

TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s) and Contact No.	C.D. No.
VTT-71837-CN-1A RELATED CASE: CPC-2008-3440-VZC-CUB-CU-ZV-HD	LUCI IBARRA 213-978-0092	13
Items Appealable to Council:	Last Day to Appeal:	Appealed:
Vesting Tentative Tract	MAY 7, 2013	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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 RD FLOOR NEW YORK, NY 10023 212-875-4905 REPRESENTATIVE: ALFRED FRAJO SHEPPARD MULLIN 333 S. HOPE STREET LOS ANGELES, CA 90071 213-620-1780		
Name(s), Appellant / Representative, Address, and Phone Number.		
APPELLANT NO. 1 COMMUNITIES UNITED 215 N. MARENGO AVE. 3 RD PASADENA, CA 91101 REP.: ROBERT SILVERSTEIN 626-449-4200		
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 <u>only</u> those items which are appealable to Council.)		
<p>A 41-lot subdivision with 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 restaurant uses on a 4.46 acre site.</p>		
Fiscal Impact Statement <small>*Determination states administrative costs are recovered through fees.</small>	Environmental No. ENV-2011-675-EIR, SCH#2011041049	Commission Vote: 5- 0
JAMES K. WILLIAMS, Commission Executive Assistant II		Date: MAY 14 2013

MASTER APPEAL FORM

ORIGINAL

City of Los Angeles – Department of City Planning

APPEAL TO THE: CITY COUNCIL

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

REGARDING CASE #: VTTM-71837-CN

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

FINAL DATE TO APPEAL: May 7, 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

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 <i>\$ 89.00</i>	Reviewed and Accepted by <i>MINDY NGUYEN</i>	Date <i>05/07/13</i>
Receipt No. <i>11390</i>	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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DAN@ROBERTSILVERSTEINLAW.COM
WWW.ROBERTSILVERSTEINLAW.COM

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 DIER 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 attach 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.

Members of the City Council
City of Los Angeles
May 7, 2013
Page 6

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.

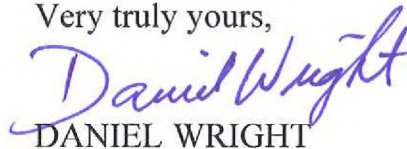
Because the project description fails to set forth the number, location and a myriad of other essential factors to evaluate the location of the hotel and its associated uses or all of the various locations for the dispensing of alcohol, it is impossible to make the necessary findings to support these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



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

Determination Mailing Date: APR 27 2013

CASE: VTT-71837-CN-1A
CEQA: ENV-2011-675-EIR
SCH No. 2011041049

Related Case:
CPC-2008-3440-VZC-CUB-ZV-HD

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 Tentative Tract Appeal

Applicant: Millennium Hollywood, LLC

Representative: Alfred Fraijo, Sheppard Mullin Richter & Hampton, LLP

Appellants:

1. AMDA College and Conservatory of the Performing Arts
2. Annie Geoghan
3. Argyle Civic Association
4. Beachwood Canyon Neighborhood Association
5. Hollywood Dell Civic Association
6. Hollywoodland Homeowners Association

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

1. **Denied the Appeals.**
2. **Sustained** the Deputy Advisory Agency's **approval** of **Vesting Tentative Tract No. 71837-CN**, a 41-lot subdivision with 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 restaurant uses on a 4.46 acre site.
3. Adopted the attached **Conditions of Approval**.
4. Adopted the attached **Findings**.
5. Adopted Environmental Impact Report No. **ENV-2011-675-EIR**, SCH#2011041094.

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: Perlman
Seconded: Lessin
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 *Vesting Tentative Tract* request is further appealable to the City Council. Any aggrieved party may file an appeal within 10-days after the mailing date of this determination letter. Any appeal not filed within the 10-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 07 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.

Attachment: Deputy Advisory Agency's Determination letter dated February 22, 2013
City Planner: Luciralia Ibarra
City Planning Assistant: Sergio Ibarra

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION
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COMMISSION EXECUTIVE ASSISTANT II
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CITY OF LOS ANGELES
CALIFORNIA



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DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Decision Date: February 22, 2013

Appeal Period Ends: March 4, 2013

North Vine Street Holding, LLC (O)
Millennium Hollywood, LLC (S)
1995 Broadway, 3rd Floor
New York, NY 10023

John Chiappe, Jr. (E)
PSOMAS, Inc.
555 South Flower Street
Los Angeles, CA 90071

RE: Tract Map No.: 71837-CN
Address: 1720-1770 North Vine Street; 1745-1753
North Vine Street; 1746-1770 North Ivar Avenue;
1733 and 1741 Argyle Avenue; and, 6236, 6270, &
6334 West Yucca Street.
Community Plan: Hollywood
Zone: C4-2D-SN
Proposed Zone: C4-2-SN
Council District: 13
CEQA No.: ENV-2011-0675-EIR
(SCH No. 2011041094)

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency is to consider the approval of Vesting Tentative Tract Map No. 71837 composed of 41 lots, located at 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 for 492 residential condominium units, 200 hotel rooms, approximately 100,00 square feet of new office space, 114,303 square feet of existing office space within the Capitol Records and Gogerty buildings, and approximately 34,000 square feet of restaurant use, 35,000 square feet of fitness/club sport use, and 15,000 square feet of retail use as shown on map stamp-dated February 1, 2013 in the Hollywood Community Plan. This unit density is based on the R5 Zone (Per LAMC 12-22-A,18(a)). (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Subdivision Counter call (213) 978-1362. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

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 at all locations where air space 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 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.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

4. 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).
5. 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.
6. 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).

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

7. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division 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 it they were within a single lot.

DEPARTMENT OF TRANSPORTATION

8. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - 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 attached DOT letter dated August 16, 2012. (MM)
- d. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

- 9. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
 - 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.

- r. Entrance to the main lobby shall be located off the address side of the building.
- s. 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.

DEPARTMENT OF WATER AND POWER

- 10. 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.
 - a. Install new fire hydrant: 1-2 ½" X4" DFH on E/S Ivar Ave, S/O Yucca St
 - b. Arrangé for the Department to install Fire Hydrants
 - c. Conditions under which water service will be rendered:
 - (1) Plumbing for all buildings must be seized in accordance with the Los Angeles City Plumbing Code for a minimum pressure range of 30 to 45 psi at the building pad elevation.
 - (2) 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.
 - d. Los Angeles City Fire Department Requirements:
 - (1) 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.
 - e. 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:
 - (1) 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.

BUREAU OF STREET LIGHTING

Street lighting clearance for this Street Light Maintenance Assessment District Condition is conducted at 1149 South Broadway, Suite 200. The separate street lighting improvement condition will be cleared at the Bureau of Engineering District office, see Condition S-3(c).

BUREAU OF SANITATION

11. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

12. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

13. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Replacement by a minimum of one 24-inch box tree in the parkway and on the site for each non-protected street tree to be removed for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. (MM)
Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a

manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. 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:
 - i. Residential: 492 residential condominium units or as permitted by the Land Use Equivalency Program;
 - ii. Hotel: 200 hotel guest rooms or as permitted by the Land Use Equivalency Program;
 - iii. Office: 215,000 square feet (including 114,303 within the Capitol Records and Gogerty buildings) or as permitted by the Land Use Equivalency Program;
 - iv. Restaurant: 34,000 square feet or as permitted by the Land Use Equivalency Program;
 - v. Fitness/Club Sport: 35,000 square feet or as permitted by the Land Use Equivalency Program;
 - vi. Retail: 15,000 square feet or as permitted by the Land Use Equivalency Program.
- b. 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.
- c. Approved herein is the development of 1,918 parking spaces, subject to the shared parking provisions of the Development Regulations and/or as determined by CPC-2008-3440-VZC-CUB-CU-ZV-HD and/or CPC-2013-103-DA, to serve the project site. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, unless an automated parking system is implemented, posted and maintained satisfactory to the Department of Building and Safety.

If guest 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 guest parking, except in connection with an automated parking system.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - d. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
15. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2008-3440-ZC-CUB-CU-ZV-HD shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2008-3440-ZC-CUB-CU-ZV-HD is not approved, the subdivider shall submit a tract modification.
16. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2013-103-DA shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2013-103-DA is not approved, the subdivider shall submit a tract modification.
17. Prior to the issuance of a grading permit, the subdivider shall provide evidence of recorded and executed Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the haul route conditions of Mitigation Measure K.1-3 included herein for the export of 333,515 cubic yards of material. (MM)
18. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

19. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 8c, 9, 17, 20, and 21 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and *phase of intervention (pre-construction, construction, postconstruction/*

maintenance) to ensure continued implementation of the above mentioned mitigation items. Also, the project's design features, identified in the EIR, shall be implemented as part of the project.

20. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

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 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.

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 barbecues 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: Pre-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. 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 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 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.

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 underserved 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 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.

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

- 21. Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
 - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
 - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.
- CM-2. The applicant shall ensure the following construction Best Management Practices is incorporated within the Storm Water Pollution Prevention Plan (SWPPP):
- a. Chapter IX, Division 70b of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities shall require grading permits from the Department of Building and Safety.
 - b. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
 - c. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking or water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
 - d. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
 - e. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.
- CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. Ground cover in disturbed areas shall be quickly replaced.
- CM-6. All on-site haul roads shall be watered twice daily while in use during construction activities.
- CM-7. Vehicle speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
- CM-8. The project developer shall provide temporary traffic control during all phases of construction to assist with the improvement of traffic flow.
- CM-9. The project developer shall require by contract specifications that all diesel-powered construction equipment and haul trucks used would be retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is economically feasible and readily available in the South Coast Air Basin.
- CM-10. The project developer shall require contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent that it is economically feasible and the equipment is readily available in the South Coast Air Basin.
- CM-11. The project developer shall utilize low-VOC paints on all portions of the proposed structures.
- CM-12. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-13. *The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.*
- CM-14. 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.
- CM-15. *Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.*

CM-16. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-17. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into

the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

DEPARTMENT OF CITY PLANNING - STANDARD COMMERCIAL CONDOMINIUM CONDITIONS

CC-1. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

CC-2. In order to expedite the development, the applicant may apply for a building permit for a commercial/industrial building. However, prior to issuance of a building permit for a commercial/industrial building, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for a commercial/industrial building will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for a commercial/industrial building and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) 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.

Any depth greater than 5 feet below sidewalk grade would be acceptable with respect to clearance for street lighting facilities.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - 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 Central District Engineering Office.
 - 2. That necessary grading and soil reports be submitted to Geotechnical Engineering Division of Bureau of Engineering for review and approval.

NOTES:

The Advisory Agency approval is based on the R5 Zone (Per LAMC 12-22-A,18(a)). However the existing or proposed zoning may not permit this number of units and may be subject to additional provisions by CPC-2008-3440-ZC-CUB-CU-ZV-HD. This unit density

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

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 will implement a Development Agreement between the Project Applicant and the City of Los Angeles (the City) that would vest the Project's entitlements, establish detailed and flexible development parameters for the Project Site, and ensure that the Project is completed consistent with the development parameters set forth in the agreement. Development Regulations, which will be adopted in conjunction with the proposed Development Agreement between the Project Applicant and the City, will 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. Implementation of the proposed Development Agreement would afford the developer flexibility with regard to the proposed arrangement and density of specific land uses, siting, and massing characteristics, also known as the Equivalency Program.

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 Agreement 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 Development Agreement 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 Agreement. The Concept Plan provides an illustrative assemblage of land uses and developed floor area that conforms to the terms of the Development Agreement. 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), up to 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 up to 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 up to 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 Agreement. 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 Agreement.

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 ground zone 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 ground zone 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:

- Development Agreement to establish development parameters on the Site.
- Vesting Tentative Tract Map for development mixed-use development components.
- 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 this 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 Agreement. 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 as authorized through the approval of the Project's proposed Development Agreement 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 CO₂e 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 CO₂e MTY, or approximately 356.93 CO₂e 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 CO₂e MTY. The net increase in GHG emissions generated by the Project with GHG-reducing measures would be approximately 19,091.63 CO₂e MTY. Thus, the reduction in GHG emissions resulting from the Project's GHG-reducing measures would be approximately 14,174.30 CO₂e 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_x. 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_x standards), where commercially available. At a minimum, truck fleets used for these activities shall use trucks that meet EPA 2007 model year NO_x 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_x 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_x 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 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-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.
- 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 intersection significantly impacts 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 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:

<u>Alternative 1:</u>	No Project – No Build (Continuation of Existing Uses)
<u>Alternative 2:</u>	Reduced Density Mixed-Use Development – 4.5:1 FAR
<u>Alternative 3:</u>	Reduced Density Mixed-Use Development – 3:1 FAR
<u>Alternative 4:</u>	Reduced Height Development
<u>Alternative 5:</u>	Residential-Focused Land Use Development
<u>Alternative 6:</u>	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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the

Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 dollars 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 Advisory Agency 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 Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 71387-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

On June 19, 2012, the City Council adopted an update to the Hollywood Community Plan, which maintained the designation of the subject property for Regional Center Commercial land uses with the corresponding zone(s) of C2, C4, RAS4, R5, P, and PB. 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.

Prior to the recent update, the Hollywood Community Plan (December 13, 1988) designated the subject property for Regional Center Commercial development with a 3:1 FAR for the entire site and an FAR of up to 6:1 provided that the project satisfied the objectives the Redevelopment Plan by the CRA. It called for the continued development of Hollywood as a major center of population, employment, retail, and entertainment to "perpetuate its image as the international center of the motion picture industry." The objectives stated in the 1988 Hollywood Plan aim for the provision of housing for all income types, the preservation of residential character of low and medium density residential areas, while promoting land use intensity and population density in areas accommodated by street capacity, public service facilities, utilities, and other related infrastructure systems.

Prior to the dissolution of the Community Redevelopment Agency (CRA), the project was identified in the Hollywood Redevelopment Project Area as a Regional Center Commercial land use within the Hollywood Boulevard District. The objectives for Regional Center Commercial uses within this District called for the preservation of historic structures, the encouragement of entertainment, theater and tourist related uses, enhancement of pedestrian experiences and pedestrian-oriented retail uses, and the development of projects which complement the existing scale of development. In addition, the Hollywood Redevelopment Area exceeded the permissible FAR of 3:1 for Regional Center Commercial areas in the Hollywood Community Plan with a FAR of 4.5:1 and a FAR of no more than 6:1 in developments that further the goals and intents of both the Redevelopment Plan, the Hollywood Community Plan, and which concentrate high intensity and/or high density development in areas with "reasonable proximity or direct access to high capacity transportation facilities," compliment historic structures or which encourages new development in areas that don't have architecturally significant structures, provide "focal points of entertainment, tourist, or pedestrian oriented uses" to create a quality urban environment, develop appropriately designed housing to provide a balance in the community, provide for "substantial, well designed, public open space in the Project Area," and which provide social services or facilities which address the community's needs. Several recent developments along both Hollywood and Sunset Boulevards have taken advantage of this 6:1 FAR incentive offered by the CRA due to proximity of the Metro Red Line. While the CRA and the Hollywood Redevelopment Project Area is no longer active, the FAR incentive of 6:1 has been captured in the recent Hollywood Community Plan Update.

As part of the recent adoption of the Hollywood Community Plan Update, the project site underwent a zone change from C4-2D-SN to [Q]C4-2D-SN. The 'Q' Qualified Permanent Condition permits residential uses if a project incorporates a minimum 0.5:1 FAR of a non-residential use (hotels exempt). The 'D' Development Limitation permits an FAR of up to 4.5:1, and which may exceed the 4.5:1 FAR and develop with a 6:1 FAR provided that the project is approved

by the City Planning Commission and/or the City Council on appeal, conforms with the Hollywood Community Plan, and to the Hollywood Redevelopment Plan of the Community Redevelopment Agency, which has since been dissolved and its authority now lies with a designated local authority.

In addition to the Vesting Zone Change and Height District Change, the applicant is requesting a Vesting Conditional Use to allow a hotel use within 500 feet of an R Zone, a Conditional Use to permit floor area averaging within a unified development, and a Conditional Use to permit the sale and consumption of a full line of alcoholic beverages along with patron dancing and live entertainment on the site. Zone variances are sought to allow a restaurant use with an above-ground outdoor eating area and to provide parking for the sports/fitness facility with a reduced ratio of 2 parking spaces per 1,000 square feet, and to locate parking across Vine Street, within the same development, but on a different parcel.

The mixed-use development is subject to an exception available to projects that combine both residential and commercial uses. Los Angeles Municipal Code section 12.21-A, 18(a), permits any use in the R5 Zone and also the R5 density for any lot located in the C4, C1, C1.5, C2, C4, or C5 Zones in a project that combines residential and commercial uses. The R5 Zone permits residential densities of 200 square feet per dwelling, or a maximum of 972 by-right dwelling units for the 194,495 square-foot site. As proposed, the development currently does not exceed the maximum allowable density permitted under the existing of C4-2D-SN, or the proposed C2-2-SN Zone as both are included in the "Developments Combining Residential and Commercial uses" exception.

The project consists of a range of uses, including residential dwelling units, hotel guest rooms, and commercial office, retail, and restaurant floor area of within two towers ranging in height between 220 feet and 585 feet. The project will be subject to the Development Regulations, allowing flexibility in the massing and height of the two proposed towers together with a Land Use Equivalency Program, which will permit the development to adapt to market conditions, by allowing a controlled exchange of uses with increases in the intensity and/or density of certain uses with decreases others, all while being limited to the maximum trip count analyzed in the EIR (maximum trip cap of 574 AM peak hour trips and 924 PM peak trips). The project proposes 492 residential dwelling units, 200 hotel guest rooms, 215,000 square feet of office space (including 100,000 new square feet and approximately 114,303 square feet of existing office space within the Capitol Records and Gogerty buildings), 15,000 square feet of retail floor area, 34,000 square feet of restaurant use, and 35,000 square feet of Fitness Center/Sports Club use.

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.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The project proposes the development of 492 residential condominium units, a hotel with 200 hotel rooms, approximately 215,000 square feet of office space (100,000 square feet of new office space and approximately 114,303 square feet of existing office space), 15,000 square feet of retail, and approximately 35,000 square feet of fitness center/sports club use, across both the East and West sites under the provisions of the Land Use Equivalency Program and the Development Regulations associated with the Development Agreement under both CPC-2008-3440-ZC-CUB-CU-ZV-HD and CPC-2013-103-DA. The Land Use Equivalency program provides flexibility to modify the types and intensity of the proposed land uses in an effort to accommodate the market volatility.

As proposed, the development meets the land use objectives for Regional Center areas in the Hollywood Community Plan and Update area and would contribute to the recently adopted Plan's long term objectives of promoting a jobs-housing balance. The site is well serviced by public transit and caters to several entertainment-related businesses and services, including office, hotel, retail, restaurant, and live entertainment venues. The development enhances the character of Hollywood as a center for entertainment, tourism, and related services and opportunities. The recently adopted Hollywood Community Plan Update has determined that this area along Vine Street (Subarea 4:3) is conducive to high density and mixed-use development with a by-right FAR of 4.5:1 with an FAR of up to 6:1 for being located in a FAR Incentive Area.

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The project site consists of two separate sites, separated by Vine Street and bound by Yucca Street to the north. The western parcel is a relatively flat, irregular-shaped, corner lot with approximately 78,629 square feet. It has a frontage of 230 feet along Ivar Avenue to the west, a 125-foot frontage along Yucca Street to the north, a 200 foot frontage along Vine Street to the east, and a variable lot depth of 124 to 363 feet. The eastern site has a frontage of approximately 171 feet along Argyle Avenue to the east, 194 feet along Yucca Street to the north, and 435 feet along Vine Street to the west, and a variable lot depth of 153- to 344 feet.

Vine Street is a designated Modified Major Highway Class II dedicated to a 70-foot roadway width and with 15-foot sidewalk widths on both the east and west side of Vine Street. Yucca Street is a designated Secondary Highway along the northern street frontage of the West site and a Local Street along the northern frontage of the East site and dedicated with a 94-foot width. Ivar Avenue is a local street dedicated with a 70-foot width along the West site's western street frontage. Argyle Street is a Local Street dedicated to a 75-foot width along the East site's eastern street frontage. The Bureau of Engineering is requiring improvements along the alley adjoining the subdivision and the reconstruction of any off-grade concrete pavement and other existing improvements. The proposed project will provide parking pursuant to the shared parking provisions of the Development Regulations and the request parking variance under CPC-2008-3440-ZC-CUB-CU-ZV-HD. As conditioned the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

The project site occupies two half blocks along the northern portion of Vine Street and are located between Hollywood Boulevard and Yucca Street. The two parcels are differentiated as the "East" site and the "West" site, with the East site being located on the eastern side of Vine Street and the West site on the western side of Vine Street. The East site is improved with the 13-story Capitol Records Building along with ancillary studio recording uses, as well as the 2-story Gogerty Building together comprising the Capitol Records Complex. This will be maintained and preserved pursuant to the Secretary of the Interior's Standards. The remainder of the East site contains surface parking, temporary structures, including a partially enclosed garbage area and a parking lot attendant kiosk, whereas the West site is improved with a 1,800 square-foot commercial structure currently occupied by a rental car business fronting Yucca Street, surface parking and parking attendant kiosk.

The development of this tract is an infill of an otherwise high density and mixed-use Regional Center Commercial corridor within walking distance of several public transit options serving residents, employees, and tourists and other visitors to the area.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. Moreover, the site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). As conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

The tract has been approved contingent upon the submittal of a comprehensive Geotechnical Report to the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Adjacent uses include office and surface parking uses related to the American Musical and Dramatic Academy in the C4-D-SN Zone, and multi-family dwellings in the R4-2 Zone across Yucca Street to the north, an office building on the southwest corner of Vine Street and Yucca Street in the C4-2D-SN Zone. Multi-family residences, office space, and surface parking is located east of the project, across Argyle Avenue in the R4-2D, [T][Q]C4-2D-SN Zones. To the south of the project site are restaurant, bar, theater, retail, office, multi-family residential, and surface parking uses in the C4-2D-SN Zone. To the west of the project site, are studio uses, surface parking, office, hotel, multi-family residences, and restaurant uses in the C4-2D-SN Zone.

The development of the high-rise and mixed-use structure will increase the availability of employment opportunities together with additional housing in the Hollywood area. A large portion of the project site is under-improved and underutilized as surface parking and would result in much-needed investment and physical improvements. The project is seeking additional entitlements to take advantage of the FAR incentives provided to mixed-use projects in designated Regional Center Commercial land use areas. Moreover, the development of this site, as proposed, would be consistent with the recently approved and developed projects in the immediate vicinity, including the mixed-use development at 1614-1736 Argyle Avenue, 6139-6240 Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1615-1631 Del Mar Avenue which includes 28 joint live work units, 1,014 apartment units, 40 commercial condominiums under Tract Map No. 67429. The City Planning Commission approved a mixed-use development at 6252 Hollywood Boulevard, which includes 150 residential condominiums, 374 apartment units, 300 hotel rooms and 61,500 square feet of retail and restaurant use with a 6:1 FAR. Additionally, a property located at 1800-1802 North Argyle and 6217 and 6221-6223 West Yucca Street was granted a 6:1 FAR for the development of a 225-room hotel.

The project will be compatible with the recent pattern of high density and mixed-use development that characterizes the Regional Center areas of the Hollywood Community. It satisfies the intent of the recently adopted Hollywood Community Plan Update by providing an appropriate mix of residential and commercial uses conducive to job creation and increased housing opportunities while supporting the need to promote the identity of Hollywood as the center for entertainment in the City. Moreover, the Development Guidelines established for the project allow for the provision of increased open space with increased height, where the taller the structures, the greater the opportunity for additional open space, public plazas, and enhanced walkability. At a minimum, the total open space will constitute 5% of the project site with a height of 220 feet, or 12% with a tower height of up to 585 feet. The project will provide parking to meet demand pursuant to the shared parking provisions of the Development Regulations and the shared parking variance under CPC-2008-3440-ZC-CUB-CU-ZV-HD. Section 12.21-A,4(x)(3) of the Los Angeles Municipal Code allows reduced parking at a ratio of two parking spaces for every 1,000 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 in the Hollywood Redevelopment area. In addition, LAMC Section 12.24-Y permits a 10% reduction in parking for projects located within 500 feet of mass transit. Moreover, a shared parking methodology will permit the project flexibility to accommodate parking demand while simultaneously taking into account the availability of mass transit in the area as well as retail, restaurant, health club, and office uses within the immediate vicinity that accounts for reduced parking demand. The proposed project will otherwise comply with LAMC requirements with respect to minimum requirements for height, open space, density and setbacks. The Advisory Agency has conditioned the proposed tract map to be physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. As such, the project will not injure wildlife or habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The subdivision includes easements for sewer access and pipe lines. Easements providing access through or use of the property do not exist on the site. Furthermore, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. The Bureau of Engineering has included conditions of approval which requires that the applicant record a covenant and agreement to maintain all elements of those areas being merged with the public right-of-way, that the construction be guaranteed, and waivers of any damages that may occur as a result of such improvements.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

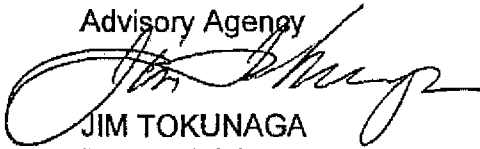
The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of

windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 71837-CN.

Michael LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:LI:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor

Marvin Braude San Fernando
Valley

Los Angeles, CA 90012
213 482-7077

Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

Forms are also available on-line at <http://cityplanning.lacity.org/>

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.

If you have any questions, please call Subdivision staff at (213) 978-1362.

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

Ms. Srimal P. Hewawitharana
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")¹, 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.

¹ 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. 1.1-2.) 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.² 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

² 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/Capitol [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.³ 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

³ 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.⁴ (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.

⁴ 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.⁵

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.⁶ (Why else would counts have stopped for three months?) With an occupancy of approximately 18,000, the Hollywood Bowl is the largest

⁵ 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.").

⁶ 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 phases⁷ 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.

⁷ "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.⁸ (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

⁸ 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.⁹)

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.

⁹ 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).¹⁰ A determination that mitigation of impacts to the Capitol Records Tower is infeasible cannot be supported by substantial evidence.

¹⁰ 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_x, and PM_{2.5}.

Despite regional significant and unavoidable reactive organic gas ("ROG") and nitrogen oxide ("NO_x") 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_{2.5} 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 CO₂ 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.¹¹ 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

¹¹ 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.¹²

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

¹² 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.¹³ 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

¹³ 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.¹⁴ 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

¹⁴ 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.

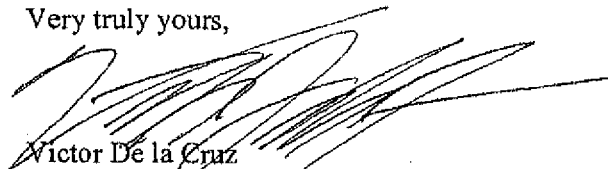
The critique of the DEIR's Project analysis is hereby applied by reference to all of the alternatives, which suffer from the same analytical problems. Since the alternative *scenarios* need to be redone in their entirety, there is no need to individually discuss the analysis for each of them.

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



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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:

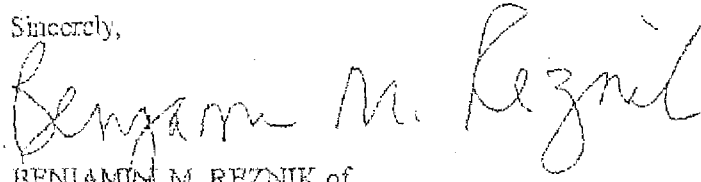
We represent and are writing on behalf of HEMGC Hollywood & Vine Condominiums, LLC and the Hollywood & Vine Residences Association, the owner and homeowners association, respectively, of the W Hollywood Hotel & Residences at 6250 Hollywood Boulevard, Los Angeles, California 90028. On October 25, 2012, 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,

Sripal 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)



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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:

On behalf of HEVGC Hollywood & Vine Condominiums, LLC ("HEVGC") 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, HEVGC 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,¹ 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-

¹ 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?²

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 . . . EIR 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

² 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 20th 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

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.

Sincerely,



BENJAMIN M. REZNICK of
Jeffrey Mangels Butler & Mitchell LLP

BMR:slb

cc: Michael LoGrande, Planning Director (via e-mail Michael.LoGrande@lacity.org)



CITY PLANNING COMMISSION

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APR 27 2013

Determination Mailing Date: _____

CASE: VTT-71837-CN-1A
CEQA: ENV-2011-675-EIR
SCH No. 2011041049

Related Case:
CPC-2008-3440-VZC-CUB-ZV-HD

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 Tentative Tract Appeal

Applicant: Millennium Hollywood, LLC

Representative: Alfred Fraijo, Sheppard Mullin Richter & Hampton, LLP

Appellants:

1. AMDA College and Conservatory of the Performing Arts
2. Annie Geoghan
3. Argyle Civic Association
4. Beachwood Canyon Neighborhood Association
5. Hollywood Dell Civic Association
6. Hollywoodland Homeowners Association

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

1. **Denied the Appeals.**
2. **Sustained** the Deputy Advisory Agency's **approval** of **Vesting Tentative Tract No. 71837-CN**, a 41-lot subdivision with 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 restaurant uses on a 4.46 acre site.
3. Adopted the attached **Conditions of Approval**.
4. Adopted the attached **Findings**.
5. Adopted Environmental Impact Report No. **ENV-2011-675-EIR**, SCH#2011041094.

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: Perlman
Seconded: Lessin
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 *Vesting Tentative Tract* request is further appealable to the City Council. Any aggrieved party may file an appeal within 10-days after the mailing date of this determination letter. Any appeal not filed within the 10-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.

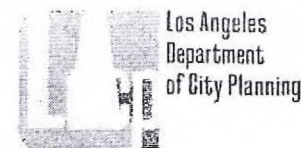
FINAL APPEAL DATE: MAY 07 2013

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.

Attachment: Deputy Advisory Agency's Determination letter dated February 22, 2013
City Planner: Luciralia Ibarra
City Planning Assistant: Sergio Ibarra



DEPARTMENT OF CITY PLANNING APPEAL STAFF REPORT



City Planning Commission

Date: March 28, 2013
Time: After 8:30 AM
Place: City Hall
John Ferraro Council Chamber Room 350
200 North Spring Street
Los Angeles, CA 90012

Public Hearing: February 19, 2013
Appeal Status: Further Appealable to City Council
(LAMC Section 17.06-A,4)
Expiration Date: April 3, 2013

Case No.: VTT-71837-CN-1A
CEQA No.: ENV-2011-0675-EIR
Related Cases: CPC-2008-3440-ZC-CUB-
CU-ZV-HD
CPC-2013-103-DA

Council No.: 13
Plan Area: Hollywood
Specific Plan: None
Certified NC: Hollywood United
GPLU: Regional Center
Commercial
[Q]C4-2D-SN
Zone: C2-2-SN
Proposed:

Applicant: Millennium Hollywood LLC
Representative: Alfred Fraijo, Sheppard,
Mullin

PROJECT 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.

PROPOSED PROJECT: VTT-71837-CN was approved as a 41-lot subdivision with 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 restaurant uses on a 4.46 acre site.

REQUESTED ACTION: APPEALS of the entire decision of the Deputy Advisory Agency in approving Vesting Tentative Tract Map No. 71837-CN.

RECOMMENDED ACTION: 1. DENY the appeal in WHOLE
2. Sustain the February 22, 2013 decision of the Deputy Advisory Agency

MICHAEL J. LOGRANDE
Director of Planning

Luciralia Ibarra, Hearing Officer (213) 978-1378

Dan Scott, Principal Planner
ADVICE TO PUBLIC:

Sergio Ibarra, City Planning Assistant

Lisa Webber, Deputy Director

*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Area Planning Commission Secretariat, 200 North Spring Street, Room 272, Los Angeles, CA 90012 (Phone No.213-978-1247). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request.

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STAFF APPEAL REPORT

Project Summary

The project site is located in the Hollywood Community Plan with a Regional Center Commercial land use designation and zoned C4-2D-SN. The project involves a proposed unified development of two distinct parcels flanking Vine Street (i.e., the East Site and West Site) between Yucca Street to the north and Hollywood Boulevard to the south. The western parcel is located generally within the northwestern half of Vine Street, with an approximate frontage of 230 feet along Ivar Avenue to the west, a 125-foot frontage along Yucca Street to the north, and a 200-foot frontage along Vine Street to the east. The eastern site occupies a large portion of the northeastern half of Vine Street, with an approximate frontage of 435 feet along Vine Street to the west, 194 feet along Yucca Street to the north, and 117 feet along Argyle Avenue to the east.

The proposed mixed-use project involves the demolition of the existing 1,800 square-foot rental car facility and the removal of the surface parking lots on the West Site, and the preservation of the Capitol Records and Gogerty Buildings as well as the removal of surface parking on the East site. The development involves approximately 1,166,970 net square feet of floor area, including the maintenance of 114,303 square feet of existing office space and music recording facilities under long-term lease within the historic Capitol Records and Gogerty structures. The new development includes a mix of residential dwelling units, luxury hotel, restaurant, retail, and a sport club/fitness facility.

