns into the Project will be allowed because of the multiple scenarios that could conceivably result from the equivalency program.) At one point, the DEIR's traffic study provides a glimmer of hope on specificity when it states that "[a] preliminary analysis concludes that the driveways as shown on the conceptual plans (Figure 3) will not introduce any unusual adverse hazards." (Traffic Study, p. 9.) But only a glimmer; a review of the aforementioned Figure 3 does not show a single driveway or Project access lane. (See Exhibit K.) Without an understanding of traffic circulation immediately around the Project, it is impossible to know if turns, queuing, and other vehicular conflicts will create trickle-down impacts to multiple intersections.

In a similar vein, the traffic analysis takes credits via "internal capture" for Project uses that may never be built. For example, the DEIR claims a separate 15% internal capture reduction in trips for the fitness/sports center, for the retail, and for the restaurants (presumably because of the onsite office and residential uses). But what if the office and residential space that is actually built is significantly less than that analyzed in the DEIR or disappears altogether? What if the Applicant uses the DEIR to pursue a 100% retail project? In this case, the Applicant would obtain a 15% trip reduction for nothing.

Simply put, the DEIR's traffic analysis is not supported by substantial evidence. As stated earlier, the DEIR's traffic analysis is more consistent with that of a program-level EIR. It cannot legally comport with CEQA's disclosure requirements until greater Project specificity is provided.

2. The Traffic Study's Trip Distribution Needs to Account for the Separate Project Uses.

As stated previously, the DEIR's equivalency program has the effect of making much of the Project's impact analysis irrelevant. While CEQA does not prohibit equivalency program environmental analysis, the analysis can become highly problematic in connection with complex projects that have several potential uses, all of which can be located in various different locations throughout a large project site. In this case, the equivalency program's broad-strokes description of potential project uses and their location on the Project site makes it impossible to capture and understand the Project's ultimate trip distribution.

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<sup>4</sup> Although the Traffic Study does provide a general discussion of driveway locations, these driveway locations are hypothetical in nature only. (See Traffic Study, p. 38.) As the Project's Development Regulations provide, "parking, open space, and related development requirements for any component of the Project may be developed in any location within the Project Site." (See Development Regulations, p. 10.)

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The DEIR's traffic analysis assigns a trip distribution based on one specific project iteration (the Concept Plan) and this trip distribution remains constant irrespective of what uses may ultimately be incorporated into the Project and where on the site they are located. This leads to a highly simplistic and flawed trip distribution. Hotels, for example, have a very different trip distribution than a fitness center or condominiums, yet the DEIR makes no attempt to account for the fact that the project that may ultimately be built will have no resemblance whatsoever to the Concept Plan (e.g., the Project could be almost entirely residential). Likewise, we know that vehicles will choose one route over another based on their points of ingress and egress. The DEIR's trip distributions, which are guided by a completely random allocation for one project iteration that does not have to be built, are therefore highly flawed.

Indeed, the Applicant's traffic consultant has previously taken the position in connection with other EIRs that a traffic study would be deficient if the trip distribution for individual uses was not specifically assigned. They said:

... recent traffic studies for large mixed-use projects approved by LADOT ... have used discrete trip distribution patterns and percentages for individual uses in order to more accurately assign trips to study intersections and routes. For example, office, residential, hotel and retail uses generally have different trip distributions, as their origins and destinations are different. Utilizing one generic trip distribution for dissimilar proposed and existing uses can result in project trips and impacts being underestimated at study locations, as well as some locations not being considered for analysis because they have been assigned a low number of trips. (See Exhibit L.)

Given the fact that the DEIR's own traffic consultant has cautioned against generic trip distribution, it is difficult to understand why this DEIR does not account for all the multiple uses and configurations that could ultimately be built under the equivalency program. Without an appropriate trip distribution, the DEIR cannot be supported by substantial evidence.

3. The DEIR Must Analyze Neighborhood Intrusion Impacts and Construction and Operational Traffic Impacts Arising From AMDA's Location.

The DEIR fails to analyze the Project's neighborhood intrusion impacts. Of particular importance, the DEIR did not analyze the Project's traffic impacts on AMDA and its students and faculty. AMDA's presence adjacent to the Project site creates various specific conditions that have not been analyzed, and which may require a Neighborhood Traffic Management Program. For example, large groups of students cross Yucca Street between the Vine Tower and

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AMDA's 1777 Vine Street Building when classes let out throughout the day, yet the DEIR did not take pedestrian counts to understand how large groups of students might impact left- and right-hand turns on Yucca, or how traffic may create hazards for AMDA students and faculty.<sup>5</sup>

Likewise, the DEIR neglected to analyze the Project's traffic impacts on various residential street segments. Ivar Avenue between Yucca Street and Franklin Avenue (a great portion of which is lined with AMDA student housing), for example, will no doubt experience significant traffic impacts because northbound travel on Yucca will be one of the most efficient ways of accessing the northbound Hollywood Freeway from the Project's Ivar Avenue access point (Ivar to Franklin and then Franklin to Argyle/the Hollywood Freeway). Several other likely cut-through routes have not been identified and necessitate further study.

In short, the DEIR needs to critically address cut-through traffic and its impact on residential street segments, analyze AMDA-specific traffic issues, and provide appropriate mitigation for both construction and operational traffic.

4. The DEIR Must Analyze Traffic Impacts During the Hollywood Bowl Summer Season and Performances at the Pantages Theater, As Well As Ascertain Whether the P.M. Peak Hours Are Truly 3:00 P.M.-6:00 P.M.

The DEIR has dramatically underreported traffic impacts by not including manual counts taken on high traffic-volume days. Specifically, the DEIR states that "[t]raffic volumes for existing conditions at the 37 study intersections were obtained from manual traffic counts conducted in March, April, May, September, and October 2011." (DEIR, p. IV.K-1-12.) The three-month break over the months of June, July, and August is highly suspect because it coincides precisely with the Hollywood Bowl summer concert season, which elevates traffic throughout Hollywood quite significantly.<sup>6</sup> (Why else would counts have stopped for three months?) With an occupancy of approximately 18,000, the Hollywood Bowl is the largest

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<sup>5</sup> The DEIR cannot ignore multiple site-specific variables just because the City's thresholds do not address them. See *Mejia v. City of Los Angeles*, (2005) 130 Cal. App. 4th 322, 342. ("We conclude that the city improperly relied on a threshold of significance despite substantial evidence supporting a fair argument that the project may have a significant impact on traffic on Wheatland Avenue. In light of the public comments and absent more careful consideration by city engineers and planners, the evidence supports a fair argument that the increased traffic on Wheatland Avenue as a result of the project would be substantial considering the uses of the road.")

<sup>6</sup> Further elevating our suspicions about the date selection for manual traffic counts is that when manual counts were reinstated in September, a month when there were still a few Hollywood Bowl concerts remaining on calendar, the DEIR's traffic consultant only took manual traffic counts in the morning, not afternoon. (See DEIR, Appendix IV.K.1, Appendix B.)

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natural amphitheater in the United States, and summer concert nights (at the tail-end of June and almost every night in July and August) often create traffic havoc throughout the area of Hollywood near the Project site. In fact, the Highland exit from the southbound Hollywood Freeway is often so congested during Hollywood Bowl summer events that traffic is directed to the Cahuenga off-ramp, with ensuing trickle-down impacts in the immediate vicinity of the Project site. The DEIR cannot pick and choose convenient days for manual traffic counts. It is crucial that the Project's traffic baseline include Hollywood Bowl traffic so that Project traffic impacts are understood and mitigated to the maximum extent feasible.

Likewise, the Project directly abuts the Pantages Theater, which has a seating capacity of almost 3,000. The DEIR needs to analyze the Project's traffic in conjunction with Pantages theater vehicular traffic, the latter of which would be circling the vicinity looking for parking at approximately the same time (i.e., the one hour period before the performance start time).

Finally, given the scale of the proposed Project, the DEIR should analyze traffic impacts up to 7 p.m., and include this hour as part of the peak hour if conditions warrant. Security guards stationed at the entrance to AMDA's parking lot on Yucca Street have related to us that traffic in this particular area is at its worst from 5 p.m. to 7 p.m. (not necessarily 3 p.m. to 6 p.m.). If this is the case, then the DEIR has failed to analyze the correct peak hour that applies to this particular neighborhood. Los Angeles Department of Transportation ("LADOT") peak hour reporting requirements alone are not substantial evidence unless they are supported by facts specific to the Project's location.

5. The DEIR Must Analyze Operational Traffic Impacts In Conjunction with Partial Construction Traffic.

The DEIR significantly underreports the Project's construction traffic impacts by ignoring the development phasing allowed by the proposed Development Agreement. The DEIR's construction traffic section assumes that the entire Project will all be built at once purportedly in order to provide a conservative analysis of construction impacts. However, ignoring the much more likely scenario that the Project will be built in phases<sup>7</sup> has the result of severely undercounting total traffic impacts and problems that would be posed by construction traffic *in conjunction* with operational traffic from a half-complete Project. The traffic impacts of a partially built Project, together with construction elsewhere on the site, would create a significant impact that has not been analyzed. CEQA requires that the Project's combined traffic impacts be analyzed.

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<sup>7</sup> "The Project includes a Development Agreement that would allow the long-term phased buildout of the Project." (DEIR, p. II-34.)

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6. The DEIR's Trip Cap Erroneously Combines A.M. Trips and P.M. Trips.

As the DEIR's Traffic section demonstrates, the City differentiates between a.m. and p.m. peak hour impacts (e.g., an intersection can be significantly impacted in the a.m. peak hour, but not the p.m. peak hour). Despite the City's requirement of a separate impact analysis for the a.m. and p.m. peak hours, the equivalency program's trip cap of 1,498 *combines* a.m. and p.m. peak hour trips. CEQA requires that one trip cap be created for the a.m. peak hour and that another trip cap be created for the p.m. peak hour to keep impacts consistent with the DEIR's impact envelope. If this is not done, the Applicant will be afforded the ability to create a greater impact than that which the DEIR has disclosed for one of the peak hours. For example, ITE rate 931 (Quality Restaurant) generates virtually no trips in the a.m. peak hour, but has particularly high traffic generation rates in the p.m. peak hour. If the Applicant were to provide a significant amount of restaurant space in the Project, but only measured the resulting restaurant trips against a combined peak hour trip cap, the restaurants' inordinate p.m. peak hour impacts would be masked, and p.m. peak hour impacts on nearby intersections could not be analyzed. As a result, the DEIR may fail to disclose the specific a.m. or p.m. peak hour trip impacts that could result from the Project.

7. The DEIR Provides No Substantial Evidence in Support of Its Approximately 30% Vehicle Trip Reduction for Public Transit Use.

The DEIR's traffic study assumes an approximately 30% reduction in vehicle trips due to public transit use. First it adjusts the trip generation rates by 15% (Table IV.K.1-4) and then, in what is arguably double-dipping, takes another 15% reduction on the back-end for public transit usage in connection with the Transportation Demand Management ("TDM") program.<sup>8</sup> (DEIR, p. IV.K.1-55.) While TDM programs may be effective in reducing total vehicle trips, the DEIR does not support the high 30% total trip reduction related to public transit with substantial evidence. For a Project that does not include any affordable units (in fact, the views from the proposed 55-story towers will command multi-million dollar prices) and whose office and hotel uses will likely be tied in great part to the entertainment industry, it is not clear how 30% of Project trips will be bus and Metro Red Line trips (the Metro Red Line, while very convenient to the Project, still only covers a very small portion of the sprawling Greater Los Angeles area). The DEIR needs to provide evidence in the form of similar transit-adjacent Los Angeles projects to support the assumptions regarding trip reductions. Likewise, much of the TDM program currently lacks any enforcement mechanisms or objective performance standards by which the

<sup>8</sup> Some of the 15% reduction from the TDM program would presumably come from bicycle usage and other vehicle trip reduction measures. However, the DEIR has not shown that this particular project could deliver a total 30% reduction either way.

