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Sent time:	05/29/2020 07:48:17 PM
To:	mindy.nguyen@lacity.org
Subject:	Comments on DEIR for Hollywood Center (Case No. ENV-2018-2116-EIR)
Attachments:	DEIR Comment Letter.pdf

Dear Ms. Nguyen,

Attached please find our letter of today's date, which is submitted on behalf of our client Ned Pan, Inc. ("Ned Pan"). The letter and attachments thereto contain Ned Pan's comments on the above-referenced Draft Environmental Impact Report.

Thank you.

John M. Bowman

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May 29, 2020

VIA E-MAIL AND OVERNIGHT MAIL

Mindy Nguyen
City of Los Angeles
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
E-Mail: mindy.nguyen@lacity.org

Re: Case No. ENV-2018-2116-EIR
Project name: Hollywood Center Project
Comments on Draft Environmental Impact Report

Dear Ms. Nguyen:

This letter is submitted on behalf of our client Ned Pan, Inc. ("Ned Pan"), the owner of the Pantages Theater at 6233 Hollywood Boulevard. We appreciate this opportunity to present comments on the Draft Environmental Impact Report ("DEIR") for the Hollywood Center Project, the ("Project"), which is proposed to be developed on an approximately 4.46-acre site generally bounded by Yucca Street on the north, Ivar Avenue on the west, Argyle Avenue on the east, and Hollywood Boulevard on the south (the "Project Site").

The Project Site is bifurcated by Vine Street. According to the DEIR, the portion of the Project Site located east of Vine Street (the "East Site") that is currently developed with surface parking lots would be redeveloped with a 46-story building (the "East Building") containing 423 market-rate housing units and approximately 7,580 sq. ft. of commercial uses, and an 11-story building (the "East Senior Building") containing 65 senior affordable housing units and approximately 9,905 sq. ft. of commercial uses. Under a proposed East Site Hotel Option, 104 residential units within the East Building would be replaced with a 220-unit hotel.

The Pantages Theater occupies the property immediately south and east of the East Site (the "Theater Property"). The Pantages Theater, which was constructed in 1929, is a designated City Historic-Cultural Monument and a contributor to the Hollywood Boulevard Commercial and Entertainment District. Ned Pan has owned the Theater Property since 1977. The Pantages Theater, which underwent a $10 million restoration and upgrade in 2000, is one of Los Angeles' leading venues for live theater.

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The Project would provide a much needed housing resource, including affordable senior housing, within walking distance of transit, and would include neighborhood-serving retail uses and various amenities that would benefit the Hollywood community. However, according to the DEIR, the Project would also result in several Project-level and cumulative impacts on the Pantages Theater that are "significant and unavoidable," including (1) potential structural damage to the historic Pantages Theater due to settlement and vibration during Project construction; (2) "human annoyance" impacts due to vibrations during Project construction; and (3) noise impacts during Project construction. (See DEIR, pp. IV.C-83, IV.C-91, IV.C-92, IV.I-75, IV.I-78, IV.I-86, IV.I-87, IV.I-89, and IV.I-90.)

Ned Pan does not oppose the Project. However, Ned Pan does have a strong interest in ensuring that the potential impacts of the Project are fully and properly evaluated in the DEIR, and that *all* such potential impacts are mitigated to a level of insignificance. In particular, Ned Pan is very concerned about the potential for physical damage to the Pantages Theater during construction and the theater's ability to operate once the Project is completed. Accordingly, Ned Pan respectfully submits the following comments on the DEIR.

I. Potential Building Damage Due to Vibrations and Earth Movement

The Theater Property directly abuts the East Site along portions of the Theater Property's northern and western property lines. At these locations, the Project proposes to excavate to a depth of 82 feet below grade in order to construct 5 subterranean parking levels. (See DEIR, p. II-73 and Figure II-13.) The proposed excavation and construction would occur immediately adjacent to the shared property line with the Theater Property – just inches away from the exterior walls of the Pantages Theater building and its 90-year-old foundation.

A. *Vibrations*

The DEIR acknowledges that the historic Pantages Theater building is "extremely susceptible" to vibration damage, and that in the absence of effective mitigation measures, vibrations during construction of the Project could result in significant physical damage to the Pantages Theater. (DEIR, pp. IV.I-18, IV.I-78, IV.C-65, IV.C-90.) Indeed, as indicated in DEIR Table IV.1-17, all but one of the identified types of construction equipment that cause significant vibrations, even operating alone, would exceed the 0.12 PPV significance criteria for the Pantages Theater by a substantial margin. (DEIR, p. IV.I-79.).