The surrounding area is populated with a mix of residential and commercial uses similar to those proposed in the project, including multi-family housing, restaurants and bars, commercial retail, hotel and office uses. Adjacent uses include office and supplemental uses related to the American Musical and Dramatic Academy in the C4-D-SN Zone, and multi-family dwellings in the R4-2 Zone across Yucca Street to the north, an office building on the southwest corner of Vine Street and Yucca Street in the C4-2D-SN Zone. Multi-family residences, office space, and surface parking are located east of the project, across Argyle Avenue in the R4-2D, [T][Q]C4-2D-SN Zones. To the south of the project site are restaurant, bar, theater, retail, office, multi-family residential, and surface parking uses in the C4-2D-SN Zone. To the west of the project site are studio uses, surface parking, office, hotel, multi-family residences, and restaurant uses in the C4-2D-SN Zone.

Case Background

The public hearing for the Tract Map was held before the Advisory Agency on February 19, 2013. The concurrent public hearing was also heard before the Hearing Officer, who took testimony on behalf of the City Planning Commission for CPC-2008-3440-ZC-CUB-CU-ZV-HD and CPC-2013-103-DA.

Following a presentation by the applicant and the applicant's representatives, the public hearing was open to the public where approximately 50 members of the public spoke both in favor and opposition to the project. The public speakers represented residents, labor groups, neighborhood councils, homeowner and civic associations, the Hollywood Chamber of Commerce, and affected business owners, and entertainment-related interests, including the Montalban Theater and American Musical and Dramatic Academy (AMDA).

For those in support, speakers expressed a desire for new development that improves the aesthetic and economic environment of Hollywood, leads to the creation of new jobs, and which revitalizes Hollywood as an entertainment center and destination. For those expressing opposition to the project, the areas of concern include: traffic, parking, height and scale, ambiguity associated with the project description, AMDA's assertion of being considered a sensitive receptor, and the noise and lack of privacy with proposed observation decks and outdoor eating areas. Councilmember Tom LaBonge of neighboring Council District No. 4 also spoke, expressing a desire for a development of the right scale and height, and voiced his support for development near public transit and for rooftop uses that have minimal noise impacts.

On February 22, 2013, the Advisory Agency issued a letter of determination approving Vesting Tentative Tract Map No. 71837-CN, permitting a 41-lot subdivision and the construction of two buildings with 492 residential dwelling units, 200 luxury hotel rooms, 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 for a total developed floor area of approximately 1,166,970 square feet, which yields a floor area ratio (FAR) of 6:1. These uses and densities are subject to the Development Regulations and Land Use Equivalency Program under CPC-2008-3440-ZC-CU-CUB-ZV-HD and CPC-2013-103-DA.

THE APPEALS

Appellants: (1) AMDA College and Conservatory of the Performing Arts;
(2) Annie Geoghan;
(3) Argyle Civic Association;
(4) Beachwood Canyon Neighborhood Association;
(5) Hollywood Dell Civic Association;
(6) Hollywoodland Homeowners Association

APPEAL POINTS:

1. *Failure to identify AMDA as a sensitive receptor in respect to noise. As a result, the EIR does not provide adequate mitigation in regards to noise.*

Local jurisdictions have the responsibility for determining land use compatibility for sensitive receptors. While the list of sensitive receptors in the Draft EIR did not identify AMDA's commercial building at 1777 Vine Street as a noise and vibration sensitive receptor for the project, this designation would not change the impact determinations disclosed in the Draft EIR. Regardless of the land use designations, the Draft EIR provides an analysis of temporary construction related noise and vibration increases occurring within an approximate 500-foot radius of the Project Site, which includes the AMDA property. As shown on page IV. H-15 of the Draft EIR, all of AMDA's student housing facilities were identified as sensitive receptors. Sensitive Receptor No. 1 included the multi-family residential uses north of the Project Site across Yucca. This includes the Franklin Building, the Yucca Street Apartments, the Allview Apartments, Ivar Residence Hall, the Vine Street Apartments, and the "Bungalows," all of which are described as AMDA student housing.

The Draft EIR concludes that short-term construction noise and vibration impacts upon adjacent land uses would be considered significant and unavoidable after mitigation. Furthermore, the Draft EIR includes mitigation measures that would ensure noise and vibration impacts upon adjacent land uses would be reduced to the maximum extent feasible, regardless of the land use designation or sensitive receptor identification. Therefore, the Draft EIR adequately disclosed all potential construction noise and vibration impacts upon adjacent land uses and provided a thorough and comprehensive mitigation strategy to reduce these impacts to the maximum extent feasible, regardless of any sensitive receptor designations. Despite the maximized level of mitigation for noise and vibration, the EIR amended two Mitigation Measures, H-3 and H-7, to address AMDA's concerns, to include all adjacent structures, including AMDA's building at 1777 Vine Street, for noise and vibrations, as follows:

- 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 the nearest noise and vibration sensitive 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-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.

Additionally, the Final EIR contained a feasibility analysis that analyzed all of the mitigation measures suggested by AMDA in its comment letter on the Draft EIR.

2. *The City's CEQA Guide, the City's General Plan, and the Project EIR, make clear that AMDA is a Sensitive Receptor. CEQA has a clear mandate to identify schools as a sensitive receptor.*

EIR's within and outside of the City make clear that AMDA is a sensitive receptor.

Local jurisdictions have the responsibility for determining land use compatibility for sensitive receptors. The City of Los Angeles, as Lead Agency, has the responsibility to determine the sensitivity of the receptor. Although schools are typically listed as a noise-sensitive use within 500 feet of a project site, other factors including but not limited to, location, school type, and hours of operation, among others, help determine whether a use is considered sensitive. In this case, the Lead Agency determined that AMDA was not considered a sensitive receptor under air quality, due to not having underage children, its location one block south of the US-101 Freeway, the nature of the classes held, and the hours of operation. This determination, however, did not deter the Lead Agency from disclosing that short-term construction noise and vibration impacts upon adjacent land uses would be considered significant and unavoidable after mitigation, and modified mitigation measures to ensure that noise and vibration impacts upon adjacent land uses would be reduced to the maximum extent feasible.

Again, the EIR does identify 1777 Vine Street building as a noise-sensitive receptor and includes mitigation measures which addressed the significant, but short-term, noise impacts. These mitigation measures would be incorporated for all adjacent land uses irrespective of their designations as sensitive receptors. While the mitigation measures may not fully eliminate the associated noise impacts during construction, these mitigation measures represent feasible mitigation intended to reduce noise and vibration of AMDA's and other adjoining commercial structures.

3. *Nowhere does the Determination letter clearly state that the Advisory Agency has in fact approved VTTM No. 71837.*

The Advisory Agency's letter of determination issued a determination of VTT-71837-CN with a "Decision Date" of February 22, 2013 and an "Appeal Period Ends" date of March 4, 2013. Further, the letter of determination states "[t]he Advisory Agency approval is subject to the following conditions:" at the bottom of the first page. This clearly shows that the Advisory Agency has approved VTT-71837-CN. The grant clause, which was inadvertently carried over from the staff report, reads as:

"In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency is to consider the approval...."

Instead, the grant clause should read as:

"In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03, the Advisory Agency approves...."

Typically, a letter of correction is issued following the end of the appeal period to correct typographical errors. However, this tract was appealed and therefore the correction to the grant clause will be amended in accordance with the City Planning Commission's action on the tract map appeal.

4. *The Advisory Agency has granted the project a significant reduction from its parking requirement of 2.5 stalls per residential unit without the Determination Letter even acknowledging that a deviation has been requested or approved.*

In accordance with Condition 14c of the Letter of Determination for Tract Map No. 71837-CN, the approval of the development of 1,918 parking spaces, is subject to the shared parking provisions of the Development Regulations and/or as determined by CPC-2008-3440-ZC-CUB-CU-ZV-HD and/or CPC-2013-103-DA, to serve the project site. The deviation from the LAMC parking requirements is found in the Department of City Planning's Condition No. 14 which states, "Approved herein is the development of 1,918 parking spaces, subject to the shared parking provisions of the Development Regulations." The condition correctly identifies shared parking will be based on the Development Regulations, and as attached to the shared/reduced parking request pursuant to LAMC Section 12.21-A,4(y) in CPC-2008-3440-ZC-CUB-CU-ZV-HD.

The intent of a shared parking program is to maximize efficient use of the Project Site by matching parking demand with complementary uses. A shared parking program, as applied, would also be consistent with the policies of the Redevelopment Plan and Community Plan Update, given that parking has different parking requirements and different demand patterns in a 24-hour cycle.

5. *The Advisory Agency's decision letter clearly violates the California Subdivision Map Act by approving a tentative tract map inconsistent with the existing zoning. By issuing its approvals prior to City Planning Commission review and consideration of the requested entitlements or even before release of the Planning Department's Staff Recommendation Report, the Advisory Agency has in effect determined that the Commission's approval is a foregone conclusion. The Advisory Agency is not a legislative body and is without legal authorization to adopt the EIR and its Statement of Overriding Considerations.*

Pursuant to the Subdivision Map Act, the Advisory Agency has the authority to act on subdivision matters. The Advisory Agency is the decision-maker, and as such also has the authority to certify the EIR, adopt the MMRP, and Statement of Overriding Considerations. Furthermore, the LAMC authorizes the Advisory Agency's determination to be appealed to the City Planning Commission. The Commission will make its own recommendation on the case in an impartial and objective manner.

Furthermore, the project site is zoned C4-2D-SN with a Regional Center Commercial land use designation in the Hollywood Community Plan, which allows uses that are consistent with those approved in the tract map, including retail uses (book store, bakeries, bicycle sales, beauty stores, dry goods, jewelry and music stores, etc.); office, and restaurants (bakeries, cafes, cafeterias, sandwich shops, restaurants, etc.), and permits residential densities with the lot area requirements of the R4 Zone. The project is

subject to an exception in LAMC Section 12.22-A,18(a), however, which permits any use in the R5 Zone to any lot in the CR, C1, C1.5, C2, C4, or C5 Zones provided that said lot is located in an area designated as Regional Center, Regional Center Commercial, or High Intensity Commercial or within any redevelopment project area approved by the City Council. The R5 Zone allows a minimum area of 200 square feet per dwelling unit, or a maximum of 972 units for the 194,495 square-foot site.

The fitness/sports club use is not explicitly allowed in the C4 Zone, however, similar uses, such as recreation buildings, commercial swimming pools, and private and no-profit clubs are permitted. The applicant is seeking a Zone Change from C4 to C2 to permit the operation, use, and maintenance of a fitness/sports club, where the C2 Zone expressly allows gymnasiums and health clubs. Allowing a fitness/sports club use would be similar to the LA Fitness that was approved through a variance (ZA-2003-5547-ZV) at 7021 Hollywood Boulevard, with an additional variance for reduced parking for 53 parking spaces in lieu of 263 parking spaces. As such, the sports/fitness club is therefore not a significant departure from the uses permitted elsewhere in the neighborhood.

6. *The City cannot approve the VTTM and the Project, and instead should deny it as a result of the fact that the proposed map is inconsistent with the applicable zoning. The underlying zoning restricts the subject site FAR to 3:1 and limits the type of uses at the site. The Advisory Agency cannot approve a map inconsistent with what's permissible both in scale and uses in the subject site. The project's proposed FAR of 6:1 is a theoretical figure that doesn't clarify exactly what would be built, what the total square footage would be, how many residential units there would be, or how tall the skyscrapers ultimately will be. The C4-2D-SN zoning restricts C4 uses to R4 uses. R4 zoning allows one unit per 400 square feet of lot area.*

The Hollywood Community Plan and Update, as well as the current zone (C4-2D-SN) and the proposed zone (C2-2-SN) do not limit the height. As such, there is no height limit on the project site and the requested heights are permitted in both the current and proposed zones. Moreover, under the Hollywood Community Plan Update, the Regional Center Commercial land use designation is intended to accommodate land use intensity as well as high residential density, recognizing the need to promote a mix of uses that generate jobs and housing, while simultaneously addressing "the needs of visitors who come to Hollywood for businesses, conventions, trade shows, entertainment, and tourism."

The 'D' limitation under Ordinance No. 165,659, limits buildings on the lot to three times the buildable area of the lot. Additional FAR over 3:1 may be granted if the project conforms to the Hollywood Redevelopment Plan, the Transportation Program and the Hollywood Boulevard District Urban Design Program, and any Designs for Development pursuant to the Community Redevelopment Agency (CRA). The Hollywood Redevelopment Plan provided for a range in floor area ratios between 4.5:1 up to a 6:1 with CRA approval. Although the CRA has since been dissolved, the CRA's FAR incentive was captured in the Hollywood Community Plan Update, where it changed 'D' Limitation on the project site to a 4.5:1 FAR, and which allowed for a 6:1 FAR for properties in the Regional Center Commercial land use designation and with CPC approval. Furthermore, the project is subject to an exception in LAMC Section 12.22-A,18(a), which permits any use in the R5 Zone to any lot in the CR, C1, C1.5, C2, C4, or C5 Zones provided that said lot is located in an area designated as Regional Center,

Regional Center Commercial, or High Intensity Commercial or within any redevelopment project area approved by the City Council. The R5 Zone allows a minimum area of 200 square feet per dwelling unit, or a maximum of 972 units for the 194,495 square-foot site. As such, the project, as proposed, is well below the allowable density of the project site.

Moreover, properties in the Hollywood Community Plan and Hollywood Redevelopment Plan areas have been approved by the City Planning Commission with a 6:1 FAR, including:

CPC-2007-1178-ZC-HD-CU-CUB-SPR: On March 12, 2009, the City Planning Commission approved a Zone Change from C4-2D-SN to (T)(Q)C4-2-SN; a Height District change to remove the "D" limitation to allow a floor area ratio of 6:1; Conditional Use permits to allow a hotel use within 500 feet of a residential zone and on-site alcohol consumption incidental to the hotel use; Zoning Administrator Adjustments to permit: (1) a variable 7-foot, 6-inch to 10-foot, 2-inch rear yard setback in lieu of the required 20 feet, and (2) zero-foot side yard setbacks in lieu of the required 16 feet; Site Plan Review for a project located at 1800-1802 North Argyle Avenue, 6217 and 6221-6223 West Yucca Street.

CPC-2005-4358-ZC-ZAA/TT-63297: On March 8, 2006, the City Planning Commission approved a Zone and Height District Change from C4-2D-SN to [T][Q]C4-2-SN; a Zoning Administrator's Adjustment to allow variable 5- to 8- foot side yards for interior lot lines abutting the existing Taft Building, a 10% reduction of the total off-street parking space requirements for commercial projects, and a Floor Area ratio between 4.5:1 and 6:1 in conjunction with the mixed-use development of up to 150 residential condominiums, 375 apartment units, 300 hotel rooms, and 61,500 square feet of retail and restaurant use for a property located at 6250-6252 Hollywood Boulevard.

The Appellant states that the project's proposed 6:1 FAR that does not explicitly clarify what would be built, the total square footage, the number of residential units, or the height of the structures. The units density and intensity of uses are subject to the Land Use Equivalency Program where the maximum square footage of the project is determined by the building heights, which is expected to range from 220 feet and 585 feet. The appellant further states that the R4 Zoning allows one unit per 400 square feet of lot area, however the letter of determination clearly states that the unit density is based on the R5 zone under the exception permitted to mixed use projects under LAMC Section 12.22-A,18(a).

7. *The projects residential parking component is almost 500 spaces less than required by the Advisory Agency, which for condominiums is 2.5 parking spaces per unit instead of the 1.5 parking spaces proposed. Nowhere in the Determination Letter is there an analysis of the parking reduction or acknowledgement that they are granting the deviation. Other nearby Hollywood projects have provided a surplus of parking, such as the nearby Blvd. 6200 project. The reduction of parking for a sports club further exacerbates the lack of parking. In addition, parking should be provided on-site to accommodate both the businesses intended to operate on the site, their visitors, patrons and support workers.*

Condition No. 14(c) of the Tract determination approved the development of 1,918 parking spaces to serve the project "subject to the shared parking provisions of the Development Regulations and/or as determined by CPC-2008-3440-ZC-CUB-ZV-HD and/or CPC-2013-103-DA." The tract determination recognizes that a shared parking request and a reduced parking request will be considered by the City Planning Commission in its review of the requested variances. Nevertheless, the project is permitted several exceptions to the standard parking requirements otherwise imposed on standard residential development projects. For example, pursuant to Section 12.24Y of the LAMC, the Project's location of less than 500 feet from the Red Line Metro Station at Hollywood Boulevard and Vine Street, allows for a 10% reduction from the Code-required parking. Additionally, because the project is located in the Hollywood Redevelopment Project area and within a State Enterprise Zone, 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, and the reduced parking for being located within a mixed-use development within proximity of major transit satisfies the intent of the LAMC.

8. *The project is not compatible in size, bulk, scale and height with surrounding historic buildings, proposed buildings and other buildings existing. Other projects are not comparable in size and height.*

The project proposes two towers ranging from 220 feet to 585 feet in height. Alteration of the surroundings of the historic structures, however, will not reduce the integrity of historic resources such that their eligibility for listing in national, state, or local registers will be materially impaired. The Project has the potential to add height and density to an Entertainment District in an already highly urbanized environment. The heights proposed for the project, including the maximum height scenario, creates a vibrant, mixed-use community with modern, yet architecturally varied structures that act as a focal point for the Hollywood area and introduces contemporary architecture to an existing urban environment. The Hollywood Community Plan envisioned the possibility of towers in the project site, demonstrated by no height limitations pursuant to the existing zoning. As part of the General Plan Framework, Regional Centers are envisioned to serve as the focal points of regional commerce, identity, and activity. Physically, the Framework Element anticipates Regional Centers to contain mid- and high-rise structures with an up to 6:1 FAR. The intensity of activity and incorporation of retail uses in the ground floor of these structures should induce considerable pedestrian activity. Although the project has the potential to develop the tallest tower(s) in the neighborhood, the building height will add to an exciting, modern skyline envisioned in the Hollywood Community Plan. The development regulations and the aesthetic and historic resource analyses in the Draft EIR indicate that the towers could be elegant and slim, integrating the Capitol Records building and other nearby historic structures into the overall site design. As the tower height increases, there is a complimentary decrease in the maximum tower lot coverage allowed (see Exhibit C). This design approach provides physical and visual setbacks from adjacent historic resources. Although the Hollywood skyline currently peaks with a building measuring approximately 22 stories or 297 feet, the Hollywood Community Plan envisions a transit-oriented, urban district with an evolving dynamic skyline.

The development regulations have comprehensive standards for bulk that permits design flexibility while establishing a set of controls that will guide the development for

the project site. One of the objectives of the project is to preserve public views from certain key vantage points to the Capitol Records tower by creating grade level open space on the East site adjacent to the Jazz Mural and Capitol Records Building and West Site across from the Capitol Records. This is achieved by creating a site plan with grade level open space predetermined based on the height of the towers as seen on Table 6.1.1 of Exhibit C. In every height scenario, whether the open space is 5% of the project site or 12%, a triangular shaped plaza is formed on the East Site adjacent to the Capitol Records building (See Figures 8.1.1 to 8.1.4 of Exhibit C). This triangular plaza preserves views from Hollywood Boulevard of the Capitol Records building, a key vantage point. On the West Site, at grade open space is organized as a rectangular plaza set back from the property line, ranging from 5 percent to 12 percent of the total site area depending on the height of the towers, in order to preserve views of the Hollywood Playhouse. In addition, the rectangular plaza provides additional views directly across from the Capitol Records building. In addition on both the West and East sites, at-grade passageways through the entire site running east to west are required, creating new vantage points for the Capitol Records building at a pedestrian level and scale.

The massing of the towers is regulated so that towers are slimmer in bulk as height increases as a means of not overpowering the massing of the historic structures in the area, including the Capitol Records building. The tower guidelines ensure that towers have their massing designed to reduce overall bulk and appear slender, with a simple, faceted geometry. In addition, in the case where two towers are proposed for one site, the Spacing Standards (section 7.5 of Exhibit C) provide that if two towers are on a single site, they shall be spaced at least 80 feet from all other towers on the same parcel. This will prevent the possibility of two towers adjacent to each other from creating a collective mass that overwhelms the Capitol Records building and surrounding historic structures. Furthermore, the actual massing of the towers are regulated based on height. If a tower is proposed in the maximum height scenario, such as 585 feet (see Table 6.1.1 of Exhibit C), then the maximum tower lot coverage is 11.5 percent of the site, for both towers on a given site. This creates two towers that are approximately the same size as the Capitol Records building. For the minimum height scenario at 220 feet, a tower would be allowed to occupy 48% of the site, and would be comparable in height to the 242-foot Capitol Records tower (as measured with an 82 foot trylon). The tower, although occupying a larger percentage of the site, would be broken up by the linear site plan itself, with a large portion of the tower being tucked to the side and behind the Capitol Records Building and a smaller portion directly to the side of it (see figure 6.1.2a.1). The 220 foot tower becomes a backdrop to the Capitol Records Building (see Exhibit E).

In every tower height scenario the space not occupied by grade level open space may be occupied by a podium which is regulated in massing by the Development Regulations. Street wall standards are sensitive to the adjacent historic buildings and are intended to differentiate newer buildings from the historic street wall along the corridor. A street wall (or podium) is required to be setback by a minimum 10 feet from the property line along Vine Street on the East Site and 15 feet along Vine Street on the West Site. The street wall can range in height from 30 feet to a maximum height of 150 feet above curb level, the historic height limit in the district. The limitation of 150 feet for the street wall ensures that the street level massing is consistent with the surrounding buildings, creating a consistent visual scale for the pedestrian and maintaining a continuous rhythm in massing in the district. Additionally along Yucca, the street wall will

be limited to a maximum of 30 feet in height with a 10 foot setback in order to coincide with the height of the historic retail shops along the street.

In addition, the Draft EIR contained a historic resource report that analyzed the project's impacts using the Secretary of Interior's standards and the applicable CEQA thresholds. The report concluded that the project does not have a significant impact on surrounding historic resources based on the project design, development regulations, and proposed mitigation measures.

9. *The project site is not suitable for the proposed density. The project is not comparable in size to other nearby projects, such as Blvd. 62. Nothing in the vicinity is the density of the proposed project.*

As previously, stated, the project is zoned C4-2D-SN with a Regional Center Commercial land use designation in the Hollywood Community Plan, which allows uses that are consistent with those approved in the tract map, including retail uses (book store, bakeries, bicycle sales, beauty stores, dry goods, jewelry and music stores, etc.); office, and restaurants (bakeries, cafes, cafeterias, sandwich shops, restaurants, etc.), and permits residential densities with the lot area requirements of the R4 Zone. Moreover, the project is subject to an exception in LAMC Section 12.22-A,18(a), that permits any use in the R5 Zone to any lot in the CR, C1, C1.5, C2, C4, or C5 Zones provided that said lot is located in an area designated as Regional Center, Regional Center Commercial, High Intensity Commercial or located within any redevelopment project area approved by the City Council. The R5 Zone allows a minimum area of 200 square feet per dwelling unit, or a maximum of 972 units for the 194,495 square-foot site.

The project's existing and proposed Height District, 2D, and 2, respectively, include no height limitation. Further, properties in the Hollywood Community Plan and Hollywood Redevelopment Project areas have been approved by the City Planning Commission with a 6:1 FAR, including:

CPC-2007-1178-ZC-HD-CU-CUB-SPR: On March 12, 2009, the City Planning Commission approved a Zone Change from C4-2D-SN to (T)(Q)C4-2-SN; a Height District change to remove the "D" limitation to allow a floor area ratio of 6:1; Conditional Use permits to allow a hotel use within 500 feet of a residential zone and on-site alcohol consumption incidental to the hotel use; Zoning Administrator Adjustments to permit: (1) a variable 7-foot, 6-inch to 10-foot, 2-inch rear yard setback in lieu of the required 20 feet, and (2) zero-foot side yard setbacks in lieu of the required 16 feet; Site Plan Review for a project located at 1800-1802 North Argyle Avenue, 6217 and 6221-6223 West Yucca Street.

CPC-2005-4358-ZC-ZAA/TT-63297: On March 8, 2006, the City Planning Commission approved a Zone and Height District Change from C4-2D-SN to [T][Q]C4-2-SN; a Zoning Administrator's Adjustment to allow variable 5- to 8- foot side yards for interior lot lines abutting the existing Taft Building, a 10 percent reduction of the total off-street parking space requirements for commercial projects, and a Floor Area ratio between 4.5:1 and 6:1 in conjunction with the mixed-use development of up to 150 residential condominiums, 375 apartment units, 300 hotel rooms, and 61,500 square feet of retail and restaurant use for a property located at 6250-6252 Hollywood Boulevard.

10. *The increased Traffic generated from the Project will essentially landlock the local neighborhood, particularly along Franklin Avenue and Cahuenga Boulevard during rush hour. Additional traffic was not considered in the Traffic Study, such as "tourist traffic" or the "observation deck". The Traffic Study was formulated on inaccurate future population estimates and based on unsubstantiated manual formulas that underestimate the actual Project's impact of traffic trips and congestion on both local street and freeway on/off ramps. The Traffic Study did not use maximum build out or study cut-through traffic in the residential area.*

Traffic for this proposed project was analyzed in the same manner as comparable projects throughout the City. In this instance, the traffic analysis in the Draft EIR for the project studied 37 intersections. In response to comments, two additional intersections were analyzed and the results were included in the Final EIR. Under existing traffic conditions, (2011), all 39 intersections (37 original study intersections, plus the two additional) operate at acceptable levels of service (LOS) of A through D during the AM Peak Hour, as determined by DOT. During the PM Peak Hour, one intersection operates at a LOS E, defined as "Severe congestion with some long-standing lines on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements." Levels of Service of E or F are considered unacceptable. With and without the project (2020), levels of service at 24 of the 39 studied intersections would continue to operate at acceptable levels of service of A through D. The remaining 15 intersections are anticipated to operate at acceptable levels of E or F during one or both peak hours with or without the project.

The traffic analysis accounted for the addition of the project traffic to the Critical Movement Analysis (CMA) values in the future (2020) at all study intersections during both peak hours. There would be no 2020 CMA value increase at one study intersection.

Per DOT policy, a significant impact is defined as an increase in the CMA value due to project-related traffic as 0.010 or more when the final LOS is E or F, 0.020 or more when the final LOS is D, or 0.040 when the final LOS is C. Prior to mitigation, the project contribution to the LOS E or F conditions was considered significant at 13 of the study intersections. Of the impacted 13 LOS E or F intersections, the impacts at five study intersections would remain at significant level even with the implementation of mitigation measures, in other words, there would be a remaining impact to the CMA from the mitigated project of 0.010 or greater.

11. *The inaccurate traffic data leads to inaccurate and understated air quality and health data.*

The Draft EIR adequately disclosed all potential regional and localized construction and operational air quality impacts. The Draft EIR analysis was supported by an air quality technical report based on correct modeling assumptions. Mitigation measures contained in the Draft EIR meet and exceed the standard air quality mitigation measures for development projects in the City of Los Angeles. SCAQMD suggests conducting a CO hotspots analysis for any intersection where a proposed project would worsen the LOS to any level below C, and for any intersection rated D or worse where the proposed project would increase the V/C ratio by two percent or more. Intersections that do not meet the analysis criteria would not have the potential to exceed their respective national or state ambient air quality standards. In addition, the South Coast Air Quality

Management District also submitted comments regarding air quality mitigation measures. Additional air quality mitigation measures have been added to the Final EIR.

12. *Noise and light generated from outdoor venues above the ground floor proposed for the project will transmit into our neighborhood. Our neighborhood is located less than 500' from the Project.*

The Draft EIR adequately disclosed the potential noise impacts associated with people and activities and events within the common outdoor spaces, podium levels, and observation decks. Specifically, page IV.H-40 of the Draft EIR states the Project is anticipated to include outdoor eating and gathering places at the pedestrian level at-grade, above the ground floor on the podium levels, and observation deck levels of the proposed towers. The podium levels would be developed with common open space areas, swimming pools, poolside seating and outdoor dining. The Draft EIR specifically concludes that the Project would not have significant operational noise impacts associated with people and activities and events within the common outdoor spaces, podium levels and observation decks. Furthermore, the Draft EIR notes that the Project must comply with the applicable noise sections of the LAMC, which thereby prevents noise levels from exceeding City standards for this location and ensures potential noise impacts on off-site sensitive uses would be less than significant.

It is anticipated that outdoor noise would be generated by people talking, swimming pool activity, and occasional amplified music, television, and related announcements during special events. As shown in Table IV.H-3 of the Draft EIR, 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. In addition, the Project would be required to comply with Section 112.01 of the LAMC, which would ensure outdoor eating and gathering areas would not substantially alter the ambient outdoor noise levels at surrounding off site uses.

Mitigation measure A.1-3 accounts for podium level outdoor lighting with the following mitigation, "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." Similar to the ambient noise environment, there are relatively high levels of ambient light in the project vicinity because of its urbanized setting. The project does not propose high-intensity lighting that would result in a significant light or glare impact on the surrounding community.

13. *It is impossible for the Advisory Agency to responsibly address concerns raised in the Public Hearing within 3 to 4 days, with any significant detail.*

The Advisory Agency's determination to approve the tract map is based on the administrative record and findings of the Subdivision Map Act. The Subdivision Map Act require that the Advisory Agency find that the proposed map as well as the design and

improvement of the proposed subdivision are consistent with the applicable general and specific plans, that the site is physically suitable for the type and density of development, that the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or injure fish, wildlife, or their habitat, cause serious public health problems, conflict with easements acquired by the public at large and provides feasible access to passive or natural heating and cooling opportunities. In approving the tract map, the Advisory Agency determined that the project and its design was consistent with the general plan, included a mix and intensity of uses conducive to the urban setting and Regional Center Commercial land use designation, and in acting on the EIR, determined that while significant impacts were present, the Statement of Overriding Considerations affirmed the benefits of the project would otherwise outweigh the adverse environmental impacts.

14. *The project is inconsistent with the development guidelines defined by the Community Redevelopment Agency. The height should be based on the CRA Hollywood Redevelopment Plan.*

The Draft EIR analyzed how the project would impact the Hollywood Redevelopment Plan. Please refer to Page IV.G-48 of Section IV.G, Land Use, of the Draft EIR for a full discussion of the Project's consistency with the Hollywood Redevelopment Plan and its consistency with the existing scale of surrounding development. Further, the Hollywood Community Plan and Update, as well as the current zone (C4-2D-SN) and the proposed zone (C2-2-SN) do not limit the height. As such, there is no height limit on the project site and thus the project heights are allowed in the current and proposed zones.

15. *Failure of the City to comply with CEQA requirements to have a cumulative analysis of the impacts of the Project and the other 57 known projects either approved or proposed for the development in the Hollywood Area.*

The California Environmental Quality Act (CEQA) requires that the EIR "discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." The EIR does include an analysis of the cumulative impacts of the project together with the other 57 known projects approved or proposed for development in the Hollywood area. The analyses of cumulative impacts was described throughout the text of the EIR and was individually addressed for those categories that were considered to have a potentially significant impact.

16. *Inadequate public benefits and mitigations that are required to be provided by the Developer for the surrounding communities based on the impact the Project will have on the surrounding communities, partly due to the city not pursuing a nexus study.*

The project EIR included various mitigation measures meant to address the environmental impacts resulting from the construction and/or operation of the proposed development. Those mitigation measures were included in the conditions of approval under the Mitigation and Monitoring Reporting Program (MMRP), and which are required of the developer. The provision of public benefits is not required under CEQA or the Subdivision Map Act. As such, no nexus study would substantiate the allocation of public benefits under the Advisory Agency's decision. In addition, the project includes a development agreement that provides public benefits in addition to the mitigation measures included in the Draft and Final EIR.

17. *The project does not have an adequate assessment of infrastructure impacts due to the city not properly sequencing studies.*

The Draft EIR analyzed potential land use planning impacts, and infrastructure capacity issues, associated with the location of the Project Site. Please see Sections IV.G, Land Use Planning, and IV.L, Utilities and Service Systems for a detailed discussion of these topics. The Draft EIR and Appendices included many studies, including air quality, historic resources, noise, traffic, parking, public services, utilities including infrastructure and water supply. The CEQA process is designed to "provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (CEQA Statute § 21061). According to CEQA Guidelines 15002, the basic purposes of CEQA are to: (1) inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities; (2) identify the ways that environmental damage can be avoided or significantly reduced; (3) prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and (4) disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved. The Draft EIR complied with these CEQA requirements.

18. *FAR Averaging would allow massing to be spread out unevenly between both sites.*

The project is regulated by both the total floor area allowed in the project and the Development Regulations, which control the massing of structures under different height scenarios. The maximum height scenario, for both the east and west sites, at 585 feet, require specific standards as to the total allowable tower area, as well as setbacks regulating the placement of the towers and related podiums, so that key views are preserved and the compatibility with nearby historic structures is maintained. Therefore, under the maximum height scenario, the maximum square footage allowed for both sites is maintained. Moreover, CPC-2008-3440-ZC-CUB-CU-ZV-HD, has conditioned the project such that a tower on either the East or West Site, will be accompanied by a second tower that is within 15% of the height of the first tower.

19. *A Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages and live entertainment and dancing would remove any public hearings and prevent scrutiny from nearby residents which might be as near as 500 feet.*

The consideration of conditional use permits allowing live entertainment and the sale and dispensation for the sale alcoholic beverages was not before the Advisory Agency. No action was taken on this matter, which will be under consideration before the City Planning Commission.