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success of the TDM program can be measured. As drafted, the TDM program is impermissible deferred mitigation.

8. The DEIR's Significance Determination for Construction Traffic Impacts is Not Supported By Substantial Evidence.

The DEIR's significance determination for construction traffic impacts is not supported by substantial evidence. For example, none of the Project's construction trips were assigned to the street system to determine whether construction traffic would exceed LADOT impact thresholds. With respect to the DEIR's trip cap, it cannot be relied upon because construction traffic patterns will bear no resemblance to the Project's operational uses. (And if the trip cap could be used, the DEIR fails to show how construction traffic trips fall under the total trip cap.<sup>9</sup>)

In addition, the construction traffic mitigation measures do not demonstrate how impacts will be reduced to a level less than significant. If anything, Mitigation Measures K.1-1 and K.1-3 impermissibly defer mitigation by leaving determinations on sidewalk closures, haul routes, traffic detours, etc. to a future point in time and by providing that the haul route "shall avoid residential areas and other sensitive receptors *to the extent feasible.*" (Emphasis added.) As the Project's haul route requires discretionary approval from the City, the DEIR must analyze now – not later – whether a haul route can be created that will not impact sensitive receptors. If the Project proposes to use a haul route that passes AMDA, then the DEIR must first demonstrate that other routes are infeasible rather than leave that determination to a future point in time. Of course, should the haul route pass AMDA, this would be yet another new significant impact requiring recirculation of the DEIR.

9. The DEIR Fails to Analyze Cumulative Construction Traffic Impacts.

The DEIR fails to consider that several projects are being built, or will be built, in the immediate vicinity of the Project (e.g., the BLVD 6200 Project, the Yucca Condominium Project). In addition to the combined traffic trips, many of these other development projects require, or will require, the same construction staging areas and haul routes. The DEIR needs to consider contingency plans in the likelihood of concurrent development and analyze total construction impacts accordingly.

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<sup>9</sup> The DEIR points to Table IV.K.1-12 for the proposition that "the level of trip-making activity from the Project Site during the combined peak hours will be 1,068 trips, which is more than one-quarter below the Trip Cap of 1,498 trips." (DEIR, p. IV.K.1-43.) While the DEIR may be correct that total peak hour construction trips would be 1,068, Table IV.K.1-12 does not demonstrate this.

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10. The Traffic Study's Use of ITE Code 492 Is Not Supported by Substantial Evidence.

If there ever was an ITE traffic generation rate that should be used with great caution, it is Land Use Code 492 (Health/Fitness Club). This ITE rate, unlike most ITE rates which are based on multiple observations throughout the country and rigorous peer review, was developed based on *one* observation. It is also unclear where this *one* observation was conducted, when it was conducted, and why it would bear any meaningful relationship to the traffic generation rate for a gym in an urban area of the country that has consistently generated higher trip rates for gyms. For Code 492, ITE's *Trip Generation* itself states that "[u]sers are cautioned to use data with care because of the small sample size." (See Exhibit M). Furthermore, each data plot and equation in the traffic manual notes, in bold: "**Caution – Use Carefully – Small Sample Size.**" (Exhibit N). Given this language, it is incumbent on the DEIR's traffic consultant to provide evidence substantiating how the ITE data has been used appropriately and cautiously. If such evidence is unavailing, in order to have a legally defensible document the DEIR must provide a generation rate that is based on traffic counts from existing fitness clubs within the City, or that is otherwise appropriate.

11. The DEIR Fails to Evaluate the Traffic Impacts of the Rooftop Viewing Platform.

One would not know anything about this from the DEIR, but the Applicant intends to create a major tourist destination at the Project site that has been completely omitted from environmental study. (See Exhibit O.) ("The 8,300 square foot rooftop observation deck [accessed by a dedicated public-accessible elevator] on the East Site will create an open, publicly-accessible attraction that will serve as a new landmark Hollywood experience for area residents and visitors. The observation deck will feature a full service café, outdoor seating, attractive hardscapes and landscaping that will set the feature apart from other observation decks across the country.") If, as the Project's entitlement application notes, this observation deck will be a major draw for tourists and residents alike, how have its impacts been evaluated? The DEIR fails to discuss traffic impacts from this deck, which will include tour bus traffic and parking impacts that must be analyzed.

12. The DEIR Fails to Evaluate the Project's Traffic Impacts on Weekend Nights.

It is unclear why only weekday a.m. and p.m. peak hours were studied for this Project. Many projects of the scale proposed by the Applicant include weekend impact analysis. In this case, given the high amount of night club, restaurant, retail, hotel, and observation deck uses that may be active in the Project during weekend nights, the DEIR must analyze Friday and Saturday night traffic impacts. This area of Hollywood is literally the center of Los Angeles nightlife on

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weekends, with vehicles creating gridlock from approximately 9 p.m. to 3:00 a.m. (often at levels that by far exceed weekday a.m. and p.m. peak hours). The traffic study cannot be complete until weekend impacts are studied and all feasible mitigation reduces those impacts to a level less than significant.

13. The DEIR Fails to Evaluate Queuing Impacts on the Hollywood Freeway.

Despite a request from the California Department of Transportation, in response to the DEIR's Notice of Preparation, that the DEIR study the queuing of vehicles using off-ramps that will back into the mainline through lanes of the Hollywood Freeway, the DEIR is completely silent on the Project's potential significant impacts due to queuing. Especially on weekend nights, the exits off the Hollywood Freeway into Hollywood become extremely backed up, creating impacts on mainline segments as well. The DEIR cannot ignore this significant impact.

14. The DEIR Fails to Impose All Feasible Mitigation for the Project's Significant Traffic Impacts.

Given the major deficiencies identified in practically every component of the DEIR's traffic study, the traffic analysis needs to be redone. The DEIR identified *restriping at one* intersection as the only roadway improvement mitigation measure for this massive Project. This cannot possibly be the only feasible road improvement; thus, AMDA may suggest additional feasible mitigation measures once the Project's plans for ingress and egress are disclosed and the traffic study is redone so as to reasonably identify the Project's traffic impacts. One thing is clear at this point, however. Given the Project's significant impacts at multiple intersections, the DEIR needs to identify the mitigation measures that were supposedly discarded and deemed infeasible for the DEIR's conclusions about infeasibility to be supported by substantial evidence.

**D. The DEIR Fails to Completely Analyze the Project's Parking Impacts on the Surrounding Community.**

The DEIR concludes that the Project will not have significant operational impacts on parking because the Project will presumably have enough parking for its own internal uses. Assuming this is true, the DEIR still fails to account for the Project's displacement of public parking lots used by Pantages Theater patrons and other area visitors. Furthermore, from a cumulative impacts standpoint, the other parking lots in the area used for Pantages Theater parking have been entitled for other projects, one of which is already under construction. The DEIR needs to analyze the displacement of public parking spaces used for the Pantages (and other nearby uses) and mitigate parking impacts accordingly. The trickle-down impacts from the Pantages lacking parking for approximately 3,000 patrons for any given performance is also likely to create significant traffic congestion on area streets. Other projects in the vicinity, like

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the Hollywood Tower Terrace project at Franklin and Gower, have provided significant public parking components to mitigate such impacts. The proposed Project needs to do the same.

Likewise, street parking in the area is used by AMDA students and visitors. AMDA is concerned about the street parking displacement that will occur as a result of the Project during construction and operations. The DEIR also needs to disclose whether or not the Project's commercial parking will be free of charge. If parking will not be free of charge, the DEIR needs to analyze parking validation options and off-site parking spillage that will occur as a result of Project visitors who are unable or unwilling to pay for parking.

**E. The DEIR's Analysis of Aesthetics Conceals and Inappropriately Minimizes the Impacts of the Proposed Project.**

1. The DEIR Fails to Identify AMDA as a Sensitive Receptor and Fails to Identify Significant Shade-Shadow Impacts to AMDA.

Once again, the DEIR fails to identify AMDA as a sensitive receptor, in the process concealing the Project's significant shade-shadow impacts on AMDA. (See DEIR, Table IV.A.2-1.) Not only would the Project's shade-shadow impacts surpass the threshold for AMDA's buildings, they would create significant shadows in the key outdoor areas of the AMDA campus, such as the AMDA piazza and outdoor stage. (See Figures IV.A.2-1 through IV.A.2-7, demonstrating that AMDA's campus would be shaded by both Project's towers from 9:00 a.m. to 3:00 p.m. during the winter solstice). This is a significant impact not disclosed in the DEIR. Should the Project be constructed as proposed, AMDA students will essentially no longer have any sunlight on their campus. The DEIR needs to identify these impacts and mitigate them to a level less than significant in a re-circulated DEIR.

2. The DEIR Does Nothing to Mitigate Significant Impacts to Focal Views.

The DEIR states that the impacts to focal view obstruction of the Capitol Records Tower would be significant and unavoidable, but fails to provide any mitigation for this impact. CEQA requires all feasible mitigation to be imposed. A simple solution would be to reduce the floor plate of a 220-foot building adjacent to the Capitol Records Tower and create an absolute minimum setback requirement (there is no reason a 220-foot building must have a floor plate that blocks views of the Capitol Records Tower).<sup>10</sup> A determination that mitigation of impacts to the Capitol Records Tower is infeasible cannot be supported by substantial evidence.

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<sup>10</sup> It should be noted that this mitigation is not to be viewed as an expression of support for a taller tower. The taller towers create their own type of significant impact that must be mitigated.

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3. New Visual Simulation Renderings of the Proposed Project and View Impacts on the Capitol Records Tower are Required.

The DEIR's visual simulations improperly obscure views of the Capitol Records Tower and minimize the iconic role that it currently plays in the Hollywood skyline. (See Exhibit P.) For some reason, the DEIR's view simulations are by and large extremely small and the photographs are taken from very great distances that would make it appear that the Capitol Records Tower is not seen from various vantage points. In particular, the view simulations of the Project from the Hollywood Freeway, which currently has one of the most iconic views of the Capitol Records Tower and signal the entrance to Hollywood, appear designed to hide and minimize the building. (The photographs are also taken from the opposite side of the freeway from which views would be experienced.)

One only need to look at the view simulations in the April, 2007 Draft EIR for the Yucca Street Condominium Project (the last Draft EIR where views of the Capitol Records Tower were at issue) to see that the Capitol Records Tower views are very substantial. (See Exhibit Q.) This Draft EIR for a much smaller project included multiple photographs that actually showed meaningful views of the Capitol Records Tower in full-size photographs, juxtaposed with visual simulations of the proposed project, and subsequent analysis of each photograph. Given how previous environmental impact reports have treated the Capitol Records Tower, this DEIR's exclusion of meaningful and prominent Capitol Records Tower views raises serious questions about potential DEIR bias and renders the analysis insufficient to support the DEIR's finding of insignificance.

4. The DEIR's Equivalency Program Renders Meaningful Aesthetics Analysis Impossible.

For a Project being built directly adjacent to one of the City's most important monuments, near one of the most famous intersections in the world, the vagueness and uncertainty created by the DEIR's equivalency program is completely inappropriate for environmental analysis of aesthetics. The Project's Development Regulations state that "parking, open space and related development requirements for *any* component of the Project may be developed in *any* location within the Project site." (Development Regulations, p. 10.) (Emphasis added.) Thus, the public really has no idea what the ultimate project will look like.

Likewise, many Project elements do not bear any resemblance to what is described in the DEIR and in many cases the Project could be much more impactful on aesthetics than what was analyzed in the DEIR. For example, the DEIR states that "the Project would include up to three levels of above-grade parking within the podium structures." (DEIR, p. II-31.) But the Project's

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Development Agreement would not commit the Applicant to this. In fact, the Project applications filed with the City state that the Project will have "around seven stories of above-grade parking." (See Exhibit A.) And more importantly, if the Applicant wanted to do all above-ground parking in 15-stories, the Development Regulations would do nothing to prevent this either.