To mitigate this significant and adverse impact, the DEIR identifies Mitigation Measure NOI-MM-4, which requires the applicant to perform structural vibration monitoring during Project construction. (DEIR, p. IV.I.84 through IV.I.86.) However, this measure is wholly inadequate for all of the reasons discussed in the letter attached hereto as Exhibit A (the

"Veneklasen Letter"). The Veneklasen Letter was prepared by highly-qualified noise and vibration experts with the consulting firm Veneklasen Associates ("Veneklasen"), which was retained by Ned Pan to review and comment on the noise and vibration sections of the DEIR.[1]

The DEIR states that it is "conservatively concluded" that the structural vibration impacts on the Pantages Theater would remain "significant and unavoidable" because Mitigation Measure NOI-MM-4 "would require the consent of other property owners who may not agree to participate" in the specified monitoring activities. (DEIR, pp. IV.C-83, IV.C-92, IV.C-93.) This statement misleadingly implies that if Ned Pan simply consents to the specified monitoring activities, the potential structural vibration impacts on the Pantages Theater would be mitigated to a level of insignificance. Aside from the deficiencies in Mitigation Measure NOI-MM-4 noted in the Veneklasen Letter, there is no evidence to support the implied conclusion that the potential for structural damage to the Pantages Theater and other nearby historic resources due to construction vibrations would be avoided under the contemplated monitoring program, even with the consent of all the property owners. Indeed, the Veneklasen's expert opinion, even if the deficiencies in Mitigation Measure NOI-MM-4 identified in the Veneklasen Letter are rectified and Ned Pan "consents" to the monitoring measures, Mitigation Measure NOI-MM-4 would not reduce the potential for structural damage to the Pantages Theater to a level of insignificance.

Therefore, it is clear that additional mitigation measures are needed to adequately protect the Pantages Theater and other historic buildings in the immediate vicinity of the Project Site. For example, a mitigation measure can and should be developed that includes specified minimum distances between specified types of construction equipment and the historic resource. For the Pantages Theater, these minimum distances were calculated and presented on pages 3 through 4 of the Veneklasen Letter.

B. *Earth Movement*

The foundation system for the Pantages Theater, which was designed and constructed in the late 1920's, consists primarily of spread footings and extends to portions of the Project Site's southern and eastern boundaries. Any earth movement that may occur during construction of the Project has the potential to severely damage the historic Pantages Theater. Unfortunately, the DEIR fails to address this potential significant impact of the Project in a meaningful way.

Excavation and shoring for the Project will extend 5 stories below grade – well below the depth of the Pantages Theater foundation – along the entire shared property line between the Theater Property and the East Site. These construction activities will violate the loading "zone

[1] All of the comments contained in the Veneklasen Letter are incorporated herein by this reference.

of influence" for the westerly, northwesterly and northerly foundations and basement walls of the Pantages Theater. The Pantages Theater will also be a considerable "surcharge" load for the Project shoring design. These factors must be taken into consideration in the design process. Furthermore, Ned Pan should be afforded an opportunity to have its structural and geotechnical engineers review and agree to the calculations and design of the shoring system during the review process and construction.

The DEIR states that in those areas where the Theater Property is physically adjacent to the Project Site, the Project "would follow typical standards for party wall conditions and setbacks such that it would maintain physical and seismic isolation between the Pantages Theatre building." (DEIR, p. IV.C-64.) However, given the unique characteristics, proximity, and historic significance of the Pantages Theater building and its foundation system, mere compliance with "typical" standards and minimum Building Code requirements is clearly insufficient.

It is critically important that proper excavation and shoring design and procedures be implemented during the construction of the subsurface levels of the Project to insure that the Pantages Theater building is protected. Among other things, the Pantages Theater's west emergency exit path to Vine Street, which is separated from the adjacent property by the existing Pantages Theater retaining wall, will need to be carefully shored during construction of the below-grade parking structure at the Project's East Site.

Construction loading must also be addressed. Construction loads from cranes, etc., will impose temporary loads on subsurface interfaces with the Pantages Theater foundation system. Measures should be developed and implemented to ensure that these loads are considered and addressed in the design process and during construction. In addition, the following specific measure should be considered in the Final EIR:

> No stationary equipment shall be operated; no construction materials shall be stockpiled; and no warm-up areas, water tanks and equipment storage areas shall be located; within 40 feet of the Pantages Theater property line.[2]

Finally, an effective monitoring program must be implemented to monitor excavation activities and shoring displacements during construction. The monitoring program must include the following components:

[2] A similar measure was adopted by the City in connection with the Argyle House project at 6230 W. Yucca Street in order to protect the historic Capitol Records building. See Ordinance No. 180,082 (Condition Nos. I-18S and I-19S).