20. *The duration of the DA should be limited to a 5 year time period. Development Agreements for projects of similar proposed size and scope have not been provided DA durations longer than 5 years.*

The proposed Development Agreement is a contract that vests the entitlements associated with the development of the site, as described above, beyond the standard life of the entitlements (36 months for the tract map, and six years for legislative and

quasi-judicial approvals) in exchange for the provision of community benefits. These community benefits are above and beyond those which are required as conditions of approval or as mitigation measures, and no nexus is required. Rather, the proposed community benefits serve as a good faith effort on behalf of the applicant as to his/her commitment to the surrounding community. The provision of these benefits is an additional incentive to the economic and aesthetic investment resulting from the much-needed redevelopment of underutilized surface parking lots located in a critical area of downtown, historic Hollywood. Moreover, the City is entitled to negotiate the terms of development agreements.

21. *The EIR fails to use maximum build out in study of impacts on infrastructure.*

Flexibility is contemplated in the Development Agreement with regard to particular land uses, siting, and massing characteristics, the Draft EIR analyzes and discloses all potential land uses, the maximum FAR (6:1), and all potential environmental impacts associated with development under the most conservative development scenarios. In addition to the identified development scenarios listed in the Draft EIR, the proposed 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 maximum levels of environmental impacts that are identified in the EIR or exceed the maximum FAR. It does not allow the Applicant to propose land uses that were not identified and studied in the EIR, nor does it allow any use to be proposed in excess of the studied impacts. Through the analysis of the Concept Plan and two additional scenarios, the Commercial Scenario and the Residential Scenario, the Draft EIR analyzes the greatest potential impact on each environmental issue area, including impacts on infrastructure.

22. *The development doesn't ensure that views to and from the Hollywood Hills are, to the extent practical, preserved, per the Hollywood Redevelopment Plan.*

Section IV.A.1 in the Draft EIR includes a detailed analysis of potential view impacts (both from a focal view and panoramic view perspective) on the Capitol Records Building and other visual resources. The Final EIR also included detailed responses regarding the potential view impacts from the Hollywood Hills towards the project and from the project to the Hollywood Hills. In addition, the Draft EIR's analysis of the Project's potential aesthetics impacts is supported by an *Aesthetics Impacts Report*, which was prepared by Roschen Van Cleve Architects and is included as Appendix IV.A of the Draft EIR, which presents additional evidence regarding the Project's potential aesthetic impacts on the Capitol Records Building. As further discussed below, the Draft EIR and the *Aesthetics Impacts Report* conclude that the Project only has a significant impact on one focal view perspective (i.e., View 6) of the Capitol Records Building. The Draft EIR also concludes that the Project would have a less than significant impact on views of the Capitol Records Building from panoramic view perspectives from the Hollywood Hills. The information below, and in the Draft EIR, further supports these conclusions.

To be aesthetically sensitive to the Capitol Records Building, the Project has been designed with setbacks and view corridors necessary to honor and highlight the Capitol Records Building. Specifically, the *Millennium Hollywood Project Development Regulations: Guidelines and Standards* (included as Appendix II to the Draft EIR) in

Section 1.2.2(b) state that one of the objectives of the Project is to: *Preserve public views from certain key vantage points to the Capitol Records Building by creating grade level open space / civic plazas on the East Site adjacent to the Jazz Mural and Capitol Records Building and West Site across from the Capitol Records Building.* To illustrate how the Project design preserves view corridors to the Capitol Records Building, the Draft EIR includes Figure IV.A.1-10, Capitol Records View Corridors. This figure illustrates that there are three wide view corridors, which allow the Capitol Records Building to be visible even after development of the Project. The corridors are generally along Hollywood Boulevard west of Vine Street; generally along the Hollywood Freeway east of Argyle Avenue; and generally along the Hollywood Freeway west of Vine Street. In addition, the Draft EIR includes several figures (Figures II-9, Conceptual Architectural Rendering of the Project looking West along Argyle Avenue, II-10, Conceptual Architectural Rendering of the Project looking North from Hollywood Boulevard and Vine Street, and II-11, Conceptual Architectural Rendering of the Project looking East from Vine Street) that demonstrate how the Capitol Records Building remains visible from adjacent streets, including Argyle Avenue, the intersection of Hollywood Boulevard and Vine Street, and Vine Street. These images demonstrate how the Project is aesthetically compatible with the Capitol Records Building and how it has been used as a centerpiece of the Project's design.

As thoroughly discussed in the Draft EIR, the Project can be implemented in a variety of height and massing permutations. The Draft EIR presents numerous view simulations (as shown in Figure IV.A.1- 11 through Figure IV.A.1-20) that disclose the level of aesthetic impacts and view obstructions that could occur if the Project was developed at any of the proposed height and massing scenarios. These various view simulations indicate that there are no development scenarios that would fully block views of the Capitol Records Building from the street-level perspectives, especially at the Hollywood Boulevard and Vine Street intersection.

Ultimately, the Draft EIR concludes that the Project would have less than significant visual obstruction impacts to focal views of the Capitol Records Building according to the 550-foot-high and 585-foot-high massing envelopes. To present the most conservative analysis, and in accordance with the aesthetic elements of the L.A. CEQA Thresholds Guide, the Draft EIR also concludes that the Project would result in a significant visual obstruction of the Capitol Records Building when viewed from the corner of Hollywood Boulevard and Vine Street according to the 220-foot high and 400-foot high massing envelopes, which create more bulk (and thereby view obstruction of the Capitol Records Building) at the street level.

The Draft EIR also contains mitigation measures to ensure the Project is developed in a manner consistent with the aesthetic images and environmental impact analysis contained in the Draft EIR. These measures ensure preservation of valued focal views of the Capitol Records Building. Specifically, Mitigation Measure A.1-2 is included in the Draft EIR to ensure that the Development Regulations are implemented and enforced as the Project is developed. It states:

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.

In addition, Section IV.A, Aesthetics, of the Draft EIR contains an analysis of view impacts both to and from the Hollywood Hills. As noted above, the project has been designed (pursuant to the development regulations) to preserve view corridors into the Hollywood Hills, and the mitigation measure proposed in the Draft EIR further complements the project design features regarding view impacts.

23. *The design of the subdivision will likely impact a cultural resource.*

Section IV.C, Cultural Resources of the Draft EIR, correctly concludes that the mitigation measures included in the Draft EIR will mitigate potential impacts to historic resources to a less-than-significant level under all development scenarios. These conclusions are supported by substantial evidence in the form of the Historic Resources Report circulated as an appendix to the Draft EIR. This conclusion stands 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 (which are all considered historic resources) would retain sufficient integrity after Project development to remain eligible for listing in the National Register and/or the California Register. In other words, development of the Project consistent with the Development Regulations would not impair the significance of any onsite or offsite historical resources. Further, the Project is compatible with the surrounding historic environment, as 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 Draft EIR recognizes and discloses the fact that the Project will, however, alter the immediate surroundings of historic resources on the Project Site and in the vicinity by constructing new low-rise and high-rise structures. Further still, based on the project design, the incorporated mitigation measures, and the historic resource technical reports in the administrative record, the project does not have a significant impact on historic resource.

24. *The project will create significant, unmitigated impacts to Aesthetics of views, light and glare, construction and operation Air Quality, construction and operational Noise levels, and operational Traffic, and as a result create substantial environmental impacts and cannot under the Map Act be approved.*

As stated on Page I-7 in the Introduction/Summary of the Draft EIR, and thereafter throughout each subsequent chapter, the Draft EIR "analyzes the greatest potential environmental impact of the Project for each issue area. The Project may not exceed these maximum impacts for each issue area." The Draft EIR informs the public as to the extent of the maximum potential impacts and, where feasible, the mitigation measures used to reduce each of those impacts below a level of significance. The Draft EIR thereby complies with the CEQA mandate that requires review of "entirety of the project," *San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal. App. 4th 645, 654, 57 Cal. Rptr. 3d 663, 671 (5th Dist. 2007), including all reasonably foreseeable uses.

25. *The City fails to include an economic feasibility analysis of Project Alternatives in the administrative record before the start of the public comment period.*

Under CEQA, economic and social effects may be included in the EIR, but “shall not be treated as significant impacts on the environment” (Section 15131). Moreover, economic and social information shall be submitted to Lead Agency in whatever form the Lead Agency desires. In addition, economic information about the feasibility of the project alternatives does need to be included in the Draft or Final EIR. Nevertheless, an Economic Feasibility Analysis, dated February 13, 2013, was submitted to the case and is attached herein for reference (Exhibit 3).

26. *The EIR fails to include a downsized Alternative in the DEIR as a reasonable alternative, particularly an alternative less than 3:1 FAR.*

The Draft EIR includes a reasonable range of alternatives, based on the urban context, the land use designation, and underlying zone, and is not required to include every possible alternative. The project site is designated for Regional Center Commercial uses and is located in a highly urbanized environment consisting of office, commercial, entertainment, and high density residential uses. The Hollywood Community Plan includes land use goals and objectives promoting incentives in Regional Center Commercial land use areas to encourage mixed-use and transit-friendly projects, such as:

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 EIR does include two Reduced Density Mixed-Use Alternatives utilizing a 3:1 and 4.5:1 FAR. The development of the site with a FAR of less than 3:1 would be inconsistent with the intent of the aforementioned land use policies of the Hollywood Community Plan and would not result in a high quality development that reflects the identity of Hollywood as a tourist destination and as an entertainment and economic center of the City.

Exhibit 1

DEPARTMENT OF CITY PLANNING

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

AND

6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

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INFORMATION

www.planning.lacity.org

Decision Date: February 22, 2013

Appeal Period Ends: March 4, 2013

North Vine Street Holding, LLC (O)
Millennium Hollywood, LLC (S)
1995 Broadway, 3rd Floor
New York, NY 10023

John Chiappe, Jr. (E)
PSOMAS, Inc.
555 South Flower Street
Los Angeles, CA 90071

RE: Tract Map No.: 71837-CN
Address: 1720-1770 North Vine Street; 1745-1753
North Vine Street; 1746-1770 North Ivar Avenue;
1733 and 1741 Argyle Avenue; and, 6236, 6270, &
6334 West Yucca Street.
Community Plan: Hollywood
Zone: C4-2D-SN
Proposed Zone: C4-2-SN
Council District: 13
CEQA No.: ENV-2011-0675-EIR
(SCH No. 2011041094)

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency is to consider the approval of Vesting Tentative Tract Map No. 71837 composed of 41 lots, located at 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 for 492 residential condominium units, 200 hotel rooms, approximately 100,00 square feet of new office space, 114,303 square feet of existing office space within the Capitol Records and Gogerty buildings, and approximately 34,000 square feet of restaurant use, 35,000 square feet of fitness/club sport use, and 15,000 square feet of retail use as shown on map stamp-dated February 1, 2013 in the Hollywood Community Plan. This unit density is based on the R5 Zone (Per LAMC 12-22-A, 18(a)). (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Subdivision Counter call (213) 978-1362. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

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 at all locations where air space 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 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.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

4. 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).
5. 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.
6. 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).

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

7. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division 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 it they were within a single lot.

DEPARTMENT OF TRANSPORTATION

8. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - 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 attached DOT letter dated August 16, 2012. (MM)
- d. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

- 9. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
 - 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.

- r. Entrance to the main lobby shall be located off the address side of the building.
- s. 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.

DEPARTMENT OF WATER AND POWER

- 10. 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.
 - a. Install new fire hydrant: 1-2 ½" X4" DFH on E/S Ivar Ave, S/O Yucca St
 - b. Arrange for the Department to install Fire Hydrants
 - c. Conditions under which water service will be rendered:
 - (1) Plumbing for all buildings must be seized in accordance with the Los Angeles City Plumbing Code for a minimum pressure range of 30 to 45 psi at the building pad elevation.
 - (2) 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.
 - d. Los Angeles City Fire Department Requirements:
 - (1) 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.
 - e. 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:
 - (1) 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.

BUREAU OF STREET LIGHTING

Street lighting clearance for this Street Light Maintenance Assessment District Condition is conducted at 1149 South Broadway, Suite 200. The separate street lighting improvement condition will be cleared at the Bureau of Engineering District office, see Condition S-3(c).

BUREAU OF SANITATION

11. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

12. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

13. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Replacement by a minimum of one 24-inch box tree in the parkway and on the site for each non-protected street tree to be removed for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. (MM)

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a

manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. 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:
 - i. Residential: 492 residential condominium units or as permitted by the Land Use Equivalency Program;
 - ii. Hotel: 200 hotel guest rooms or as permitted by the Land Use Equivalency Program;
 - iii. Office: 215,000 square feet (including 114,303 within the Capitol Records and Gogerty buildings) or as permitted by the Land Use Equivalency Program;
 - iv. Restaurant: 34,000 square feet or as permitted by the Land Use Equivalency Program;
 - v. Fitness/Club Sport: 35,000 square feet or as permitted by the Land Use Equivalency Program;
 - vi. Retail: 15,000 square feet or as permitted by the Land Use Equivalency Program.
- b. 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.
- c. Approved herein is the development of 1,918 parking spaces, subject to the shared parking provisions of the Development Regulations and/or as determined by CPC-2008-3440-ZC-CUB-CU-ZV-HD and/or CPC-2013-103-DA, to serve the project site. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, unless an automated parking system is implemented, posted and maintained satisfactory to the Department of Building and Safety.

If guest 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 guest parking, except in connection with an automated parking system.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - d. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
15. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2008-3440-ZC-CUB-CU-ZV-HD shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2008-3440-ZC-CUB-CU-ZV-HD is not approved, the subdivider shall submit a tract modification.
16. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2013-103-DA shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2013-103-DA is not approved, the subdivider shall submit a tract modification.
17. Prior to the issuance of a grading permit, the subdivider shall provide evidence of recorded and executed Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the haul route conditions of Mitigation Measure K.1-3 included herein for the export of 333,515 cubic yards of material. (MM)
18. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

19. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 8c, 9, 17, 20, and 21 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/

maintenance) to ensure continued implementation of the above mentioned mitigation items. Also, the project's design features, identified in the EIR, shall be implemented as part of the project.

20. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

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 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.

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: Pre-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. 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 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 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.

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 underserved 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 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.

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

- 21. Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
- b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
- c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.

CM-2. The applicant shall ensure the following construction Best Management Practices is incorporated within the Storm Water Pollution Prevention Plan (SWPPP):

- a. Chapter IX, Division 70b of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities shall require grading permits from the Department of Building and Safety.
- b. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
- c. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking or water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
- d. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
- e. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.

CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. Ground cover in disturbed areas shall be quickly replaced.
- CM-6. All on-site haul roads shall be watered twice daily while in use during construction activities.
- CM-7. Vehicle speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
- CM-8. The project developer shall provide temporary traffic control during all phases of construction to assist with the improvement of traffic flow.
- CM-9. The project developer shall require by contract specifications that all diesel-powered construction equipment and haul trucks used would be retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is economically feasible and readily available in the South Coast Air Basin.
- CM-10. The project developer shall require contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent that it is economically feasible and the equipment is readily available in the South Coast Air Basin.
- CM-11. The project developer shall utilize low-VOC paints on all portions of the proposed structures.
- CM-12. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-13. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-14. 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.
- CM-15. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-16. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-17. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into

the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

DEPARTMENT OF CITY PLANNING - STANDARD COMMERCIAL CONDOMINIUM CONDITIONS

- CC-1. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- CC-2. In order to expedite the development, the applicant may apply for a building permit for a commercial/industrial building. However, prior to issuance of a building permit for a commercial/industrial building, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for a commercial/industrial building will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for a commercial/industrial building and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) 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.

Any depth greater than 5 feet below sidewalk grade would be acceptable with respect to clearance for street lighting facilities.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - 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 Central District Engineering Office.
 - 2. That necessary grading and soil reports be submitted to Geotechnical Engineering Division of Bureau of Engineering for review and approval.

NOTES:

The Advisory Agency approval is based on the R5 Zone (Per LAMC 12-22-A,18(a)). However the existing or proposed zoning may not permit this number of units and may be subject to additional provisions by CPC-2008-3440-ZC-CUB-CU-ZV-HD. This unit density

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

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 will implement a Development Agreement between the Project Applicant and the City of Los Angeles (the City) that would vest the Project's entitlements, establish detailed and flexible development parameters for the Project Site, and ensure that the Project is completed consistent with the development parameters set forth in the agreement. Development Regulations, which will be adopted in conjunction with the proposed Development Agreement between the Project Applicant and the City, will 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. Implementation of the proposed Development Agreement would afford the developer flexibility with regard to the proposed arrangement and density of specific land uses, siting, and massing characteristics, also known as the Equivalency Program.

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 Agreement 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 Development Agreement 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 Agreement. The Concept Plan provides an illustrative assemblage of land uses and developed floor area that conforms to the terms of the Development Agreement. 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), up to 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 up to 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 up to 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 Agreement. 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 Agreement.

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 ground zone 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 ground zone 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:

- Development Agreement to establish development parameters on the Site.
- Vesting Tentative Tract Map for development mixed-use development components.
- Vesting Zoning Change from C4 Zone to the C2 Zone (to permit Fitness Center/Sports Club use). *No unless PKG included & at least 7/100*
- Height District Change to remove the D Development limitation. *no*
- Conditional Use Permit for limited sale and on-site consumption of alcoholic beverages, live entertainment, and floor area ratio averaging in a unified development. *each motion should be approved separately*
- 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. *no*

- 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. - *NECA DRAFT established*
- 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 this 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 Agreement. 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 as authorized through the approval of the Project's proposed Development Agreement 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 CO₂e 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 CO₂e MTY, or approximately 356.93 CO₂e 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 CO₂e MTY. The net increase in GHG emissions generated by the Project with GHG-reducing measures would be approximately 19,091.63 CO₂e MTY. Thus, the reduction in GHG emissions resulting from the Project's GHG-reducing measures would be approximately 14,174.30 CO₂e 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 in 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_x. 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_x standards), where commercially available. At a minimum, truck fleets used for these activities shall use trucks that meet EPA 2007 model year NO_x 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_x 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_x 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 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-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.
- 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 intersection significantly impacts 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 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:

<u>Alternative 1:</u>	No Project – No Build (Continuation of Existing Uses)
<u>Alternative 2:</u>	Reduced Density Mixed-Use Development – 4.5:1 FAR
<u>Alternative 3:</u>	Reduced Density Mixed-Use Development – 3:1 FAR
<u>Alternative 4:</u>	Reduced Height Development
<u>Alternative 5:</u>	Residential-Focused Land Use Development
<u>Alternative 6:</u>	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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the

Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 dollars 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 Advisory Agency 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 Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 71387-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

On June 19, 2012, the City Council adopted an update to the Hollywood Community Plan, which maintained the designation of the subject property for Regional Center Commercial land uses with the corresponding zone(s) of C2, C4, RAS4, R5, P, and PB. 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.

Prior to the recent update, the Hollywood Community Plan (December 13, 1988) designated the subject property for Regional Center Commercial development with a 3:1 FAR for the entire site and an FAR of up to 6:1 provided that the project satisfied the objectives the Redevelopment Plan by the CRA. It called for the continued development of Hollywood as a major center of population, employment, retail, and entertainment to "perpetuate its image as the international center of the motion picture industry." The objectives stated in the 1988 Hollywood Plan aim for the provision of housing for all income types, the preservation of residential character of low and medium density residential areas, while promoting land use intensity and population density in areas accommodated by street capacity, public service facilities, utilities, and other related infrastructure systems.

Prior to the dissolution of the Community Redevelopment Agency (CRA), the project was identified in the Hollywood Redevelopment Project Area as a Regional Center Commercial land use within the Hollywood Boulevard District. The objectives for Regional Center Commercial uses within this District called for the preservation of historic structures, the encouragement of entertainment, theater and tourist related uses, enhancement of pedestrian experiences and pedestrian-oriented retail uses, and the development of projects which complement the existing scale of development. In addition, the Hollywood Redevelopment Area exceeded the permissible FAR of 3:1 for Regional Center Commercial areas in the Hollywood Community Plan with a FAR of 4.5:1 and a FAR of no more than 6:1 in developments that further the goals and intents of both the Redevelopment Plan, the Hollywood Community Plan, and which concentrate high intensity and/or high density development in areas with "reasonable proximity or direct access to high capacity transportation facilities," compliment historic structures or which encourages new development in areas that don't have architecturally significant structures, provide "focal points of entertainment, tourist, or pedestrian oriented uses" to create a quality urban environment, develop appropriately designed housing to provide a balance in the community, provide for "substantial, well designed, public open space in the Project Area," and which provide social services or facilities which address the community's needs. Several recent developments along both Hollywood and Sunset Boulevards have taken advantage of this 6:1 FAR incentive offered by the CRA due to proximity of the Metro Red Line. While the CRA and the Hollywood Redevelopment Project Area is no longer active, the FAR incentive of 6:1 has been captured in the recent Hollywood Community Plan Update.

As part of the recent adoption of the Hollywood Community Plan Update, the project site underwent a zone change from C4-2D-SN to [Q]C4-2D-SN. The 'Q' Qualified Permanent Condition permits residential uses if a project incorporates a minimum 0.5:1 FAR of a non-residential use (hotels exempt). The 'D' Development Limitation permits an FAR of up to 4.5:1, and which may exceed the 4.5:1 FAR and develop with a 6:1 FAR provided that the project is approved

by the City Planning Commission and/or the City Council on appeal, conforms with the Hollywood Community Plan, and to the Hollywood Redevelopment Plan of the Community Redevelopment Agency, which has since been dissolved and its authority now lies with a designated local authority.

In addition to the Vesting Zone Change and Height District Change, the applicant is requesting a Vesting Conditional Use to allow a hotel use within 500 feet of an R Zone, a Conditional Use to permit floor area averaging within a unified development, and a Conditional Use to permit the sale and consumption of a full line of alcoholic beverages along with patron dancing and live entertainment on the site. Zone variances are sought to allow a restaurant use with an above-ground outdoor eating area and to provide parking for the sports/fitness facility with a reduced ratio of 2 parking spaces per 1,000 square feet, and to locate parking across Vine Street, within the same development, but on a different parcel.

The mixed-use development is subject to an exception available to projects that combine both residential and commercial uses. Los Angeles Municipal Code section 12.21-A, 18(a), permits any use in the R5 Zone and also the R5 density for any lot located in the C4, C1, C1.5, C2, C4, or C5 Zones in a project that combines residential and commercial uses. The R5 Zone permits residential densities of 200 square feet per dwelling, or a maximum of 972 by-right dwelling units for the 194,495 square-foot site. As proposed, the development currently does not exceed the maximum allowable density permitted under the existing of C4-2D-SN, or the proposed C2-2-SN Zone as both are included in the "Developments Combining Residential and Commercial uses" exception.

The project consists of a range of uses, including residential dwelling units, hotel guest rooms, and commercial office, retail, and restaurant floor area of within two towers ranging in height between 220 feet and 585 feet. The project will be subject to the Development Regulations, allowing flexibility in the massing and height of the two proposed towers together with a Land Use Equivalency Program, which will permit the development to adapt to market conditions, by allowing a controlled exchange of uses with increases in the intensity and/or density of certain uses with decreases others, all while being limited to the maximum trip count analyzed in the EIR (maximum trip cap of 574 AM peak hour trips and 924 PM peak trips). The project proposes 492 residential dwelling units, 200 hotel guest rooms, 215,000 square feet of office space (including 100,000 new square feet and approximately 114,303 square feet of existing office space within the Capitol Records and Gogerty buildings), 15,000 square feet of retail floor area, 34,000 square feet of restaurant use, and 35,000 square feet of Fitness Center/Sports Club use.

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.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The project proposes the development of 492 residential condominium units, a hotel with 200 hotel rooms, approximately 215,000 square feet of office space (100,000 square feet of new office space and approximately 114,303 square feet of existing office space), 15,000 square feet of retail, and approximately 35,000 square feet of fitness center/sports club use, across both the East and West sites under the provisions of the Land Use Equivalency Program and the Development Regulations associated with the Development Agreement under both CPC-2008-3440-ZC-CUB-CU-ZV-HD and CPC-2013-103-DA. The Land Use Equivalency program provides flexibility to modify the types and intensity of the proposed land uses in an effort to accommodate the market volatility.

As proposed, the development meets the land use objectives for Regional Center areas in the Hollywood Community Plan and Update area and would contribute to the recently adopted Plan's long term objectives of promoting a jobs-housing balance. The site is well serviced by public transit and caters to several entertainment-related businesses and services, including office, hotel, retail, restaurant, and live entertainment venues. The development enhances the character of Hollywood as a center for entertainment, tourism, and related services and opportunities. The recently adopted Hollywood Community Plan Update has determined that this area along Vine Street (Subarea 4:3) is conducive to high density and mixed-use development with a by-right FAR of 4.5:1 with an FAR of up to 6:1 for being located in a FAR Incentive Area.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The project site consists of two separate sites, separated by Vine Street and bound by Yucca Street to the north. The western parcel is a relatively flat, irregular-shaped, corner lot with approximately 78,629 square feet. It has a frontage of 230 feet along Ivar Avenue to the west, a 125-foot frontage along Yucca Street to the north, a 200 foot frontage along Vine Street to the east, and a variable lot depth of 124 to 363 feet. The eastern site has a frontage of approximately 171 feet along Argyle Avenue to the east, 194 feet along Yucca Street to the north, and 435 feet along Vine Street to the west, and a variable lot depth of 153- to 344 feet.

Vine Street is a designated Modified Major Highway Class II dedicated to a 70-foot roadway width and with 15-foot sidewalk widths on both the east and west side of Vine Street. Yucca Street is a designated Secondary Highway along the northern street frontage of the West site and a Local Street along the northern frontage of the East site and dedicated with a 94-foot width. Ivar Avenue is a local street dedicated with a 70-foot width along the West site's western street frontage. Argyle Street is a Local Street dedicated to a 75-foot width along the East site's eastern street frontage. The Bureau of Engineering is requiring improvements along the alley adjoining the subdivision and the reconstruction of any off-grade concrete pavement and other existing improvements. The proposed project will provide parking pursuant to the shared parking provisions of the Development Regulations and the request parking variance under CPC-2008-3440-ZC-CUB-CU-ZV-HD. As conditioned the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

The project site occupies two half blocks along the northern portion of Vine Street and are located between Hollywood Boulevard and Yucca Street. The two parcels are differentiated as the "East" site and the "West" site, with the East site being located on the eastern side of Vine Street and the West site on the western side of Vine Street. The East site is improved with the 13-story Capitol Records Building along with ancillary studio recording uses, as well as the 2-story Gogerty Building together comprising the Capitol Records Complex. This will be maintained and preserved pursuant to the Secretary of the Interior's Standards. The remainder of the East site contains surface parking, temporary structures, including a partially enclosed garbage area and a parking lot attendant kiosk, whereas the West site is improved with a 1,800 square-foot commercial structure currently occupied by a rental car business fronting Yucca Street, surface parking and parking attendant kiosk.

The development of this tract is an infill of an otherwise high density and mixed-use Regional Center Commercial corridor within walking distance of several public transit options serving residents, employees, and tourists and other visitors to the area.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. Moreover, the site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). As conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

The tract has been approved contingent upon the submittal of a comprehensive Geotechnical Report to the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Adjacent uses include office and surface parking uses related to the American Musical and Dramatic Academy in the C4-D-SN Zone, and multi-family dwellings in the R4-2 Zone across Yucca Street to the north, an office building on the southwest corner of Vine Street and Yucca Street in the C4-2D-SN Zone. Multi-family residences, office space, and surface parking is located east of the project, across Argyle Avenue in the R4-2D, [T][Q]C4-2D-SN Zones. To the south of the project site are restaurant, bar, theater, retail, office, multi-family residential, and surface parking uses in the C4-2D-SN Zone. To the west of the project site, are studio uses, surface parking, office, hotel, multi-family residences, and restaurant uses in the C4-2D-SN Zone.

The development of the high-rise and mixed-use structure will increase the availability of employment opportunities together with additional housing in the Hollywood area. A large portion of the project site is under-improved and underutilized as surface parking and would result in much-needed investment and physical improvements. The project is seeking additional entitlements to take advantage of the FAR incentives provided to mixed-use projects in designated Regional Center Commercial land use areas. Moreover, the development of this site, as proposed, would be consistent with the recently approved and developed projects in the immediate vicinity, including the mixed-use development at 1614-1736 Argyle Avenue, 6139-6240 Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1615-1631 Del Mar Avenue which includes 28 joint live work units, 1,014 apartment units, 40 commercial condominiums under Tract Map No. 67429. The City Planning Commission approved a mixed-use development at 6252 Hollywood Boulevard, which includes 150 residential condominiums, 374 apartment units, 300 hotel rooms and 61,500 square feet of retail and restaurant use with a 6:1 FAR. Additionally, a property located at 1800-1802 North Argyle and 6217 and 6221-6223 West Yucca Street was granted a 6:1 FAR for the development of a 225-room hotel.

The project will be compatible with the recent pattern of high density and mixed-use development that characterizes the Regional Center areas of the Hollywood Community. It satisfies the intent of the recently adopted Hollywood Community Plan Update by providing an appropriate mix of residential and commercial uses conducive to job creation and increased housing opportunities while supporting the need to promote the identity of Hollywood as the center for entertainment in the City. Moreover, the Development Guidelines established for the project allow for the provision of increased open space with increased height, where the taller the structures, the greater the opportunity for additional open space, public plazas, and enhanced walkability. At a minimum, the total open space will constitute 5% of the project site with a height of 220 feet, or 12% with a tower height of up to 585 feet. The project will provide parking to meet demand pursuant to the shared parking provisions of the Development Regulations and the shared parking variance under CPC-2008-3440-ZC-CUB-CU-ZV-HD. Section 12.21-A,4(x)(3) of the Los Angeles Municipal Code allows reduced parking at a ratio of two parking spaces for every 1,000 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 in the Hollywood Redevelopment area. In addition, LAMC Section 12.24-Y permits a 10% reduction in parking for projects located within 500 feet of mass transit. Moreover, a shared parking methodology will permit the project flexibility to accommodate parking demand while simultaneously taking into account the availability of mass transit in the area as well as retail, restaurant, health club, and office uses within the immediate vicinity that accounts for reduced parking demand. The proposed project will otherwise comply with LAMC requirements with respect to minimum requirements for height, open space, density and setbacks. The Advisory Agency has conditioned the proposed tract map to be physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. As such, the project will not injure wildlife or habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The subdivision includes easements for sewer access and pipe lines. Easements providing access through or use of the property do not exist on the site. Furthermore, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. The Bureau of Engineering has included conditions of approval which requires that the applicant record a covenant and agreement to maintain all elements of those areas being merged with the public right-of-way, that the construction be guaranteed, and waivers of any damages that may occur as a result of such improvements.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

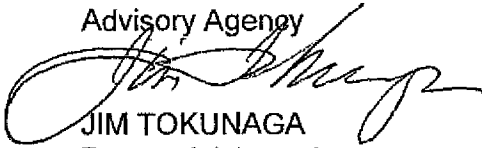
The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of

windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 71837-CN.

Michael LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:LI:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor

Marvin Braude San Fernando
Valley

Los Angeles, CA 90012
213 482-7077

Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

Forms are also available on-line at <http://cityplanning.lacity.org/>

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.

If you have any questions, please call Subdivision staff at (213) 978-1362.

MASTER APPEAL FORM

Exhibit 2

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: CITY PLANNING COMMISSION

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

REGARDING CASE #: VTTM NO. 71837-CN

PROJECT ADDRESS: 1720-1770 N. Vine; 1746-1770 N. Ivar; 6236-6334 Yucca

FINAL DATE TO APPEAL: March 4, 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: Alex Chavez/Jamie McNary

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

☐ Self

☒ Other:

Hollywoodland Homeowners Association

Address: 2700 N. Beachwood Dr.

Zip: 90068

Telephone: _____ E-mail: info@hollywoodland.org

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

☐ Yes

☒ No

REPRESENTATIVE INFORMATION

Name: Alex Chavez/Jamie McNary

Address: 2700 N. Beachwood Dr.

Zip: 90068

Telephone: 323 420 6434 E-mail: info@hollywoodland.org

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: _____

Date: MARCH 7, 2013

Planning Staff Use Only

Amount	<u>106.80</u>	Reviewed and Accepted by	<u>[Signature]</u>	Date	<u>3/4/13</u>
Receipt No.	<u>10533</u>	Deemed Complete by		Date	



Determination Authority Notified



Original Receipt and BTC Receipt (if original applicant)

March 4, 2013

Ms. Jamie McNary
Mr. Alex Chavez
2700 N. Beachwood Dr. Los Angeles, CA
90068

Los Angeles City Planning Commission
c/o City of Los Angeles Planning Department Department's Public Offices, Figueroa Plaza 201 N.
Figueroa St., 4th Floor
Los Angeles, CA 90012

RE: Case No.: Vesting Tentative Tract Map No. 71837-CN
CEOA No.: ENV-2011-0675-EIR
Project Location: 1720-1770 N. Vine St.; 1745-1753 N. Vine St.; 1746-1770 N. Ivar Ave.;
1733-1741 Argyle Ave.; 6236-6334 Yucca St., Hollywood.

Appeal of: Advisory Agency's Determination Letter for Vesting Tentative Tract Map No. 71837-CN

I. INTRODUCTION

The Determination Letter issued for Vesting Tentative Tract Map No. 71837-CN does not state whether or not this subdivision map for the Millennium Hollywood project has in fact been approved. Instead, the Determination Letter states on page I:

"In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, (sic) the Advisory Agency is to consider the approval of Vesting Tentative Tract Map No 71837 ..." (Emphasis added).

Nowhere does the Determination Letter clearly state that the Advisory Agency has in fact approved VTTM No. 71837-CN. Even the Findings of Fact are ambiguous as to whether or not the Advisory Agency has issued an approval. Such sloppiness by Planning Staff is unacceptable, especially for a major development that will permanently impact the entire Hollywood region.