5. The DEIR's Analysis of Temporary Construction Impacts is Inadequate.

The DEIR's analysis of temporary construction impacts is very cursory. For example, no reference is made whatsoever to truck staging areas, which the DEIR notes elsewhere would be on Yucca Street, in what is essentially the middle of AMDA's campus. The DEIR must analyze the aesthetic impact of construction on student life at AMDA over the course of three years if the Project is built in one phase (longer if it is multi-phased) and mitigate those impacts to a level less than significant. The one mitigation measure that has been provided (a fence) is far from sufficient.

**F. The DEIR's Air Quality Analysis Is Inadequate.**

1. Since the Traffic Study Artificially Minimizes Project Trips, the Air Quality Analysis is Similarly Flawed.

Given all the flaws in the traffic study discussed above, when the traffic study is redone, the air quality impacts must be recalculated with the correct traffic inputs. As presently drafted, by severely underestimating the Project's traffic impacts, the DEIR fails to measure the Project's true air quality impacts.

2. The DEIR Must Analyze the Project's Specific Air Quality Impacts on AMDA, Including Localized CO and Toxic Air Contaminant Impacts.

As stated previously, AMDA is a sensitive receptor adjacent to the Project that has not been identified as such. Furthermore, AMDA's "piazza," an outdoor courtyard that is the central gathering place for AMDA students and a component of AMDA's cafeteria, is at the corner of Yucca Street and Vine Avenue (and closer than 25 feet from the road), yet the DEIR fails to analyze CO hotspot impacts on students at this location. As a sensitive receptor, AMDA must be studied for CO hotspots, toxic air contaminants, and other localized emissions impacts. This analysis must include construction impacts, as well as the potential operational impacts of an above-ground parking structure at the property line with AMDA.

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3. The DEIR Fails to Impose All Feasible Mitigation Measures for ROG, NO<sub>x</sub>, and PM<sub>2.5</sub>.

Despite regional significant and unavoidable reactive organic gas (“ROG”) and nitrogen oxide (“NO<sub>x</sub>”) impacts, the DEIR fails to impose all feasible mitigation for these particulates. For example, the DEIR does not consider best practices to reduce construction worker trips, further reductions in construction vehicle idling times, Tier 4 off-road emissions standards, electric powered compressor engines in lieu of fuel combustion sources, alternative fuels, minimization of traffic conflicts during construction, electricity usage from power poles in lieu of diesel or gasoline generators, low-VOC coatings, etc. Simply put, the DEIR has not established that other mitigation measures that would further reduce the significant impacts are infeasible. Finally, with respect to localized on-site daily construction emissions, the DEIR fails to impose all feasible mitigation to further reduce PM<sub>2.5</sub> levels to a level less than significant.

**G. The DEIR’s Climate Change Threshold Is Completely Counter to the Instructions of the California Natural Resources Agency and Violates CEQA.**

The DEIR’s impact determination is based on a comparison of the Project to “business as usual.” (DEIR, p. IV.B.2-16). Such an approach is legally incorrect and goes directly counter to the instructions of the Natural Resources Agency, the State agency that was responsible for amending the CEQA Guidelines to address climate change. As stated in the Natural Resources Agency’s Final Statement of Reasons accompanying the amended CEQA Guidelines:

This section’s reference to the “existing environmental setting” reflects existing law requiring that impacts be compared to the environment as it currently exists. (State CEQA Guidelines, § 15125.) This clarification is necessary to avoid a comparison of the project against a “business as usual” scenario as defined by ARB in the Scoping Plan. Such an approach would confuse “business as usual” projections used in ARB’s Scoping Plan with CEQA’s separate requirement of analyzing project effects in comparison to the environmental baseline. (*Compare* Scoping Plan, at p. 9 (“The foundation of the Proposed Scoping Plan’s strategy is a set of measures that will cut greenhouse gas emissions by nearly 30 percent by the year 2020 as compared to business as usual”) with *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278 (existing environmental conditions normally constitute the baseline for environmental analysis); see also *Center for Bio. Diversity v. City of Desert Hot Springs*, Riverside Sup. Ct. Case No. RIC464585 (August 6, 2008) (rejecting argument that a large subdivision project would have a “beneficial impact on CO<sub>2</sub> emissions” because the homes would be more energy efficient and located near relatively uncongested

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freeways).) Business as usual may be relevant, however, in the discussion of the “no project alternative” in an EIR. (State CEQA Guidelines, § 15126.6(e)(2) (no project alternative should describe what would reasonably be expected to occur in the future in the absence of the project).) (Exhibit R.)

By comparing the Project’s greenhouse gas (“GHG”) emissions to “business as usual,” the DEIR completely undercounts GHGs and utilizes the wrong baseline, which is the issuance of the Notice of Preparation.<sup>11</sup> Admittedly, no single development project will create significant climate change impacts on its own. However, the DEIR must analyze Project emissions in accordance with legal requirements, since individual development projects may have a cumulatively significant impact that needs to be seriously analyzed.

#### **H. The DEIR’s Analysis of Impacts to Cultural Resources Is Not Supported By Substantial Evidence.**

##### **1. The DEIR First Needs to Analyze and Disclose the Significance of the Capitol Records Tower Before Any Meaningful Analysis of Project Impacts Can Be Made.**

One would not know from the DEIR that the Capitol Records Tower was the first round office tower in the world, the first skyscraper built in Hollywood after World War II, that many view the building as “the symbol of recorded music on the West Coast,” and perhaps most importantly, that the City of Los Angeles Historic-Cultural Monument (“HCM”) application for the building identified the Capitol Records Tower as “literally the beacon of Hollywood.” (See Exhibit S.) Whereas the City’s HCM file makes clear that the Capitol Records Tower is an iconic and integral facet of the Hollywood (and Los Angeles) skyline – not just any historic building – the DEIR fails to discuss and analyze the cultural resource impacts on the Hollywood and City skyline should over one million square feet of development envelop the Capitol Records Tower and forever change its historic role as the beacon of Hollywood.

One of the key inquiries relative to Cultural Resources is whether a project will reduce the integrity or significance of important resources on the site or in the vicinity. (See CEQA Guidelines Section 15064.5(b)(1)) (“A substantial adverse change in the significance of a historic resource means . . . alteration of the resource *or its immediate surroundings* such that the

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<sup>11</sup> The DEIR also does not disclose where the erroneous threshold originated from. Under CEQA, “[t]hresholds of significance to be adopted for general use as part of the lead agency’s environmental review *must* be adopted by ordinance, resolution, rule, or regulation, and developed through a public review process and be supported by substantial evidence” (CEQA Guidelines Section 15064.7)(Emphasis added). To our knowledge, the City has not adopted this erroneous threshold through any public review process, nor is the threshold supported by substantial evidence. The DEIR therefore must be revised to include a discussion of how GHG emission thresholds comply with CEQA Guidelines Section 15064.7.

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significance of an historical resource would be materially impaired.”) (Emphasis added.) The DEIR must provide an analysis of how the Project can affect the historic nature of a City monument that is literally a “beacon” and symbolizes an entire region and/or idea. Specifically, the DEIR must include a good-faith discussion of when an adjacent development can be so massive in scale relative to a monument of worldwide importance that such a monument is materially impaired. The DEIR appears to take the position that mere visibility is the only thing that matters, such that a ten-foot setback renders impacts less than significant. The CEQA Guidelines indicate otherwise.

2. The Lack of a Defined Project Renders Analysis of Impacts to the Capitol Records Tower Impossible.

The lack of a specific design (including basic configuration or massing details) for the Project makes it impossible to analyze the Project’s consistency with the Secretary of the Interior’s Standards and Cultural Resources under CEQA, generally. The DEIR must be revised to include designs that would be used in connection with the proposed equivalency program, which is much too vague to allow for any meaningful environmental review. For example, one of the Secretary of the Interior’s Standards requires that for related new construction “new work shall be differentiated from the old . . . .” However, it is impossible to understand the Project’s consistency with the Standard given the lack of a Project design and the very broad language in the Development Regulations, which allow innumerable Project permutations that conflict with the Secretary of the Interior’s Standards (See Development Regulation 7.1.5.) (“Generally, buildings over 150 feet tall . . . shall not be historicized. They are contemporary forms in the skyline and shall appear as such.”). The vagueness (use of the word “generally”) and exemption for development lower than 150 feet in height in this instance shows how the Development Regulations fail to provide meaningful historic resource protections.

The Development Regulations also fail to provide sufficient protections for the Capitol Records Tower from a massing standpoint. For example, the DEIR finds impacts to historic resources less than significant because the Development Regulations “help reduce potential adverse effects of mass and scale by reducing the bulk of buildings as height increases and pushing tower elements toward the center of the block, and away from historic resources. . . . In this way, important views from Vine Street and the Hollywood Freeway are protected.” (DEIR, p. IV.C-39.) However, this language from the DEIR assumes a configuration for the Project that does not necessarily have to be built. For example, the DEIR does not disclose that if a building less than 150-feet high is built along the east side of Vine street, then no open space need be provided along Vine. (See Development Regulation 6.1.1). Likewise, the Development Regulations allow parking to be built anywhere on the Project site, without consideration for historic resource impacts. (Development Regulation 4.1.) Several other potential configurations

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for the Project would be completely insensitive to the Capitol Records Tower, the DEIR representations notwithstanding.

**I. The DEIR's Land Use Section Does Not Accurately or Fully Analyze the Project's Impacts.**

**1. The DEIR Fails to Accurately Identify the Project Site's Applicable Planning and Land Use Regulations.**

Starting with the DEIR's Project Description, and carrying through its Land Use Planning environmental impact analysis, there are numerous errors and inconsistencies pertaining to the current planning and land use regulations that apply to the Project site. For example, the DEIR states that all square footage numbers for the Project are calculated using the definition of "net square feet" as defined in LAMC Section 14.5.3. (DEIR, p. II-23, fn. 4.) No such definition appears in the LAMC, and the referenced section of the LAMC pertains to transfers of floor area in Downtown Los Angeles. The DEIR also refers to "net developed floor area," which is also allegedly defined by the LAMC (DEIR, p. II-24, Table II-4, note b), but again, no such defined term exists. The DEIR's erroneous references to purportedly defined terms renders it impossible for the public to assess the true scale and impacts of the proposed Project.

**2. The DEIR Does Not Demonstrate the Project's Conformance with Critical Community Plan Goals and Policies.**

**(a) *The Project Does Not Provide a Range of Housing Opportunities.***

The Community Plan includes several policies regarding the importance of providing housing opportunities within Hollywood, including the importance of providing housing opportunities for households of all income levels and needs. (Community Plan Policy LU.2.17.) The DEIR asserts that the Project will comply with this policy by including one-, two-, and three bedroom residential units, which "range of units" will provide housing opportunities for a "variety of family sizes and income levels." (DEIR, p. IV.G-39.) This claim is not based in reality – while a one-bedroom unit in a new high-rise development will almost certainly command a lower price than a three-bedroom unit in that same project, there is no rational reason to assume that a lower-income individual or family could afford the rent or purchase price for that one-bedroom unit. Therefore, the Applicant must provide an accurate representation of the Project's consistency in a re-circulated DEIR.

**(b) *The Project Does Not Specify How Pedestrian And Vehicular Traffic Will Be Separated.***

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Community Plan Policies LU.3.4, LU.3.5, and LU.3.6 are intended to ensure that conflicts between pedestrians and vehicles are minimized, in recognition of one of the Community Plan's overall goals of promoting a safe and navigable urban streetscape for pedestrians. These policies require that sidewalks be designed to make pedestrians feel safe, discourage curb cuts near high pedestrian traffic areas, and discourage the siting of parking areas next to busy sidewalks. However, the DEIR only addresses the first of these three policies, and states that by providing straight (or, alternately, "relatively straight") sidewalks, pedestrian safety would be ensured. (DEIR, p. IV.G-40.) The DEIR does not cite or discuss Policies LU.3.5 and LU.3.6 regarding curb cuts and the parking areas, and, as discussed elsewhere in this letter, the DEIR does not disclose *any* precise driveway points for the Project. This lack of information not only precludes an understanding of how pedestrian activity at specific project access points may create hazards, but it also prevents the City from finding that the Project complies with these Community Plan Policies regarding pedestrian safety. An accurate representation of this Community Plan inconsistency must be provided in a re-circulated DEIR.