- Nearby improvements should be surveyed and photographs and/or video taken to document baseline conditions.

- The deflection at the top of the shoring and 35 feet below existing finish grade should be limited to 0.5 inches.

- If the shoring exceeds 0.5 inches or if distress or settlement is noted adjacent to the top of shoring or 35 feet below existing finish grade, an evaluation must be performed and corrective measures taken.

- Monitoring data must be provided to the owners of adjacent properties on a regular basis. These owners should also be consulted in the development of the monitoring program.

- In the event that Project construction activities result in structural damage to any building, construction of the Project must halt until corrective steps are taken and the damage is repaired.

C. *Impacts on Cultural-Historic Resources*

The DEIR identifies two measures to mitigate the potential impacts on the historic significance of the Pantages Theater due to vibrations and earth movement during construction: Mitigation Measure NOI-MM-4 and Mitigation Measure CUL-MM-2. Mitigation Measure NOI-MM-4 (and its deficiencies) are discussed above. Mitigation Measure CUL-MM-2 provides as follows:

> "CUL-MM-2: Excavation and shoring have the potential to damage buildings in close proximity to the Project Site; therefore, the following procedures are required for shoring system design and monitoring of excavation, grading, and shoring activities are proposed: … Appropriate parties shall be notified immediately and corrective steps shall be identified and implemented if movement exceeds predetermined thresholds, calculated amounts, or if new cracks or distress are observed in adjacent structures, sidewalks, buildings, utilities, façades, etc. In the event that settlement due to excavation or construction activity causes damage requiring touch-ups or repairs to the finishes of adjacent historic buildings, specifically the Capitol Records Building, the Gogerty Building, Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca

> Street/Art Deco Building storefront), that work shall be performed in consultation with a qualified preservation consultant and in accordance with the California Historical Building Code and the Secretary of the Interiors' Standards, as appropriate. Foundation systems are to be designed in accordance with all applicable loading requirements, including seismic, wind, settlement, and hydrostatic loads, as determined by the California Building Code and in accordance with the recommendations provided by the Project Geotechnical Engineer. Foundation systems are anticipated to consist of a cast-in-place concrete mat foundations supported by cast-in-place concrete drilled shaft or auger cast piles. Driven piles shall not be used." (DEIR, p. IV.C-82 through IV.C-83.)

In essence, this measure requires that "corrective steps" be taken if earth movement exceeds "predetermined thresholds, calculated amounts, or if new cracks or distress are observed …" However, because the "predetermined thresholds" have apparently not yet been determined, and because the "amounts" have apparently not yet been calculated, this measure appears to constitute impermissible deferred mitigation. See CEQA Guidelines, § 15126.4(a)(1)(B) ("Formulation of mitigation measures shall not be deferred until some future time."). The specific details of a mitigation measure may be developed after project approval only "when it is impractical or infeasible to include those details during the project's environmental review," and only if the lead agency "(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure.". *Id*. None of these prerequisites for permissible deferred mitigation appear to be present here.

Furthermore, this proposed measure is extremely vague and equivocal regarding the developer's obligation to repair any damage that may be caused by Project construction activities. For example, the measure requires that unspecified "corrective steps" must be taken if "new cracks or distress are observed "in adjacent structures, sidewalks, buildings, utilities, facades, etc." What is the developer's obligation, if any, in the event that the Pantages Theater or other historic resources in the area are damaged during construction of the Project beyond mere "cracks" or signs of "distress"? Also, why does the requirement that work "be performed in consultation with a qualified preservation consultant and in accordance with the California Historical Building Code and the Secretary of the Interiors' Standards, as appropriate" apply only where settlement causes damage requiring "touch-ups or repairs to the finishes" of the Pantages Theater or other adjacent historic buildings"?

Mitigation Measure CUL-MM-2 must be revised to clearly require that *any* damage to existing buildings that may result from Project construction activities must be immediately repaired by the developer, and that *any* required repairs to the Pantages Theater or other historic buildings (not just "touch-ups or repairs to the finishes") must be performed in consultation with a qualified preservation consultant and in accordance with the California Historical Building Code and the Secretary of the Interiors' Standards. As mentioned above, in the event that Project construction activities result in structural damage to the Pantages Theater, construction of the Project must halt until corrective steps are taken and the damage is repaired.