The Determination Letter needs to be corrected and reissued with a new appeal deadline, especially given that the Determination Letter was obviously drafted by the applicant with only cursory input from Planning Staff. This document fails to meet CEQA standards for many reasons. The description of the project is incomplete, internally contradictory, uses outmoded or unproven modeling, and is far too vague for anyone to intelligently respond to. We consider that the Deputy of the Advisory Agency Jim Tokunaga has made a premature decision after hearing all testimony on Tuesday, February 19th, 2013. At which time many items were brought to the deputy's attention, items that had not been addressed in the DEIR or FEIR. These items would have required some level of due diligence to research and resolve. It is impossible to comprehend how the deputy could have addressed these items to any level of satisfaction and still issued the staff report 3-4 days later.

Therefore, on behalf of The Hollywoodland Homeowners Association, we are appealing what we assume to be the Advisory Agency's approval of "Millennium Hollywood's" Vesting Tentative Tract Map No. 71837-CN. Millennium Hollywood is proposed as an approximately 1.1 million sq. ft. development adjacent to Hollywood's historic Capitol Records Tower.

As part of this appeal, we also strongly object to the blatantly illegal manner in which the Advisory Agency has reduced the project's required number of residential parking spaces. The Advisory Agency has granted the project a significant reduction from its parking requirement of 2.5 stalls per residential unit without the Determination Letter even acknowledging that a deviation has been requested or approved.

Millennium Hollywood is a proposed mixed-use development that is both vague in scope and ambiguous in scale. Its components are murky, ever changing and coyly uncertain, in violation of the fundamental premise of the California Environmental Quality Act (CEQA) that there be an accurate and stable project description. A finite project is crucial for analysis by both the public and the decision-makers in order to understand and act upon the choices to be made. Millennium Hollywood, however, subverts this process by refusing to reveal exactly what those choices will be.

Both the Millennium Hollywood's Draft Environmental Impact Report (DEIR) and the Advisory Agency's Determination Letter describe the proposed development in varying terms: the project could be 492 residential condominium units or 897 condominiums; the office component could add 215,000

square feet of additional space or there could be no additional office space; a 200-room hotel may or may not be included; and there could be 10,000 sq. ft. of restaurants and bars or 43,000 sq. ft. of restaurants and bars. As acknowledged in the Determination Letter at page 149, the project description "will adapt to market conditions."

As further described by the Determination Letter at page 55: "*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.*" (Emphasis added).

The Advisory Agency is required under the California Subdivision Map Act to make its determination to approve or reject a proposed development based upon a clearly defined project. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. A development that "will adapt to market conditions" may be a speculator's dream, but it is not a definitive project description.

Furthermore, the Advisory Agency's approval of Millennium's Tentative Tract Map circumvents the Agency's restrictions under the California Subdivision Map Act. Rather than approving a clearly defined project, as required under Section 66418.1 of the Map Act, and by implication under Sections 66474.61

(a) and (b), the Advisory Agency improperly grants the Map by bootstrapping any sized development into its approval based upon unprecedented entitlements that may or may not be granted by the City Planning Commission. As described at pages 58 and 149 of the Determination Letter:

"The project will be subject to the Development Regulations ...together with the Land Use Equivalency Program, which will permit the development to adapt to market conditions, by allowing a controlled exchange of uses with increases in the intensity and/or density of certain uses with decreases others (sic)...As flexibility is contemplated in the Development Agreement ...a conceptual plan has been prepared as an illustrative scenario to demonstrate a potential development program ..." (Emphasis added).

What is certain is the following: Two skyscrapers planned for the site would be among the tallest in the Western United States, each exceeding twice the height of the 22-story Sunset/Vine tower (currently the tallest building in Hollywood); The project would have a Floor Area Ratio of 6:1 on a 4.47 net acre site with 1,918 parking spaces, which could be as much as 912 parking spaces less than required under the law. Total site development would be approximately 1.1 million square feet, and no affordable housing would be included on-site (thereafter the "Project").

The applicant is Millennium Hollywood, LCC (hereinafter the "Applicant").

The existing site zoning is C4-2D-SN. The "D" limiting condition restricts the site's Floor Area Ratio ("FAR") to 3:1. The applicant is also separately requesting under related case CPC-2008-3440- ZC-CUB-CU-ZV -HD that the Los Angeles City Planning Commission approve: a Vesting Zone Change and Height District Change to replace the "D" Development Limitation, allow development to a 6:1 FAR, and to include uses prohibited in the C4 Zone; approve a Conditional Use to permit floor area averaging across the site; approve Zone Variances for reduced commercial parking and for parking to be off-site; and other entitlements. Under related Case No. CPC-2013-103-DA, the applicant is requesting an unprecedented Developer's Agreement for up to 25 years to essentially make the subject site an island unto itself, free of zoning regulations or community oversight.

II. OBJECTIONS

The Advisory Agency is approving the Project's subdivision request prior to a City Planning Commission public hearing, even though the City Planning Commission must first review and consider the Applicant's requested Zone and Height District Change to remove the "D" Development Limitation and other restrictions to make the Map consistent with the underlying zoning. The Advisory Agency's approval is therefore in violation of Government Code Section 66474, which states that the city "shall deny approval of a tentative map...if the proposed map is not consistent with applicable general and specific plans."

The Advisory Agency's Determination Letter states at page 135: *"The existing FAR is 3:1 according to the D Limitation and the Project Site zoning."* Therefore the Project is not allowable under its current land use designation.

The Advisory Agency also approved the subdivision prior to a public hearing by the City Planning Commission, which will review and consider adoption/certification of the EIR and its Statement of Overriding Considerations. In its Determination Letter at page 147, however, the Advisory Agency states that it is both adopting the EIR and the Statement of Overriding Considerations.

The Advisory Agency is not a legislative body and is without legal authorization to adopt the EIR and its Statement of Overriding Considerations prior to review and action by the Commission. To do so clearly usurps the authority of the Commission and City Council, and explicitly violates the California Environmental Quality Act, rendering CEQA meaningless.

The Advisory Agency's decision letter clearly violates the California Subdivision Map Act by approving a tentative tract map inconsistent with the existing zoning. By issuing its approvals prior to City Planning Commission review and consideration of the requested entitlements, or even before release of the Planning Department's Staff Recommendation Report, the Advisory Agency has in effect determined that the Commission's approval is a foregone conclusion. The clear implication to the public is that the Project has obtained irreversible momentum, and that the Commission's review will be merely a post hoc rationalization to support action already taken.

Approval of the Project's Vesting Tentative Tract Map is therefore legally and substantively defective. Objections to the VTTM include but are not limited to the following:

- **Pursuant to Government Code Section 66474, the City cannot approve the VTTM and the Project, and instead should deny it as a result of the fact:**
 - a) **That the proposed map is inconsistent with the subject site's underlying zoning and the Findings of Fact inaccurately describe the existing zoning;**
 - b) **That the design or improvement of the proposed subdivision is not consistent with the applicable general plan;**
 - c) **That the site is not physically suitable for the type of development proposed;**
 - d) **That the site is not physically suitable for the proposed density of development;**
 - e) **That the design of the subdivision or the proposed improvements is likely to impact a cultural resource, create substantial environmental impacts and affect public health;**
- **The parking reduction from the Advisory Agency standard of 2.5 stalls per unit in a parking congested area is unsubstantiated and has not even been formally requested by the Applicant or acknowledged by the Planning Dept.;**
- **As noted in the EIR and during public comment, the Project will result in significant, unmitigated impacts to our community, including but not limited to:**
 - Traffic and Parking;
 - Noise;
 - Land Use and Planning;
 - Population and Housing;
 - Public Services;
 - Aesthetics/Views/Shade & Shadow

III. THE PROPOSED MAP IS INCONSISTENT WITH THE APPLICABLE ZONING.

The approved Vesting Tentative Tract Map is inconsistent with the underlying zoning, which restricts the subject site FAR to 3:1, and limits the type of uses at the site. The Applicant is requesting that the City Planning Commission grant a Zone and Height District Change to remove the "D" Development Limitation and grant a new FAR of 6:1, but the Commission's hearing on this matter isn't even tentatively scheduled until the end of March. In the meantime, the Advisory Agency cannot approve a Map inconsistent with what's permissible both in scale and uses on the subject site. Also, the Project's proposed FAR of 6:1 is a theoretical figure that doesn't clarify exactly what would be built, what the total square footage would be, how many residential units there would be, or how tall the skyscrapers ultimately will be. None of the proposed components of the Millennium Hollywood Project is permissible within the applicable zoning.

The Advisory Agency's approval violates Government Code Section 66474, which states that the city "shall deny approval of a tentative map...if the proposed map is not consistent with applicable general and specific plans." The underlying zoning is C4-2D-SN. The Los Angeles Municipal Code ("LAMC") restricts C4 uses to R4 uses. R4 zoning allows one unit per 400 square feet of lot area. The Applicant, however, is requesting use of LAMC Section 12.22.A.18 (a) through its Development Agreement to allow density to be based on R5 standards, which permits one unit per 200 square feet of lot area. R5 is nowhere to be found within the Project's vicinity, and surrounding R4 designated areas are further restricted by [Q] qualifying limits on density. The intent of the applicable

Hollywood Community Plan zoning designation is therefore to limit density in the vicinity to R4 levels or less. Placing a 1.1 million square foot, 585-foot-tall development in a neighborhood dominated by low-to-moderate-level commercial and residential structures will be detrimental to the character of development in the immediate area, and will not be in conformance with either the Hollywood Community Plan or the General Plan. The Project is therefore inconsistent with both the California Subdivision Map Act and proper land use and planning.

IV. THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS NOT CONSISTENT WITH THE APPLICABLE GENERAL AND SPECIFIC PLANS.

As designed, the Project is inconsistent with the designated zoning of the Hollywood Community Plan and the restrictions of the Hollywood Redevelopment Plan. It will cause adverse environmental impacts to the surrounding neighborhoods that are significant, permanent and without mitigation.

A. Parking

The Applicant is requesting a Vesting Tentative Tract Map for residential condominiums, not apartments. The Advisory Agency's parking requirement for condominiums is 2.5 parking spaces per dwelling unit in parking congested areas (see Exhibit 1). The Determination Letter states on page 1 that the project will consist of "492 residential condominium units." Yet, Mitigation Measure K.1-14 on page 45 of the Determination Letter, titled "East Site Residential Unit and Reserved Residential Parking Cap," states that the 450 residential units at this location will have only 675 total parking spaces, or 1.5 parking spaces per unit with no guest parking spaces. The DEIR also states that residential units will have only 1.5 parking spaces. This figure is 1 parking stall per unit deficient.

This deviation in the required amount of residential parking would result in the Project's residential parking component being almost 500 spaces less than required by the Advisory Agency. Nowhere in the Determination Letter is there an analysis of this parking reduction. **Nowhere in the Determination Letter does the Advisory Agency even acknowledge that they are granting this deviation.** Nowhere does the Determination Letter state that the Applicant even bothered to request the deviation.

Instead, the Determination Letter at page 69 categorizes the Project's significantly reduced number of operational parking stalls under the heading "ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT." The finding states: *"The Parking Standards that are proposed as part of the Development Regulations are generally consistent with the LAMC parking requirements ..."*

The Los Angeles Municipal Code does regulate parking requirements for condominiums. Nor does the LAMC control the parking requirements of the Advisory Agency, which are applicable to all subdivisions. The Advisory Agency cannot simply ignore its own rules and regulations, nor can it ignore CEQA. Reduced residential parking will be a significant environmental impact.

Projects approved in Hollywood in the previous five years include: the Blvd. 6200 development at 6139 Hollywood Blvd (CPC 2006-7301-ZC-ZV-YV-SPR), a 1,014-unit mixed-use project with 2,696 parking spaces; the Columbia Square project at 6101-6125 W. Sunset Blvd. & 6100-6134 W. Selma Ave. (CPC-2007-9911-GPA-VZC-HD-CUB-CUX-VCU-SPR-DA), which includes a 200-unit condominium element with 500 dedicated parking spaces (1770 parking spaces overall); and the Paseo Plaza development at 5661 Santa Monica Blvd. (CPC-2006-4392-GPA-ZC-HD-ZV-ZAA-ZAI-SPR), which features 437 condominiums and 1,811 parking spaces.

As recognized in the Project's Environmental Impact Report, this area of Hollywood already experiences heavy traffic congestion during both peak and non-peak periods, and its infrastructure is not designed to accommodate the increased street parking demands that result with greater residential density. In recognition of this area's severe parking congestion, the Blvd. 6200 project will have a surplus of parking, as is noted on pages F-19, 20 of the City Planning Commission's 4/9/07 Determination Letter, which states: *"The Project will provide a surplus of parking, and will not lead to residents, tenants and guests searching streets and adjacent properties for parking spaces."*

Please note also that Blvd. 6200 project is located immediately across from the Hollywood/Vine Red Line subway stop, and is voluntarily setting aside 10% of its residential units as permanent affordable housing-- unlike the Project's complete lack of any on-site affordable housing. The Paseo Plaza development will also have a surplus of parking, is dedicating 15% of its units as affordable housing, and is constructing its parking structure 27 feet below the water table. No justification or precedent therefore is given in the Advisory Agency's decision letter to support allowing the Hollywood Millennium Project to reduce its required parking spaces by almost 500 stalls, especially since the proposed development consists of two luxury residential skyscrapers with no units of affordable housing.

The illegality of reducing Advisory Agency residential parking requirements without proper CEQA review and substantial evidence to support the reduction was addressed in 2012 in *La Mirada Ave. Neighborhood Association of Hollywood v. City of Los Angeles*, (BS 132533). This case involved the Hollywood/Gower project, a 20-story, 270-foot-tall skyscraper of 176 market-rate residential units with 7,000 sq. ft. of retail, located two blocks east of the Hollywood and Vine subway stop. Parking consisted of 345 spaces, representing 132 residential fewer stalls than required by the Advisory Agency for subdivisions in a parking-congested zone. For that project, the Advisory Agency granted a deviation from its parking policy to allow 1.5 parking spaces per unit with .25 guest parking spaces per unit. The community appealed, and the Court overturned the City's approvals and completely invalidated the project (see Exhibit 2), ruling that *"the City failed to proceed in a manner required by CEQA"*:

"The City's claim that the Project's variance from City-established parking ratios cannot cause an adverse environmental effect is unsupported by substantial evidence ...

"Developer confidence does not constitute evidence to support fact. Nor can it be fairly argued that parking ratios for apartments should be used ...Efforts to characterize the project as code-compliant by applying the apartment standard is wholly incorrect ...Authorizing a departure from existing parking requirements will have a substantial adverse environmental effect ...Without any discussion in this record that the circulation system of Hollywood is sufficiently robust to withstand untold numbers of new residents and their guests cruising for non-existent street parking, the Respondents' claim that the project's variance from City-established parking ratios cannot cause an adverse environmental effect is unsupported by substantial evidence." (Emphasis added).



Parking congestion on a typical Hollywood residential street.

V. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

Development of the Project would result in a massive, 1.1 million sq. ft. Project located in the heart of one of the most traffic congested areas of Los Angeles. The development is also immediately adjacent to the historic 13-story Capitol Records Tower, which would be overwhelmed by the proposed Project. Surrounding properties, as noted in the Findings, are within Hollywood's historic 150-foot height limitation. The Determination Letter includes a list of recently approved projects for comparison, but none of the listed projects received approval to place as much square footage on so small a lot area: Boulevard 6200 is spread over 7 acres and would reach a maximum height of 85 feet; the W Hotel development also covers multi-acreage and is limited to a height of 150 feet. In contrast, the Millennium Hollywood project would include some of the tallest skyscrapers west of the Mississippi River. The site is therefore clearly unsuitable for the Project.

VI. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The Findings state that the Project *"would be consistent with the recently approved and developed projects in the immediate vicinity, including the mixed-use development at 1614-1736 Argyle Avenue, 6139-6240 Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1615-163/ Del Mar Avenue."* These addresses comprise the Blvd. 6200 project, which as noted earlier is a low-level mixed-use development with both a surplus of parking and a large quantity of affordable housing. In no manner, therefore, is it "consistent" with the massive Millennium Project.

The Findings also list another recent development for comparison, at *"6252 Hollywood Boulevard, which includes 150 residential condominiums, 374 apartment units, 300 hotel rooms and 61,500 square feet of retail and restaurant use with a 6:1 FAR."* This is the Hollywood at Vine, W Hotel project (CPC 2005-630-ZC-ZAA-SPR), a 150-foot-tall, mixed use development with 15% of the units restricted for affordable housing on a six-acre site. The project is sited literally on top of the Metro subway stop. Hollywood at Vine was a joint private/public development venture facilitated through an agreement with the former Community Redevelopment Agency. The FAR was approved by the CPC as "in excess of 4.5:1 but not to exceed 6:1." Page F-8 of its CPC Determination Letter confirms that the project qualified for a reduction in parking for the apartment units under SB1818. The project's condominium units have 2.5 parking stalls per unit. In contrast, the Millennium Hollywood Project offers no on-site affordable housing, dramatically less parking, and a 6:1 FAR on a much smaller lot.

The Findings also list the Argyle Hotel as a comparative project, yet this proposed development at 1800-1802 N. Argyle, immediately adjacent to the 101 Freeway, covers a single lot and its backers have gone into default. It is in no manner whatsoever comparable to the Project.

The Findings further state that *"the project will be compatible with the recent pattern of high density and mixed-use development that characterizes the Regional Center areas of the Hollywood Community,"* yet the Millennium Hollywood Project is in no manner comparable to the other developments it cites.

The proposed development is not allowable under the underlying zoning. The site is limited to an FAR of 3:1. Adjacent land uses, as noted in the Findings, are primarily moderate-level commercial/retail. Nothing within the immediate vicinity even approaches the overwhelming height, massing and density proposed for the Project.

VII. THE DESIGN OF THE SUBDIVISION IS LIKELY TO IMPACT A CULTURAL RESOURCE, CREATESUBSTANTIALENVIRONMENTAL IMPACTS AND AFFECT PUBLIC HEALTH

Both the Project EIR and the Advisory Agency's Determination Letter acknowledge that Millennium Hollywood will create significant, unmitigated impacts to Aesthetics of views, light and glare, construction and operational Air Quality, construction and operational Noise levels, and operational Traffic. The historic Capitol Records Tower would also be permanently obscured by development of the Project. The design of the subdivision is therefore likely to impact a cultural resource, create substantial environmental impacts and affect public health, and cannot under the Map Act be approved.

VIII. CONCLUSION

In approving the Applicant's requested tentative tract map prior to review and action by the City Planning Commission of a necessary Zone and Height District change and other discretionary approvals, the Advisory Agency has simply rubberstamped the Project in violation of both the California Subdivision Map Act and the California Environmental Quality Act. The site's existing zoning does not permit the approved subdivision.

In approving a significant reduction in the Project's required number of parking spaces, the Advisory Agency has proceeded illegally in neither acknowledging that a deviation has been granted, or reviewing the reduction's potential impacts as required by CEQA.

The Project as proposed would create a myriad of significant adverse environmental impacts upon this community. It is respectfully submitted that in its current form, the Advisory Agency's premature approval of the Vesting Tentative Tract Map should be overturned and the Project in its current form should not be approved.

As documented in our appeal and in comments to the draft environmental studies, the Project's EIR does not represent a "good faith effort at full disclosure," in violation of CEQA. The EIR omits key analyses that should have been performed, and it is stilted to avoid findings of obvious significant environmental impacts.

"Before one brings about a potentially significant and irreversible change to the environment, an EIR must be prepared that sufficiently explores the significant environmental effects created by the project."

We reserve the right to submit additional comments and objections regarding the Advisory Agency's approval of the Vesting Tentative Map and environmental Findings through the close of the administrative proceedings related to the project.

Thank you for time and consideration to this matter.



March 4, 2013

Exhibit 2

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

ORIGINAL

APPEAL TO THE: City Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: Tract map No. 71837-CN

PROJECT ADDRESS: 1720-1770 N. Vine Street, 1745-1753 N. Vine Street, 1733-1741 Argyle Ave, 6236,6270 & 6334 W. Yucca

FINAL DATE TO APPEAL: March 4, 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: Patti Negri

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

☐ Self ☒ Other: Hollywood Dell Civic Association
President

Address: P.O. Box 93094

Hollywood, CA Zip: 90093

Telephone: (323) 465-8407 E-mail: pinkkaire@aol.com

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

☐ Yes ☒ No

REPRESENTATIVE INFORMATION

Name: Patti Negri

Address: 6324 Ivarene Ave

Hollywood, CA Zip: 90068

Telephone: 323.465.8407 E-mail: pinkkaire@aol.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: _____

Date: _____

3/3/2013

Planning Staff Use Only

Amount ⁴ 106-80	Reviewed and Accepted by	Date
Receipt No. 10525	Deemed Complete by	Date

☐

Determination Authority Notified

☐

Original Receipt and BTC Receipt (if original applicant)

Appeal Cover Sheet
Millennium Project
Tract Map No. 71837-CN, CEQA No. ENV-2011-0675-EIR (SCH No. 2011041094)
1720-1770 N. Vine Street, 1745-1753 N. Vine Street, 1733-1741 Argyle Ave,
6236, 6270 & 6334 W. Yucca

Reason for Appeal:

Decision maker failed to consider the impact the Project will have in regards to density, height, bulk, traffic, parking, and noise and air quality control. Each of these items is addressed in the attached ___ page letter, numbers X through X.

How We Are Aggrieved:

The proposed Project density and square footage is larger than most every existing development in the City of Los Angeles except a handful of office developments in Downtown Los Angeles and is out of proportion in both density and height to all existing and proposed developments in the Hollywood area. The density and height of the Project will dwarf all historically significant and more modern buildings in Hollywood.

The increased traffic generated from the Project will essentially landlocked our neighborhood increasing the density of traffic along both Franklin Avenue and Cahuenga Boulevard during rush hour.

Presently there is inadequate available parking to allow residents to utilize the mass transit which will only be further reduced by the Project's development.

Our neighborhood is located less than 500' from the Project. Noise generated from outdoor venues proposed for the Project will transmit into our neighborhood.

Additional traffic to be generated by the Project has not been considered in the DEIR or FEIR traffic study such as "tourist traffic" which is a stated "benefit" of the Project by the Developer. The "record court" and "observation deck" are additional traffic generators that have not been considered.

Why the decision maker erred or abused their discretion:

The Deputy took testimony at the February 19th Hearing where many items were brought to the deputy's attention which had not been addressed in the DEIR or FEIR. Many of these items would have required some level of due diligence and/or research to resolve such as the AMDA School concerns regarding construction staging, noise pollution, vibration and traffic or the references made to whether the Project conformed to the Community Redevelopment Agency's requirements for approval of a new development. We believe it would be virtually impossible for the Deputy to have responsibly addressed these items in any significant detail and still issued the staff report within 3-4 days following the Hearing.

Master Appeal Form
Millennium Project
Tract Map No. 71837-CN, CEQA No. ENV-2011-0675-EIR (SCH No. 2011041094)
1720-1770 N. Vine Street, 1745-1753 N. Vine Street, 1733-1741 Argyle Ave,
6236, 6270 & 6334 W. Yucca

The Hollywood Dell Civic Association (HDCA), a group of more than 1,500 homes, condominiums, and apartments and representing in excess of 5,000 residents herewith Appeal the February 19, 2013 Hearing Officer's subsequent approval of the following items which were the topic of the February 19th Hearing:

Case Nos: VTT-71837; CPC-2008-3440-ZC-CUB-CUZV-HD; CPC-2013- 01013-DA; and CEQA No.: ENV-2011-0675-EIR

General Reason for the Appeal:

- The Development Agreement, as proposed for this Project allows for a development, in size, bulk, height and scale, that is out of proportion to surrounding structures, whether historical, existing, under construction or planned, which is inconsistent with development guidelines defined by the Community Redevelopment Agency. Additionally, the DA is not specific as to the developments various components and does not supply an accurate project description which is in violation of California Environmental Quality Act ("CEQA"). Further, the DA proposes 22-year duration, whereas average DA duration for similar sized projects throughout the City is not greater than 5-years, providing the City no input on the Project's development should population, traffic, Community Plans or development guidelines change in the next 10-20 years.
- The failure of this project to first be reviewed and approved in accordance with the Hollywood Community Redevelopment Agency ("CRA"), or its successor agency, which has jurisdiction to review, comment and oversee projects within the Hollywood Redevelopment Area and has set specific guidelines for future Hollywood developments.
- Failure of the City to comply with CEQA requirements to prepare and file a study on the cumulative analysis of the impacts of the Project and the other 57 known projects either approved or proposed for development in the Hollywood area.
- The Project's massing and proposed height of the project, 1.1 million square feet and 585' fails to respect the Hollywood Community Plan's determination that development in this area should act as a "transition" between high-rise commercial and low-rise residential areas north of Yucca and Franklin. Further, the Project dwarfs the adjacent Capitol Records building and all 57 other current or planned development projects in Hollywood.

- Traffic Studies contained in the DEIR and FEIR are formulated on inaccurate future population estimates and based on outmoded, untested, and unsubstantiated manual formulas that underestimate the actual Project's impact of traffic trips and congestion on both local street and freeway on/off ramps. Further, the City has failed to act in the public interest and in accordance with CEQA standards in its acceptance of the Millennium's traffic study despite numerous notifications by citizens, civic organizations, and other government agencies that the Project's traffic increases would have far more significant impacts to local neighborhoods and adjacent on/off ramps to the Hollywood Freeway.
- The Project's FEIR and the City of Los Angeles stands in violation of CEQA by refusing to provide accurate traffic data which, in turn, leads to inaccurate and understated air quality and health data.
- The Project's proposed height of 585' is approximately 20-25 stories taller than any other existing or planned development in Hollywood making the Project out of scale with all of Hollywood and not in keeping with development guidelines set in by the CRA. Further, the inconsistency between height restrictions imposed on virtually all other commercially zoned land in Hollywood enacted to protect historical buildings from being obscured ignores the impact the Project's height and bulk will have on the historic Capital Records building when the Millennium project will be approximately 10x's the bulk and approximately 4x's as tall as the Capitol Records building.
- Inadequate public benefits and mitigations that are required to be provided by the Developer for the surrounding communities based on the impact the Project will have on the surrounding Communities.
- The City of Los Angeles has failed to adequately assess developer fees for the Project and other new developments in the Hollywood area because it has yet to undertake a promised "nexus" study that shows the true impact of development on the areas infrastructure.
- The Project proposes, without a requested Variance, reducing the standard parking allocation for residential condominium units from 2.5 parking spaces per unit to as few as 1 parking space per unit as well as not providing any allocated visitor parking for the proposed 492 units. Additionally, the Project requests, through Variance, a reduction in standard parking allocation for fitness/club sport use from 10/1000 to 2/1000. A short fall of 280 to 640 parking spaces depending on the various sizes of the use as described in the FEIR.
- Failure of the City to provide accurate traffic data and trip generation estimates during both construction and operational phases, as repeatedly requested by Caltrans and other government agencies.

- The repeated use of "conclusory" statements in the FEIR, without evidence, which are illegal under CEQA, e.g., the statement that there will be "no impact" on any single family residences because none are "adjacent" to the perimeter of the project.
- The City of Los Angeles has failed to properly sequence studies, including infrastructure and nexus studies before awarding developer entitlements. As a result City of Los Angeles taxpayers may be held responsible for the costs of massive cumulative developer needs for additional infrastructure.
- The City of Los Angeles stands in violation of CEQA by refusing to provide accurate traffic data which, in turn, leads to inaccurate and understated air quality and health data.
- The City of Los Angeles has not fulfilled its civic duty to provide a "cumulative impact" study of the Project as well as studies for the other 57 named projects in the Millennium FEIR. Though the City has stated cumulative impact reports are contained inside each project's FEIR, there is no evidence of those reports and a cumulative report is not included in the Millennium FEIR. A cumulative report for the Project, including the impacts of the other 57 projects, should be completed prior to the Planning Department considering any requested approvals for the Project.

Reason for Variance Appeal:

A. Each variance granted does not meet the legal threshold to grant the variances.

Specifically,

Please note, under the LA City Charter, Article 8, Section 98, as well as under the LA Municipal Code, Chapter 1, Article 2 Section 12.27 – a variance cannot be granted to give relief from self-imposed hardships and cannot be granted unless all of the following are found to be true:

1 – That the strict application of the existing law would result in practical difficulties or unnecessary hardships to the applicant **AND**

2- That there are special circumstances applicable to the property that don't apply to other property in the same zone and vicinity **AND**

3 – that the variance is necessary for the applicant to preserve and enjoy a substantial property right which, because of the special circumstances and practical difficulties, other property owners in the same zone or vicinity get to enjoy **AND**

4 – That the granting of the variance won't be materially detrimental to the public or injurious to other property owners in the same zone or vicinity **AND**

5 - The grant of the variance won't adversely affect any element of the General Plan.

B. Objections to each Variance are as follows:

1. Pursuant to Los Angeles Municipal Code Section 12.32-F, a Vesting Zone Change from C4-2D-SN to C2-2-SN; WE OBJECT TO THIS VARIANCE

The change in zoning will allow for the inclusion of a sports club/fitness facility use to be a part of the development. The HDCA believes this use, and the Project's proposed reduction in City standard parking code requirements for sports club/fitness facilities from 10:1,000 to 2:1,000, creates a significant short fall in the Project's parking allocation and increased demand on the Project's limited parking facilities. Additionally, the shortfall adds potential significant increases to traffic congestion from sport club/fitness facility users during and immediately during and following the peak demand of evening rush hour.

2. Pursuant to Los Angeles Municipal Code Section 12.3-Q, removal of the 'D' Limitation in Height District '2D', to correspond with the proposed Zone Change; WE OBJECT TO THIS VARIANCE

Removal of the "D" limitation would allow the property's Floor Area Ratio ("FAR") to be increased from the current 3:1 FAR restriction to the requested 6:1 FAR. By allowing the "D" limitation to be removed the developer can build a massive project (1.1 Million square feet) out of scale with ANY OTHER project either approved for development, existing or currently under construction in Hollywood. It will forever be the WHITE ELEPHANT in the community. Allowing more density in this area is understandable. A 4.5:1 FAR as proposed by the Hollywood Redevelopment Plan would allow an approximate 875,000 square foot project to be developed. Allowing a 1.1 Million square foot project out of context with the bulk, height and scale of the Hollywood Community is not, in our opinion, acceptable.

PER THE DEIR:

Floor Area Ratio (FAR)

Section II Project Description, Page 11-8.

The Hollywood Redevelopment Plan limits the maximum FAR allowable on the site to 4.5:1FAR, this is further limited by the D-Development Limitation (Ordinance No. 165659) which restricts the development to 3:1FAR. Millennium is requesting a Variance to increase the FAR to a 6:1FAR which would allow an increase in the total development square footage from 3:1FAR (approx. 291,735SF development) to 6:1FAR (approx. 1,100,000SF). A 1.1Million square foot project would be larger than any existing structure in Hollywood and larger than many other significant projects previously developed in the City of Los Angeles (i.e.: Hollywood & Highland Shopping Ctr.: 375,000SF; Staples Center: 950,000SF; and the Los Angeles Convention Center: 756,000SF).

Mitigation Suggestion: To reduce the Projects bulk, traffic congestion, view impacts and infrastructure demands we request the City limit the size of the Project to a 4.5:1 FAR which would allow full utilization of the site as a mixed use development proposed by the Developer while controlling the size, bulk and scale of the Project in a manner consistent, empathetic and complimentary to other developments in the Hollywood area.

3. Pursuant to Los Angeles Municipal Code Section 12.24-W,24 and 12.24-T, a Vesting Conditional Use to permit a hotel use within 500 feet of a R Zone; NO OBJECTION

Would allow for hotel operation within 500 feet of residential zoning. The HDCA does not have a significant objection to the Variance.

4. Pursuant to Los Angeles Municipal Code Section 12.24-W,19 a Conditional Use to allow floor area averaging in a unified development; WE OBJECT TO THIS VARIANCE

The developer is proposing that the development of two land parcels, one adjacent to the Capital Records building on the block bounded by Argyle, Yucca and Vine and the other on land bounded by Ivar, Yucca and Vine, be considered as a single parcel under a single development agreement with the City. The Variance would support the two parcels considered as one concept allowing the total allowable Floor Area Ratio ("FAR"), which determines the total allowable square footage to be developed on a property, to be spread unevenly between the two properties, but not to exceed the total allowable FAR for both properties. For example, this would allow a greater percentage of the proposed square footage to be developed on either the east or west side of Vine St. The HDCA objects, believing the two parcels should not be combined which would limit the developer's ability to mass uses on one property or the other and would significantly reduce the square footage that could be massed on either side of Vine St.

5. Pursuant to Los Angeles Municipal Code 12.24-W,1 and 12.24-W, 18(a), a Conditional Use to permit the sale and dispensing of a full line of alcoholic beverages and live entertainment and dancing; WE OBJECT TO THIS VARIANCE

The Variance would "pre approve" the development site for bars, clubs, restaurants, live entertainment venues and other business selling alcoholic beverages, presenting live entertainment, offering dancing and private party use. Approving the Variance would eliminate the requirement that each such business apply independently to the City for a use Variance. A blanket "pre approval" would remove any public hearings regarding these proposed business uses and operations and eliminate reasonable public objection to those uses. The HDCA opposes this Variance believing any such business located within 500' feet of our homes should be scrutinized by the public hearing process to vet undesirable uses/business operations that may negatively impact the Community.