(c) *The DEIR Misrepresents the Project's Proposed Open Space and Passageway Development Regulations.*

Community Plan Policy LU.3.23 encourages large commercial projects to be designed with pedestrian connections, plazas, greenspace, and other related design features so as to avoid "superblocks." Community Plan Policy LU.4.19 similarly encourages the construction of public plazas, in addition to greenspace. The DEIR, in affirming the Project's compliance with Community Plan Policy LU.3.23, cites the Project's proposed Development Regulations, and states that "open space will enable important pedestrian linkages and through-block connections for the Project." (DEIR, p. IV.G-42.) The DEIR further states that: "Grade level open space will be designed to showcase the Capitol Records Building and Jazz Mural and will include design features and outdoor furniture to activate the ground floor amenities." (*Id.*) This response appears to demonstrate the Project's compliance with these two Community Plan Policies. However, an examination of the proposed Development Regulations indicates that if the Project is developed so as not to exceed 150 feet in height (i.e., without any "towers" as defined by the Development Regulations), there is no required amount of grade-level open space (Development Regulation 6.1.1) and there is no minimum amount of "publicly accessible passageway area" (Development Regulation 8.3.4 a(i)). This serves to emphasize the difficulty of assessing the environmental impacts of a project with no fixed design – if the Project is built at a height above 150 feet, the DEIR's claims about open space and passageways may be correct, but if a shorter project is built, these claims are no longer accurate. Given the Community Plan's clear recommendation to design projects that provide open space, pedestrian access, and greenspace, the DEIR must provide a more detailed analysis of how the Project will comply with these policies, regardless of the ultimate height that is proposed for the Project.

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**J. The DEIR's Public Services Analysis Is Legally Inadequate.**

1. The DEIR Improperly Categorizes the Project's Fire Code Land Use for Maximum Response Distance and Fire Flow Requirements.

The City's Fire Code specifies maximum response distances that are allowed between project locations and fire stations, based upon land use and fire-flow requirements. (LAMC Section 57.09.06, Table 9-C.) When response distances exceed these requirements, all structures must be equipped with automatic fire sprinkler systems and any other fire protection devices and systems deemed necessary by the City. For the Project's proposed high-rise construction, these additional required fire protection devices and systems could include standpipe systems, fire alarm systems with emergency communication system, standby power systems, and an emergency command center.<sup>12</sup>

The DEIR correctly notes that Table 9-C of the Fire Code identifies four types of land uses with corresponding maximum response distances from the nearest fire station—Low Density Residential, High Density Residential/Neighborhood Commercial, Industrial/Commercial, and High Density Industrial/Commercial (Principal Business Districts or Centers). However, despite the Project's proposed location in the center of the Hollywood business center within a Regional Center land use designation, and despite the fact that the Project would contain more than one million square feet of high-rise residential and commercial floor area, the DEIR asserts that the proper land use category for purposes of Table 9-C is High Density Residential/*Neighborhood Commercial*. As a result of this categorization, the DEIR claims that the applicable maximum response distance from the nearest fire station is 1.5 miles, and that two City fire stations are located within this maximum distance (Station No. 27 at 0.7 miles from the Project, and Station No. 82 at 0.8 miles from the Project).

While the Project, in several of its many configurations, would contain high density residential land uses, there is no configuration that could appropriately be classified as "neighborhood" commercial. The equivalency program would also allow a completely commercial scenario. Given the location and immense size of the Project, the appropriate Table 9-C land use category should unquestionably be High Density Industrial/Commercial (Principal Business Districts or Centers), which has a corresponding maximum response distance of 0.75 miles from the nearest engine company, and 1 mile from the nearest truck company. Only Station No. 27 is within 0.75 miles, and by only 0.05 miles. Moreover, Station No. 27 is a "light

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<sup>12</sup> National Fire Protection Association, "High Rise Building Fires," December 2011, p. 17.

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force" truck and engine company, with a single aerial ladder truck and a single engine.<sup>13</sup> These details pertaining to response distances must be clarified in the DEIR to properly classify the Project's proposed land uses, and to describe the impacts resulting from the relatively limited availability of fire protection services in the immediate vicinity of the Project.

In addition to maximum response distances, Table 9-C also sets forth minimum required fire flows for the same four land use categories discussed above. Confusingly, while the DEIR claims that the Project is appropriately categorized as High Density Residential/Neighborhood Commercial for purposes of determining maximum response distances, elsewhere the DEIR claims that the Project only requires a fire flow of 6,000 to 9,000 gallons per minute from four to six hydrants flowing simultaneously, which corresponds to the Industrial/Commercial land use designation. (DEIR p. IV.J.1-11.) Again, given the location and proposed size of the Project, the appropriate Table 9-C land use category should be High Density Industrial/Commercial (Principal Business Districts or Centers). This land use category requires a minimum fire flow of 12,000 gallons per minute, available to any block. This fire flow requirement could be even higher, for Table 9-C requires that, where local conditions indicate that consideration must be given to simultaneous fires, an additional 2,000 to 8,000 g.p.m. will be required. Given the densely developed nature of the properties surrounding the Project site, the possibility of simultaneous fires seems reasonable. The DEIR must provide more analysis of how the Project is being analyzed for potential impacts to fire protection services, and must not arbitrarily assign the Project to two inappropriate Table 9-C land use categories.

## 2. The DEIR Completely Fails to Properly Analyze Fire Department Response Times.

The DEIR contains a cursory, and inaccurate, analysis of average Fire Department response times. The DEIR states that the Fire Department "prefers" to arrive on the scene of *all* types of emergencies (fire and/or medical) within 5 minutes in 90 percent of cases, and to have an advanced life support unit arrive to all high risk medical incidents within 8 minutes in 90 percent of cases. (DEIR, p. IV.J.1-4.) The DEIR then reports that average response times for Station Nos. 27 and 82 are 4:43 and 4:18, respectively, while the average response time for the slightly more distant Station No. 41 is 5:09. (DEIR, Table IV.J.1-3, p. IV.J.1-7.) Given the fact that two of the three discussed fire stations appear to meet the Fire Department's response time goal of 5 minutes, the DEIR concludes that the impact of the Project upon emergency response times would be less than significant.

However, the DEIR's stated response times, which were reported by the Fire Department to the Applicant's CEQA consultant, cover responses to *structure fires only*, and do not include

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<sup>13</sup> DEIR p. IV.J.1-3, City of Los Angeles Fire Department website (<http://lafd.org/apparatus/111-fire-a-rescue-resources/294-lafd-truck-company>), accessed December 5, 2012.

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response times to medical emergencies. This presents an inaccurate picture of what the true Fire Department response times are today, and what they might be in the future if the Project is constructed. In addition, the DEIR itself contains a reference to a broader problem with its analysis of Fire Department response times – in May 2012, the City Controller issued an audit of the Fire Department’s claimed response times, and found that the Department had produced inaccurate response-time data for a number of years, making it impossible to determine proper emergency response times, as measured against national standards. (City Controller, *Analysis of the Los Angeles Fire Department’s Response Times*, May 18, 2012, p. 3.) Furthermore, this audit stated that, to the extent that the Department’s data could be properly analyzed, it showed that medical response times had been increasing. (*Id.*)

The DEIR itself refers to the Controller’s audit of Fire Department response times – in a footnote, the audit’s finding that medical response times had increased is acknowledged. But the footnote goes on to state: “Nevertheless, this audit is presented for informational purposes only, and the written response from the LAFD (dated December 14, 2011) regarding response times is used in the analysis presented in this DEIR.” (DEIR, p. IV.J.1-4, fn. 7.) This is completely inadequate analysis – the Controller’s audit noted that the Fire Department had been keeping inaccurate response time data for years, which means that any “written response” issued by the Department *prior* to the audit is extremely suspect. Furthermore, even if the response time data provided by the Fire Department could be treated as accurate, it would only be accurate for responses to *structure fires only*, and not for medical responses. And, as the audit demonstrates, recent medical response times have been increasing. The DEIR completely fails to provide any context or analysis of this issue, and this cannot be allowed to occur – any proposal to add over one million square feet of residential and commercial uses in the heart of Hollywood will have a dramatic impact on the demand for fire and medical services. If the DEIR cannot provide an accurate analysis of the Fire Department’s ability to meet current demand, there is no substantial evidence for its assertion that the Project will not result in any new significant impacts. This analysis must be completely redone to reflect the current state of affairs regarding the City’s Fire Department.

3. The DEIR’s Analysis of Police Services Impacts Fails to Acknowledge the Project’s Alcohol-Serving and Entertainment Uses.

The DEIR briefly discusses the Project’s potential impacts on existing police protection services, proposes minimal mitigation measures to be implemented during the construction and operation of the Project, and concludes that the Project would not create any significant environmental impacts. However, this analysis fails to accurately portray the uses proposed for the Project, some of which will produce additional impacts which must be analyzed in the DEIR. Specifically, the DEIR’s Project Description notes that the Applicant will be seeking conditional

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use approvals for on-site consumption of alcohol *and* live entertainment at the Project, including a night-club. However, despite being included in the Project Description, these proposed uses are not discussed anywhere else in the DEIR. Moreover, given the Project's proposed equivalency program, there is no way of knowing if one bar/restaurant will be developed, or if ten will be proposed. The proposed live entertainment use could include a small jazz club, or a sprawling nightclub with events seven nights a week. Regardless of the specific mix of uses that the Applicant eventually decides upon, alcohol and entertainment uses will have a direct impact on police services in the community, and without providing more information and analysis regarding these uses, the DEIR's conclusion that no significant impacts will exist is conclusory and not supported by substantial evidence.

**K. The DEIR's Utilities and Service Systems Analysis Does Not Correctly Account for the Equivalency Program and Cumulative Impacts.**

The DEIR's Utilities and Service Systems section analyzes the DEIR's Concept Plan, Commercial Scenario, and/or Residential Scenario to determine the Project's total potential impacts on utilities and service systems. In doing so, the DEIR neglects to analyze the true intensity of uses that could conceivably be developed at the Project site. For example, although the DEIR's Residential Scenario has more residential units than either the Concept Plan and Commercial Scenario, nothing prevents the Applicant from building even more residential units than the amount set forth in the Residential Scenario because of the Project's equivalency program. If the Applicant were to build more residential units than that in the Residential Scenario, then total Project impacts to those areas where residential uses are more impactful (like solid waste generation) have not been disclosed. This applies to every use, across every impact area (restaurants have greater water usage, for example, yet nothing in the DEIR or proposed Development Agreement creates a cap on restaurant space). Accordingly, all of the numbers in the DEIR's Utilities and Service Systems section are misleadingly low.

The DEIR also states that "the potential need for the related projects to upgrade water lines to accommodate their water needs is site-specific and there is little, if any, relationship between the development of the Project and the related projects in relation to this issue as none of the related projects within the LADWP service area are located in proximity to the Project Site." (DEIR, p. IV.L.-1-20.) This is false. Immediately *adjacent* to the Project are the BLVD 6200 Project and the Yucca Condominium Project, for example. The DEIR must analyze the immediate impacts of these projects and other related projects in close proximity.