The DEIR states that Mitigation Measures CUL-MM-2 and NOI-MM-4 "would require the consent of other property owners who may not agree to participate in the mitigation measures; therefore, it is conservatively concluded that structural vibration and settlement impacts on certain historical resources adjacent to the Project Site would remain significant and unavoidable." (DEIR, p. IV.C-92.) Again, this statement misleadingly implies that if Ned Pan simply "consents" to any repairs to the Pantages Theater or other corrective action that may be needed in the event the Pantages Theater is damaged, this potential impact on the historic significance of the Pantages Theater would be mitigated to a level of insignificance. However, this implied conclusion proceeds from a completely unsupported premise, *i.e.*, that any damage to the Pantages Theater would be cosmetic (*e.g.*, "touch ups" to the building's "finishes") or otherwise could be feasibly "corrected" in a manner that preserves the historic significance of the Pantages Theater. On the contrary, vibrations and earth movement associated with the Project's construction could cause severe damage to the foundation and exterior walls of the Pantages Theater. In that event, it is entirely possible that the necessary "corrections" would not be feasible and/or would adversely affect the historic significance of the Pantages Theater.

In summary, Mitigation Measure CUL-MM-2 must be substantially revised, and additional feasible mitigation measures must be identified that will ensure that the Project's potential impacts on the historic significance of the Pantages Theater can and will be feasibly mitigated.

D. *Cumulative Impacts*

The DEIR discusses the potential cumulative effects associated with the simultaneous construction of the Project and the proposed citizenM Hollywood and Vine project (Related Project No. 2), stating as follows:

> "[A]lthough somewhat speculative, there is potential for Related Project No. 2 to be under construction at the same time as the Project. If this were to occur, due to close proximity, there would be potential for Related Project 2 and the Project to result in

> combined construction vibration and settlement effects that could damage the Pantages Theatre. As previously indicated for the Project, as is common in similar urban development sites, vibration and settlement would be controlled through adherence to design values prescribed by the shoring engineer and geotechnical engineer with the intent to prevent damage to adjacent structures, and through monitoring of associated construction activities. Although steps would be taken during construction to help ensure design values are not exceeded, if exceedance were to occur and to result in structural damage, based on industry practice and knowledge of construction activities in similar settings such damage would likely be surficial and repairable." (DEIR, IV.C-90.)

There are at least three serious flaws with this passage from the DEIR.

First, there is nothing "speculative" about the possibility that the Project and the citizenM Hollywood and Vine project (the "citizenM Hotel Project") will be under construction at the same time. According to the DEIR, the Project will likely be constructed during the period of 2021 to 2027. (DEIR, pp. II-70, II-71.) According the Draft EIR for the citizenM Hotel Project (ENV-2016-2846-EIR), construction of the citizenM Hotel Project is expected to commence in 2020 and be completed in 2022. In fact, because a final EIR has yet to be issued for the citizenM Hotel Project, construction of the citizenM Hotel Project will likely not begin until 2021, at the earliest. Thus, it appears to be highly likely that construction of the two projects will overlap, and the DEIR's attempt to dismiss this fact as "speculative" is baseless and misleading.

Second, the assertion that "vibration and settlement would be controlled through adherence to design values prescribed by the shoring engineer and geotechnical engineer" is vague and unsupported by any evidence in the record. Among other things, there is no assurance that (1) the shoring and geotechnical engineers for either project will consider the other project in developing the applicable "design values," (2) the efforts of the respective engineering teams will be coordinated and effective; or (3) the ultimate "design values" for each project will be appropriate for the Pantages Theater's unique circumstances as discussed above.

Third, there is no factual basis for the conclusion that any damage to the Pantages Theater due to vibrations or settlement during construction would "likely be surficial and repairable." What "industry practice," and whose "construction knowledge," allegedly supports this conclusion? As discussed above, and as noted in the Veneklasen Letter, construction of the Project has the potential to cause <u>serious</u> structural damage to the Pantages Theater, and this risk

will only be magnified in the *likely* event that the Project and the citizenM Hotel Project are under construction at the same time.

II. Vibration Impacts (Human Annoyance)

According to the DEIR, the estimated ground-born vibration levels from Project construction would exceed the significance criteria for "human annoyance" at the Pantages Theater. (DEIR, p. IV.I-81 and Table IV.I-19.) The DEIR concludes that this impact is "significant and unavoidable" because "there are no feasible mitigation measures that could be implemented to reduce the temporary vibration impacts from on-site construction associated with human annoyance to a less-than-significant level." (DEIR, p. IV.I-87.)

The DEIR correctly acknowledges that "human annoyance" impacts on the Pantages Theater due to vibrations during construction of the Project would be "significant." However, as noted in the Veneklasen Letter, the DEIR has understated these impacts, in two respects:

- By treating the Pantages Theater as a "Category 2" building (*i.e.*, a residence), the DEIR applied the wrong threshold. Specifically, the DEIR should have treated the Pantages Theater as a "Category 1" building because the Pantages Theater, like recording studios, is a "critical listening space." (See Veneklasen Letter, pp. 5 through 6.)