6. Pursuant to Los Angeles Municipal Code Section 12.27, a Zone Variance to permit outdoor eating areas above the ground floor; WE OBJECT TO THIS VARIANCE

Variance would allow eating areas on the roof and/or upper floors of the development which could generate additional noise and light pollution from the Project within 500 feet of residences. The HDCA opposes the Variance and would request that if it is approved that any upper floor, outdoor eating areas face the City and not the hillside residential areas. Further, that no light or noise pollution be generated by the outdoor eating areas which would have any impact to the adjacent residential Communities. Also, if approved, the Variance should strictly prohibit the above ground eating areas from being used in any format as clubs, theatres, private parties, dancing or conference meeting facilities.

7. Pursuant to Los Angeles Municipal Code Section 12.27, a Zone Variance to allow less than the required parking for the sports club/fitness facility; WE OBJECT TO THIS VARIANCE

City zoning requires fitness centers/sports club facilities to provide 10-parking spaces for each 1,000 square feet of space occupied by the facility. The Variance proposes that fitness center/sports club facility on the site be allowed to provide only 2-parking spaces per 1,000 square feet occupied. The Project proposes to house, at a minimum, a 35,000SF fitness center/sports club facility and at a maximum an 80,000SF fitness center/sports club facility. The HDCA opposes this Variance, believing the reduction in parking would create a shortfall of a minimum of 280 to a maximum of 640 parking spaces on the site which is already severely under parked given the Project's proposed number of parking spaces. Though some users may be residents of the Project, for the majority of the fitness center/sports club facility users, the facility will be a destination location which few, if any will use public transport to access. The City requires a 10:1,000 parking allocation for this use because historically, fitness center/sports clubs generate significant traffic and previous facilities have been under parked. Additionally, the Project proposes significant parking reductions in standard residential condominium parking requirements without Variance or mention in the DEIR or FEIR and provides for no residential guest parking allocation. We object to this parking requirement reduction as it adds significant parking demand with no offsetting alternative.

PER THE DEIR:

Parking Variance

Section II Project Description, Page II-31

The Developer has asked for a Variance to reduce the City's standard parking allocation for health club use at the facility from 10:1,000 to 2:1,000 on the assumption that a significant portion of health club users would come from internal use, travel by public transport or be considered a "pass-by" user that would not significantly add to parking demands of the Project. This assumption is flawed as health club generated traffic increases substantially during peak PM traffic and most health club users do not typically take public transport or go to a health club on their way to dinner or other activities *("pass-by trips"). The key reason the City has a

high requirement for health club parking is historically health clubs generate parking requirements in excess of most other retail uses.

Mitigation Suggestion: The parking requirement should not be reduced from 10:1,000 as those individuals that drive to the Project to use the health club who cannot park in the facility will look for on street parking and reduce available public parking and generate additional traffic congestion on surrounding streets. Further, a reduction in parking allocation for residential units should also not be reduced as it will only increase traffic and street parking demands.

8. Pursuant to Los Angeles Municipal Code Section 12.21-A, 4(y), City Planning Commission Authority for Reduced On-Site Parking with Remote Off-Site Parking for Transportation Alternatives to allow for shared/reduced on-site parking. WE OBJECT TO THIS VARIANCE

The Variance would allow for off-site parking to be provided offsetting the parking demands of the Project. The Project, as proposed, will only provide 2,000 parking spaces (+/-2:1,000 ratio). The Project's various uses are anticipated to generate parking for substantially more than 2,000 spaces on a daily basis (Given the Project's proposed 492 residential units, 200 hotel rooms, 215,000 square feet of office space, approximately 34,000 square feet of restaurant space, 35,100 square feet of fitness/club sport use, and 15,000 square feet of additional retail space plus 1,250 anticipated employees, peak daily parking demands could exceed 3,500 parking spaces) This Project's parking plan does not allocate any parking for the proposed 1,250 daily workers who will be employed by the various office, hotel, restaurant, retail, and other businesses. The HDCA opposes the Variance, believing the Project should provide on-site parking to accommodate both the businesses intended to operate on the site, their visitors, patrons and support workers. However, if off-site parking is approved, the amount of off-site parking should be provided at a permanent and identified location for said parking within a reasonable distance of the site. The Variance should provide that the offsite secure parking facilities be developed prior to completion of the Project. Additionally, there should be a covenant on the deed for this offsite parking to ensure that the employee parking is a permanent part of this project.

C. Objections to the Development Agreement:

With respect to the Development Agreement (DA) HDCA believes that the following items should be addressed in the DA prior to the City entering into a final DA with the developer:

- 1) DA Time Limitation: The duration of the DA should be limited to a 5 year time period. Development agreements for Projects of similar proposed size and scope have not been provided DA durations longer than 5 years. Any development project that is not completed within a 5 year period should be reconsidered in relation to the new projects being considered for development, future City planning requirements and changes in surrounding zoning and use restrictions.

- 2) Height Limitation: A building height limitation should be imposed in the DA which would not allow any structure developed or installed on the site to exceed 30-stories in height. (Height limits should be based on the CRA Hollywood Redevelopment Plan Amended May 20, 2003 and Effective July 12, 2003, Ordinance No. 175236 Section V.505.2 and Section V 506.2.1) Given the currently built and recently approved projects within the Hollywood Redevelopment Area these proposed towers are neither sympathetic nor compatible with other buildings. Therefore, the height should be limited.

Further, the Hollywood CRA Ordinance states:

Section V. 505.2The Agency shall review all new development with this District to **ensure that views to and from the Hollywood Hills are, to the extent practical, preserved.** This review shall include an examination of the following:

..... The topography in the area and the existing building scale in the immediate vicinity;

The views to and from the Hollywood Hills which will be affected;

The development plans including the building massing, orientation, height and bulk of the Project, as described in the DEIR, does not comply with this Section of the Redevelopment Plan as the height of the proposed buildings, by definition, will impact the views to and from the Hollywood Hills and not "preserve" current views.

Section V 506.2.1 Hollywood Boulevard District....The objectives of the District are to:2). Assure that new development is sympathetic to and complements the existing scale of development.

As previously stated, the proposed Project is of a magnitude that far exceeds any other buildings developed in the Hollywood Redevelopment area. This Project is uncomplimentary to the existing scale of proposed development in the Hollywood area and is also not sympathetic to existing developments in size, bulk or scale. The Project, as proposed, shows 2 towers roughly 4x's the height of the iconic Capitol Records building, which is immediately adjacent to both Project towers.

Additionally, given the recent revisions to the Hollywood Community Plan, there isn't the ability to develop future buildings to the height, size or scale of this Project as there is neither the aggregate land available to acquire a large enough contiguous parcel to develop a similar sized project nor do the height limits in the HCP allow for any commercial or residential structures close to this height. Thus, this Project will be the lone white elephant (or towering chopsticks) in the Regional Corridor with nothing complimentary to it.

Please note that Section V 506.2.2 Hollywood Core Transition District...shall be given special consideration due to the low density of the adjacent residential areas. The objective of this District is to provide for a transition in the scale and intensity of development between

Regional Center Commercial uses and residential neighborhoods. The Agency shall review all building permits in this District to ensure that circulation patterns, landscaping, parking and scale of new construction is not detrimental to the adjacent residential neighborhoods.

Finally, no consideration has been given to the Franklin Transition Corridor and ensuring that the development is compatible with adjacent residential areas. These residential areas include the Hollywood Dell, Argyle, Outpost, Whitley Heights, Beachwood Canyon, Hollywoodland, The Oaks, Lake Hollywood, Los Feliz, and the residential community directly east on Yucca and Carlos between Argyle and Gower.

- 3) Offsite Parking: A covenant should be include in the DA requiring any offsite parking facilities to be owned, developed and maintained by the Project owner and to be located at a permanent address which shall be specifically designated as the Project's offsite parking location. Further, the exact number of parking spaces available at the site shall be specified and those spaces shall be restricted for use as offsite parking for the Project only. Sale of the offsite parking location without replacement of equivalent alternative parking shall be prohibited. The offsite parking facilities shall be completed prior to completion of the Project.
- 4) Project Signage: A signage restriction should be included in the DA stating that the Project will have no signs, billboards, electronic signage or exterior lighting other than monument or "eyebrow" signage on any structure developed or installed on the site. All signage to be limited to the 3rd floor or lower.
- 5) Helipads: Any commercial, private and/or courtesy helicopter services to be banned from landing or takeoff from any helipads or landing areas in, on or around the Project. Only emergency air services to be allowed to land in, on or around the Project.
- 6) Observation Decks: Observation decks on any portion of the Project should not be allowed as they will generate tourist traffic and congestion not outlined or planned for by the Project and a traffic generation not considered by the DEIR or FEIR. Further, observation deck(s) facing the residential hillside communities to the north would provide viewing directly into homes and yards eliminating resident's privacy from said observation deck(s), possibly leading to increased crime in residential areas adjacent to the Project.
- 7) Quimby Fees – A representative from Hollywood United Neighborhood Council (HUNC) should sit on a community committee designated by the Planning Department to determine the best use for the project's required Quimby Fees contribution. Further, the recently adopted Hollywood Community Plan included a designation of the Franklin Ivar Park for Open Space. A portion of the funds for Park Acquisition and Development through the "Park and Recreational Site and Facilities Fund" and/or the Quimby Fees should be specifically allocated to the Franklin Ivar Park as it is the closest park (.18 miles – two blocks up and one block over) to the Project.

The specific funds to be allocated to the Franklin Ivar Park include:

- i. Funds for a fly-over pedestrian bridge from Ivar on the south side of Franklin to the park on the north side of Franklin;
 - ii. A signaled traffic light at Franklin and Ivar with a pedestrian crosswalk;
 - iii. Landscaping on the south side of Franklin between Cahuenga and Ivar in a manner compatible with the landscaping in the Park;
 - iv. \$75,000 annual contribution to the Friends of Franklin Ivar Park (501C(3)) for the ongoing maintenance of the Park.
- 8) Art Fees – a representative from HUNC should sit on a community committee designated by the Planning Department to determine the best use for the project's required Public Art contribution.

D. Objection to the Vesting Tract Map being approved/granted

Regarding the "Vesting Tentative Tract Map", we object to the merger and re-subdivision of the of the subject property into 41 lots based upon the proposed density of construction. We believe the proposed construction of "492 residential units with up to 200 hotel rooms, and 215,000 square feet of office space, including the existing 114,303 square-foot Capital Records building, and approximately 34,000 square feet of restaurant use, 35,100 square feet of fitness/club sport use, and 15,000 square feet of retail use on a 6.01 acre site" constitutes excessive density, size, bulk, scale and height of the development and request the total square footage of the proposed development be reduced and a height limit established before granting/approving a merger and re-subdivision of the property.

How HDCA is aggrieved by the decision:

HDCA is aggrieved by the decision in the following ways:

A. TRAFFIC

HDCA has become landlocked and has "access" issues that have not been addressed.

- a) HDCA requires an additional stop light and crosswalk at Franklin and Ivar to provide a second/alternative to egress and ingress for our neighborhood other than the Franklin and Argyle intersection.
- b) The Franklin / Argyle intersection restriping doesn't go far enough to mitigate the traffic problems at this intersection.

Additional mitigation suggestions for the Franklin / Argyle intersection:

- 1) Adding a 4th north bound lane on Argyle to allow for 2-left turn lanes, one thru lane and one right turn lane. Through traffic from a right lane would be significantly hampered by cars turning right being stopped by pedestrian traffic crossing Franklin. Synchronization of traffic signal light at Franklin and Argyle with the traffic calming light on the 101 Northbound onramp at Franklin and Argyle
- 2) Extending the 101 Northbound onramp at Franklin and Argyle to stack more northbound cars trying to enter the freeway at peak traffic hours
- 3) Eliminate the U-Turn onto the 101 Northbound onramp at Franklin and Argyle as you drive east on Franklin to the intersection of Franklin and Argyle
- 4) Widen Franklin eastbound under the Vine Street off ramp as you travel eastbound to the Franklin and Argyle intersection so there room for more cars to stack in the left turn lane. The two straight eastbound lanes essentially become one eastbound lane at peak traffic hours as too many cars queue for the left turn lane in the through lane and stop traffic.

B. PARKING

The Project, under current City of Los Angeles Parking Regulations should, at a minimum provide parking for 2,500 cars, which does not include any calculation for visitor parking related to the residential, office, tourist and observation deck(s) uses.

Calculations per Parking Regulations are as follows:

492 condominium units; 2/unit=984 spaces

168,000SF Luxury Hotel; 2/1000=336 spaces

215,000SF Office Space; 2/1000=430 spaces

34,000SF Retail (Food/Beverage); 10/1000=340 spaces

35,100SF Fitness/Sports Club; 10/1000=350 spaces

15,000SF Retail (General); 4/1000=60 spaces

Total: 2,500 spaces

The Project as currently proposed will provide approximately 2,000 parking spaces which would make the Project woefully under parked based on current City Parking Regulations and offer no additional parking except an unnamed, undesignated off-site parking location.

C. PUBLIC BENEFITS/MITIGATIONS

HDCA believes that the following public benefits and mitigations should be included in the conditions for the approval of this project. These public benefits and mitigations will not only benefit HDCA but the many residents who travel through this area of Hollywood on their way to or from work, or play.

- 1) Pay CALTRANS's costs to extend the 101 northbound on-ramp at Franklin and Argyle to allow more stacking of cars on the onramp.
- 2) Pay CALTRANS and DOT's costs associated with synchronizing the ramp light timing on 101 northbound onramp and the left turn signal for the northbound traffic entering the Freeway from the Argyle/Franklin intersection.
- 3) Pay CALTRANS cost of beautifying/landscaping and maintaining the hillside on the northwest side of Franklin and Argyle onramp including irrigation.
- 4) Pay CALTRANS or DOT's cost of beautifying/landscaping the hillside south Franklin Ave between Cahuenga and Vine Street with plantings similar to the Franklin Ivar Park.
- 5) Install Freeway directional signs at the intersections of Yucca and Vine and Yucca and Ivar to route northbound/southbound 101 Freeway traffic to the Cahuenga 101 onramps.
- 6) Build a pedestrian access bridge extending from Ivar (south of 101 Fwy.) across Franklin to the sidewalk on the north side of Franklin Avenue adjacent to the Park entrance. Bridge construction to include ADA accessible elevator service on the Park side of Franklin Avenue.
- 7) Provide additional lighting under both freeway bridges along Franklin and Argyle to encourage pedestrian traffic from north of Franklin to the Project. This is a dead zone considered unsafe by many currently.
- 8) Allocate a specific number of parking spaces for local residents to obtain monthly parking passes, at a discounted rate (so they can park and walk to the subway).
- 9) Provide local residents discount parking benefit for the "local" neighbors who want to patronize the Project's various amenities.
- 10) Illuminate and maintain the "Hollywood" monument sign at Franklin and Cahuenga.
- 11) The Project's Development Agreement shall clearly state there will be no advertising signage, billboards or signage of any kind installed, displayed or attached to the Project's structures or improvements.
- 12) The Project's helipads will not generate any helicopter traffic other than that required for emergency services.
- 13) All items listed herein to be included in the Project's Development Agreement and completed by Millennium prior to receipt of a Certificate of Occupancy for any portion of the Project.

Why we believe the decision-maker erred or abused their discretion:

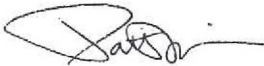
- 1) No where in the documents does the decision-maker address the **critical necessity** for the Hollywood CRA, or its successor agency to review this new project and determine if it complies with its ordinances. The project approval should be delayed until the necessary review has been accomplished and the Hollywood CRA provides its comments and requirements for this project.
- 2) Did not consider the discrepancy between the size, height, bulk and scale of this Project and the balance of existing or planned projects in the Hollywood area.

- 3) Did not consider the impacts the increase in traffic and congestion to be generated by the Project will impact the adjacent residential communities and their residents north of Franklin Avenue.
- 4) How the increased traffic generated by the Project will increase the congestion and traffic as said traffic moves from DOT controlled streets to CALTRANS controlled freeway on/off ramps.
- 5) It would appear unlikely that the Hearing Officer could have satisfactorily researched, discussed and resolved any/all new Project impacts introduced at the February 19th Hearing within the 2-days of time that elapsed between the Hearing and the February 22nd date that the Advisory Agency's letter of Determination was issued.

We reserve the right to submit additional comments and objections regarding the advisory agency's approval of the Vesting Tentative Tract Map and environmental findings through the close of the administrative proceeding related to the Project.

We appreciate your consideration of our comments and objections.

Sincerely,

A handwritten signature in black ink, appearing to read "Patti Negri", with a stylized flourish at the end.

Patti Negri
President, Hollywood Dell Civic Association

Exhibit 2

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Planning Commission
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: VTTM No. 71837-CN

PROJECT ADDRESS: 1720-1770 N. Vine; 1746-1770 N. Ivar; 6236-6334 Yucca; 1745-1753 N. Vine

FINAL DATE TO APPEAL: March 4, 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: Argyle Civic Association

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

☒ Self ☐ Other: _____

Address: 2018 N. Vine Street

Los Angeles, CA Zip: 90068

Telephone: _____ E-mail: info@argylecivic.org

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

☐ Yes ☒ No

REPRESENTATIVE INFORMATION

Name: George Abrahams, president of ACA

Address: 3150 Durand Drive

Los Angeles, CA Zip: 90068

Telephone: 323 463 9209 E-mail: ggg@copper.net

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.

Argyle Civic Association
2018 N. Vine Street
Los Angeles, CA 90068

Los Angeles City Planning Commission
c/o City of Los Angeles Planning Department
Department's Public Offices, Figueroa Plaza
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

RE: Case No.: Vesting Tentative Tract Map No. 71837-CN
CEQA No.: ENV 2011-0675-EIR
Project Location: 1720-1770 N. Vine St.; 1745-1753 N. Vine St.;
1746-1770 N Ivar St.; 1733-1741 Argyle Ave.; 6236-6334 Yucca St.,
Hollywood.

Appeal of: Advisory Agency's Determination Letter for Vesting Tentative Tract
Map No. 71837-CN

We appeal the decision of the Advisory Agency on the following grievances:

I. Failure to Include Economic Feasibility Analysis of Project Alternatives in
Administrative Record Before Start of Public Comment Period

The FEIR states:

Comment No. 09-79

"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."

Response to Comment No. 09-79

"In fact, in 2012 the Court of Appeal of California held that there is no requirement that the economic feasibility analysis be included in a Final EIR – much less a Draft EIR – so long as it was included in the administrative record."

"The court in *Flanders*, however, explained that the plaintiff's reliance on *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376 was misplaced because financial feasibility evidence was ultimately available for review before final consideration of the project. Therefore, it is clear that economic feasibility evidence is not required to be in the Draft EIR, as asserted in the comment. Here, the administrative record for the Project will contain adequate financial feasibility evidence regarding Project Alternatives prior to final consideration of the Project by the decision makers."

It is not an open process and violates the public comment requirement of CEQA if the financial feasibility evidence is added to the administrative record only when it is presented to the decision makers for final consideration. Withholding the financial feasibility evidence from the administrative record during the DEIR and FEIR period denies the public the opportunity to have a reasonable period of time to examine and comment on it and to participate in the CEQA process. The evidence that the Planning Department claims that they used to reach their conclusion must be added to the administrative record and available for public

inspection and comment at the time that the Planning Department concluded that the Project Alternative was infeasible and before the close of the public comment period. An open process cannot operate on an Alice in Wonderland "Sentence first—verdict afterwards" methodology.

The DEIR needs to be recirculated with the financial feasibility evidence for each of the project alternatives added to the administrative record prior to the start of the DEIR public comment period.

II. Failure to Include a Downsizing Alternative in the DEIR as a Reasonable Alternative

The idea that a less than 3:1 FAR is infeasible is not only untrue, it is preposterous since the majority of businesses and residences in Los Angeles are less than 3:1 FAR and are financially successful. There are many such businesses a block away from the project location. Joseph's restaurant, across the street from the project location, and Enterprise Rent a Car, on the project site, are successful at 0.5:1 FAR and at 0.25:1 FAR respectively. Since a 0.25:1 FAR business is feasible at the project location a Downsizing Alternative should have been included in the DEIR as a reasonable alternative. A high FAR alone is not an assurance of viability since the TOD projects at Hollywood and Western, Hollywood and Vine and Hollywood and Highland are all financial failures. Hollywood and Western cannot lease the retail space next to the Metro entrance after 10 years of operation. Hollywood and Vine has only sold 20 of the 143 condos after 4 years of operation. Hollywood and Highland lost \$450 million upon sale to a new owner. Thus, there is no evidence, as the FEIR claims, that only a high FAR project can produce the benefits listed in the Statement of Overriding Considerations.

The DEIR needs to be recirculated with the inclusion of a Downsizing Alternative as a reasonable alternative.

III. Failure to Use Actual Transit Mode Usage Evidence to Determine Vehicle Trip Generation

The FEIR states:

Response to Comment No. 09-42

"Given the proximity to the Hollywood/Vine Metro Red Line Transit Station, high transit usage is expected. The Red Line Transit Station provides connections to the Metro rail system and many bus lines. Further, the high cost of parking will encourage use of transit and other modes, such as bicycling, carpooling and walk-in. Additionally, the mixed-use nature of the Project and surrounding area will reduce vehicle trip generation. The TDM program will further encourage the use of alternative modes. The promoted alternatives to driving alone include ride-sharing, bicycling, work-at-home and telecommunication, as well as transit."

There is almost no usage of the bicycle lanes in Los Angeles and Metro ridership is far below expectations. The high-income residents who would occupy the very expensive condos in TOD projects are less likely to use mass transit because, according to the US Census American Communities Survey, mass transit in Los Angeles takes 1.73 times longer than individual cars. The TDM mass transit model ignores the fact that time is a commodity and the value lost in individual productivity outweighs any potential gain from the use of mass transit. This is why corporate leaders spend hundreds of thousands of dollars a year to maintain private jets to fly coast to coast rather than take 5 days to ride a Greyhound bus.

The DEIR needs to be recirculated using actual transit mode data instead of TDM expectations to determine the vehicle trip generation that the project will add.

IV. Failure to Use Maximum Build out in Traffic Study and to Study Cut-through Traffic in Residential Areas

The FEIR states:

Response to Comment No. 09-50

"A variety of mitigation measures were considered during the Traffic Study process. The measures considered included modifications to the lane configurations at individual intersections. Those measures were not considered feasible due to secondary impacts on the sidewalk width or on-street parking supply, with one exception. After the potential measures were evaluated, due to secondary impacts, most of the significantly impacted intersections were determined to have no feasible mitigation measures."

Response to Comment No. 18-3

"It should be noted that the Draft EIR contains a comprehensive discussion of potential traffic and public safety impacts in Sections IV.K, Transportation and IV.J, Public Services. These section assess the Project potential impacts given the existing conditions (including street and intersection capacities) surrounding the Project Site."

The traffic mitigations offered are inadequate because they are relative to "the existing conditions" rather than to the maximum build-out under either the old 3:1 FAR or new 4.5:1 FAR Hollywood Community Plans and "most of the significantly impacted intersections were determined to have no feasible mitigation measures". By-right development that would follow an approval of this FEIR would overwhelm the meager mitigations offered in this FEIR.

The traffic study fails to address the increase in cut-through traffic in the surrounding residential areas, such as the Beachwood Drive, Canyon Lake Drive, Tahoe Drive, Lake Hollywood drive route between Hollywood and Burbank, that would result from the traffic congestion around the project. The DEIR needs to critically address cut-through traffic and its impact on residential street segments.

The DEIR needs to be recirculated for a traffic study that is redone relative to the maximum build-out under both the old 3:1 FAR and new 4.5:1 FAR Hollywood Community Plans and which includes cut-through traffic in the surrounding residential areas.

V. Failure to Use Maximum Build out in Study of Impacts on Infrastructure

The same inadequacy specified in Grievance IV exists for all of the other infrastructure elements, such as emergency services, sewer, gas, water, and electricity because they are relative to "the existing conditions". They should all be studied relative to the maximum build-out rather than the current build-out.

The DEIR needs to be recirculated with studies of the impact of the project on all of the infrastructure elements, including those listed above, relative to the maximum build-out under both the old 3:1 FAR and new 4.5:1 FAR Hollywood Community Plans.

We also appeal on the grievances stated in the appeal by Annie Geoghan included here as Attachment 1.

We reserve the right to submit additional comments and objections regarding the Advisory Agency's approval of the Vesting Tentative Tract Map and environmental Findings through the close of the administrative proceedings related to the project.

Thank you for your time and consideration of this matter.

A handwritten signature in black ink, appearing to read 'George Abrahams', with a long horizontal flourish extending to the right.

George Abrahams, President
Argyle Civic Association

Exhibit 2

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: CITY PLANNING COMMISSION

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

REGARDING CASE #: VTTM No. 71837-CN

PROJECT ADDRESS: 1720-1770 N. Vine; 1746-1770 N. Ivar; 6236-6334 Yucca

FINAL DATE TO APPEAL: March 4, 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: Annie Geoghan

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

☐ Self

☒ Other: Concerned neighbors affected by the
proposed project.

Address: Mr. and Mrs. Geoghan, 6603 Whitley Terrace

Los Angeles, CA

Zip: 90068

Telephone: (323) 466-1084

E-mail: Annge6603@aol

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

☐ Yes

☒ No

REPRESENTATIVE INFORMATION

Name: _____

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

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: Mrs. Ruth A. Bozso - Seoghan Date: March 1, 2013

Planning Staff Use Only

Amount	104.90	Reviewed and Accepted by	Date
Receipt No.	10501	Deemed Complete by	Date

☐ Determination Authority Notified

☐ Original Receipt and BTC Receipt (if original applicant)

February 28, 2013

Mr. and Mrs. Geoghan
6603 Whitley Terrace
Los Angeles, CA 90068

Los Angeles City Planning Commission
c/o City of Los Angeles Planning Department
Department's Public Offices, Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

RE: Case No.: Vesting Tentative Tract Map No. 71837-CN
CEQA No.: ENV-2011-0675-EIR
Project Location: 1720-1770 N. Vine St.; 1745-1753 N. Vine St.; 1746-1770 N. Ivar Ave.;
1733-1741 Argyle Ave.; 6236-6334 Yucca St., Hollywood.

Appeal of: Advisory Agency's Determination Letter for Vesting Tentative Tract Map No. 71837-CN

I. INTRODUCTION

The Determination Letter issued for Vesting Tentative Tract Map No. 71837-CN does not state whether or not this subdivision map for the Millennium Hollywood project has in fact been approved. Instead, the Determination Letter states on page 1:

“In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, (sic) the Advisory Agency **is to consider the approval** of Vesting Tentative Tract Map No 71837...” (Emphasis added).

Nowhere does the Determination Letter clearly state that the Advisory Agency has in fact approved VTTM No. 71837-CN. Even the Findings of Fact are ambiguous as to whether or not the Advisory Agency has issued an approval. Such sloppiness by Planning Staff is unacceptable, especially for a major development that will permanently impact the entire Hollywood region. The Determination Letter needs to be corrected and reissued with a new appeal deadline, especially given that the Determination Letter was obviously drafted by the applicant with only cursory input from Planning Staff.

Therefore, on behalf of the residents of Whitley Heights, Beachwood Canyon, Hollywood Dell, Hollywoodland, Argyle Civic Assn., the La Mirada Avenue Neighborhood Association, and other concerned stakeholders, we are appealing what we assume to be the Advisory Agency's approval of “Millennium Hollywood's” Vesting Tentative Tract Map No. 71837-CN. Millennium Hollywood is proposed as an approximately 1.1 million sq. ft. development adjacent to Hollywood's historic Capitol Records Tower.

As part of this appeal, we also strongly object to the blatantly illegal manner in which the Advisory Agency has reduced the project's required number of residential parking spaces. The Advisory Agency has granted the project a significant reduction from its parking requirement of 2.5 stalls per residential unit without the Determination Letter even acknowledging that a deviation has been requested or approved.

Millennium Hollywood is a proposed mixed-use development that is both vague in scope and ambiguous in scale. Its components are murky, ever changing and coyly uncertain, in violation of the fundamental premise of the California Environmental Quality Act (CEQA) that there be an accurate and stable project description. A finite project is crucial for analysis by both the public and the decision-makers in order to understand and act upon the choices to be made. Millennium Hollywood, however, subverts this process by refusing to reveal exactly what those choices will be.

Both the Millennium Hollywood's Draft Environmental Impact Report (DEIR) and the Advisory Agency's Determination Letter describe the proposed development in varying terms: the project could be 492 residential condominium units or 897 condominiums; the office component could add 215,000 square feet of additional space or there could be no additional office space; a 200-room hotel may or may not be included; and there could be 10,000 sq. ft. of restaurants and bars or 43,000 sq. ft. of restaurants and bars. As acknowledged in the Determination Letter at page 149, the project description "*will adapt to market conditions.*"

As further described by the Determination Letter at page 55: "*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.*" (Emphasis added).

The Advisory Agency is required under the California Subdivision Map Act to make its determination to approve or reject a proposed development based upon a clearly defined project. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185. A development that "*will adapt to market conditions*" may be a speculator's dream, but it is not a definitive project description.

Furthermore, the Advisory Agency's approval of Millennium's Tentative Tract Map circumvents the Agency's restrictions under the California Subdivision Map Act. Rather than approving a clearly defined project, as required under Section 66418.1 of the Map Act, and by implication under Sections 66474.61 (a) and (b), the Advisory Agency improperly grants the Map by bootstrapping any sized development into its approval based upon unprecedented entitlements that may or may not be granted by the City Planning Commission. As described at pages 58 and 149 of the Determination Letter:

"The project will be subject to the Development Regulations...together with the Land Use Equivalency Program, which will permit the development to adapt to market conditions, by allowing a controlled exchange of uses with increases in the intensity and/or density of certain uses with decreases others (sic)...As flexibility is contemplated in the Development Agreement...a conceptual plan has been prepared as an illustrative scenario to **demonstrate a potential development program...**" (Emphasis added).

What is certain is the following: Two skyscrapers planned for the site would be among the tallest in the Western United States, each exceeding twice the height of the 22-story Sunset/Vine tower (currently the tallest building in Hollywood); The project would have a Floor Area Ratio of 6:1 on a 4.47 net acre site with 1,918 parking spaces, which could be as much as 912 parking spaces less than required under the law. Total site development would be approximately 1.1 million square feet, and no affordable housing would be included on-site (thereafter the "Project").

The applicant is Millennium Hollywood, LCC (hereinafter the "Applicant").

The existing site zoning is C4-2D-SN. The "D" limiting condition restricts the site's Floor Area Ratio ("FAR") to 3:1. The applicant is also separately requesting under related case CPC-2008-3440-ZC-CUB-CU-ZV-HD that the Los Angeles City Planning Commission approve: a Vesting Zone Change and Height District Change to replace the "D" Development Limitation, allow development to a 6:1 FAR, and to include uses prohibited in the C4 Zone; approve a Conditional Use to permit floor area averaging across the site; approve Zone Variances for reduced commercial parking and for parking to be off-site; and other entitlements. Under related Case No. CPC-2013-103-DA, the applicant is requesting an unprecedented Developer's Agreement for up to 25 years to essentially make the subject site an island unto itself, free of zoning regulations or community oversight.

II. OBJECTIONS

The Advisory Agency is approving the Project's subdivision request prior to a City Planning Commission public hearing, even though the City Planning Commission must first review and consider the Applicant's requested Zone and Height District Change to remove the "D" Development Limitation and other restrictions to make the Map consistent with the underlying zoning. The Advisory Agency's approval is therefore in violation of Government Code Section 66474, which states that the city "**shall deny approval of a tentative map...if the proposed map is not consistent with applicable general and specific plans.**"

The Advisory Agency's Determination Letter states at page 135: "*The existing FAR is 3:1 according to the D Limitation and the Project Site zoning.*" Therefore the Project is not allowable under its current land use designation.

The Advisory Agency also approved the subdivision prior to a public hearing by the City Planning Commission, which will review and consider adoption/certification of the EIR and its Statement of Overriding Considerations. In its Determination Letter at page 147, however, the Advisory Agency states that it is both adopting the EIR and the Statement of Overriding Considerations.

The Advisory Agency is not a legislative body and is without legal authorization to adopt the EIR and its Statement of Overriding Considerations prior to review and action by the Commission. To do so clearly usurps the authority of the Commission and City Council, and explicitly violates the California Environmental Quality Act, rendering CEQA meaningless.

The Advisory Agency's decision letter clearly violates the California Subdivision Map Act by approving a tentative tract map inconsistent with the existing zoning. By issuing its approvals prior to City Planning Commission review and consideration of the requested entitlements, or even before release of the Planning Department's Staff Recommendation Report, the Advisory Agency has in effect determined that the Commission's approval is a foregone conclusion. The clear implication to the public is that the Project has obtained irreversible momentum, and that the Commission's review will be merely a post hoc rationalization to support action already taken.

