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Sent time: 08/31/2020 10:41:56 AM
To: william.lamborn@lacity.org
Cc: Mindy Nguyen <Mindy.Nguyen@lacity.org>; Craig Bullock <craig.bullock@lacity.org>
Subject: Hollywood Center Project
Attachments: Letter to DAA.pdf

Dear Mr. Lamborn,

Please see attached my letter of today's date regarding the Hollywood Center Project.

Thank you.

John M. Bowman

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August 31, 2020

VIA E-MAIL

William Lamborn
Deputy Advisory Agency
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
E-Mail: william.lamborn@lacity.org

Re: Case Nos. VTT-82152; CPC-2018-2114-DB-CU-MCUP-SPR
CEQA Case No. ENV-2018-2116-EIR
Hollywood Center Project

Dear Mr. Lamborn:

This office represents Ned Pan, Inc. (“Ned Pan”), the owner of the Pantages Theater at 6233 Hollywood Boulevard. The purpose of this letter is to respond to a statement that was made by the applicant’s representative during the public hearing on August 26, 2020, which we believe is misleading and supports our position that the public hearing in this matter was premature.

During my testimony on August 26, 2020, I stated that vibrations and earth movement associated with the construction of the Hollywood Center project (the “Project”) has the potential to cause significant and adverse physical impacts (*i.e.*, damage) to the historic Pantages Theater building, and that these and other potential impacts of the Project have not been adequately mitigated. I also referred to Ned Pan’s detailed comment letter on the Draft EIR for the Project dated May 29, 2020 (the “Ned Pan Comment Letter”) and the brief summary of those comments contained in the letter from this office dated August 24, 2020.

At the conclusion of the public hearing, you asked the applicant’s representative to respond to various comments made by the public, including my comment regarding the lack of adequate mitigation to prevent damage to the Pantages Theater building during Project construction. In response, the applicant’s representative stated – as if it was established fact – that the potential impacts on the Pantages Theater building would be fully mitigated if Ned Pan simply cooperates with the applicant in the implementation of certain mitigation measures.

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The applicant's representative was alluding to Mitigation Measures CUL-MM-2 and NOI-MM-4, which were identified in the Draft EIR. What the applicant's representative failed to mention is that Ned Pan submitted extensive comments on these proposed mitigation measures, including comments from highly-qualified noise and vibration experts. These comments, which were supported by expert opinion, demonstrate that these mitigation measures are wholly inadequate and will not prevent potentially severe damage to the Pantages Theater building, whether or not the owner "cooperates" with the applicant in their implementation. (See Ned Pan Comment Letter, pp. 2-9, and Exhibit "A" to the Ned Pan Comment Letter, pp. 3-5.)

The Final EIR for the Project must provide a written response to these and other comments presented on the Draft EIR during the public comment period. The written response must "describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections)" and, when the Lead Agency's position is at variance with recommendations and objections raised in the comments, the comment "must be addressed in detail giving reasons why specific comments and suggestions were not accepted."¹

Unfortunately, as of the date of this letter, the Final EIR has yet to be released. As such, Ned Pan's detailed comments regarding the inadequacy of Mitigation Measures CUL-MM-2 and NOI-MM-4 have yet to be addressed. For this reason, the applicant's conclusionary statement regarding these seriously-flawed measures should be disregarded.

Because public testimony was limited to two minutes, I did not have time to even mention other issues raised in the Ned Pan Comment Letter, which also have yet to be addressed. One of those issues concerns the "merger" (vacation) of a portion of the public alley that runs along the north side of the Pantages Theater property, which has been proposed as part of Vesting Tentative Tract Map No. 82152. (See Ned Pan Comment Letter, pp. 12-14, and Exhibit "B" to the Ned Pan Comment Letter). Among other things, the location and configuration of the proposed loading dock for the Project will interfere with the Pantages Theater's longstanding use of the public alley during the load-in and load-out of shows. Please be advised that unless and until these issues are resolved, Ned Pan, as one of the two owners of real property that abuts the public alley, objects to the merger of any portion of the public alley.

¹ CEQA Guidelines, § 15088 ("There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.").

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Thank you for your consideration.

Very truly yours,



JOHN M. BOWMAN
Elkins Kalt Weintraub Reuben Gartside LLP

JMB:jmb

cc (via email): Mindy Nguyen, Hearing Officer
Craig Bullock, Planning Director, CD13