- The vibration levels from various pieces of construction equipment were miscalculated. (See Veneklasen Letter, p. 5.)

As noted on page 6 of the Veneklasen Letter, the correct vibrations levels at the Pantages Theater during construction of the Project are between 26 and 62 VdB above the significance threshold.

Furthermore, the conclusion that there are no feasible mitigation measures to reduce the vibration is not supported by substantial evidence. Specifically, the following feasible mitigation measures should be included and evaluated in the Final EIR:

1. No construction activities that have the potential to generate vibrations shall occur during regularly-scheduled performances at the Pantages Theater, which begin at the following times: Tuesday through Friday, 8:00 p.m.; Saturday, 2:00 p.m. and 8:00 p.m.; Sunday, 1:00 p.m. and 6:30 p.m.

2. Vibration-generating equipment shall not be used within the following distances from the Pantages Theater:

Equipment	Lv(VdB) at 2 feet	Distance required to meet Significance threshold (feet)
Vibratory Roller	127	235
Large Bulldozer	120	135
Caisson Drilling	120	135
Loading Trucks	119	125
Jackhammer	112	75
Small Bulldozer	91	15

This requirement shall apply (1) during the 60 minute period prior to regularly-schedule performances at the Pantages Theater, and (2) during performances or other events at the Pantages Theater that occur on irregular days or times, and during the 60 minute period prior to such performances or events, provided that the owner of the Pantages Theater has provided the developer with at least seven (7) days written notice of the performance or event.

III. Noise Impacts

The Pantages Theater is extremely sensitive to noise, which can disrupt performances and adversely affect the audience experience during shows and other events.

The DEIR evaluates the Project's potential noise impacts on the Pantages Theater (during both construction and operation of the Project) based on an existing ambient exterior noise level of 61.5 dBA. However, as discussed in Section I of the Veneklasen Letter, this assumed "baseline" of 61.5 dBA is based on noise measurements that are not representative of the ambient noise levels along the north wall of the Pantages Theater. As calculated by Veneklasen, the existing ambient noise level at this location is actually only about 56 dBA. By using an inflated assumption regarding ambient noise levels at the north façade of the Pantages Theater, the DEIR

has measured the Project's potential noise impacts on the Pantages Theater against a skewed baseline, which results in a substantial *underestimation* the Project's true noise impacts on the Pantages Theater during both construction and operation of the Project.. Moreover, the DEIR fails to address anticipated noise levels *inside* the Pantages Theater (see Veneklasen Letter, p. 3).

A. *Construction Noise*

According to the DEIR, the estimated noise levels associated with on-site construction activities would greatly exceed the significance threshold during all phases of construction, even under the DEIR's inflated significance threshold of 65.1 dBA. (DEIR, p. IV.I-43.) To mitigate this impact, the DEIR identifies two mitigation measures. One of the measures (Mitigation Measure NOI-MM-1) is seriously flawed, as discussed in Section III of the Veneklasen Letter.

The DEIR acknowledges that even with implementation of the two identified noise mitigation measures, the Project's noise impact on the Pantages Theater during Project construction would be significant. (DEIR, p. IV.I-75.) The DEIR also concludes that the impacts of construction noise on the Pantages Theater would be mitigated to the extent technically "feasible" but would remain "significant and unavoidable" (DEIR, pp. IV.I-75, IV.I-89.) However, the DEIR's implied conclusion that these impacts cannot feasibly be reduced to a level of insignificance is not supported by substantial evidence. For example, several additional measures are proposed in Section III of the Veneklasen Letter that should be evaluated in the Final EIR. Another feasible mitigation measure that would reduce the Project noise impacts on the Pantages Theater to a level of insignificance is as follows:

> Construction activities that have the potential to generate noise that is audible beyond the Project Site shall not occur (1) during regularly-scheduled performances at the Pantages Theater, which begin at the following times: Tuesday through Friday, 8:00 p.m.; Saturday, 2:00 p.m. and 8:00 p.m.; Sunday, 1:00 p.m. and 6:30 p.m.; (2) during the 60 minute period prior to regularly-schedule performances at the Pantages Theater, and (3) during performances or other events at the Pantages Theater that occur on irregular days or times, and during the 60 minute period prior to such performances or events, provided that the owner of the Pantages Theater has provided the developer with at least seven (7) days written notice of the performance or event.

This or a substantially similar mitigation measure should be evaluated in the Final EIR.