Approval of the Project's Vesting Tentative Tract Map is therefore legally and substantively defective. Objections to the VTTM include but are not limited to the following:

- Pursuant to Government Code Section 66474, the City cannot approve the VTTM and the Project, and instead should deny it as a result of the fact:
 - a) That the proposed map is inconsistent with the subject site's underlying zoning and the Findings of Fact inaccurately describe the existing zoning;
 - b) That the design or improvement of the proposed subdivision is not consistent with the applicable general plan;
 - c) That the site is not physically suitable for the type of development proposed;
 - d) That the site is not physically suitable for the proposed density of development;
 - e) That the design of the subdivision or the proposed improvements is likely to impact a cultural resource, create substantial environmental impacts and affect public health;
- The parking reduction from the Advisory Agency standard of 2.5 stalls per unit in a parking congested area is unsubstantiated and has not even been formally requested by the Applicant or acknowledged by the Planning Dept.;
- As noted in the EIR and during public comment, the Project will result in significant, unmitigated impacts to our community, including but not limited to:
 - Traffic and Parking;
 - Noise;
 - Land Use and Planning;
 - Population and Housing;
 - Public Services;
 - Aesthetics/Views/Shade & Shadow
 - Utilities, specifically increased demand on an aging infrastructure

III. THE PROPOSED MAP IS INCONSISTENT WITH THE APPLICABLE ZONING.

The approved Vesting Tentative Tract Map is inconsistent with the underlying zoning, which restricts the subject site FAR to 3:1, and limits the type of uses at the site. The Applicant is requesting that the City Planning Commission grant a Zone and Height District Change to remove the "D" Development Limitation and grant a new FAR of 6:1, but the Commission's hearing on this matter isn't even tentatively scheduled until the end of March. In the meantime, the Advisory Agency cannot approve a Map inconsistent with what's permissible both in scale and uses on the subject site. Also, the Project's proposed FAR of 6:1 is a theoretical figure that doesn't clarify exactly what would be built, what the total square footage would be, how many residential units there would be, or how tall the skyscrapers ultimately will be. None of the proposed components of the Millennium Hollywood Project is permissible within the applicable zoning.

The Advisory Agency's approval violates Government Code Section 66474, which states that the city "shall deny approval of a tentative map...if the proposed map is not consistent with applicable general and specific plans." The underlying zoning is C4-2D-SN. The Los Angeles Municipal Code ("LAMC") restricts C4 uses to R4 uses. R4 zoning allows one unit per 400 square feet of lot area. The Applicant, however, is requesting use of LAMC Section 12.22.A.18 (a) through its Development Agreement to allow density to be based on R5 standards, which permits one unit per 200 square feet of lot area. R5 is nowhere to be found within the Project's vicinity, and surrounding R4 designated areas are further restricted by [Q] qualifying limits on density. The intent of the applicable Hollywood Community Plan zoning designation is therefore to limit density in the vicinity to R4 levels or less.

Placing a 1.1 million square foot, 585-foot-tall development in a neighborhood dominated by low-to-moderate-level commercial and residential structures will be detrimental to the character of development in the immediate area, and will not be in conformance with either the Hollywood Community Plan or the General Plan. The Project is therefore inconsistent with both the California Subdivision Map Act and proper land use and planning.

IV. THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS NOT CONSISTENT WITH THE APPLICABLE GENERAL AND SPECIFIC PLANS.

As designed, the Project is inconsistent with the designated zoning of the Hollywood Community Plan and the restrictions of the Hollywood Redevelopment Plan. It will cause adverse environmental impacts to the surrounding neighborhoods that are significant, permanent and without mitigation.

A. Parking

The Applicant is requesting a Vesting Tentative Tract Map for residential **condominiums**, not apartments. The Advisory Agency's parking requirement for condominiums is 2.5 parking spaces per dwelling unit in parking congested areas (see Exhibit 1). The Determination Letter states on page 1 that the project will consist of "492 residential **condominium** units." Yet, Mitigation Measure K.1-14 on page 45 of the Determination Letter, titled "East Site Residential Unit and Reserved Residential Parking Cap," states that the 450 residential units at this location will have only 675 total parking spaces, or 1.5 parking spaces per unit with no guest parking spaces. The DEIR also states that residential units will have only 1.5 parking spaces. This figure is 1 parking stall per unit deficient.

This deviation in the required amount of residential parking would result in the Project's residential parking component being almost 500 spaces less than required by the Advisory Agency. Nowhere in the Determination Letter is there an analysis of this parking reduction. **Nowhere in the Determination Letter does the Advisory Agency even acknowledge that they are granting this deviation.** Nowhere does the Determination Letter state that the Applicant even bothered to request the deviation.

Instead, the Determination Letter at page 69 categorizes the Project's significantly reduced number of operational parking stalls under the heading "ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT." The finding states: "*The Parking Standards that are proposed as part of the Development Regulations are generally consistent with the LAMC parking requirements...*"

The Los Angeles Municipal Code does regulate parking requirements for condominiums. Nor does the LAMC control the parking requirements of the Advisory Agency, which are applicable to all subdivisions. The Advisory Agency cannot simply ignore its own rules and regulations, nor can it ignore CEQA. Reduced residential parking will be a significant environmental impact.

Projects approved in Hollywood in the previous five years include: the Blvd. 6200 development at 6139 Hollywood Blvd (CPC 2006-7301-ZC-ZV-YV-SPR), a 1,014-unit mixed-use project with 2,696 parking spaces; the Columbia Square project at 6101-6125 W. Sunset Blvd. & 6100-6134 W. Selma Ave. (CPC-2007-9911-GPA-VZC-HD-CUB-CUX-VCU-SPR-DA), which includes a 200-unit condominium element with 500 dedicated parking spaces (1770 parking spaces overall); and the Paseo Plaza development at 5661 Santa Monica Blvd. (CPC-2006-4392-GPA-ZC-HD-ZV-ZAA-ZAI-SPR), which features 437 condominiums and 1,811 parking spaces.

As recognized in the Project's Environmental Impact Report, this area of Hollywood already experiences heavy traffic congestion during both peak and non-peak periods, and its infrastructure is not designed to accommodate the increased street parking demands that result with greater residential density. In recognition of this area's severe parking congestion, the Blvd. 6200 project will have a surplus of parking, as is noted on pages F-19, 20 of the City Planning Commission's 4/9/07 Determination Letter, which states: "*The Project will provide a surplus of parking, and will not lead to residents, tenants and guests searching streets and adjacent properties for parking spaces.*"

Please note also that Blvd. 6200 project is located immediately across from the Hollywood/Vine Red Line subway stop, and is voluntarily setting aside 10% of its residential units as permanent affordable housing -- unlike the Project's complete lack of any on-site affordable housing. The Paseo Plaza development will also have a surplus of parking, is dedicating 15% of its units as affordable housing, and is constructing its parking structure 27 feet below the water table. No justification or precedent therefore is given in the Advisory Agency's decision letter to support allowing the Hollywood Millennium Project to reduce its required parking spaces by almost 500 stalls, especially since the proposed development consists of two luxury residential skyscrapers with no units of affordable housing.

The illegality of reducing Advisory Agency residential parking requirements without proper CEQA review and substantial evidence to support the reduction was addressed in 2012 in La Mirada Ave. Neighborhood Association of Hollywood v. City of Los Angeles (BS132533). This case involved the Hollywood/Gower project, a 20-story, 270-foot-tall skyscraper of 176 market-rate residential units with 7,000 sq. ft. of retail, located two blocks east of the Hollywood and Vine subway stop. Parking consisted of 345 spaces, representing 132 residential fewer stalls than required by the Advisory Agency for subdivisions in a parking-congested zone. For that project, the Advisory Agency granted a deviation from its parking policy to allow 1.5 parking spaces per unit with .25 guest parking spaces per unit. The community appealed, and the Court overturned the City's approvals and completely invalidated the project (see Exhibit 2), ruling that "*the City failed to proceed in a manner required by CEQA*":

"The City's claim that the Project's variance from City-established parking ratios cannot cause an adverse environmental effect is unsupported by substantial evidence..."

“Developer confidence does not constitute evidence to support fact. Nor can it be fairly argued that parking ratios for apartments should be used...**Efforts to characterize the project as code-compliant by applying the apartment standard is wholly incorrect.**...Authorizing a departure from existing parking requirements will have a substantial adverse environmental effect...Without any discussion in this record that the circulation system of Hollywood is sufficiently robust to withstand untold numbers of new residents and their guests cruising for non-existent street parking, the Respondents’ claim that the project’s variance from City-established parking ratios cannot cause an adverse environmental effect is unsupported by substantial evidence.” (Emphasis added).



Parking congestion on a typical Hollywood residential street.

V. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

Development of the Project would result in a massive, 1.1 million sq. ft. Project located in the heart of one of the most traffic congested areas of Los Angeles. The development is also immediately adjacent to the historic 13-story Capitol Records Tower, which would be overwhelmed by the proposed Project. Surrounding properties, as noted in the Findings, are within Hollywood’s historic 150-foot height limitation. The Determination Letter includes a list of recently approved projects for comparison, but none of the listed projects received approval to place as much square footage on so small a lot area: Boulevard 6200 is spread over 7 acres and would reach a maximum height of 85 feet; the W Hotel development also covers multi-acreage and is limited to a height of 150 feet. In contrast, the Millennium Hollywood project would include some of the tallest skyscrapers west of the Mississippi River. The site is therefore clearly unsuitable for the Project.

VI. THE SITE IS NOT PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The Findings state that the Project *"would be consistent with the recently approved and developed projects in the immediate vicinity, including the mixed-use development at 1614-1736 Argyle Avenue, 6139-6240 Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1615-1631 Del Mar Avenue."* These addresses comprise the Blvd. 6200 project, which as noted earlier is a low-level mixed-use development with both a surplus of parking and a large quantity of affordable housing. In no manner, therefore, is it "consistent" with the massive Millennium Project.

The Findings also list another recent development for comparison, at *"6252 Hollywood Boulevard, which includes 150 residential condominiums, 374 apartment units, 300 hotel rooms and 61,500 square feet of retail and restaurant use with a 6:1 FAR."* This is the Hollywood at Vine, W Hotel project (CPC 2005-630-ZC-ZAA-SPR), a 150-foot-tall, mixed use development with 15% of the units restricted for affordable housing on a six-acre site. The project is sited literally on top of the Metro subway stop. Hollywood at Vine was a joint private/public development venture facilitated through an agreement with the former Community Redevelopment Agency. The FAR was approved by the CPC as "in excess of 4.5:1 but not to exceed 6:1." Page F-8 of its CPC Determination Letter confirms that the project qualified for a reduction in parking for the apartment units under SB1818. The project's condominium units have 2.5 parking stalls per unit.

In contrast, the Millennium Hollywood Project offers no on-site affordable housing, dramatically less parking, and a 6:1 FAR on a much smaller lot.

The Findings also list the Argyle Hotel as a comparative project, yet this proposed development at 1800-1802 N. Argyle, immediately adjacent to the 101 Freeway, covers a single lot and its backers have gone into default. It is in no manner whatsoever comparable to the Project.

The Findings further state that *"the project will be compatible with the recent pattern of high density and mixed-use development that characterizes the Regional Center areas of the Hollywood Community,"* yet the Millennium Hollywood Project is in no manner comparable to the other developments it cites.

The proposed development is not allowable under the underlying zoning. The site is limited to an FAR of 3:1. Adjacent land uses, as noted in the Findings, are primarily moderate-level commercial/retail. Nothing within the immediate vicinity even approaches the overwhelming height, massing and density proposed for the Project.

The small site is therefore not physically suitable for the proposed density of development.

VII. THE DESIGN OF THE SUBDIVISION IS LIKELY TO IMPACT A CULTURAL RESOURCE, CREATE SUBSTANTIAL ENVIRONMENTAL IMPACTS AND AFFECT PUBLIC HEALTH.

Both the Project EIR and the Advisory Agency's Determination Letter acknowledge that Millennium Hollywood will create significant, unmitigated impacts to Aesthetics of views, light and glare, construction and operational Air Quality, construction and operational Noise levels, and operational Traffic. The historic Capitol Records Tower would also be permanently obscured by development of the Project. The design of the subdivision is therefore likely to impact a cultural resource, create substantial environmental impacts and affect public health, and cannot under the Map Act be approved.

VIII. CONCLUSION

In approving the Applicant's requested tentative tract map prior to review and action by the City Planning Commission of a necessary Zone and Height District change and other discretionary approvals, the Advisory Agency has simply rubberstamped the Project in violation of both the California Subdivision Map Act and the California Environmental Quality Act. The site's existing zoning does not permit the approved subdivision.

In approving a significant reduction in the Project's required number of parking spaces, the Advisory Agency has proceeded illegally in neither acknowledging that a deviation has been granted, or reviewing the reduction's potential impacts as required by CEQA.

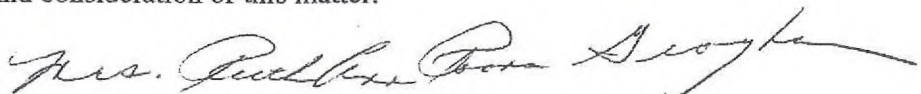
The Project as proposed would create a myriad of significant adverse environmental impacts upon this community. It is respectfully submitted that in its current form, the Advisory Agency's premature approval of the Vesting Tentative Tract Map should be overturned and the Project in its current form should not be approved.

As documented in our appeal and in comments to the draft environmental studies, the Project's EIR does not represent a "good faith effort at full disclosure," in violation of CEQA. The EIR omits key analyses that should have been performed, and it is stilted to avoid findings of obvious significant environmental impacts.

"Before one brings about a potentially significant and irreversible change to the environment, an EIR must be prepared that sufficiently explores the significant environmental effects created by the project." Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners (2001) 91 Cal.App.4th 1344, 1371. "Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees." Cadiz Land Co., Inc. v. Rail Cycle, L.P. (2000) 83 Cal.App.4th 74, 84.

We reserve the right to submit additional comments and objections regarding the Advisory Agency's approval of the Vesting Tentative Tract Map and environmental Findings through the close of the administrative proceedings related to the Project.

Thank you for your time and consideration of this matter.


M. A. S. 21 L

MASTER APPEAL FORM

Exhibit 2

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Planning Commission

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

REGARDING CASE #: VTTM No. 71837-CN

PROJECT ADDRESS: 1720-1770 N. Vine; 1746-1770 N. Ivar; 6236-6334 Yucca; 1745-1753 N. Vine

FINAL DATE TO APPEAL: March 4, 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: Beachwood Canyon Neighborhood Association

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

☒ Self

☐ Other: _____

Address: 2751 Westshire Drive

Los Angeles, CA

Zip: 90068

Telephone: (323) 856-0260

E-mail: beachwoodcanyon@sbcglobal.net

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

☐ Yes

☒ No

REPRESENTATIVE INFORMATION

Name: George Abrahams, member of BCNA board of directors

Address: 3150 Durand Drive

Los Angeles, CA

Zip: 90068

Telephone: 323 463 9209

E-mail: ggg@copper.net

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.

Beachwood Canyon Neighborhood Association
2751 Westshire Drive
Los Angeles, CA 90068

Los Angeles City Planning Commission
c/o City of Los Angeles Planning Department
Department's Public Offices, Figueroa Plaza
201 N. Figueroa Street, 4th Floor
Los Angeles, CA 90012

RE: Case No.: Vesting Tentative Tract Map No. 71837-CN
CEQA No.: ENV 2011-0675-EIR
Project Location: 1720-1770 N. Vine St.; 1745-1753 N. Vine St.;
1746-1770 N. Ivar St.; 1733-1741 Argyle Ave.; 6236-6334 Yucca St.,
Hollywood.

Appeal of: Advisory Agency's Determination Letter for Vesting Tentative Tract
Map No. 71837-CN

We appeal the decision of the Advisory Agency on the following grievances:

I. Failure to Include Economic Feasibility Analysis of Project Alternatives in
Administrative Record Before Start of Public Comment Period

The FEIR states:

Comment No. 09-79

"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."

Response to Comment No. 09-79

"In fact, in 2012 the Court of Appeal of California held that there is no requirement that the economic feasibility analysis be included in a Final EIR – much less a Draft EIR – so long as it was included in the administrative record."

"The court in *Flanders*, however, explained that the plaintiff's reliance on *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376 was misplaced because financial feasibility evidence was ultimately available for review before final consideration of the project. Therefore, it is clear that economic feasibility evidence is not required to be in the Draft EIR, as asserted in the comment. Here, the administrative record for the Project will contain adequate financial feasibility evidence regarding Project Alternatives prior to final consideration of the Project by the decision makers."

It is not an open process and violates the public comment requirement of CEQA if the financial feasibility evidence is added to the administrative record only when it is presented to the decision makers for final consideration. Withholding the financial feasibility evidence from the administrative record during the DEIR and FEIR period denies the public the opportunity to have a reasonable period of time to examine and comment on it and to participate in the CEQA process. The evidence that the Planning Department claims that they used to reach their conclusion must be added to the administrative record and available for public inspection and comment at the time that the Planning Department concluded

that the Project Alternative was infeasible and before the close of the public comment period. An open process cannot operate on an Alice in Wonderland "Sentence first—verdict afterwards" methodology.

The DEIR needs to be recirculated with the financial feasibility evidence for each of the project alternatives added to the administrative record prior to the start of the DEIR public comment period.

II. Failure to Include a Downsizing Alternative in the DEIR as a Reasonable Alternative

The idea that a less than 3:1 FAR is infeasible is not only untrue, it is preposterous since the majority of businesses and residences in Los Angeles are less than 3:1 FAR and are financially successful. There are many such businesses a block away from the project location. Joseph's restaurant, across the street from the project location, and Enterprise Rent a Car, on the project site, are successful at 0.5:1 FAR and at 0.25:1 FAR respectively. Since a 0.25:1 FAR business is feasible at the project location a Downsizing Alternative should have been included in the DEIR as a reasonable alternative. A high FAR alone is not an assurance of viability since the TOD projects at Hollywood and Western, Hollywood and Vine and Hollywood and Highland are all financial failures. Hollywood and Western cannot lease the retail space next to the Metro entrance after 10 years of operation. Hollywood and Vine has only sold 20 of the 143 condos after 4 years of operation. Hollywood and Highland lost \$450 million upon sale to a new owner. Thus, there is no evidence, as the FEIR claims, that only a high FAR project can produce the benefits listed in the Statement of Overriding Considerations.

The DEIR needs to be recirculated with the inclusion of a Downsizing Alternative as a reasonable alternative.

III. Failure to Use Actual Transit Mode Usage Evidence to Determine Vehicle Trip Generation

The FEIR states:

Response to Comment No. 09-42

"Given the proximity to the Hollywood/Vine Metro Red Line Transit Station, high transit usage is expected. The Red Line Transit Station provides connections to the Metro rail system and many bus lines. Further, the high cost of parking will encourage use of transit and other modes, such as bicycling, carpooling and walk-in. Additionally, the mixed-use nature of the Project and surrounding area will reduce vehicle trip generation. The TDM program will further encourage the use of alternative modes. The promoted alternatives to driving alone include ride-sharing, bicycling, work-at-home and telecommunication, as well as transit."

There is almost no usage of the bicycle lanes in Los Angeles and Metro ridership is far below expectations. The high-income residents who would occupy the very expensive condos in TOD projects are less likely to use mass transit because, according to the US Census American Communities Survey, mass transit in Los Angeles takes 1.73 times longer than individual cars. The TDM mass transit model ignores the fact that time is a commodity and the value lost in individual productivity outweighs any potential gain from the use of mass transit. This is why corporate leaders spend hundreds of thousands of dollars a year to maintain private jets to fly coast to coast rather than take 5 days to ride a Greyhound bus.

The DEIR needs to be recirculated using actual transit mode data instead of TDM expectations to determine the vehicle trip generation that the project will add.

IV. Failure to Use Maximum Build out in Traffic Study and to Study Cut-through Traffic in Residential Areas

The FEIR states:

Response to Comment No. 09-50

"A variety of mitigation measures were considered during the Traffic Study process. The measures considered included modifications to the lane configurations at individual intersections. Those measures were not considered feasible due to secondary impacts on the sidewalk width or on-street parking supply, with one exception. After the potential measures were evaluated, due to secondary impacts, most of the significantly impacted intersections were determined to have no feasible mitigation measures."

Response to Comment No. 18-3

"It should be noted that the Draft EIR contains a comprehensive discussion of potential traffic and public safety impacts in Sections IV.K, Transportation and IV.J, Public Services. These section assess the Project potential impacts given the existing conditions (including street and intersection capacities) surrounding the Project Site."

The traffic mitigations offered are inadequate because they are relative to "the existing conditions" rather than to the maximum build-out under either the old 3:1 FAR or new 4.5:1 FAR Hollywood Community Plans and "most of the significantly impacted intersections were determined to have no feasible mitigation measures". By-right development that would follow an approval of this FEIR would overwhelm the meager mitigations offered in this FEIR.

The traffic study fails to address the increase in cut-through traffic in the surrounding residential areas, such as the Beachwood Drive, Canyon Lake Drive, Tahoe Drive, Lake Hollywood drive route between Hollywood and Burbank, that would result from the traffic congestion around the project. The DEIR needs to critically address cut-through traffic and its impact on residential street segments.

The DEIR needs to be recirculated for a traffic study that is redone relative to the maximum build-out under both the old 3:1 FAR and new 4.5:1 FAR Hollywood Community Plans and which includes cut-through traffic in the surrounding residential areas.

V. Failure to Use Maximum Build out in Study of Impacts on Infrastructure

The same inadequacy specified in Grievance IV exists for all of the other infrastructure elements, such as emergency services, sewer, gas, water, and electricity because they are relative to "the existing conditions". They should all be studied relative to the maximum build-out rather than the current build-out.

The DEIR needs to be recirculated with studies of the impact of the project on all of the infrastructure elements, including those listed above, relative to the maximum build-out under both the old 3:1 FAR and new 4.5:1 FAR Hollywood Community Plans.

We also appeal on the grievances stated in the appeal by Annie Geoghan included here as Attachment 1.

We reserve the right to submit additional comments and objections regarding the Advisory Agency's approval of the Vesting Tentative Tract Map and environmental Findings through the close of the administrative proceedings related to the project.

Thank you for your time and consideration of this matter.

A handwritten signature in black ink, appearing to read 'George Abrahams', with a long horizontal flourish extending to the right.

George Abrahams, Director
Beachwood Canyon Neighborhood Association

Exhibit 2

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Planning Commission

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

REGARDING CASE #: Vesting Tentative Tract Map No. 71837-CN

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

FINAL DATE TO APPEAL: March 4, 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: AMDA College and Conservatory of the Performing Arts

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

☒ Self

☐ Other: _____

Address: 6305 Yucca Street and 1777 Vine Street

Los Angeles, CA

Zip: 90028

Telephone: (323) 469-3300

E-mail: _____

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

☐ Yes

☒ No

REPRESENTATIVE INFORMATION

Name: Victor De la Cruz - Manatt, Phelps & Phillips, LLP

Address: 11355 West Olympic Blvd.

Los Angeles, CA

Zip: 90064

Telephone: (310) 312-4305

E-mail: vdelacruz@manatt.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: _____

Date: _____

3/4/13

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)

“Millennium Hollywood representatives said that if the school were for children, city law would require them to reduce noise or dust around the school. Because the students are adults, there are no such requirements.”

- Laura J. Nelson, “Massive mixed-use project in Hollywood clears a hurdle” in *Los Angeles Times*, Feb. 19, 2013 (describing the closing arguments of Millennium’s legal counsel at the Advisory Agency hearing for Millennium’s tract map).

APPEAL OF VESTING TENTATIVE TRACT MAP NO. 71837-CN

AMDA College and Conservatory of the Performing Arts ("AMDA") appeals the City of Los Angeles ("the City") Advisory Agency's approval of Vesting Tentative Tract Map No. 71837-CN (the "Tract Map") for the Hollywood Millennium Project (the "Project"). This appeal is limited to a single, major inadequacy in the Environmental Impact Report (the "EIR") for the Project that renders the Tract Map approval legally deficient under the California Environmental Quality Act ("CEQA") and the California Subdivision Map Act – Millennium's position (shockingly unquestioned by the City thus far) that AMDA is not a noise-sensitive receptor and that Millennium need not mitigate construction and operational noise impacts to a level that will allow AMDA to keep its campus open during and after the Project's multi-year construction.¹

After AMDA invested hundreds of millions of dollars making Hollywood its home (well before Hollywood was thriving, in effect paving the way for Millennium), Millennium's failure to protect AMDA through mere compliance with the law is astounding. Every year, AMDA educates hundreds of young artists that come from every state in the nation and multiple countries around the world, to study music, dance, and drama in Los Angeles. What will the City tell these students when they come to AMDA and cannot hear clearly enough to tune a violin or a piano, harmonize their voices, or hear themselves during breathing exercises – all because the City failed to question the Applicant's ludicrous position that AMDA was not a noise-sensitive receptor requiring special construction-related mitigation? And if the City responds with the Applicant's most recent assertion (that only schools with young children are noise-sensitive receptors), what will the City tell those students when confronted with other City EIRs that have identified ITT Technical Institute, the University of Southern California, Loyola Law School, Occidental College, and a host of other institutions of higher learning, as sensitive receptors?

This appeal is common sense. CEQA classifications matter. Just as the City could not defend an EIR that treated a nesting site for the California Condor no different than it treated a nesting site for a pigeon (on the theory that the California Condor is not a protected species), the City will not have complied with CEQA until AMDA, a school, is treated as the noise-sensitive receptor that it is. The City must revise the EIR so that it adequately discloses, analyzes, and mitigates its impacts on AMDA, a sensitive receptor. And for CEQA's informational and participatory mandates to be met, the City must re-circulate the EIR and afford AMDA the opportunity to comment on the Project's proposed mitigation.

¹ A more detailed letter setting forth AMDA's concerns about the Project, generally, and problems with its other discretionary actions (e.g., the variance, the Development Agreement) and the Final EIR will be filed separate from this appeal. AMDA also has concerns about other aspects of the Tract Map approval's compliance with the California Subdivision Map Act, which AMDA intends to raise on appeal to the Planning and Land Use Management Committee of the City Council, if necessary. The need to limit this appeal to one issue – construction noise – is necessary to provide focus on a matter that is of critical importance to the life of the institution. It does not mean that AMDA is not concerned about other Project impacts such as parking and operational noise.

I. BACKGROUND ON AMDA COLLEGE AND CONSERVATORY OF THE PERFORMING ARTS.

AMDA has been located at the intersection of Yucca and Vine in Hollywood for over ten years. As one of the country's preeminent non-profit colleges for the performing arts, AMDA's two campuses in New York City and Los Angeles have launched some of the most successful careers in theater, film, and television. Fully accredited by the National Association of Schools of Theatre, AMDA's Los Angeles campus enrolls approximately 700 full-time students from throughout the world and offers both four-year Bachelor of Fine Arts Programs and various 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 four-year colleges, to intense professional-level artist training in musical theatre, multiple dance styles, and vocal recital presentations.

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 proposed 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 performance spaces. 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 where students congregate and eat and perform, a performing arts library, and film, television and editing facilities are also located on campus.

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'S NOISE IMPACTS ON AMDA.

While AMDA would like to support the proposed Project, the Project may require AMDA, a sensitive receptor, to close its doors due to the Applicant's complete failure to identify AMDA as a sensitive receptor in the Project's EIR and to address AMDA's concerns in connection with the Project's multi-year construction period. The Applicant's complete disregard for AMDA's required mitigation is unacceptable. As will be made clear in this appeal, the scope of AMDA's operations and the proposed Project's construction impacts are fundamentally incompatible. As proposed, all Project construction would take place *at the*

property line with AMDA (i.e., not even the most minor of setbacks) without a single mitigation measure tailored specifically to AMDA's operations.

The Project's EIR indicates that construction would reach a dBA of 113.9 L_{eq} . According to the Project's EIR, these noise levels 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. (See DEIR, Table IV.H-1.) Moreover, because the proposed Project would take approximately three years to construct, or even more if built out in phases as allowed by the Development Agreement, which spans *decades*, AMDA would not be able to carry out its basic functions as an educational institution for *years*. Please make no mistake about it – it will not be possible for AMDA to keep its doors open while the proposed Project is constructed unless the City complies with CEQA before granting any entitlements.

Construction is to be expected in highly urbanized areas. However, the construction of over a million square feet in 585-foot towers and multiple levels of subterranean parking, over a span of *multiple years* – *without any mitigation for a sensitive receptor* – is *not* to be expected. This is not a simple by-right project, but one that is asking for a Development Agreement, Vesting Tentative Tract Map, Vesting Zone Change, Height District Change, Conditional Use Permits, Variances, etc., and therefore requires compliance with CEQA, in part through the protection of sensitive receptors.

III. THE APPLICANT'S FAILURE TO IDENTIFY AMDA AS A SENSITIVE RECEPTOR IN THE EIR.

The proposed Project's EIR failed to identify AMDA as a sensitive receptor notwithstanding CEQA's clear mandate that schools be identified as such.² As discussed in this appeal, the Applicant has doubled-down on its position that AMDA is not a sensitive receptor. (Acknowledging that AMDA is a noise-sensitive receptor under CEQA would not only require recirculation of the EIR, but would trigger mitigation that the Applicant may not want to provide.)

To be perfectly clear, AMDA is 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. (See Exhibit A, Class Schedule for 1777 Building.) 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.

² CEQA is geared at identifying sensitive receptors and sensitive environmental conditions so that appropriate mitigation can eliminate (or minimize to the maximum extent feasible) a project's significant impacts to those resources. Thus, the Applicant's failure to identify AMDA as a sensitive receptor contravenes CEQA.

Millennium's unwillingness to concede that AMDA is a sensitive receptor is unacceptable, and the litany of excuses as to why AMDA was not identified as a sensitive receptor are absurd. More importantly, these excuses do nothing to remedy the EIR's deficiencies and its utter failure to comply with CEQA's informational mandates.

IV. A HOST OF EXCUSES AS TO WHY AMDA WAS NOT IDENTIFIED AS A SENSITIVE RECEPTOR, BUT THE DEFICIENCIES REMAIN.

When the Applicant was first asked why AMDA was not identified as a sensitive receptor, the Applicant responded that it thought the 1777 Vine Building was vacant – that Project consultants had no idea that AMDA was using it. Putting aside the fact that the Vine Tower across the street was *also* not identified as a sensitive receptor, the Applicant's position as to 1777 Vine was ridiculous. Every school day, one thousand students, faculty, and staff cross Yucca Street between the Vine Tower and the 1777 Vine Building. Furthermore, the President of AMDA has sat on the Board of Directors of the Hollywood Property Owners Alliance together with the Applicant for several years, and members of the Applicant have been guests of AMDA at concerts and recitals on the AMDA campus.

When the "we thought the building was vacant story" became untenable, the Project's Final EIR offered yet another story, responding that the AMDA buildings were not identified as sensitive receptors because the Planning Department's ZIMAS database did not identify AMDA as a school. (Final EIR, Response to Comment 9-11, pp. III-B.45 – 46.) This response too was unacceptable – sensitive receptors are not identified based on what a ZIMAS report says – AMDA either exists or it does not exist. (Just imagine if sensitive species were identified based on what old history books said about a site, rather than a biological survey; there is no question that the Project's EIR consultant did a site-survey of surrounding buildings.) Given AMDA's large student and teacher population, its open and active operations, and its proximity to the Project, its omission is inexcusable.

Subsequently, the Applicant suggested to AMDA that AMDA was not identified as a sensitive receptor because Millennium wanted to protect AMDA – namely that AMDA is not a permitted use and the Applicant did not want to get AMDA in trouble. This, again, is also entirely erroneous – the C4 zoning on AMDA's property allows educational institutions and music conservatories by right – no use permits are needed for AMDA to legally operate there.

Finally, at the February 19, 2013, Advisory Agency hearing for the Tract Map, after AMDA refuted all of the above excuses which had been proffered by the Applicant, Millennium's counsel denied that they had ever used any of the above excuses – even though the Final EIR included two of those excuses. Instead, the Applicant's counsel proffered an entirely new theory – one that was never mentioned in the Final EIR – declaring without any justification or legal support that schools are only considered to be sensitive receptors if they are for young children. This excuse was heard by those at the hearing and received coverage in the *Los Angeles Times*. ("Millennium Hollywood representatives said that if the school were for

children, city law would require them to reduce noise or dust around the school. Because the students are adults, there are no such requirements.”)(See Exhibit B.) For the reasons set forth below, this new excuse is equally disingenuous and false.

V. PUTTING TO REST THE *FOURTH* EXCUSE ABOUT WHY AMDA WAS NOT IDENTIFIED AS A SENSITIVE RECEPTOR.

1. The City’s CEQA Guide, the City’s General Plan, and the Project EIR, Make Clear that AMDA is a Sensitive Receptor.

The Applicant’s new excuse as to why AMDA is not a sensitive receptor is completely unavailing because the City indisputably considers schools (regardless of student age) to be sensitive to construction noise:

- 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.1-3.)
- The Noise Element of the General Plan defines noise sensitive uses as “single-family and multi-unit dwellings, long-term care facilities (including convalescent and retirement facilities), dormitories, motels, hotels, transient lodgings and other residential uses; houses of worship; hospitals; libraries; schools; auditoriums; concert halls; outdoor theaters; nature and wildlife preserves, and parks.” (General Plan Noise Element, p. 4-1.)

If Millennium’s legal counsel is correct that only uses with children are considered sensitive to noise, then why do the City’s CEQA Thresholds Guide and the Noise Element of the General Plan identify dwellings, motels, hotels, houses of worship, libraries, auditoriums, concert halls, and theaters as sensitive uses? These uses do not necessarily include more children than adults; they are considered sensitive to noise simply because of the activities that take place there. Even the Project’s own Draft EIR acknowledges that schools, auditoriums, and concert halls are sensitive receptors. (Draft EIR, p. IV.H-15.) It does not at any point in the document qualify sensitive uses based on the age of the occupants/visitors.