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**L. The DEIR's Alternatives Analysis Fails to Comply with CEQA.**

**1. The DEIR Does Not Provide a Reasonable and Legally Sufficient Range of Alternatives.**

The DEIR's Alternatives section provides several alternative projects, but all of them (with the obvious exception of the required "No Project" alternative) appear to have been provided as part of a pro forma attempt to *appear* compliant with CEQA rather than to *actually* comply with CEQA. In practice, the DEIR does not provide a reasonable range of alternatives to comply with CEQA's minimum requirements for alternatives analysis. *Four out of the five* development alternatives provide for 875,228 net square feet of development (reduced from the proposed Project's 1,166,970 net square feet). In other words, four out of the five development alternatives provide *exactly* the same development square footage, with almost *exactly* the same, if not worse, impacts to aesthetics, air quality (construction), cultural resources (had it been correctly identified as significant), and noise (construction) – key significant impacts of the Project.<sup>14</sup> With respects to AMDA's concerns about noise and vibration, for example, the DEIR has provided four alternatives that would not alleviate impacts on AMDA in the slightest. This is not a reasonable range of alternatives in legal compliance with CEQA.

Likewise, all five of the development alternatives fail to either significantly reduce or eliminate the Project's significant impacts to areas such as aesthetics, transportation, and air quality. In fact, none of the alternatives completely eliminate a single significant impact. (As Table VI-70 of the DEIR demonstrates, despite the DEIR's identification of multiple significant and unavoidable impacts, not one impact was reduced to insignificance by a single alternative.) The DEIR's failure to eliminate a single significant impact makes little sense. For example, in connection with the reduced FAR alternative of 3:1, the DEIR provides that "impacts related to focal view obstruction under Alternative 3 would be significant and unavoidable, similar to the impact identified under the Project." (DEIR, p. VI-44.) However, this alternative, which has 583,485 less square feet than the Project, and is on the same approximately 4.5 acres, should have no difficulty reducing the focal view impact to a level less than significant. The DEIR could not conceivably provide substantial evidence in support of the proposition that there is no other place on the site to build, but on Vine Street, so as to block the view of the Capitol Records Tower from the intersection of Hollywood and Vine. Obviously, it is feasible to push a building

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<sup>14</sup> Although the DEIR does not identify the impacts as worse, the impacts are in actuality worse in some cases because the DEIR purposefully removed public benefits from the Alternatives to make them appear unattractive. The removal of public benefits from the alternatives in and of itself makes them completely unrealistic. The Applicant would be hard-put to find another 583,485 square foot-plus project with a 20-plus year development agreement that has previously been approved by the City and has not been required to provide public benefits similar to those that magically disappear from the various alternatives.

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back a bit after the total development envelope has shrunk by 583,485 square feet. AMDA can (and will, if necessary) provide several 583,485 square foot concept plans that would satisfy all the Project objectives and avoid significant impacts to focal views.

2. The DEIR Has Not, And Cannot, Show that A Further Reduced FAR Alternative is Infeasible.

The DEIR states that development of the Project site at a density lower than a 3:1 FAR was rejected for further review as an alternative to the Project because it would be economically infeasible and would not satisfy the project objectives. Given that the lowest FAR alternative evaluated in the DEIR is a large 583,485 square foot project, yet City discretionary review would be triggered by Los Angeles Municipal Code Section 16.05 at a mere 50,000 square feet of nonresidential floor area (or 50 residential units), the DEIR's range of alternatives is far from reasonable. The DEIR has to evaluate a significantly reduced Project. This is especially so because, as stated above, the DEIR's alternatives fail to eliminate or significantly reduce the Project's significant impacts. With respect to a 3:1 FAR project being infeasible in this area of Hollywood, this finding cannot be supported by substantial evidence. Several other projects in the area have been built at less than 3:1 FAR (e.g., the Jefferson at Hollywood Project on Highland and Yucca, the Hollywood Tower Terrace Project at Franklin and Gower).

Given the presence of multiple buildings in the area built at less than a 3:1 FAR, some of them quite recent, the DEIR must provide financial data to support its finding of infeasibility. Financial data is critical to evaluate whether an alternative is truly infeasible or merely less profitable, since CEQA does not permit an alternative to be rejected on profitability grounds. See *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181 ("The fact that an alternative may be . . . less profitable is not sufficient to show that the alternative is financially infeasible."). The DEIR must provide specific evidence to support its finding of infeasibility. For example, in vacating an inadequate EIR and requiring the University of California to re-start the CEQA process, the Court stated that the University must "explain in meaningful detail in a new EIR a range of alternatives to the project and, if [found] to be infeasible, the reasons and facts that...support its conclusion." *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 406. In short, the DEIR's statement that anything less than 3:1 would be infeasible is completely conclusory, and must be supported with specific evidence and financial information.

3. The DEIR Must Include Footprint-Based Alternatives.

Given the significant noise, air quality, and shade-shadow impacts on AMDA due in great part to the Project's footprint, which places the Project's most intensive construction directly adjacent to AMDA, the DEIR must consider footprint alternatives that would have the

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ability to significantly reduce, if not eliminate, many of the Project's significant impacts. None of the alternatives consider a setback from AMDA or less intense development around AMDA. There is little question that the Project site is large enough to permit flexibility for buffer areas and/or the relocation of the most intense development to other sections of the Project site. As none of the DEIR's alternatives mitigate noise, air quality, and shade-shadow impacts to AMDA, revised Project footprints that would significantly mitigate those impacts must be incorporated into the DEIR.

4. The Analysis of Each of the Alternatives is Highly Flawed.

The critique of the DEIR's Project analysis is hereby applied by reference to all of the alternatives, which suffer from the same analytical problems. Since the alternative *scenarios* need to be redone in their entirety, there is no need to individually discuss the analysis for each of them.

**III. CONCLUSION.**

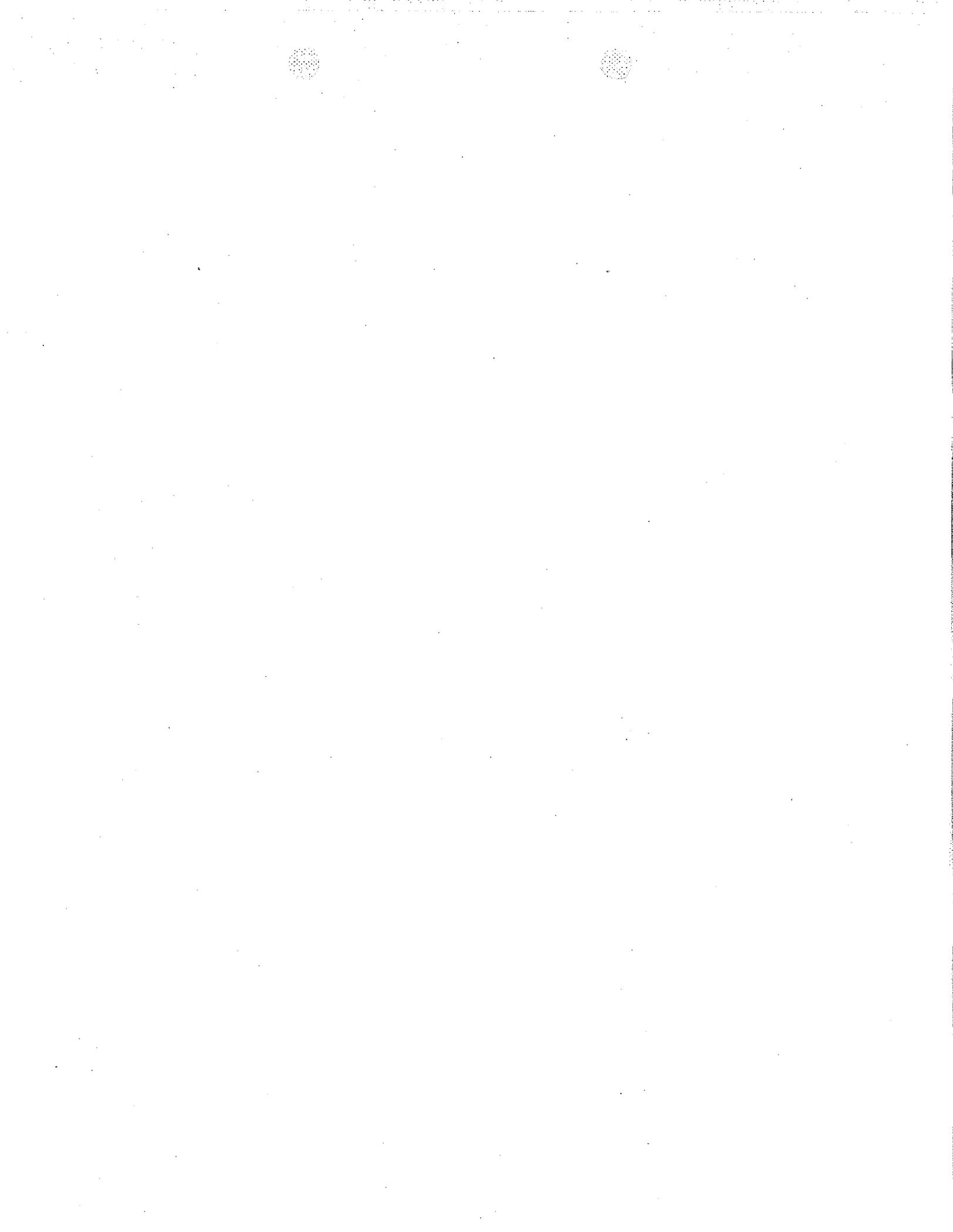
We hope you agree that a project of this magnitude requires a thorough vetting of the issues with accurate information, thoughtful responses, and compliance with basic CEQA requirements. For the reasons set forth above, the numerous inadequacies in the DEIR require significant revisions and re-circulation of the DEIR.

Once again, we appreciate the opportunity to comment on the DEIR.

Very truly yours,



Victor De la Cruz  
Manatt, Phelps & Phillips, LLP





Jeffer Mangels  
Butler & Mitchell LLP

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December 6, 2012

VIA E-MAIL (Srimal.Hewawitharana@lacity.org)

Srimal Hewawitharana, Environmental Specialist II  
Department of City Planning  
Environmental Analysis Section  
200 North Spring Street, Room 570  
Los Angeles, California 90012

Re: Millennium Hollywood Project  
ENV-2011-275-EIR  
Request for Extension of Comment Period

Dear Mr. Hewawitharana:

We represent and are writing on behalf of HBI/GC Hollywood & Vine Condominiums, LLC and the Hollywood & Vine Residences Association, the owner and homeowners association, respectively, of the W Hollywood Hotel & Residences at 6250 Hollywood Boulevard, Los Angeles, California 90028. On October 25, 2012, the Planning Department circulated the Environmental Impact Report ("EIR") for the Millennium Hollywood Project for a 45-day comment period until December 10, 2012. We request that the comment period be extended to a total of 60 days ending on December 24, 2012. We also request notice of your approval of the extension by Friday, December 7, 2012.

The Project provides over a million square feet of new development including dwelling units, hotel, office, restaurant, health and fitness and retail uses on a property that has historic designation. The EIR is 1,250 pages with thousands of additional pages of Appendices. Due to the expansive scope of proposed development and the extraordinary length of the EIR, the extension is warranted under the California Environmental Quality Act. (CEQA Guidelines,

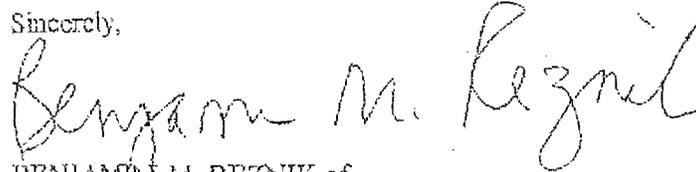
Srinial Hewawitharana, Environmental Specialist II

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§ 15105) As the City frequently provides for a 60-day comment period on other large projects, this request is reasonable and consistent with City practices.