B. *Operational Noise*

The DEIR concludes that the noise generated by Project operations (including noise from the proposed East Site amenity decks that would be constructed at or within 24 feet of the shared property line with the Pantages Theater) would not exceed 5 dBA above ambient noise levels and would therefore not have a significant impact on the Pantages Theater or other sensitive receptors in the surrounding areas. (DEIR, pp. IV.I-46 through IV.I-74.) However, if the same analysis is performed using the correct ambient (baseline) noise level of 56 dBA for the area along the north wall of the Pantages Theater, the Project's "composite" noise level of 62.9 dBA identified in DEIR Table IV.I-12 for the Pantages Theater would exceed 5 dBA, and therefore should be treated as significant. (DEIR, p. IV.I-4.) Additional measures to mitigate this significant impact must be identified and evaluated in the Final EIR.

The Veneklasen Letter identifies other errors and omissions in the DEIR's analysis of the potential noise impacts resulting from Project operations which must also be addressed in the Final EIR. (See Veneklasen Letter, Section V.)

IV. Traffic

As proposed, the Project will have significant and adverse impacts on local access, public safety and traffic circulation that were not disclosed or adequately addressed in the DEIR. In particular, the DEIR overlooks the extent to which the Project will impede truck access to the Pantages Theater during load-ins and load-outs for performances.

Ned Pan's specific comments regarding the DEIR's discussion of traffic and access issues are detailed in the report attached hereto as Exhibit B (the "Crain Report"). The Crain Report was prepared by highly-qualified traffic experts with the consulting firm Crain, a KOA Corporation Company ("Crain"), which was retained by Ned Pan to review and comment on the traffic assessment of the Project presented in the DEIR.[3]

Ned Pan's primary concerns are summarized below.

A. *Public Alley Access*

The Theater Property is separated from the East Site by an existing 20-foot-wide public alley (the "Public Alley") that runs along much of the Theater Property's northern boundary. The Public Alley currently extends in a westerly direction from Argyle Avenue and terminates at a point in the middle of the block, where the alley right-of-way widens substantially in order to

[3] All of the comments contained in the Crain Report are incorporated herein by this reference.

provide a turn-around area for vehicles. For over 40 years, the Theater has used the Public Alley for the loading and unloading for large trucks in connection with the move-in and move-out of shows at the Theater. This loading and unloading operation is described in detail on pages 1 through 6 of the Crain Report.

The Project proposes to vacate portions of the existing right-of-way for the Public Alley, which will have the effect of shortening the alley by approximately 20 feet (from approximately 177 to 157 feet) and drastically reducing the size of the existing turn-around area. The Project also proposes a small loading dock that is apparently intended to serve the entire East Site portion of the Project. This loading dock would be accessed from Argyle Avenue via the remaining, unvacated portion of the Public Alley, and would be located directly across from the loading and trash areas for the Pantages Theater.

As explained in the Crain Report, the Project will have significant and adverse impacts on the existing (baseline) conditions in the Public Alley and Argyle Avenue, including the following:

- The Project will preclude the ability of large trucks to drive forward through the existing surface parking lot to Vine Street which, pursuant to an informal agreement, is the current practice except when this route is blocked by parked vehicles. Thus, as a result of the Project, large trucks will have to back out of the Public Alley every time. These additional truck movements on Argyle Avenue during the load in and load out of shows will add to the existing congestion on Argyle Avenue and raise public safety concerns.

- The proposed vacation of a portion of the Public Alley will effectively eliminate the ability for even smaller trucks (*e.g.*, delivery vans, trash pick-up vehicles, utility service trucks) to turn around at the terminus of the Public Alley. Thus, these smaller trucks will also have to back out of the Public Alley, adding even more truck movements within the traffic lanes on Argyle Avenue.

- The proposed loading area would begin just a few feet north of the Public Alley, and there is insufficient depth to allow for trucks to enter or exit the loading area without utilizing the entire width of the Public Alley (and even this may require multiple turning movements). As such, the loading areas would be completely inaccessible when large trucks are using the Public Alley for load-ins or load-outs of shows at the Pantages Theater.

None of these potential impacts of the Project were even identified – let alone evaluated or addressed – in the DEIR.

An EIR must include a description of the physical environmental conditions in the vicinity of the project in order to provide an understanding of the significant effects of the proposed project and its alternatives. The purpose of this requirement "is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts." CEQA Guidelines, § 15125(a). By omitting any discussion of the Pantages Theater's longstanding use of, and dependence upon, the Public Alley for the loading and loading of shows, the DEIR failed to fulfill this purpose.