In short, AMDA, a school use, is unquestionably a sensitive receptor. AMDA also contains noise sensitive rehearsal rooms, studios, and voice rooms – all of which are similar (in terms of activities involved and acceptable noise exposure) to auditoriums and concert halls, which the City also has deemed to be sensitive receptors. Notably, none of the City documents above qualify the sensitivity of the sensitive receptors, much less indicate that only schools with children are sensitive to noise. (Moreover, other cities, like San Francisco, explicitly use the word “colleges” to provide examples of noise-sensitive receptors.)(See Exhibit C.) If the presence of children were somehow the determining factor for sensitive receptors, it would lead

to the nonsensical result that residential homes, dormitories, hotels, churches, auditoriums, concert halls, and amphitheatres should also be eliminated from this category as well.

2. EIRs Within and Outside of the City Make Clear that AMDA is a Sensitive Receptor.

As demonstrated below, EIRs conducted by the City and other jurisdictions all support the irrefutable fact that schools are sensitive receptors for construction noise, regardless of the age of the students. Moreover, auditoriums, concert halls and similar uses are also considered to be sensitive receptors.

- EIR for the Convention and Event Center Project (City of Los Angeles, 2012, SCH# 2011031049, pp. IV.E-50) – identified the *Loyola Law School* and *Nokia Theatre* as a sensitive receptors. (See Exhibit D.)
- EIR for Occidental College Specific Plan (City of Los Angeles, 2008, SCH# 2006081153, p. 3H-4) – identified the *classrooms and library at Occidental College* during construction activities as sensitive receptors. (See Exhibit E.)
- EIR for the Lakeside Park Project (City of Los Angeles Department of Recreation and Parks, 2011, Noise and Vibration Study, p. 11) – identified *ITT Technical Institute* as a sensitive receptor. (See Exhibit F.)
- EIR for the Wilshire Grand Redevelopment Project (City of Los Angeles, 2010, SCH# 2009071035, pp. IV.C-17) – identified *the Jonathan Club* as a noise sensitive receptor. (See Exhibit G.)
- EIR for USC Development Plan (City of Los Angeles, 2010, SCH# 200901101, p. IV.H-11) – identified *the Shrine Auditorium* as a sensitive receptor. (See Exhibit H.)
- EIR for Cedars-Sinai Medical Center West Tower Project (City of Los Angeles, 2008, SCH# 2008031040, pp. 134) – identified a *medical office building* as a sensitive receptor. (See Exhibit I.)
- EIR for USC Health Sciences Campus Project (City of Los Angeles, 2005, SCH# 2004101084, pp. 243-247) – identified the *Los Angeles County College of Nursing and Allied Health* as a sensitive receptor. (See Exhibit J.)
- EIR/EIS for Mid-City/Westside Transit Project (Metropolitan Transit Authority, 2010, SCH# 2000051058, pp. 3.9-2 – 23) – identified the *USC Marshall School of Business, Exposition Park, and the Rancho La Brea Tar Pits* as a sensitive receptors. (See Exhibit K.)

- EIR for the Stanford University Medical Center Facilities Renewal and Replacement Project (City of Palo Alto, 2010, SCH# 2007082130, pp. 3.7-6) – identified the adjacent *Stanford University* campus as a sensitive receptor. (See Exhibit L.)
- Final EIR for the Quarry Creek Master Plan (City of Carlsbad, 2013, SCH# 2012021039, p. 5.11-7) – identified *Mira Costa College* as a sensitive receptor. (See Exhibit M.)
- EIR for the Foothill College Facilities Master Plan (Foothill De Anza Community College District, 2008, SCH# 2007091014, pp. IV.E-15) – identified the existing classrooms and other school related facilities at *Foothill College* as sensitive receptors. (See Exhibit N.)

3. Not a Single Case Supports the Absurd Proposition that Only Children are Sensitive to Noise.

Finally, *not a single case* supports the proposition that only schools with children are sensitive noise receptors. To the contrary, the case law makes clear that uses are considered noise-sensitive based on the types of activities that take place there. *Clyde v. City of Palm Desert*, 2004 Cal. Unpub. LEXIS 11521, *37 n.4 (Dec. 20, 2004) (“Sensitive receptors are defined as those land uses that are particularly sensitive to noise intrusion, including residences, schools, libraries, churches, hospitals, nursing homes, and other health care facilities.”). Also see *Save Strawberry Canyon v. U.S. Dep’t of Energy*, 830 F. Supp. 2d 737, 748-50 (N.D. Cal. 2011)(referring to the Nyingma Institute [<http://www.nyingmainstitute.com>], which offers adult training in mediation, Buddhist studies, and Tibetan language, as a sensitive receptor).

VI. CONCLUSION.

The EIR's omission of AMDA as a sensitive receptor, and the Tract Map's complete disregard of AMDA-related mitigation, are material errors. AMDA-specific concerns and other impacts of the Project are more particularly described in our “Comments on the Draft Environmental Impact Report for the Millennium Hollywood Project,” submitted to Ms. Srimal P. Hewawitharana at the Department of City Planning on December 10, 2012. (See Exhibit O.) The Final EIR has offered only excuses as to why AMDA is not a sensitive receptor and why the Project's impacts on AMDA do not need to be specifically analyzed or mitigated. This is unacceptable and renders the Project's Tract Map findings under Government Code Sections 66474.61 (a), (b), (c), (e), and (f) completely lacking in substantial evidence. We respectfully request that you grant this appeal and revoke the Tract Map until appropriate CEQA analysis and mitigation is provided for AMDA.

MEMORANDUM

Exhibit 3

DATE: February 13, 2013

TO: Millennium Hollywood Partners, LLC

FROM: Robert J. Gardner and Todd R. Castagna, RCLCO

SUBJECT: Millennium Hollywood Project – Economic Feasibility Analysis

RCLCO (Robert Charles Lesser & Co.) performed an economic analysis of the Millennium Hollywood Project at the request of Millennium Hollywood Partners, LLC. The report assesses the economic feasibility of the Millennium Hollywood Project (Project) and the alternatives proposed in the Draft Environmental Impact Report (Draft EIR) prepared for the Project.

STUDY BACKGROUND AND PURPOSE

The Project would involve the construction and operation of a new mixed-use and transit-oriented development anchored by the historic Capitol Records Building that would transform a series of underutilized parcels into a pedestrian-friendly development located on an approximately 4.47 acre site (Project Site) in the Hollywood area of the City of Los Angeles (City).

The Draft EIR has proposed and analyzes six (6) alternatives to the Project, including:

- 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

Against this background, the purpose of this analysis is to estimate and compare the financial feasibility performance as measured by investment return between the Project and the alternatives analyzed in the Draft EIR.

PROJECT ALTERNATIVES

Multiple alternatives to the Project are evaluated in this report:

- *Alternative #1* – The No Project – No Build (Continuation of Existing Uses) Alternative assumes that the Project would not be implemented;
- *Alternative #2* – 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 6:1 FAR under the Project;
- *Alternative #3* – 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;

- **Alternative #4** – The Reduced Height Development Alternative would limit 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 and would apply a 4.5:1 FAR across all the land use categories, as opposed to a 6:1 FAR under the Project;
- **Alternative #5** – 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 #6** – The Commercial-Focused Land Use Development Alternative would retain the existing 114,303 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.

STUDY TASKS

RCLCO performed several tasks in the course of this study, including the following:

- Reviewed pertinent information regarding the Project, notably the proposed development program for the Project and the alternatives to the Project with respect to the proposed uses and their development magnitudes (floor area).
- Created a financial model to incorporate development costs and key assumptions relating to revenues and net operating income for the income-producing uses.
- Incorporated inputs to the financial model from a range of sources including Millennium Hollywood Partners, secondary publications and in-house (RCLCO) knowledge.
- Reviewed the financial inputs with Millennium Hollywood Partners to ensure their appropriateness.
- Evaluated the feasibility and likely performance of each proposed alternative by comparing the financial results with benchmark measures.

STUDY RESOURCES

As indicated above, RCLCO relied upon myriad sources of information for this economic analysis, including but not limited to Millennium Hollywood Partners' inputs, RCLCO's in-house knowledge of operations performance in the Los Angeles area, and institutional secondary data.

APPROACH TO ANALYZING PROJECT ALTERNATIVES

Using all available inputs from Millennium Hollywood Partners and other relevant sources, RCLCO created a financial analysis for the Project and the alternatives analyzed in the Draft EIR. More specifically, RCLCO projected the net operating income (NOI) for each property type within each alternative and divided the NOI by construction/land costs. This "cash-on-development cost" metric was then compared to prevailing market capitalization rates adjusted upwards to reflect a development risk premium. The for-rent property types with NOI on cost rates above the hurdle rate (cap rate + development premium) are considered to be potentially profitable investment opportunities. For the residential for-sale condominium component of the Project, net profit as a percent of total cost was compared relative to industry expectations for risk-adjusted returns. A 15% net profit as a percent of total costs is generally considered adequate for condominium projects.

The returns calculated in this analysis rely on certain assumptions about construction costs, revenues, and operating costs. Also, this analysis recognizes that the Project may be implemented in phases and

that developed land uses may be adjusted pursuant to the land use equivalency program discussed in the Draft EIR. Thus, market conditions and financial assumptions used in this analysis could fluctuate over time. Nonetheless, the assumptions used in this report represent current market conditions as of the writing of this report and include revenue per square foot and costs per square foot assumptions.

ECONOMIC FEASIBILITY FINDINGS

The purpose of this study is to analyze the economic feasibility of the Project and alternatives presented in the Draft EIR. In addition to pure economic factors, it is our understanding that a determining factor for economic feasibility of alternatives is not whether a Project proponent can afford the proposed alternative, but whether the projected returns on the proposed alternatives are substantial enough to warrant the taking of development risks.

An evaluation of the financial performance of each alternative and the Project follows. The returns for each property type can be compared to the hurdle rates below to assess financial desirability and ultimate feasibility of developing the Project or the proposed alternatives.

	Net Profit as % of Costs	NOI as % of Cost Return			
		Residential For-sale Condos	Residential For-rent Apartments	Hotel	Office
Project	10.2%	6.0%	7.1%	4.8%	7.4%
Alternate # 2 - Reduced Density Mixed Use Alternative (4.5:1 FAR)	7.6%	4.4%	5.5%	3.9%	5.7%
Alternate # 3 - Reduced Density Mixed Use Alternative (3:1 FAR)	2.9%	4.2%	5.3%	3.8%	5.4%
Alternate # 4 - Reduced Height Alternative (4.5:1 FAR)	7.6%	4.4%	5.5%	3.9%	5.7%
Alternate # 5 Residential-Focused Alternative	9.3%	4.5%	—	3.9%	5.8%
Alternate # 6 Commercial-Focused Alternative	—	—	5.5%	3.9%	5.7%
Cap Rates - Los Angeles Area (Average from Various Sources) ¹	—	4.5%	6.1%	5.8%	6.0%
Hurdle Rates - 15% Development Yield Premium over Cap Rates ²	15.0%	5.1%	7.0%	6.7%	6.9%

¹ Sources include CBRE, REIS, and NCREIF

² For the Residential - For-sale Condominiums, a 15% Hurdle Rate is assumed, as the market historically requires this return to consider development.

For all other property types, a 15% development yield premium over cap rates is required in today's market to consider development.

NOTE: Blue numbers indicate returns above the hurdle rate; red numbers indicate returns below the hurdle rate

Project: the Project achieves returns above the hurdle rate for Condominiums, Hotel, and Retail space. Apartment returns nearly reach the hurdle rate while Office returns, in the current market environment, lag below the hurdle rate.

Alternative #1: this is a no-build alternative and therefore does not require analysis.

Alternatives #2 through #6: the returns for Condominiums (although projected to be positive) run well below the 15-18% threshold that developers require on a project of this magnitude. For all alternatives, returns for Apartments, Hotel, Office, and Retail space fall below current market hurdle rates for development.

CONCLUSIONS

RCLCO found in its analysis that the Project provides satisfactory financial performance considering the inherent development costs and risks. Furthermore, the estimates of potential income and costs support the conclusion that the Project is the only proposed alternative that is considered economically feasible.

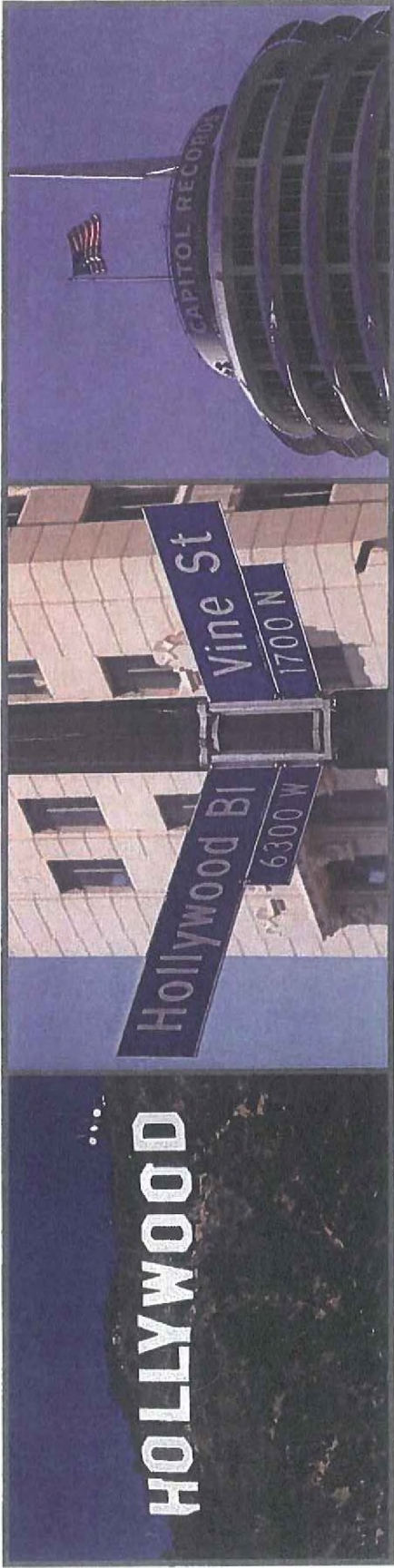
ASSUMPTIONS AND GENERAL LIMITING CONDITIONS

RCLCO has made considerable effort to confirm the accuracy and timeliness of the information contained in this study. Such information was compiled from a variety of sources, including Millennium Hollywood Partners, RCLCO in-house proprietary knowledge, and other third-party data deemed to be reliable. Although RCLCO believes all information in this study is correct, it assumes no responsibility for inaccuracies in the information provided by third parties.

The accompanying projections and analyses are based on estimates and assumptions developed in connection with the study. These assumptions and related economic estimates were developed using currently available economic data and other relevant information. Due to the nature of economic modeling, however, certain assumptions may not materialize, and unanticipated events and circumstances may occur. Therefore, actual results achieved during development could vary from the projections presented herein.

This report may not be used for any purpose other than that for which it is prepared. The contents of this study shall not be disseminated for advertising, public relations, news media, or sales media without prior written consent and approval of RCLCO.

Appendix: Economic Feasibility Spreadsheets



Appendix: Financial Feasibility Spreadsheets Millennium Hollywood Hollywood, California

Millennium Hollywood, LLC. | February 13, 2013

RCLCO

ROBERT CHARLES LESSER & CO. REAL ESTATE ADVISORS

MILLENNIUM HOLLYWOOD, LLC

LIST OF EXHIBITS

<i>Exhibit 1</i>	Comparative Financial Returns – Project and Development Alternatives; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 2</i>	Model Assumptions; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 3</i>	Project Financial Summary; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 4</i>	Alternative #2 Financial Summary; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 5</i>	Alternative #3 Financial Summary; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 6</i>	Alternative #4 Financial Summary; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 7</i>	Alternative #5 Financial Summary; Millennium Hollywood; Hollywood, CA; February 13, 2013
<i>Exhibit 8</i>	Alternative #6 Financial Summary; Millennium Hollywood; Hollywood, CA; February 13, 2013

MILLENNIUM HOLLYWOOD, LLC

COMPARATIVE FINANCIAL RETURNS -- PROJECT AND DEVELOPMENT ALTERNATIVES MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Project	Net Profit as % of Costs		NOI-on-Cost Return			Retail (Incl. Food & Bev. Fitness)
	Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office		
Alternates # 2 - Reduced Density Mixed Use Alternative (4.5:1 FAR)	19.2%	5.0%	7.1%	4.8%		7.4%
Alternates # 3 - Reduced Density Mixed Use Alternative (3:1 FAR)	7.6%	4.4%	5.5%	3.9%		5.7%
Alternates # 4 - Reduced Height Alternative (4.5:1 FAR)	2.9%	4.2%	5.3%	3.8%		5.4%
Alternates # 5 Residential-Focused Alternative	7.6%	4.4%	5.5%	3.9%		5.7%
Alternates # 6 Commercial-Focused Alternative	9.3%	4.5%	—	3.9%		5.8%
Cap Rates - Los Angeles Area (Average from Various Sources) ¹	—	—	5.5%	3.9%		5.7%
Hurdle Rates - 15% Development Yield Premium over Cap Rates ²	15.0%	5.1%	6.1%	5.8%		6.0%
			7.0%	6.7%		6.9%

¹ Sources include CBRE, REIS, and NCREIF

² For the Residential - For-sale Condominiums, a 15% Hurdle Rate is assumed, as the market historically requires this return to consider development. For all other property types, a 15% development yield premium over cap rates is required in today's market to consider development.

NOTE: Blue numbers indicate returns above the hurdle rate; red numbers indicate returns below the hurdle rate

MILLENNIUM HOLLYWOOD, LLC

MODEL ASSUMPTIONS MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Financial Inputs	Assumption Source	Residential - For-sale			Residential - For-rent			Foundation for Assumption		
		Condos	Apartments	Hotel	Office	Retail				
Soft Costs as % of Building Costs	Millennium Assumption	29%	29%	29%	29%	29%		Millennium Assumptions and Market Comps		
Average Occupancy	RCLCO Assumption		95%	80%	90%	95%		Marcus & Millichap - Los Angeles		
Rent (sales price) per sq ft. - Project	Millennium Assumption	\$775.0	\$4.25	\$280.0	\$42.0	\$45.0		Market Comparables		
Rent (sales price) per sq ft. - Alternatives	Millennium Assumption	\$650.0	\$3.5	\$200.0	\$35.0	\$36.0		Market Comparables		
Operating Costs as % of Revs	RCLCO Assumption		33%	75%	33%	0%		Market Comparables		
Parking Hard Costs per Space	Millennium Assumption	\$41,117	\$41,117	\$41,117	\$41,117	\$41,117		Subterranean Parking Market Comparables		
Average Occupancy	RCLCO Assumption		95%	80%	95%	95%		Market Comparables		
Parking Revenues per Space - Annual	RCLCO Assumption	\$0	\$0	\$0	\$1,989	\$0		RCLCO Analysis from Economic Study		
Parking Revs as % of Rental Revs - Project	RCLCO Assumption			14.4%				Market Comparables		
Parking Revs as % of Rental Revs - Alternatives	RCLCO Assumption			10.9%				Market Comparables		
Other Income % of Total Hotel Revs - Project	RCLCO Assumption			40%				Market Comparables		
Other Income % of Total Hotel Revs - Alternatives	RCLCO Assumption			35%				Market Comparables		
Project										
Building Costs per sq. ft. (excluding parking)	Millennium Assumption	\$305	\$305	\$305	\$257	\$255		Millennium provided		
Alternative #2										
Building Costs per sq. ft. (excluding parking)	Millennium Assumption	\$249	\$249	\$249	\$249	\$249		Millennium provided - Avg of all land types		
Alternative #3										
Building Costs per sq. ft. (excluding parking)	Millennium Assumption	\$223	\$223	\$223	\$223	\$223		Millennium provided - Avg of all land types		
Alternative #4										
Building Costs per sq. ft. (excluding parking)	Millennium Assumption	\$249	\$249	\$249	\$249	\$249		Millennium provided - Avg of all land types		
Alternative #5										
Building Costs per sq ft (excluding parking)	Millennium Assumption	\$248	\$248		\$248	\$248		Millennium provided - Avg of all land types		
Alternative #6										
Building Costs per sq. ft. (excluding parking)	Millennium Assumption			\$251	\$251	\$251		Millennium provided - Avg of all land types		

MILLENNIUM HOLLYWOOD, LLC

PROJECT FINANCIAL SUMMARY MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Project		DEVELOPMENT ASSUMPTIONS				Retail (Incl. Food & Bev, Fitness)		Total
		Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office			
Gross Building Area		402,500	402,500	193,051	115,802	79,465		1,193,318
Net Rentable/Salable Area		350,000	350,000	167,870	100,700	69,100		1,037,670
Rent (sales price) per sq ft		\$775.00	\$4.25	\$280.00	\$42.00	\$45.00		
Building Costs per sq ft (excluding parking)		\$305.21	\$305.21	\$305.27	\$256.77	\$255.31		
Average Occupancy		0%	95%	80%	90%	95%		
Ops Cost as % of Revenues		0%	33%	75%	33%	0%		
Parking Spaces		647	647	310	186	128		1,918
Parking Hard Costs per Space		\$41,117	\$41,117	\$41,117	\$41,117	\$41,117		
Total Soft Costs as % of Building Costs		28.7%	28.7%	28.7%	28.7%	28.7%		
Total Units/Rooms		246	246	200				
DEVELOPMENT COSTS (000s)								
Land Costs		\$35,078,663	\$35,078,663	\$16,824,773	\$10,082,371	\$6,925,530		\$104,000,000
Construction Costs								
Site								
Building		\$122,848,079	\$122,848,079	\$58,932,971	\$29,734,360	\$20,288,505		\$354,651,994
Building Costs - Parking		\$26,602,449	\$26,602,449	\$12,746,150	\$7,647,690	\$5,262,926		\$78,861,664
Contingency								
Subtotal		\$149,450,528	\$149,450,528	\$71,679,121	\$37,382,050	\$25,551,431		\$433,513,659
Soft Costs								
Subtotal		\$42,948,321	\$42,948,321	\$20,598,776	\$10,742,660	\$7,342,838		\$124,580,916
Total Development Costs		\$227,477,511	\$227,477,511	\$109,102,669	\$58,217,081	\$39,819,800		\$662,094,574
NET OPERATING INCOME (000s)								
Rental Revenue		\$0	\$16,957,500	\$16,352,000	\$3,806,460	\$2,954,025		\$40,069,985
Parking Revenue		\$0	\$0	\$2,350,000	\$369,932	\$0		\$2,719,932
Other Income		\$0	\$0	\$12,468,000	\$0	\$0		\$12,468,000
Operations Cost		\$0	(\$5,595,975)	(\$23,377,500)	(\$1,378,209)	\$0		(\$30,351,684)
Net Operating Income		\$0	\$11,361,525	\$7,792,500	\$2,798,183	\$2,954,025		\$24,906,233
FINANCIAL RETURNS								
Net Sales Proceeds		\$271,250,000	---	---	---	---		\$271,250,000
Total Development Costs		\$227,477,511	\$227,477,511	\$109,102,669	\$58,217,081	\$39,819,800		\$662,094,574
Net Profits		\$43,772,489	---	---	---	---		\$43,772,489
Net Operating Income		---	\$11,361,525	\$7,792,500	\$2,798,183	\$2,954,025		\$24,906,233
Net Profit as % of Costs		19.24%	---	---	---	---		---
Cash-on-Cash Return		---	4.98%	7.14%	4.81%	7.42%		---

MILLENNIUM HOLLYWOOD, LLC

ALTERNATIVE #2 FINANCIAL SUMMARY MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Alternative #2: Reduced Density Mixed Use Alternative (4.5:1 FAR)

DEVELOPMENT ASSUMPTIONS	Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office	Retail (Incl. Food & Bev. Fitness)	Total
Gross Building Area	276,288	276,287	129,375	258,750	65,812	1,006,512
Net Rentable/Salable Area	240,250	240,250	112,500	225,000	57,228	875,228
Rent (sales price) per sq ft	\$650.00	\$3.50	\$200.00	\$35.00	\$36.00	
Building Costs per sq ft (excluding parking)	\$248.72	\$248.72	\$248.72	\$248.72	\$248.72	
Average Occupancy	0%	95%	80%	90%	95%	
Ops Cost as % of Revenues	0%	33%	75%	33%	0%	
Parking Spaces	449	449	210	421	107	
Parking Hard Costs per Space	\$41,117	\$41,117	\$41,117	\$41,117	\$41,117	1,637
Total Soft Costs as % of Building Costs	28.7%	28.7%	28.7%	28.7%	28.7%	
Total Units/Rooms	164	164	150			

DEVELOPMENT COSTS (000s)

Land Costs	\$28,548,041	\$28,547,938	\$13,367,945	\$26,735,891	\$6,800,185	\$104,000,000
Construction Costs						
Site						
Building	\$68,718,199	\$68,717,950	\$32,178,079	\$64,356,157	\$16,368,774	\$250,339,160
Building Costs - Parking	\$18,461,359	\$18,461,359	\$8,634,489	\$17,310,094	\$4,399,478	\$67,266,779
Contingency	\$4,373,387	\$4,373,374	\$2,047,374	\$4,086,810	\$1,041,845	\$15,932,790
Subtotal	\$91,552,945	\$91,552,684	\$42,859,941	\$85,763,062	\$21,810,097	\$333,538,729
Soft Costs						
Subtotal	\$25,053,211	\$25,053,140	\$11,728,505	\$23,468,826	\$5,968,273	\$91,271,954
Total Development Costs	\$145,154,198	\$145,153,762	\$67,956,391	\$135,967,778	\$34,578,554	\$528,810,683

NET OPERATING INCOME (000s)

Rental Revenue	\$0	\$9,585,975	\$8,760,000	\$7,087,500	\$1,957,198	\$27,390,673
Parking Revenue	\$0	\$0	\$955,716	\$837,320	\$0	\$1,793,036
Other Income	\$0	\$0	\$5,231,539	\$0	\$0	\$5,231,539
Operations Cost	\$0	(\$3,163,372)	(\$11,210,442)	(\$2,615,191)	\$0	(\$16,989,004)
Net Operating Income	\$0	\$6,422,603	\$3,736,814	\$5,309,629	\$1,957,198	\$17,426,244

FINANCIAL RETURNS

Net Sales Proceeds	\$156,162,500	---	---	---	---	\$156,162,500
Total Development Costs	\$145,154,198	\$145,153,762	\$67,956,391	\$135,967,778	\$34,578,554	\$528,810,683
Net Profits	\$11,008,302	---	---	---	---	\$11,008,302
Net Operating Income	---	\$6,422,603	\$3,736,814	\$5,309,629	\$1,957,198	\$17,426,244
Net Profit as % of Costs	7.58%	---	---	---	---	---
Cash-on-Cash Return	---	4.42%	5.50%	3.94%	5.66%	---

MILLENNIUM HOLLYWOOD, LLC

ALTERNATIVE #3 FINANCIAL SUMMARY MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Alternative #3: Reduced Density Mixed Use Alternative (3:1 FAR)

DEVELOPMENT ASSUMPTIONS	Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office	Retail (Incl. Food & Bev. Fitness)	Total
Gross Building Area	148,638	148,637	129,375	189,750	54,608	671,008
Net Rentable/Salable Area	129,250	129,250	112,500	165,000	47,485	583,485
Rent (sales price) per sq ft	\$650.00	\$3.50	\$200.00	\$35.00	\$36.00	
Building Costs per sq ft (excluding parking)	\$222.85	\$222.85	\$222.85	\$222.85	\$222.85	
Average Occupancy	0%	95%	80%	90%	95%	
Ops Cost as % of Revenues	0%	33%	75%	33%	0%	
Parking Spaces	260	260	226	332	96	1,174
Parking Hard Costs per Space	\$41,117	\$41,117	\$41,117	\$41,117	\$41,117	
Total Soft Costs as % of Building Costs	28.7%	28.7%	28.7%	28.7%	28.7%	
Total Units/Rooms	86	86	150			

DEVELOPMENT COSTS (000s)

Land Costs	\$23,037,516	\$23,037,361	\$20,051,929	\$29,409,496	\$8,463,697	\$104,000,000
Construction Costs						
Site						
Building	\$33,123,988	\$33,123,765	\$28,831,227	\$42,285,800	\$12,169,341	\$149,534,122
Parking	\$10,690,319	\$10,690,319	\$9,292,355	\$13,650,715	\$3,947,195	\$48,270,904
Contingency	\$2,197,957	\$2,197,946	\$1,912,480	\$2,806,071	\$808,490	\$9,922,944
Subtotal	\$46,012,265	\$46,012,031	\$40,036,062	\$58,742,587	\$16,925,026	\$207,727,970
Soft Costs						
Subtotal	\$12,591,129	\$12,591,065	\$10,955,758	\$16,074,747	\$4,631,487	\$56,844,187
Total Development Costs	\$81,640,910	\$81,640,457	\$71,043,750	\$104,226,830	\$30,020,209	\$368,572,157

NET OPERATING INCOME (000s)

Rental Revenue	\$0	\$5,157,075	\$8,760,000	\$5,197,500	\$1,623,987	\$20,738,562
Parking Revenue	\$0	\$0	\$955,716	\$660,309	\$0	\$1,616,025
Other Income	\$0	\$0	\$5,231,539	\$0	\$0	\$5,231,539
Operations Cost	\$0	(\$1,701,835)	(\$11,210,442)	(\$1,933,077)	\$0	(\$14,845,353)
Net Operating Income	\$0	\$3,455,240	\$3,736,814	\$3,924,732	\$1,623,987	\$12,740,773

FINANCIAL RETURNS

Net Sales Proceeds	\$84,012,500	---	---	---	---	\$84,012,500
Total Development Costs	\$81,640,910	\$81,640,457	\$71,043,750	\$104,226,830	\$30,020,209	\$368,572,157
Net Profits	\$2,371,590	---	---	---	---	\$2,371,590
Net Operating Income	---	\$3,455,240	\$3,736,814	\$3,924,732	\$1,623,987	\$12,740,773
Net Profit as % of Costs	2.90%	---	---	---	---	---
Cash-on-Cash Return	---	4.23%	5.26%	3.77%	5.41%	---

MILLENNIUM HOLLYWOOD, LLC

ALTERNATIVE #4 FINANCIAL SUMMARY MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Alternative #4: Reduced Height Alternative (4.5:1 FAR)

DEVELOPMENT ASSUMPTIONS	Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office	Retail (Incl. Food & Bev. Fitness)	Total
Gross Building Area	276,288	276,287	129,375	258,750	65,812	1,006,512
Net Rentable/Salable Area	240,250	240,250	112,500	225,000	57,228	875,228
Rent (sales price) per sq ft	\$650.00	\$3.50	\$200.00	\$35.00	\$36.00	
Building Costs per sq ft (excluding parking)	\$248.72	\$248.72	\$248.72	\$248.72	\$248.72	
Average Occupancy	0%	95%	80%	90%	95%	
Ops Cost as % of Revenues	0%	33%	75%	33%	0%	
Parking Spaces	449	449	210	421	107	
Parking Hard Costs per Space	\$41,117	\$41,117	\$41,117	\$41,117	\$41,117	1,637
Total Soft Costs as % of Building Costs	28.7%	28.7%	28.7%	28.7%	28.7%	
Total Units/Rooms	164	164	150			

DEVELOPMENT COSTS (000s)						
Land Costs	\$28,548,041	\$28,547,938	\$13,367,945	\$26,735,891	\$5,800,185	\$104,000,000
Construction Costs						
Site						
Building	\$68,718,199	\$68,717,950	\$32,178,079	\$64,356,157	\$16,368,774	\$250,339,160
Parking	\$18,461,359	\$18,461,359	\$8,634,489	\$17,310,094	\$4,399,478	\$67,266,779
Contingency	\$4,373,367	\$4,373,374	\$2,047,374	\$4,096,810	\$1,041,845	\$15,932,790
Subtotal	\$91,552,945	\$91,552,684	\$42,859,941	\$85,763,062	\$21,810,097	\$333,538,729
Soft Costs						
Subtotal	\$25,053,211	\$25,053,140	\$11,728,505	\$23,468,826	\$5,968,273	\$91,271,954
Total Development Costs	\$145,154,198	\$145,153,762	\$67,956,391	\$135,967,778	\$34,578,554	\$528,810,683

NET OPERATING INCOME (000s)						
Rental Revenue	\$0	\$9,585,975	\$8,760,000	\$7,087,500	\$1,957,198	\$27,390,673
Parking Revenue	\$0	\$0	\$955,716	\$837,320	\$0	\$1,793,036
Other Income	\$0	\$0	\$5,231,539	\$0	\$0	\$5,231,539
Operations Cost	\$0	(\$3,163,372)	(\$11,210,442)	(\$2,615,191)	\$0	(\$16,989,004)
Net Operating Income	\$0	\$6,422,603	\$3,736,814	\$5,309,629	\$1,957,198	\$17,426,244

FINANCIAL RETURNS						
Net Sales Proceeds	\$156,162,500	—	—	—	—	\$156,162,500
Total Development Costs	\$145,154,198	\$145,153,762	\$67,956,391	\$135,967,778	\$34,578,554	\$528,810,683
Net Profits	\$11,008,302	—	—	—	—	\$11,008,302
Net Operating Income	—	\$6,422,603	\$3,736,814	\$5,309,629	\$1,957,198	\$17,426,244
Net Profit as % of Costs	7.58%	—	—	—	—	—
Cash-on-Cash Return	—	4.42%	5.50%	3.91%	5.86%	—

MILLENNIUM HOLLYWOOD, LLC

ALTERNATIVE #5 FINANCIAL SUMMARY MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Alternative #5: Residential-Focused Alternative