Sincerely,



BENJAMIN M. REZNIK of  
Jeffer Mangels Butler & Mitchell LLP

BMR:slb

cc: Michael LoGrande, Planning Director (via e-mail [Michael.Logrande@lacity.org](mailto:Michael.Logrande@lacity.org))

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December 10, 2012

VIA E-MAIL (Srimal.Hewawitharana@lacity.org) AND MAIL

Srimal Hewawitharana, Environmental Specialist II  
Department of City Planning  
Environmental Analysis Section  
200 North Spring Street, Room 570  
Los Angeles, California 90012

Re: Millennium Hollywood Project  
ENV-2011-275-EIR  
Public Comment Letter

Dear Ms. Hewawitharana:

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On behalf of HEI/GC Hollywood & Vine Condominiums, LLC ("HEI/GC") and the Hollywood & Vine Residences Association ("HVRA"), the owner and homeowners association, respectively, of the W Hollywood Hotel & Residences at 6250 Hollywood Boulevard, Los Angeles, California 90028 (the "W Residences"), we provide the following public comment regarding the Draft Environmental Impact Report ("DEIR") for the Millennium Hollywood Project (the "Project"), prepared by the City of Los Angeles (the "City").

On May 31, 2011, HEI/GC submitted a public comment letter regarding the scoping of the EIR for the Project. After review of the DEIR, we have several concerns about the Project and the accompanying environmental analysis, because the DEIR fails to fully evaluate the issues identified in this letter, and fails to properly analyze several additional issues relating to: project description, land use, aesthetics, parking, air quality, school and library services, parkland, historic resources, noise, landfill capacity and growth inducing impacts.

**I. The DEIR Does Not Contain A Stable, Accurate, and Finite Project Description, Precluding an Understanding of What the Project Actually Contains.**

The DEIR contains an amorphous, confusing, and wholly unstable Project Description, which amounts in essence to a zone change with no definite proposal to accompany it. An "accurate, stable, and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal. App. 4th 645,

655 (2007) ("*San Joaquin Raptor II*"), quoting *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185, 193 (1977). Furthermore, "[a]n accurate Project Description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Silveira v. Las Gallinas Valley Sanitary Dist.*, 54 Cal. App. 4th 980, 990 (1997). Therefore, an inaccurate or incomplete project description renders the analysis of environmental effects inherently unreliable, in turn rendering impossible any evaluation of the benefits of the Project in light of its significant effects. Although extensive detail is not necessarily required, a DEIR must describe a project not only with sufficient detail, but also with sufficient accuracy, to permit informed decision-making. See CEQA Guidelines § 15124.

The DEIR fails to meet this foundational requirement and, ultimately, provides only the most basic understanding of what the Project entails. In fact, the only clear aspects of the Project are the doubling of the currently permitted floor area ratio to allow development of about 1.2 million square feet ("s.f.") of some combination of uses, of which about 1.1 million s.f.—an amount approximately equivalent to the Staples Center—comprises new development. Also, development of the Project would presumably occur sometime before the 2035 horizon year of the requested development agreement ("D.A."). The purported equivalency program and development regulations represent little more than a jumbled amalgam of different Project characteristics, different aspects of which are evaluated depending on the environmental issue area. A project description that allows anything is a project description that clarifies nothing.

For instance, the EIR includes a basic "Concept Plan," as well as two additional scenarios—the so-called Commercial and Residential Scenarios. (DEIR, pp. 23, 27-28) However, further reading soon clarifies that these scenarios are merely three among many, as uses, floor area, and parking may be transferred between the two halves of the Project site. Moreover, as illustrated in the purported "Development Regulations," the only guarantees provided with respect to massing are a 150-foot-tall podium on each half of the Project site, above which any number of development configurations could occur. Development above the podium could result in towers or large, blocky structures ranging in height from 220 to 585 feet,<sup>1</sup> dwarfing the 151-foot-tall (including the spire) Capitol Records Building and potentially displacing the Century Plaza Towers as the tallest buildings outside of downtown Los Angeles. Or, as the building envelopes illustrated in the Development Regulations indicate, two massive walls of development more akin to the Las Vegas Strip's Planet Hollywood than to Hollywood Boulevard. Despite representations throughout the DEIR that the Development Regulations would guide and limit development, avoiding environmental impacts, the Development Regulations provide large building envelopes and a number of broad generalities masquerading as standards. For example, Section 6.2 (Street Walls) only encourages architectural elements to reduce the apparent massing of the inevitable monolith: it requires nothing. Similarly, section 6.6.1.f provides that windows be recessed, except where "inappropriate." Section 7.1.1 provides that the towers shall not appear "overwrought" and shall have "big, simple moves": how can 600-

<sup>1</sup> By way of comparison, the Ritz Carlton at L.A. Live is 653 feet tall; the Century Plaza Towers are 571 feet tall.

foot-tall structures not appear "overwrought" in comparison to adjacent development less than one third its height?<sup>2</sup>

Further, the purported Equivalency Program and Development Regulations allow development of a nearly infinite number of development mixes, ranging anywhere from nearly over 900 residential units (rental or owned) to none, anywhere from over 200 hotel rooms to none, and 215,000 s.f. or more of office uses. Other uses, such as restaurants and health/fitness clubs are listed, but may or may not appear in the final development.

Thus, the project description fails not only to provide any meaningful description of the actually proposed development, but also, by using only generalities in terms of square footages, fails to provide any information about the actual uses planned for the Project site. As stated above, residential units could comprise rental units or for-sale units. The requested entitlements also include a conditional use permit for alcoholic beverage sales though, consistent with the rest of the project description, the DEIR fails to provide any specific information on this point (will the contemplated roof-top café (if the tower exceeds 550 feet in height), or other spaces, include alcohol service?). To the extent the Applicant has any specific plans for specialized uses that might occur on-site, the DEIR must describe those plans. *See Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1213 (2004) ("[T]o simply state as did the . . . DEIR that 'no stores have been identified' without disclosing the type of retailers envisioned . . . is not only misleading and inaccurate, but hints at mendacity."). The actual uses of the site could alter the impact analysis and, as described in more detail below, the significant omissions in the DEIR either prevent or obscure key impact analyses. As the project description stands, the community and decision-makers are simply left to wonder as to what the Applicant would ultimately construct and precisely what would occupy that square footage. Furthermore, changes to the Project would occur with the Applicant "filing a request," but no further detail is provided regarding the level of review and how the Project would achieve compliance with CEQA.

As a result of the exclusions described above and in more detail below, the DEIR lacks the information necessary for reasoned and informed consideration of the Project's environmental impacts. *See CEQA Guidelines § 15121(a)*. Moreover, given the many significant and unavoidable impacts the DEIR predicts that the Project will cause, the lack of specificity regarding the development proposal—specifically, the request for a building envelope and virtually unlimited physical and temporal flexibility—renders impossible any informed judgment by the decision-makers regarding the benefits of the Project against its significant effects, contrary to CEQA. *See King County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 712 (1990). These omissions in the DEIR also deprive the decision-makers of substantial evidence upon which to make findings or adopt a statement of overriding considerations. The City must demand that the Applicant put forth an actual, finite development proposal, and must

<sup>2</sup> Particularly instructive in this regard is the acknowledgement in the Development Regulations that the "historic datum" for the community is 150 feet. *See Development Regulations, § 7.1.5*. Thus, this development would, even under the most charitable reading, dwarf the surrounding neighborhood.

base both the environmental analysis and the consideration of the Project on that basis. The City must also revise and recirculate the DEIR to provide the public and decisionmakers the opportunity for informed comment and deliberation.

**II. The DEIR Fails to Adequately identify and Analyze the Significant Environmental Impacts of Removing the Zoning Restrictions and Amending the Community Plan.**

The DEIR notes that the Property is within a C4-2D-SN zone, with a "D" development limitation that restrict the total floor area on the Property to a floor area ratio ("FAR") of 3:1 (Ord. No. 165659). (DEIR, III-25) The Property has a Regional Center Commercial land use designation. On June 19, 2012, the City Council approved a Community Plan Update that increased the FAR on the site to 4.5:1. Subsequently, several neighborhood groups sued the City over the Community Plan Update in response to the proposed increase in density. These include *Save Hollywood.org v. City of Los Angeles* (BS138370), *Fix the City, Inc. v. City of Los Angeles* (BS138580), and *La Mirada Neighborhood Association of Hollywood* (BS138369). These complaints allege violations of CEQA for failure to properly evaluate the increase in density, among other issues. These cases have been consolidated and are being heard by Judge Goodman in Los Angeles Superior Court, with yet unknown outcome. The Hollywood Chamber of Commerce intervened in the case, and is represented by Sheppard Mullin Richter & Hampton, the same attorneys that represent the developer of the Hollywood Millennium Project. A Motion to Compel documents is calendared for December 14, 2012. Possible outcomes of the litigation include a stay on issuing permits under the new 4.5:1 FAR density, or an order for additional environmental review under CEQA. As such, the DEIR must evaluate the Project under the existing FAR of 3:1, or provide a caveat that if the court issues a petition for writ of mandate requiring additional CEQA review for the Community Plan Update, the Project will also require subsequent CEQA review.

The Project includes an increase in FAR from 3:1 to 6:1, which is double the currently permitted density on the site. The DEIR states that the Redevelopment Plan allows an increase in FAR from 4.5:1 to 6:1, if the proposed development furthers the goals and intent of the Redevelopment Plan and the Community Plan. (DEIR, III-26) However, the DEIR does not evaluate the increase in FAR from the existing permitted FAR of 3:1 to 4.5:1, in the event that the Community Plan Update is not upheld in the court. Therefore, the DEIR must fully evaluate the land use impacts of doubling the density on the Property.

**III. The DEIR Does Not Evaluate Any Impacts Related to a Conditional Use Permit for the Sale of Alcoholic Beverages or Live Entertainment.**

The DEIR lists one of the proposed uses of the DEIR as a "Conditional Use Permit for limited sale and on-site consumption of alcoholic beverages, live entertainment, and floor area ratio averaging in a unified development". (DEIR, II-49) However, the DEIR fails to identify and fully evaluate the impacts for the proposed conditional uses for the sale of alcoholic beverages or live entertainment.

For a Conditional Use Permit for the sale of alcohol and/or live entertainment (CUB), the City requires specific information, such as (i) floor plans identifying areas where alcohol will be served and consumed, (ii) the total occupancy numbers of each area where alcohol will be served, (iii) the sensitive uses in the area that may be affected by the service of alcohol in this specific location, (iv) the hours of operation of the establishment, and the times when alcohol will be served within the hours of operation, (v) food service during alcohol service, (vi) the times at which live entertainment is permitted, (vii) mitigation measures, including design features and insulation, to limit the noise of live entertainment, (viii) particular mitigation measures for service of alcohol on outdoor patios and roof decks, and several other mitigation measures related to noise, traffic, security, parking, and impact on public services that are directly effected by the sale of alcohol and live entertainment. Hollywood is an area that is oversaturated with liquor licenses for both on and off-site consumption. Therefore, any proposed conditional use permit for the sale of alcohol or live entertainment must be thoroughly evaluated with input from the Police Department and community stakeholders, and each establishment within the Project must be evaluated separately. Therefore, a supplemental or subsequent MND or EIR is required for the service of alcohol and live entertainment use within the Property, at the time that the Applicant has completed at least schematic design level drawings for each establishment. This is the standard of review for CUB permits that has been consistently applied to the entitlements for the numerous hotels, restaurants and night clubs in the Hollywood area, and is required to properly evaluate the Project's environmental impacts under CEQA.

#### **IV. The Traffic Analysis Uses Inappropriate Trip Generation Rates.**

As shown in page IV.K.1-34, the traffic analysis for the Project used a trip generation rate for residential units of 0.685 trips per unit. This rate is about two thirds of the trip generation rate employed in studies for other similarly sized projects. For example, the Casden Sepulveda Project EIR used a rate of 1 trip per unit. Both projects use discounts for transit proximity. However, the DEIR for the Project provides no substantial evidence to support this lower rate, and given the number of potential residential units (about 500 in one scenario), this trip generation difference is substantial and would have a material effect on the analysis. The City must revise the DEIR and traffic study either to substantiate the failure to employ an appropriate trip generation rate, or to revise the traffic study to reflect that rate.