B. *Impacts on Argyle Avenue*

The Project Description in the DEIR states as follows:

> Access to the East Site would be provided via two driveways on Argyle Avenue, as described below. There would be no vehicular access on Vine Street, which bifurcates the West Site and East Site. Access to the trash receptacles, the loading dock, and BOH would be accessed from the southern driveway located within the existing alley off of Argyle Avenue. Access to all subterranean levels (B1 through B5) of the parking garage would be provided from the northern Argyle Avenue driveway located directly opposite of Carlos Avenue and north of the existing alley. *This four-way intersection at Argyle and Carlos Avenues would be signalized and provide a pedestrian crossing across Argyle Avenue.*

DEIR, p. II-64 (emphasis added). The general locations of the proposed "northern" Argyle Avenue driveway (the "Project Driveway"), the so-called "southern driveway" (which would not be "on Argyle Avenue" but rather would be on the Public Alley and would serve only the proposed loading area), and the proposed mid-block signalized intersection and pedestrian crossing (the "Mid-Block Signalized Intersection and Crossing") are depicted in Figure II-28 of the DEIR.

As a point of correction, it should be noted that the proposed Argyle Driveway would not be "directly opposite" of "Carlos Avenue," and the proposed signal would not be at the intersection of "Argyle and Carlos Avenues." Rather, the Argyle Driveway would be opposite an existing private driveway known as "James M. Nederlander Way" that serves the Eastown mixed-use development (the "Eastown Private Driveway"), and the proposed Mid-Block Signalized Intersection and Crossing would be installed at the intersection of Argyle Avenue, the Project

Driveway, and the Eastown Private Driveway. Carlos Avenue does not – and never did – intersect with Argyle Avenue.

As noted in the Crain Report, the proposed Mid-Block Signalized Intersection and Crossing is problematic for myriad reasons, and would result in potential traffic and public safety issues that were not addressed in the DEIR. (See Crain Report, pp. 11-15.) Moreover, based on information contained in the DEIR, Crain estimates that the Project with the East Site Hotel Option will add approximately **3,750** "driveway trips" to the one-block long segment of Argyle Avenue between Hollywood Boulevard and Yucca Street, which is already clogged with traffic during much of the day. Traffic on this already heavily-traveled segment of Argyle Avenue will be further impacted by the **3,693** daily trips that will be generated by the proposed mixed-use development project at 6220 W. Yucca Street (related project no. 4), which would have its primary driveway access on this same one-block segment of Argyle Avenue. The impacts of adding this much traffic to this one-block segment of Argyle Avenue relative to local access and circulation have not been adequately evaluated under the Los Angeles Department of Transportation's Traffic Assessment Guidelines.

The East Site's parking garage would provide up to 684 vehicle parking spaces that would be accessed directly from the Project Driveway. According to the DEIR, the existing Yucca Street driveway, located between Vine Street and Argyle, would remain and provide dedicated access to the Capitol Records Complex. (DEIR, p. II-29.) In other words, 100 percent of the approximately 3,750 daily trips that would be generated by the East Site portion of the Project would access the East Site via a single driveway on Argyle Avenue.

As noted in the Crain Letter, the Project's significant traffic impacts on this already overburdened segment of Argyle Avenue – and the related impacts on the operations of the Pantages Theater – could potentially be mitigated by providing more than one point of ingress and egress to the proposed subterranean parking structure on the East Site. (See Crain Report, pp. 14-15.) The DEIR does not explain why such an additional point of driveway access could not be provided on either Yucca Street or Vine Street.

Based on Ned Pans' review of the proposed plans for the Project, there does not appear to be any reason why the proposed East Site subterranean parking structure could not be connected to the existing driveway access on Yucca Street. The DEIR states that the Project proposes to "dedicate" this driveway access to the existing Capital Records Complex, but does not provide any reason for this design decision or indicate that dedication of this existing access point on Yucca Street to the Capitol Records Complex is somehow required.

With respect to Vine Street, Ned Pan recognizes that the Hollywood Walk of Fame extends along both sides of Vine Street between Hollywood Boulevard and Yucca Street.

However, this fact does not preclude the possibility of having additional driveway access on Vine Street to the proposed subterranean parking garage. Indeed, there are two existing driveway curb cuts along East Site's frontage on Vine Street, which currently provide access to the existing surface parking lot. One of these existing curb cuts could potentially be used for the Project, or both could be replaced with a single new curb cut. Many other projects in Hollywood have installed new or modified curb cuts across the Walk of Fame without adversely affecting its historic significance.

For these reasons, the Final EIR should explore the potential for providing additional driveway access to the proposed East Site subterranean parking structure on Yucca Street, Vine Street, or both, either as a potentially feasible mitigation measure or as an additional Project alternative as discussed in Section VI below.