DEVELOPMENT ASSUMPTIONS	Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office	Retail (Incl. Food & Rev. Fitness)	Total
Gross Building Area	431,782	431,782	0	131,448	11,500	1,006,512
Net Rentable/Salable Area	375,463	375,462	0	114,303	10,000	875,228
Rent (sales price) per sq ft	\$650.00	\$3.50	\$200.00	\$35.00	\$36.00	
Building Costs per sq ft (excluding parking)	\$248.35	\$248.35	\$0.00	\$248.35	\$248.35	
Average Occupancy	0%	95%	80%	90%	95%	
Ops Cost as % of Revenues	0%	33%	75%	33%	0%	
Parking Spaces	642	642	0	196	17	1,497
Parking Hard Costs per Space	\$41,117	\$41,117	\$41,117	\$41,117	\$41,117	
Total Soft Costs as % of Building Costs	28.7%	28.7%	28.7%	28.7%	28.7%	
Total Units/Rooms	341	341	0	0	0	

DEVELOPMENT COSTS (000s)

Land Costs	\$44,614,776	\$44,614,776	\$0	\$13,582,185	\$1,188,262	\$104,000,000
Construction Costs						
Site						
Building	\$107,234,743	\$107,234,743	\$0	\$32,645,735	\$2,856,070	\$249,971,291
Parking	\$26,396,865	\$26,396,865	\$0	\$8,058,856	\$698,982	\$61,551,570
Contingency	\$6,703,667	\$6,703,667	\$0	\$2,041,957	\$178,340	\$15,627,631
Subtotal	\$140,335,276	\$140,335,276	\$0	\$42,746,548	\$3,733,392	\$327,150,492
Soft Costs						
Subtotal	\$38,402,362	\$38,402,362	\$0	\$11,697,475	\$1,021,633	\$89,523,831
Total Development Costs	\$223,352,414	\$223,352,414	\$0	\$68,026,209	\$5,943,287	\$520,674,323

NET OPERATING INCOME (000s)

Rental Revenue	\$0	\$14,980,934	\$0	\$3,600,545	\$342,000	\$18,923,478
Parking Revenue	\$0	\$0	\$0	\$389,821	\$0	\$389,821
Other Income	\$0	\$0	\$0	\$0	\$0	\$0
Operations Cost	\$0	(\$4,943,708)	\$0	(\$1,316,821)	\$0	(\$6,260,529)
Net Operating Income	\$0	\$10,037,226	\$0	\$2,673,545	\$342,000	\$13,052,771

FINANCIAL RETURNS

Net Sales Proceeds	\$244,050,950	---	---	---	---	\$244,050,950
Total Development Costs	\$223,352,414	\$223,352,414	\$0	\$68,026,209	\$5,943,287	\$520,674,323
Net Profits	\$20,698,536	---	---	---	---	\$20,698,536
Net Operating Income	---	\$10,037,226	\$0	\$2,673,545	\$342,000	\$13,052,771
Net Profit as % of Costs	9.27%	---	---	---	---	---
Cash-on-Cash Return	---	4.49%	0.00%	3.93%	5.75%	---

MILLENNIUM HOLLYWOOD, LLC

ALTERNATIVE #6 FINANCIAL SUMMARY MILLENNIUM HOLLYWOOD HOLLYWOOD, CA FEBRUARY 13, 2013

Alternative #6: Commercial-Focused Alternative

DEVELOPMENT ASSUMPTIONS	Residential - For-sale Condos	Residential - For-rent Apartments	Hotel	Office	Retail (Incl. Food & Bev. Fitness)	Total
Gross Building Area	0	0	385,400	287,500	332,612	1,006,512
Net Rentable/Salable Area	0	0	336,000	250,000	289,228	875,228
Rent (sales price) per sq ft	\$650.00	\$3.50	\$200.00	\$35.00	\$36.00	
Building Costs per sq ft (excluding parking)	\$0.00	\$0.00	\$250.88	\$250.88	\$250.88	
Average Occupancy	0%	95%	80%	90%	95%	
Ops Cost as % of Revenues	0%	33%	75%	33%	0%	
Parking Spaces	0	0	608	452	523	1,584
Parking Hard Costs per Space	\$41,117	\$41,117	\$41,117	\$41,117	\$41,117	
Total Soft Costs as % of Building Costs	28.7%	28.7%	28.7%	28.7%	28.7%	
Total Units/Rooms			448			

DEVELOPMENT COSTS (000s)

Land Costs	\$0	\$0	\$39,925,597	\$29,706,545	\$34,367,858	\$104,000,000
Construction Costs						
Site						
Building	\$0	\$0	\$96,941,782	\$72,129,302	\$83,447,255	\$252,518,340
Parking	\$0	\$0	\$24,998,901	\$18,584,709	\$21,503,989	\$65,087,598
Contingency	\$0	\$0	\$6,117,188	\$4,550,694	\$5,264,908	\$15,932,790
Subtotal	\$0	\$0	\$128,057,871	\$95,264,705	\$110,216,152	\$333,538,728
Soft Costs						
Subtotal	\$0	\$0	\$35,042,684	\$26,068,924	\$30,160,347	\$91,271,954
Total Development Costs	\$0	\$0	\$203,026,152	\$151,040,174	\$174,744,357	\$528,810,683

NET OPERATING INCOME (000s)

Rental Revenue	\$0	\$0	\$26,163,200	\$7,875,000	\$9,891,598	\$43,929,798
Parking Revenue	\$0	\$0	\$2,854,405	\$698,975	\$0	\$3,753,381
Other Income	\$0	\$0	\$15,624,864	\$0	\$0	\$15,624,864
Operations Cost	\$0	\$0	(\$33,481,852)	(\$2,895,412)	\$0	(\$36,377,264)
Net Operating Income	\$0	\$0	\$11,160,617	\$5,878,564	\$9,891,598	\$26,930,778

FINANCIAL RETURNS

Net Sales Proceeds	\$0	\$0	\$0	\$0	\$0	\$0
Total Development Costs	\$0	\$0	\$203,026,152	\$151,040,174	\$174,744,357	\$528,810,683
Net Profits	\$0	\$0	\$0	\$0	\$0	\$0
Net Operating Income	\$0	\$0	\$11,160,617	\$5,878,564	\$9,891,598	\$26,930,778
Net Profit as % of Costs	0.00%	0.00%	5.50%	3.89%	5.66%	
Cash-on-Cash Return	0.00%	0.00%	5.50%	3.89%	5.66%	

DEPARTMENT OF
CITY PLANNING

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

AND

6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

WILLIAM ROSCHEN

PRESIDENT

REGINA M. FREER

VICE-PRESIDENT

SEAN O. BURTON

DIEGO CARDOSO

GEORGE HOVAGUIMIAN

ROBERT LESSIN

DANA M. PERLMAN

BARBARA ROMERO

VACANT

JAMES WILLIAMS

COMMISSION EXECUTIVE ASSISTANT II

(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
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INFORMATION

www.planning.lacity.org

Decision Date: February 22, 2013

Appeal Period Ends: March 4, 2013

North Vine Street Holding, LLC (O)
Millennium Hollywood, LLC (S)
1995 Broadway, 3rd Floor
New York, NY 10023

John Chiappe, Jr. (E)
PSOMAS, Inc.
555 South Flower Street
Los Angeles, CA 90071

RE: Tract Map No.: 71837-CN
Address: 1720-1770 North Vine Street; 1745-1753
North Vine Street; 1746-1770 North Ivar Avenue;
1733 and 1741 Argyle Avenue; and, 6236, 6270, &
6334 West Yucca Street.
Community Plan: Hollywood
Zone: C4-2D-SN
Proposed Zone: C4-2-SN
Council District: 13
CEQA No.: ENV-2011-0675-EIR
(SCH No. 2011041094)

In accordance with provisions of Los Angeles Municipal Code (LAMC) Section 17.03 of the, the Advisory Agency is to consider the approval of Vesting Tentative Tract Map No. 71837 composed of 41 lots, located at 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 for 492 residential condominium units, 200 hotel rooms, approximately 100,00 square feet of new office space, 114,303 square feet of existing office space within the Capitol Records and Gogerty buildings, and approximately 34,000 square feet of restaurant use, 35,000 square feet of fitness/club sport use, and 15,000 square feet of retail use as shown on map stamp-dated February 1, 2013 in the Hollywood Community Plan. This unit density is based on the R5 Zone (Per LAMC 12-22-A,18(a)). (The subdivider is hereby advised that the LAMC may not permit this maximum approved density. Therefore, verification should be obtained from the Department of Building and Safety, which will legally interpret the Zoning code as it applies to this particular property.) For an appointment with the Subdivision Counter call (213) 978-1362. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

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 at all locations where air space 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 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.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

4. 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).
5. 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.
6. 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).

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

7. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division 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.

DEPARTMENT OF TRANSPORTATION

- 8. Prior to recordation of the final map, satisfactory arrangements shall be made with the Department of Transportation to assure:
 - 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 attached DOT letter dated August 16, 2012. (MM)
- d. That a fee in the amount of \$197 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance.

FIRE DEPARTMENT

- 9. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors to the following: (MM)
 - 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.

- r. Entrance to the main lobby shall be located off the address side of the building.
- s. 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.

DEPARTMENT OF WATER AND POWER

- 10. 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.
 - a. Install new fire hydrant: 1-2 ½" X4" DFH on E/S Ivar Ave, S/O Yucca St
 - b. Arrange for the Department to install Fire Hydrants
 - c. Conditions under which water service will be rendered:
 - (1) Plumbing for all buildings must be seized in accordance with the Los Angeles City Plumbing Code for a minimum pressure range of 30 to 45 psi at the building pad elevation.
 - (2) 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.
 - d. Los Angeles City Fire Department Requirements:
 - (1) 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.
 - e. 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:
 - (1) 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.

BUREAU OF STREET LIGHTING

Street lighting clearance for this Street Light Maintenance Assessment District Condition is conducted at 1149 South Broadway, Suite 200. The separate street lighting improvement condition will be cleared at the Bureau of Engineering District office, see Condition S-3(c).

BUREAU OF SANITATION

11. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

INFORMATION TECHNOLOGY AGENCY

12. That satisfactory arrangements be made in accordance with the requirements of the Information Technology Agency to assure that cable television facilities will be installed in the same manner as other required improvements. Refer to the LAMC Section 17.05-N. Written evidence of such arrangements must be submitted to the Information Technology Agency, 200 North Main Street, 12th Floor, Los Angeles, CA 90012, 213 922-8363.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

13. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Replacement by a minimum of one 24-inch box tree in the parkway and on the site for each non-protected street tree to be removed for the unavoidable loss of desirable trees on the site, and to the satisfaction of the Advisory Agency. (MM)

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

14. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a

manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. 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:
 - i. Residential: 492 residential condominium units or as permitted by the Land Use Equivalency Program;
 - ii. Hotel: 200 hotel guest rooms or as permitted by the Land Use Equivalency Program;
 - iii. Office: 215,000 square feet (including 114,303 within the Capitol Records and Gogerty buildings) or as permitted by the Land Use Equivalency Program;
 - iv. Restaurant: 34,000 square feet or as permitted by the Land Use Equivalency Program;
 - v. Fitness/Club Sport: 35,000 square feet or as permitted by the Land Use Equivalency Program;
 - vi. Retail: 15,000 square feet or as permitted by the Land Use Equivalency Program.
- b. 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.
- c. Approved herein is the development of 1,918 parking spaces, subject to the shared parking provisions of the Development Regulations and/or as determined by CPC-2008-3440-ZC-CUB-CU-ZV-HD and/or CPC-2013-103-DA, to serve the project site. All guest spaces shall be readily accessible, conveniently located, specifically reserved for guest parking, unless an automated parking system is implemented, posted and maintained satisfactory to the Department of Building and Safety.

If guest 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 guest parking, except in connection with an automated parking system.

In addition, prior to issuance of a building permit, a parking plan showing off-street parking spaces, as required by the Advisory Agency, be submitted for review and approval by the Department of City Planning (200 North Spring Street, Room 750).

- c. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - d. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
15. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2008-3440-ZC-CUB-CU-ZV-HD shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2008-3440-ZC-CUB-CU-ZV-HD is not approved, the subdivider shall submit a tract modification.
16. Prior to the issuance of the building permit or the recordation of the final map, a copy of the CPC-2013-103-DA shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2013-103-DA is not approved, the subdivider shall submit a tract modification.
17. Prior to the issuance of a grading permit, the subdivider shall provide evidence of recorded and executed Covenant and Agreement (Planning Department General Form CP-6770), binding the subdivider to the haul route conditions of Mitigation Measure K.1-3 included herein for the export of 333,515 cubic yards of material. (MM)
18. **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.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES

19. Prior to recordation of the final map the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department requiring the subdivider to identify mitigation monitors who shall provide periodic status reports on the implementation of mitigation items required by Mitigation Condition Nos. 8c, 9, 17, 20, and 21 of the Tract's approval satisfactory to the Advisory Agency. The mitigation monitors shall be identified as to their areas of responsibility, and phase of intervention (pre-construction, construction, postconstruction/

maintenance) to ensure continued implementation of the above mentioned mitigation items. Also, the project's design features, identified in the EIR, shall be implemented as part of the project.

20. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

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 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.

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: Pre-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. 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 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 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.

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 underserved 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 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.

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

- 21. Construction Mitigation Conditions** - Prior to the issuance of a grading or building permit, or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- CM-1. That a sign be required on site clearly stating a contact/complaint telephone number that provides contact to a live voice, not a recording or voice mail, during all hours of construction, the construction site address, and the tract map number. **YOU ARE REQUIRED TO POST THE SIGN 7 DAYS BEFORE CONSTRUCTION IS TO BEGIN.**

- a. Locate the sign in a conspicuous place on the subject site or structure (if developed) so that the public can easily read it. The sign must be sturdily attached to a wooden post if it will be freestanding.
 - b. Regardless of who posts the site, it is always the responsibility of the applicant to assure that the notice is firmly attached, legible, and remains in that condition throughout the entire construction period.
 - c. If the case involves more than one street frontage, post a sign on each street frontage involved. If a site exceeds five (5) acres in size, a separate notice of posting will be required for each five (5) acres, or portion thereof. Each sign must be posted in a prominent location.
- CM-2. The applicant shall ensure the following construction Best Management Practices is incorporated within the Storm Water Pollution Prevention Plan (SWPPP):
- a. Chapter IX, Division 70b of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities shall require grading permits from the Department of Building and Safety.
 - b. Do not hose down pavement at material spills. Use dry cleanup methods whenever possible.
 - c. Store trash dumpsters either under cover and with drains routed to the sanitary sewer or use non-leaking or water tight dumpsters with lids. Wash containers in an area with properly connected sanitary sewer.
 - d. Use gravel approaches where truck traffic is frequent to reduce soil compaction and limit the tracking of sediment into streets.
 - e. Conduct all vehicle/equipment maintenance, repair, and washing away from storm drains. All major repairs are to be conducted off-site. Use drip pans or drop cloths to catch drips and spills.
- CM-3. The owner or contractor shall keep the construction area sufficiently dampened to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.

- CM-4. All loads shall be secured by trimming, watering or other appropriate means to prevent spillage and dust.
- CM-5. Ground cover in disturbed areas shall be quickly replaced.
- CM-6. All on-site haul roads shall be watered twice daily while in use during construction activities.
- CM-7. Vehicle speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
- CM-8. The project developer shall provide temporary traffic control during all phases of construction to assist with the improvement of traffic flow.
- CM-9. The project developer shall require by contract specifications that all diesel-powered construction equipment and haul trucks used would be retrofitted with after-treatment products (e.g., engine catalysts) to the extent that it is economically feasible and readily available in the South Coast Air Basin.
- CM-10. The project developer shall require contract specifications that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent that it is economically feasible and the equipment is readily available in the South Coast Air Basin.
- CM-11. The project developer shall utilize low-VOC paints on all portions of the proposed structures.
- CM-12. General contractors shall maintain and operate construction equipment so as to minimize exhaust emissions.
- CM-13. The project shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- CM-14. 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.
- CM-15. Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

CM-16. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.

CM-17. The project sponsor shall comply with the Noise Insulation Standards of Title 24 of the California Code Regulations, which insure an acceptable interior noise environment.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22-A, 10 and 11 and Section 17.05-O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into

the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

DEPARTMENT OF CITY PLANNING - STANDARD COMMERCIAL CONDOMINIUM CONDITIONS

- CC-1. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

- CC-2. In order to expedite the development, the applicant may apply for a building permit for a commercial/industrial building. However, prior to issuance of a building permit for a commercial/industrial building, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for a commercial/industrial building will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant will not request a permit for a commercial/industrial building and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.

- (k) That no public street grade exceeds 15%.
 - (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
 - (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
 - (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
 - (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
 - (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.
- S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
 - (b) Construct any necessary drainage facilities.
 - (c) 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.

Any depth greater than 5 feet below sidewalk grade would be acceptable with respect to clearance for street lighting facilities.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Urban Forestry Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Urban Forestry Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - 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 Central District Engineering Office.
 - 2. That necessary grading and soil reports be submitted to Geotechnical Engineering Division of Bureau of Engineering for review and approval.

NOTES:

The Advisory Agency approval is based on the R5 Zone (Per LAMC 12-22-A,18(a)). However the existing or proposed zoning may not permit this number of units and may be subject to additional provisions by CPC-2008-3440-ZC-CUB-CU-ZV-HD. This unit density

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

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 Site 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 will implement a Development Agreement between the Project Applicant and the City of Los Angeles (the City) that would vest the Project's entitlements, establish detailed and flexible development parameters for the Project Site, and ensure that the Project is completed consistent with the development parameters set forth in the agreement. Development Regulations, which will be adopted in conjunction with the proposed Development Agreement between the Project Applicant and the City, will 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. Implementation of the proposed Development Agreement would afford the developer flexibility with regard to the proposed arrangement and density of specific land uses, siting, and massing characteristics, also known as the Equivalency Program.

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 Agreement 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 Development Agreement 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 Agreement. The Concept Plan provides an illustrative assemblage of land uses and developed floor area that conforms to the terms of the Development Agreement. 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), up to 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 up to 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 up to 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 Agreement. 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 Agreement.

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 ground zone 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 ground zone 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:

- Development Agreement to establish development parameters on the Site.
- Vesting Tentative Tract Map for development mixed-use development components.
- 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 this 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 Agreement. 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 as authorized through the approval of the Project's proposed Development Agreement 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 CO₂e 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 CO₂e MTY, or approximately 356.93 CO₂e 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 CO₂e MTY. The net increase in GHG emissions generated by the Project with GHG-reducing measures would be approximately 19,091.63 CO₂e MTY. Thus, the reduction in GHG emissions resulting from the Project's GHG-reducing measures would be approximately 14,174.30 CO₂e 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_x. 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_x standards), where commercially available. At a minimum, truck fleets used for these activities shall use trucks that meet EPA 2007 model year NO_x 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_x 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_x 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 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-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.
- 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 intersection significantly impacts 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 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:

<u>Alternative 1:</u>	No Project – No Build (Continuation of Existing Uses)
<u>Alternative 2:</u>	Reduced Density Mixed-Use Development – 4.5:1 FAR
<u>Alternative 3:</u>	Reduced Density Mixed-Use Development – 3:1 FAR
<u>Alternative 4:</u>	Reduced Height Development
<u>Alternative 5:</u>	Residential-Focused Land Use Development
<u>Alternative 6:</u>	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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the

Development Agreement proposed as a part of the Project, 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 or those specific community benefits associated with the Development Agreement proposed as a part of the Project, 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 dollars 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 Advisory Agency 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 Advisory Agency's decision is based are located with the City of Los Angeles, Planning Department, 200 North Spring Street, Room 750, Los Angeles, CA 90012.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 71387-CN, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) **THE PROPOSED MAP WILL BE/IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

On June 19, 2012, the City Council adopted an update to the Hollywood Community Plan, which maintained the designation of the subject property for Regional Center Commercial land uses with the corresponding zone(s) of C2, C4, RAS4, R5, P, and PB. 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.

Prior to the recent update, the Hollywood Community Plan (December 13, 1988) designated the subject property for Regional Center Commercial development with a 3:1 FAR for the entire site and an FAR of up to 6:1 provided that the project satisfied the objectives the Redevelopment Plan by the CRA. It called for the continued development of Hollywood as a major center of population, employment, retail, and entertainment to "perpetuate its image as the international center of the motion picture industry." The objectives stated in the 1988 Hollywood Plan aim for the provision of housing for all income types, the preservation of residential character of low and medium density residential areas, while promoting land use intensity and population density in areas accommodated by street capacity, public service facilities, utilities, and other related infrastructure systems.

Prior to the dissolution of the Community Redevelopment Agency (CRA), the project was identified in the Hollywood Redevelopment Project Area as a Regional Center Commercial land use within the Hollywood Boulevard District. The objectives for Regional Center Commercial uses within this District called for the preservation of historic structures, the encouragement of entertainment, theater and tourist related uses, enhancement of pedestrian experiences and pedestrian-oriented retail uses, and the development of projects which complement the existing scale of development. In addition, the Hollywood Redevelopment Area exceeded the permissible FAR of 3:1 for Regional Center Commercial areas in the Hollywood Community Plan with a FAR of 4.5:1 and a FAR of no more than 6:1 in developments that further the goals and intents of both the Redevelopment Plan, the Hollywood Community Plan, and which concentrate high intensity and/or high density development in areas with "reasonable proximity or direct access to high capacity transportation facilities," compliment historic structures or which encourages new development in areas that don't have architecturally significant structures, provide "focal points of entertainment, tourist, or pedestrian oriented uses" to create a quality urban environment, develop appropriately designed housing to provide a balance in the community, provide for "substantial, well designed, public open space in the Project Area," and which provide social services or facilities which address the community's needs. Several recent developments along both Hollywood and Sunset Boulevards have taken advantage of this 6:1 FAR incentive offered by the CRA due to proximity of the Metro Red Line. While the CRA and the Hollywood Redevelopment Project Area is no longer active, the FAR incentive of 6:1 has been captured in the recent Hollywood Community Plan Update.

As part of the recent adoption of the Hollywood Community Plan Update, the project site underwent a zone change from C4-2D-SN to [Q]C4-2D-SN. The 'Q' Qualified Permanent Condition permits residential uses if a project incorporates a minimum 0.5:1 FAR of a non-residential use (hotels exempt). The 'D' Development Limitation permits an FAR of up to 4.5:1, and which may exceed the 4.5:1 FAR and develop with a 6:1 FAR provided that the project is approved

by the City Planning Commission and/or the City Council on appeal, conforms with the Hollywood Community Plan, and to the Hollywood Redevelopment Plan of the Community Redevelopment Agency, which has since been dissolved and its authority now lies with a designated local authority.

In addition to the Vesting Zone Change and Height District Change, the applicant is requesting a Vesting Conditional Use to allow a hotel use within 500 feet of an R Zone, a Conditional Use to permit floor area averaging within a unified development, and a Conditional Use to permit the sale and consumption of a full line of alcoholic beverages along with patron dancing and live entertainment on the site. Zone variances are sought to allow a restaurant use with an above-ground outdoor eating area and to provide parking for the sports/fitness facility with a reduced ratio of 2 parking spaces per 1,000 square feet, and to locate parking across Vine Street, within the same development, but on a different parcel.

The mixed-use development is subject to an exception available to projects that combine both residential and commercial uses. Los Angeles Municipal Code section 12.21-A, 18(a), permits any use in the R5 Zone and also the R5 density for any lot located in the C4, C1, C1.5, C2, C4, or C5 Zones in a project that combines residential and commercial uses. The R5 Zone permits residential densities of 200 square feet per dwelling, or a maximum of 972 by-right dwelling units for the 194,495 square-foot site. As proposed, the development currently does not exceed the maximum allowable density permitted under the existing of C4-2D-SN, or the proposed C2-2-SN Zone as both are included in the "Developments Combining Residential and Commercial uses" exception.

The project consists of a range of uses, including residential dwelling units, hotel guest rooms, and commercial office, retail, and restaurant floor area of within two towers ranging in height between 220 feet and 585 feet. The project will be subject to the Development Regulations, allowing flexibility in the massing and height of the two proposed towers together with a Land Use Equivalency Program, which will permit the development to adapt to market conditions, by allowing a controlled exchange of uses with increases in the intensity and/or density of certain uses with decreases others, all while being limited to the maximum trip count analyzed in the EIR (maximum trip cap of 574 AM peak hour trips and 924 PM peak trips). The project proposes 492 residential dwelling units, 200 hotel guest rooms, 215,000 square feet of office space (including 100,000 new square feet and approximately 114,303 square feet of existing office space within the Capitol Records and Gogerty buildings), 15,000 square feet of retail floor area, 34,000 square feet of restaurant use, and 35,000 square feet of Fitness Center/Sports Club use.

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.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The project proposes the development of 492 residential condominium units, a hotel with 200 hotel rooms, approximately 215,000 square feet of office space (100,000 square feet of new office space and approximately 114,303 square feet of existing office space), 15,000 square feet of retail, and approximately 35,000 square feet of fitness center/sports club use, across both the East and West sites under the provisions of the Land Use Equivalency Program and the Development Regulations associated with the Development Agreement under both CPC-2008-3440-ZC-CUB-CU-ZV-HD and CPC-2013-103-DA. The Land Use Equivalency program provides flexibility to modify the types and intensity of the proposed land uses in an effort to accommodate the market volatility.

As proposed, the development meets the land use objectives for Regional Center areas in the Hollywood Community Plan and Update area and would contribute to the recently adopted Plan's long term objectives of promoting a jobs-housing balance. The site is well serviced by public transit and caters to several entertainment-related businesses and services, including office, hotel, retail, restaurant, and live entertainment venues. The development enhances the character of Hollywood as a center for entertainment, tourism, and related services and opportunities. The recently adopted Hollywood Community Plan Update has determined that this area along Vine Street (Subarea 4:3) is conducive to high density and mixed-use development with a by-right FAR of 4.5:1 with an FAR of up to 6:1 for being located in a FAR Incentive Area.

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The project site consists of two separate sites, separated by Vine Street and bound by Yucca Street to the north. The western parcel is a relatively flat, irregular-shaped, corner lot with approximately 78,629 square feet. It has a frontage of 230 feet along Ivar Avenue to the west, a 125-foot frontage along Yucca Street to the north, a 200 foot frontage along Vine Street to the east, and a variable lot depth of 124 to 363 feet. The eastern site has a frontage of approximately 171 feet along Argyle Avenue to the east, 194 feet along Yucca Street to the north, and 435 feet along Vine Street to the west, and a variable lot depth of 153- to 344 feet.

Vine Street is a designated Modified Major Highway Class II dedicated to a 70-foot roadway width and with 15-foot sidewalk widths on both the east and west side of Vine Street. Yucca Street is a designated Secondary Highway along the northern street frontage of the West site and a Local Street along the northern frontage of the East site and dedicated with a 94-foot width. Ivar Avenue is a local street dedicated with a 70-foot width along the West site's western street frontage. Argyle Street is a Local Street dedicated to a 75-foot width along the East site's eastern street frontage. The Bureau of Engineering is requiring improvements along the alley adjoining the subdivision and the reconstruction of any off-grade concrete pavement and other existing improvements. The proposed project will provide parking pursuant to the shared parking provisions of the Development Regulations and the request parking variance under CPC-2008-3440-ZC-CUB-CU-ZV-HD. As conditioned the design and improvements of the proposed project are consistent with the applicable General and Specific Plans.

The project site occupies two half blocks along the northern portion of Vine Street and are located between Hollywood Boulevard and Yucca Street. The two parcels are differentiated as the "East" site and the "West" site, with the East site being located on the eastern side of Vine Street and the West site on the western side of Vine Street. The East site is improved with the 13-story Capitol Records Building along with ancillary studio recording uses, as well as the 2-story Gogerty Building together comprising the Capitol Records Complex. This will be maintained and preserved pursuant to the Secretary of the Interior's Standards. The remainder of the East site contains surface parking, temporary structures, including a partially enclosed garbage area and a parking lot attendant kiosk, whereas the West site is improved with a 1,800 square-foot commercial structure currently occupied by a rental car business fronting Yucca Street, surface parking and parking attendant kiosk.

The development of this tract is an infill of an otherwise high density and mixed-use Regional Center Commercial corridor within walking distance of several public transit options serving residents, employees, and tourists and other visitors to the area.

The site is level and is not located in a slope stability study area, high erosion hazard area, or a fault-rupture study zone. Moreover, the site is not subject to the Specific Plan for the Management of Flood Hazards (floodways, floodplains, mud prone areas, coastal high-hazard and flood-related erosion hazard areas). As conditioned, the proposed tract map is consistent with the intent and purpose of the applicable General and Specific Plans.

The tract has been approved contingent upon the submittal of a comprehensive Geotechnical Report to the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

Adjacent uses include office and surface parking uses related to the American Musical and Dramatic Academy in the C4-D-SN Zone, and multi-family dwellings in the R4-2 Zone across Yucca Street to the north, an office building on the southwest corner of Vine Street and Yucca Street in the C4-2D-SN Zone. Multi-family residences, office space, and surface parking is located east of the project, across Argyle Avenue in the R4-2D, [T][Q]C4-2D-SN Zones. To the south of the project site are restaurant, bar, theater, retail, office, multi-family residential, and surface parking uses in the C4-2D-SN Zone. To the west of the project site, are studio uses, surface parking, office, hotel, multi-family residences, and restaurant uses in the C4-2D-SN Zone.

The development of the high-rise and mixed-use structure will increase the availability of employment opportunities together with additional housing in the Hollywood area. A large portion of the project site is under-improved and underutilized as surface parking and would result in much-needed investment and physical improvements. The project is seeking additional entitlements to take advantage of the FAR incentives provided to mixed-use projects in designated Regional Center Commercial land use areas. Moreover, the development of this site, as proposed, would be consistent with the recently approved and developed projects in the immediate vicinity, including the mixed-use development at 1614-1736 Argyle Avenue, 6139-6240 Hollywood Boulevard, 6140-6158 West Carlos Avenue, 1631-1649 North El Centro Avenue, and 1615-1631 Del Mar Avenue which includes 28 joint live work units, 1,014 apartment units, 40 commercial condominiums under Tract Map No. 67429. The City Planning Commission approved a mixed-use development at 6252 Hollywood Boulevard, which includes 150 residential condominiums, 374 apartment units, 300 hotel rooms and 61,500 square feet of retail and restaurant use with a 6:1 FAR. Additionally, a property located at 1800-1802 North Argyle and 6217 and 6221-6223 West Yucca Street was granted a 6:1 FAR for the development of a 225-room hotel.

The project will be compatible with the recent pattern of high density and mixed-use development that characterizes the Regional Center areas of the Hollywood Community. It satisfies the intent of the recently adopted Hollywood Community Plan Update by providing an appropriate mix of residential and commercial uses conducive to job creation and increased housing opportunities while supporting the need to promote the identity of Hollywood as the center for entertainment in the City. Moreover, the Development Guidelines established for the project allow for the provision of increased open space with increased height, where the taller the structures, the greater the opportunity for additional open space, public plazas, and enhanced walkability. At a minimum, the total open space will constitute 5% of the project site with a height of 220 feet, or 12% with a tower height of up to 585 feet. The project will provide parking to meet demand pursuant to the shared parking provisions of the Development Regulations and the shared parking variance under CPC-2008-3440-ZC-CUB-CU-ZV-HD. Section 12.21-A,4(x)(3) of the Los Angeles Municipal Code allows reduced parking at a ratio of two parking spaces for every 1,000 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 in the Hollywood Redevelopment area. In addition, LAMC Section 12.24-Y permits a 10% reduction in parking for projects located within 500 feet of mass transit. Moreover, a shared parking methodology will permit the project flexibility to accommodate parking demand while simultaneously taking into account the availability of mass transit in the area as well as retail, restaurant, health club, and office uses within the immediate vicinity that accounts for reduced parking demand. The proposed project will otherwise comply with LAMC requirements with respect to minimum requirements for height, open space, density and setbacks. The Advisory Agency has conditioned the proposed tract map to be physically suitable for the proposed density of the development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The project site, as well as the surrounding area are presently developed with structures and do not provide a natural habitat for either fish or wildlife. As such, the project will not injure wildlife or habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

There appear to be no potential public health problems caused by the design or improvement of the proposed subdivision.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the LA Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The subdivision includes easements for sewer access and pipe lines. Easements providing access through or use of the property do not exist on the site. Furthermore, needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. The Bureau of Engineering has included conditions of approval which requires that the applicant record a covenant and agreement to maintain all elements of those areas being merged with the public right-of-way, that the construction be guaranteed, and waivers of any damages that may occur as a result of such improvements.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The lot layout of the subdivision has taken into consideration the maximizing of the north/south orientation.

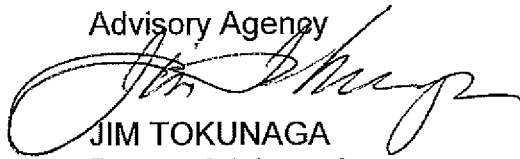
The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of

windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 71837-CN.

Michael LoGrande
Advisory Agency



JIM TOKUNAGA
Deputy Advisory Agency

JT:LI:jq

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the City Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 N. Figueroa St., 4th Floor

Marvin Braude San Fernando
Valley

Los Angeles, CA 90012
213 482-7077

Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
818 374-5050

Forms are also available on-line at <http://cityplanning.lacity.org/>

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.

If you have any questions, please call Subdivision staff at (213) 978-1362.

DETERMINATION LETTER
VTT-71837 & CPC-2008-3440
MAILING DATE: 04/27/13

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