#### **V. The DEIR Fails to Properly Analyze the Parking Required for the Project.**

The DEIR fails to properly analyze the parking for the entire Project, in an area with a significant shortage of public parking for restaurant, entertainment and retail uses in the evenings, especially on the weekends. The Project is located in the Hollywood area near mass transit and several bus lines. These methods of transit are easily accessible for commuting to and from Hollywood for work during the day, and for tourists to access the Hollywood venues. However, the MTA lines are not frequently used for attending theater, restaurants, bars and nightclub venues in the evening, due to factors of convenience and safety. Although the Red Line has direct access to downtown for work commuting, it does not directly access most

residential areas in the City, and therefore does not provide a viable alternative for commuting for evening entertainment.

The Property currently contains approximately 264 parking spaces available to the public (DEIR, IV.K2-4). The Project removes and does not replace these parking spaces. In addition, the Project provides parking for office, retail, restaurant, and bar uses at a rate of two parking spaces per 1,000 square feet of floor area (per LAMC 12.21.A.4(x)(3)). This is a special rate for projects within the Hollywood Redevelopment Project Area, based on proximity to transit. This rate is half of the rate of four spaces/1,000 sf that is typically required for retail spaces in the City of Los Angeles, and one tenth the standard rate of one space/100 square feet for restaurant uses (LAMC 12.21.A.4(c)(3), (4), (5)). The City adopted this rate to promote the use of mass transit in a Redevelopment Area; however, it has not proven effective, and restaurants and retail spaces are vastly underparked in Hollywood. There are not enough private lots to accommodate all of the restaurant valet services along Hollywood Boulevard and for individuals seeking to visit the restaurants, theaters and nightclubs. Therefore, the Project should include spaces available to the public to replace the 264 parking spaces that currently serve various existing restaurants and nightclubs through leases and other agreements. In addition, the Project should provide parking fully accessible to the public for all of the non-residential uses at the rates set forth in LAMC 12.21.A.4(x)(3) without additional discount.

Although the DEIR states that the final parking layout will be determined by the final use configuration of the Project, the DEIR should require that the Project be fully parked to code standards within each phase of development, so that parking cannot be deferred to a later phase. In addition, any transit reduction analysis or shared parking analysis must consider that the office/restaurant/retail/commercial calculation of two parking spaces/1,000 square feet already includes a 50 percent reduction for proximity to transit.

#### **VI. The DEIR Wrongly Downplays The Significance Conclusions Of The Air Quality Analysis.**

##### **A. The DEIR Provides A Misleading Discussion of Significant Unavoidable Air Quality Impacts.**

The tables in the Air Quality analysis for the DEIR demonstrate that the Project would result in significant and unavoidable impacts to both local and regional air quality, as well as to any residents of the Project (should the Project include residential units). However, the discussion then impermissibly seeks to downplay and dilute the effect of those impacts. For example, the analysis states on page IV.B.1-48 that even though impacts regarding toxic air contaminants ("TACs") are significant, they are typical of "other, similar residential developments in the City." However, there are no comparable developments within the community. Moreover, the analysis implies that such impacts would be mitigated by stating on the same page that local, regional, and federal regulations would "protect" sensitive receptors, but provides no discussion as to how this protection would occur or what form it would take. If impacts associated with ultrafine diesel particulate matter cannot be mitigated, and the cancer

burden on the Project site remains in excess of established thresholds, what protection can regulations provide? The DrEIR misleads the public and decisionmakers regarding the true extent of Project impacts.

**B. The DEIR Fails to Disclose That The Project Would Obstruct Implementation Of The 2007 Air Quality Management Plan**

The DEIR states on page IV.B.1-54 that the Project, despite multiple significant project-related and cumulative air quality impacts, including air quality impacts directly relating to cancer, would not obstruct implementation of the 2007 Air Quality Management Plan (the "AQMP"). However, the DEIR states on page IV.B.1-21 that the purpose of the AQMP is to reduce pollutants and meet state and federal air quality standards. In fact, the emissions thresholds published by the South Coast Air Quality Management District (the "SCAQMD") were developed for the purpose of attaining state and federal air quality standards. Thus, even if a project is consistent with broad growth projections, exceeding thresholds—particularly operational thresholds—would thwart the ability of the air basin to reach attainment. Indeed, this is the very meaning embodied in the concept of cumulative impacts. As stated on page IV.B.1-55 of the DEIR, the SCAQMD considers exceedences of emissions thresholds at the project level also to constitute cumulatively considerable contributions to cumulative impacts on regional air quality. Such a conclusion requires a determination that a cumulative impact—here, regional air quality and cancer risk—would occur in the first instance. See *Communities for a Better Environment v. California Resources Agency* ("CBE"), 103 Cal. App. 4th 98, 120 (2002). By contributing to—and by definition, worsening—the significantly impacted regional air quality, the Project impedes implementation of the AQMP. By failing to disclose this significant impact, the DEIR wrongly seeks to downplay it and robs the public and decisionmakers to understand the importance and effect of their decision to approve or reject the project. The City must revise the DEIR to accurately disclose this impact as significant and unavoidable. Also, where, as here, revisions to the EIR would disclose a significant impact not previously disclosed, the City must recirculate the DEIR to properly inform the public regarding the impacts of the Project. CEQA Guidelines § 15088.5(a)(1).

**VII. The DEIR Fails To Evaluate The Project's Indirect Impact On School Overcrowding and Library Services.**

The DEIR states on page IV.J.3-16 that payment of school fees authorized under Senate Bill 50 ("SB50") would mitigate the impact of the Project on area schools, but failed to analyze the secondary effects of school-related traffic and construction activities on the surrounding community. Recent changes to SB50 now provide that school impact fees established according to the provisions of that statute comprise full and complete mitigation of impacts "on school facilities." Cal. Govt. Code § 65996(a) (emphasis added). Impacts "on school facilities" are narrow defined, and do not absolve a lead agency of the requirement to discuss impacts that could occur to parties other than the school itself. *Chawanakee Unified Sch. Dist. v. County of Madera*, 196 Cal. App. 4th 1016, 1028-29 (2011). Examples of impacts an EIR is obligated to address, where overcrowding and a need exists to construct new facilities to accommodate

project or cumulative student generation, include traffic impacts associated with student travel to a new school facility, as well as indirect construction-related impacts on the environment surrounding a proposed school construction site. *Id.* at 1029.

Here, the DEIR has provided evidence (enrollment figures, and the facilities lack of ability to accommodate all of the Project-related student generation) that overcrowding could or would result from the addition of Project-generated and cumulatively generated students at Cheremoya Elementary and Le Conte Middle School. (DEIR, Table IV.J.3-5) Having identified a future overcrowding condition at these schools, the DEIR failed to discuss measures necessary to accommodate Project-related and cumulative students, whether at the campuses identified, or at another location, and such measures could include construction of new buildings or expansion of existing buildings at those campuses. Although the impacts of any construction activities on the school would be mitigated by SB50 fees, the impacts of such construction on the communities surrounding the affected schools or school sites do not fall within the types of impacts that fees can mitigate and are therefore subject to analysis and mitigation in the DEIR. *Id.* Thus, the DEIR must evaluate the potential construction-related impacts of school expansion, such as air quality and noise issues associated with construction, new architectural coatings, and hardscaping improvements, as well as potential indirect traffic impacts associated with the use of the expanded school. The DEIR's failure to provide this analysis, particularly in the absence of evidence to contradict the claimed necessity to reopen a school, represents prejudicial failure. The City must revise the DEIR to disclose and evaluate impacts related to project-specific and cumulative contributions to overcrowding. The City must also recirculate the DEIR to inform the public of the true consequences of approving the Project.

Similarly, the DEIR concludes that the library system would be above capacity, because the Project would create a service population of 94,494 people by 2020, but the local library system is only designed to accommodate 90,000 people (DEIR, IV.J.5-12). The only mitigation is the payment of a \$200 per capita mitigation fee. Although the Project complies with code through payment of mitigation fees, the Project is being developed in an area that does not have sufficient educational and information systems to support the residential development. Education and information are essential for creating and supporting an educated public and growing economy. Therefore, the Project should include educational and informational facilities for its residents, including resident library and business centers, free internet access for educational and job purposes, and technical support.

#### **VIII. The DEIR Fails to Fully Evaluate the Project's Impact on Historic Resources On and Adjacent to the Property.**

The DEIR concludes that the Project causes a significant impact to historic resources that cannot be fully mitigated; however, the DEIR fails to provide additional measures necessary to mitigate the significant impact to the extent feasible.

First, the Millennium Hollywood Project Historic Resources Technical Report, dated July 2012, by the Historic Resources Group (DEIR, Appendix IV.C), identifies several historic

resources on the Property (including the Capital Records Building and the Gogerty Building), and immediately adjacent to the Property (including the contributing buildings to the Hollywood Boulevard Commercial and Entertainment District (the "Entertainment District"), such as the Pantages Theater, Equitable Building, and the Guaranty Building). The public view from street level on Hollywood Boulevard includes a streetscape of historic buildings from the first half of the 20<sup>th</sup> century, that have a maximum height of 150 feet, and are visible without obstruction in front or behind. The public view from street level looking north on Vine Street from Hollywood Boulevard is an unobstructed view of the cylindrical shape of the Capital Records Building.

The proposed Project will drastically alter these views of historic structures, by providing 580+ foot towers that dominate the skyline above the Entertainment District, and by partially obscuring the Capital Records Building, even with the 4% triangular open space to the south. The Report states that in order for the Project to be considered a substantial adverse change, "it must be shown that the integrity and/or significance of the historic resources would be materially impaired by the proposed alteration." (Historic Report, p. 37) However, the Report then concludes that the Project's allowable height and density does have the "potential to block important views and obscure public sight lines, particularly from the south of Capital Records along Vine Street and from the Hollywood Freeway." (Historic Report, p. 37) The DEIR concludes that the Development Regulations (Section 6.1), which require certain setbacks, mitigate the impact to historic resources to the extent feasible. However, this is not sufficient under the Los Angeles Municipal Code or the Secretary of the Interior's Standards for Rehabilitation. The City's Office of Historic Resources does not just consider setback, massing and distance when evaluating a project's impact on an historic resource; it also considers the design, material, articulation, connectivity of visual lines, architectural style, space flow and other elements of a project's design. In order to properly evaluate the impact of the Project on the several historic resources on or near the Property, the Applicant must provide schematic level design drawings with sufficient information regarding materials, façade articulation, and character to properly evaluate the necessary design modifications to fully mitigate any impact to the extent feasible. Therefore, a supplemental or subsequent EIR will be required at the time that schematic design has been completed for each phase of the Project to evaluate and mitigate impacts to the historic structures.

Second, the Historic Report identifies the sound chambers of the Capital Records Building as character defining elements of the historic structure. The Report proposes that the Project include a shoring plan to ensure protection of the resource during construction, and general construction procedures to mitigate the possibility of settlement. (Historic Report, p. 51) However, this mitigation is not sufficient to preserve the special acoustic properties of the sound chambers. The sound chambers are significant not just for their architectural shape, but also for the quality of sound created in the space. This sound requires preservation of the chamber as well as the density of ground surrounding the chamber that is necessary to maintain the specific acoustic quality. The Applicant must evaluate this quality quantitatively, and then require that the quality be maintained during and after construction, as part of the proposed Adjacent Structure Monitoring Plan. (DEIR, MM C-2) The DEIR states that the preservation of the

Capital Records and Gogerty Building is a landlord/tenant issue, because the Project and these historic properties are under common ownership. This is not true – Once a property is designated as an Historic-Cultural Monument, its preservation comes under the public trust. The quality of work necessary to maintain the Capital Records Building and its sound chambers will be identified by the City's Office of Historic Resources, and not negotiated between the owner and tenant.

Third, other recent projects in the area, such as the W Residences, were required to limit their height to 150 feet in order to be consistent with neighboring historic properties. The Applicant must provide an explanation regarding why it was architecturally and financially feasible for the W Residences to comply with a 150 foot height limit, but it is not feasible for the Applicant to provide the same height limit for identical uses on the adjacent block.

Finally, the DEIR requires that the Applicant document the Project site in conformance with HABS standards. This documentation should require "at least" 25 images, and not "up to" 25 images (DEIR, MM C-5). Full documentation is the only method to ensure that the historic resource is properly maintained.

**IX. The DEIR Does Not Protect Views and the Insufficient Project Description Does Not Provide a Full Evaluation of Aesthetic Impact.**

The DEIR concludes that the Project will have significant unavoidable impacts due to focal view obstruction, cumulative height and massing. (DEIR, I-11) The Project does not include an actual architectural design, but proposes massing envelope standards, which include Development Standards, Density Standards, Tower Massing Standards, Building Height Standards, and Building and Streetscape Standards (DEIR, MM A.1-1) The DEIR then provides additional mitigation measures that attempt to mitigate any aesthetic, light/glare, or shade/shadow impacts that may be created within the design limitations. These mitigation measures include requiring treated or low-reflective materials (DEIR, MM A.1-4), and requiring certain spacing in the Tower Massing Standards to minimize shade (DEIR, MM A.2-1, 2-2). However, the aesthetic impact cannot be evaluated merely by creating massing standards, and certain limits on light and glare. The Applicant must provide the actual material and design of the various buildings in order to properly evaluate the environmental impact. The design includes the architectural style, the flow of space, the contrast to adjacent buildings, and the actual landscaping on streetscape and higher levels. This cannot be properly evaluated by trying to imagine the infinite scenarios that may be created within these proposed standards. In addition, a finding that the Project will have "significant unavoidable impacts" should not provide a free pass for the architect to design a Project with any aesthetic impact as long as it complies with basic standards. Therefore, a supplement or subsequent EIR will be required for the construction of future buildings on the site.

**X. The DEIR Underestimates the Impact of the Project on Parks.**

The DEIR identifies certain park in-lieu fees required for the Project, including the Dwelling Unit Construction Tax (LAMC Section 21.10.3(a)(1)) and the Quimby Fees for Condominium Units (LAMC 17.12). The fees should also include all applicable recreation and park fees for residential units subject to a zone change, as set forth in LAMC 12.33 (the fees are identical to Quimby Fees for condominium units). In addition, all park in-lieu funds should be specifically allocated to parks within the immediate vicinity of the Project as a condition of the Development Agreement. This may include renovation to existing parks, or funding of future parks, such as the Hollywood Cap Park. The DEIR identifies the required open space per unit required by the Project (DEIR, MM J.4-1); however, this open space does not count towards the required parkland, unless it exceeds the typical open space requirements. The DEIR must also evaluate the proposed 2-year closure of Runyon Canyon on the Project.

**XI. The DEIR Improperly Considers Certain Area as Open Space.**

The Development Regulations provide that a number of building forms and structures may encroach into Project-provided open space. These include building entries, architectural façade details (undefined and unlimited), and retail storefronts. "Open space" with such encroachments provides no benefit as such, and the DEIR wrongly allows the Project to take credit for providing such space.

**XII. The DEIR Failed To Adequately Evaluate and Mitigate Construction-Related Noise And Vibration Impacts.**

**A. The DEIR Construction Vibration Analysis Relies On Deferred Mitigation, The Effectiveness Of Which Is Unsubstantiated.**

Mitigation for vibration-related building damage comprises measure H-11, which improperly defers development of mitigation and contains no quantifiable performance standards. For deferral of mitigation and analysis to properly occur, the DEIR must describe the nature of the actions anticipated for incorporation into the mitigation plan and provide performance standards. *See, e.g., Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 95 (2010). Here, the DEIR fails. No specific criteria are provided, except for a vague commitment not to adversely affect certain structures, and to develop and implement mitigation if damage is observed during construction. Further, measure H-11 provides no information regarding the actual nature of the options available to address potential impacts. Absent an articulation of such options, the mitigation is simply insufficient and does not provide enough information to allow informed consideration of the potential effects of the project. *See Endangered Habitats League, Inc. v. County of Orange*, 131 Cal. App. 4th 777, 794 (2005).

However, even if deferral of mitigation was appropriate in this instance (it is not), the DEIR has failed to explain why deferral is appropriate. This failure alone constitutes an abuse of discretion. *San Joaquin Raptor Rescue Center v. County of Merced*, 1749 Cal. App. 4th 645,

670 (2005). Therefore, the City must revise the analysis to provide information adequate to inform decisionmakers and the public regarding the potential effects of the Project. The City must also recirculate the EIR to allow public comment on the new information that concerns this key impact analysis.

**B. The DEIR Construction Noise Analysis Failed To Evaluate The Effects of Construction Noise On Residents of the Project.**

The Project Description never clarifies whether the East and West Sites would be developed only together, or in some sequence, during the 22-year building horizon requested by the Applicant (2013-2035). The Project Description states that the Project will take three to three and a half years to construct, if completed in a single phase, which is unlikely. Consequently, it is reasonable to assume that construction of the Project could occur in phases, and that an early phase of the Project may include residential units, which construction activities during a later phase could adversely affect. Given that the proximity of nearby sensitive receptors renders full construction noise mitigation technically infeasible according to the City's Noise Ordinance (*see* DEIR, p. IV.H-27), the probability exists that any residents present on either site during construction of a subsequent phase would experience construction noise levels well in excess of the City significance thresholds. Consequently, the DEIR has failed to disclose a significant, unavoidable impact of the Project, and must be amended to provide this analysis. Moreover, the presence of an additional significant impact requires recirculation of the EIR for public comment. CEQA Guidelines § 15088.5(a)(1).

The fact that the DEIR determines that the noise will be "significant and unavoidable" does not provide a pass to allow any level of noise on the site during construction hours. Therefore, the Applicant must provide phase-specific standards at each phase of construction, that limits the noise during construction to all extents feasible.

**C. The DEIR Construction Noise Analysis Failed to Evaluate The Effects of Construction Noise on the W Hotel and Residences**

The DEIR identifies the Lofts at Hollywood & Vine, a residential project on the north side of Hollywood Boulevard, as a sensitive use within proximity of the Project site that has the potential to be impacted by the Project. (DEIR, Page IV H-15) However, the DEIR does not identify the W Residences, which includes a hotel and residential units, as a sensitive use. The W Residences are located directly across the street from the Pantages Theater, which has a height of 44 feet at the street façade, and 68 feet at the rear of the parcel. The DEIR notes that there will be a peak noise level increase of 33.8-47.9 dB at the Pantages Theater and 10.1 dB at the Lofts. (DEIR, Page IV.H-25)

Any construction work above the 44 foot height will not be buffered by the Pantages Theater structure, and will be clearly audible at the W Residences, which has a height of 150 feet. Therefore, the DEIR must evaluate the impact of construction noise on the W Residences over the 22 year period. The DEIR must include conditions, such as appropriate noise buffers

during construction, including at the upper stories. The DEIR must also provide proper notice to surrounding neighbors, which will affect the ability to utilize the hotel rooms and residential units facing the Project during the various construction periods.

**D. The DEIR Fails to Adequately Evaluate Operational Noise Caused by Outdoor Patios and Rooftop Decks**

The DEIR also fails to properly identify noise impacts during the operation of the Project. The DEIR states that the residential units, hotels, and restaurants, will have outdoor areas and rooftop patios. The DEIR fails to identify the location of these outdoor areas, and fails to provide typical mitigation measures required of other hotel rooftops in the areas, such as (i) time limits for rooftop patio use, (ii) prohibition of live entertainment and limits to background music on rooftops, and (iii) proper design and landscaping to locate noisier areas, such as pools, away from residential uses. A subsequent or supplemental environmental review is necessary prior to approval of specific outdoor areas for residential, hotel and restaurant use.

**E. The DEIR Failed To Adequately Evaluate Construction-Related Vibration Impacts To The Capitol Records Echo Chambers**

Page IV.H-30 of the DEIR includes a discussion of potential vibration-related building damage that could occur as a result of the Project. However, although it includes structures such as the Capitol Records Complex (receptor 15), it omits the Capitol Records echo chambers (receptor 16). Though the remainder of the Capitol Records Complex is characterized as fragile for the purposes of the analysis, the analysis fails to discuss why the echo chambers, which are also part of the complex, are not.

**XIII. The DEIR Failed To Disclose Growth-Inducing Impacts Of The Project.**

The Project includes, among other requests, a zone change that would allow a substantially more intensive commercial or mixed use of the Project site. Yet the DEIR includes no analysis of the impacts of the substantially increased development allowed under the new designation, or even of the (intended) growth-inducement potential of the change in designation.

The Project would vastly increase the allowable density of development in the Project site and vicinity. As described on page II-7 of the DEIR, the Project would rezone the Project site from C4 to C2, and would also remove the existing density limitation. Collectively, these changes are intended to double the permitted floor area ratio and remove all limitations on height, allowing construction of towers as tall as (in the case of the Project) 585 feet. Simply put, the Project would bring downtown and Century City building heights and density to Hollywood, establishing a precedent for other projects to follow, and an expectation among developers regarding the square footage they can obtain. Development consistent with the new designation therefore becomes foreseeable, and the failure of the DEIR to evaluate, even in a general sense, the reasonably foreseeable cumulative development facilitated by the Project renders the impact analysis incomplete and inadequate. Consequently, the City must revise the

Srimal Hewawitharana, Environmental Specialist II  
December 10, 2012  
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DEIR to include this analysis, and must recirculate the DEIR to allow informed comment by the public and informed decision-making by the City regarding this undeniably precedent-setting project.

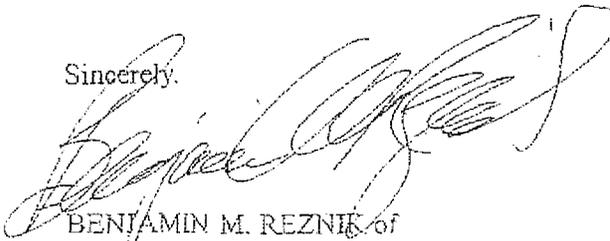
**XIV. The DEIR Underestimates the Impact of the Project on Landfill Capacity and Mischaracterizes the Impact as Less Than Significant.**

According to page IV.L.3-10, the landfills currently serving the City have remaining capacity of 9,947 tons per day ("tpd") of solid waste. However, as also acknowledged in the DEIR, one of those landfills, Chiquita Canyon, has only three years of capacity remaining. Consequently, even under the most aggressive development scenario, only a single landfill will serve the City by the time the Project becomes operational. If the Applicant obtains a 22-year term on the proposed D.A., fewer than ten years of landfill capacity will remain by the time the Project is constructed.

Although some plans exist for future expansion, such plans have not yet been approved, and the DEIR carefully avoids a description of the likelihood or timing of such an expansion occurring. Consequently, landfill space within and near the City remains at a premium and is properly considered a diminishing asset. Therefore, until such time as additional or alternative means of solid waste disposal become available, a cumulative impact regarding such capacity exists, and the Project's contribution to that impact is cumulatively considerable. The City must revise the DEIR to reflect the proper impact category, and must recirculate the DEIR for public comment, consistent with CEQA Guidelines § 15088.5(a)(1).

In summary, HEI/GC and HVRA support the broad vision and diverse mix of uses for the Project, however they strongly object to the scale of the Project, in terms of height and density, and the lack of specificity of the requested entitlements that will allow a variety of configurations not evaluated in this DEIR. Thank you for your consideration and response to these comments. If you have any additional questions, please contact me directly at (310) 201-3572 or [bmr@jmbm.com](mailto:bmr@jmbm.com).

Sincerely,



BENJAMIN M. REZNIK of  
Jeffer Mangels Butler & Mitchell LLP

BMR:sib

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