V. Drainage

The DEIR concludes that the Project's potential adverse impacts relative to hydrology, water quality, or stormwater facilities will be less than significant. (See DEIR, pp. IV.G-36 through IV.G-53.) However, the DEIR did not adequately discuss the Project's impact on existing stormwater drainage facilities on the Theater Property and in the Public Alley, or evaluate Project's potential to "create or contribute runoff water which would exceed the capacity of" such existing drainage systems.[4]

The Final EIR should address all of the following issues, and identify appropriate mitigation measures, as needed:

- There is an existing catch basin that is located in the Public Alley that will be impacted by the proposed construction of a solid wall at the terminus of the shorted Public Alley. The grading and drainage for the proposed improvements will need to address the surface runoff that is currently being collected by this existing catch basin. In addition, any existing drainage pipes or other utilities passing through and out from the Theater Property that are located within the Public Alley must be protected in place or replaced immediately if damaged during construction of the Project.

- Certain portions of the Theater Property, including the west exit court, may be subjected to storm water diverted by the construction and operation of the Project. The grading and design of the Project must ensure that the Project does not contribute any additional runoff to that currently handled

[4] See CEQA Guidelines, Appendix G (Environmental Checklist Form).

by the Pantages Theater drainage system. The existing area drain and trench drain serving the west exit court area appears to be at or near capacity.

- An area of storm water ponding currently exists at the northeast corner of the site of the proposed citizenM Hotel Project and in the adjacent surface parking to the north. Steps must be taken to ensure that the Project design prevents roof top or deck runoff from potentially migrating to the Theater Property near the west exit court (northwest corner of the Pantages Theatre). The new building design should divert and collect runoff from all upper levels and prevent any of the Project's stormwater from draining into the exit court.

VI. Project Alternatives

The DEIR describes eight potential alternatives to the Project. However, with the exception of the required "no project" alternative, it does not appear that any of the alternatives discussed in the DEIR would avoid or substantially lessen the potential impacts of the Project on the Pantages Theater as discussed above.

An EIR must describe a range of reasonable alternatives to 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 evaluate the comparative merits of the alternatives." An EIR need not consider every conceivable alternative to a project, but "must consider a reasonable range of potentially feasible alternatives that will *foster informed decision making and public participation*." CEQA Guidelines, § 15126.6(a) (emphasis added).

In order to satisfy these requirements, the Final EIR should evaluate at least one other Project alternative that includes at least some combination of the following components:

- Modified site plan for the East Site that involves no excavation within at least five (5) feet of the Theater Property.
- No vacation of any portion of the Public Alley.
- Widened Public Alley and/or modified loading area to better accommodate the Project and the Pantages Theater trucks.
- No mid-block crosswalk or signal at the Project Driveway on Argyle Avenue.

- Driveway access on Yucca Street and/or Vine Street, as well as Argyle Street, to and from the subterranean parking structure on the East Site.

VII. Conclusion

Ned Pan supports the stated objectives of the Project. The Project will provide a much-needed housing resource in close proximity to transit and activate the area around the Capitol Records Complex, which will contribute to the on-going revitalization of Hollywood's commercial core. However, as currently proposed, the Project poses unacceptable risks to the physical integrity and continued operation of the Pantages Theater.

Ned Pan trusts that the comments presented in this letter will be given serious and careful consideration, and is hopeful that these comments will result in new and more effective mitigation measures and/or changes to the Project that will avoid or lessen the Project's significant impacts on the environment – including the historic Pantages Theater – to a less-than-significant level.

Thank you for your consideration.

Very truly yours,

JOHN M. BOWMAN
Elkins Kalt Weintraub Reuben Gartside LLP

JMB:jmb
Exhibits

cc (via email): Council Member Mitch O'Farrell
Craig Bullock, Planning Director, CD13

EXHIBIT A

Veneklasen Associates

Consultants in Acoustics | Noise | Vibration | AV | IT

May 28, 2020

Elkins Kalt Weintraub Reuben Gartside LLP
10345 West Olympic Boulevard
Los Angeles, California 90064

Attention: **John M. Bowman, Partner**

Subject: **Hollywood Center Project – East Site**
Draft EIR Peer Review – Section IV.I. - Noise
Veneklasen Project No: 7434-002

Dear Mr. Bowman:

Veneklasen Associates, Inc. (Veneklasen) has performed a peer review of the noise section of the draft EIR for the proposed Hollywood Center Project (east site) project to be constructed in Los Angeles, CA. The following document presents the results of our review, with comments referenced back to the project EIR. To compose our commentary, we have reviewed the following documents:

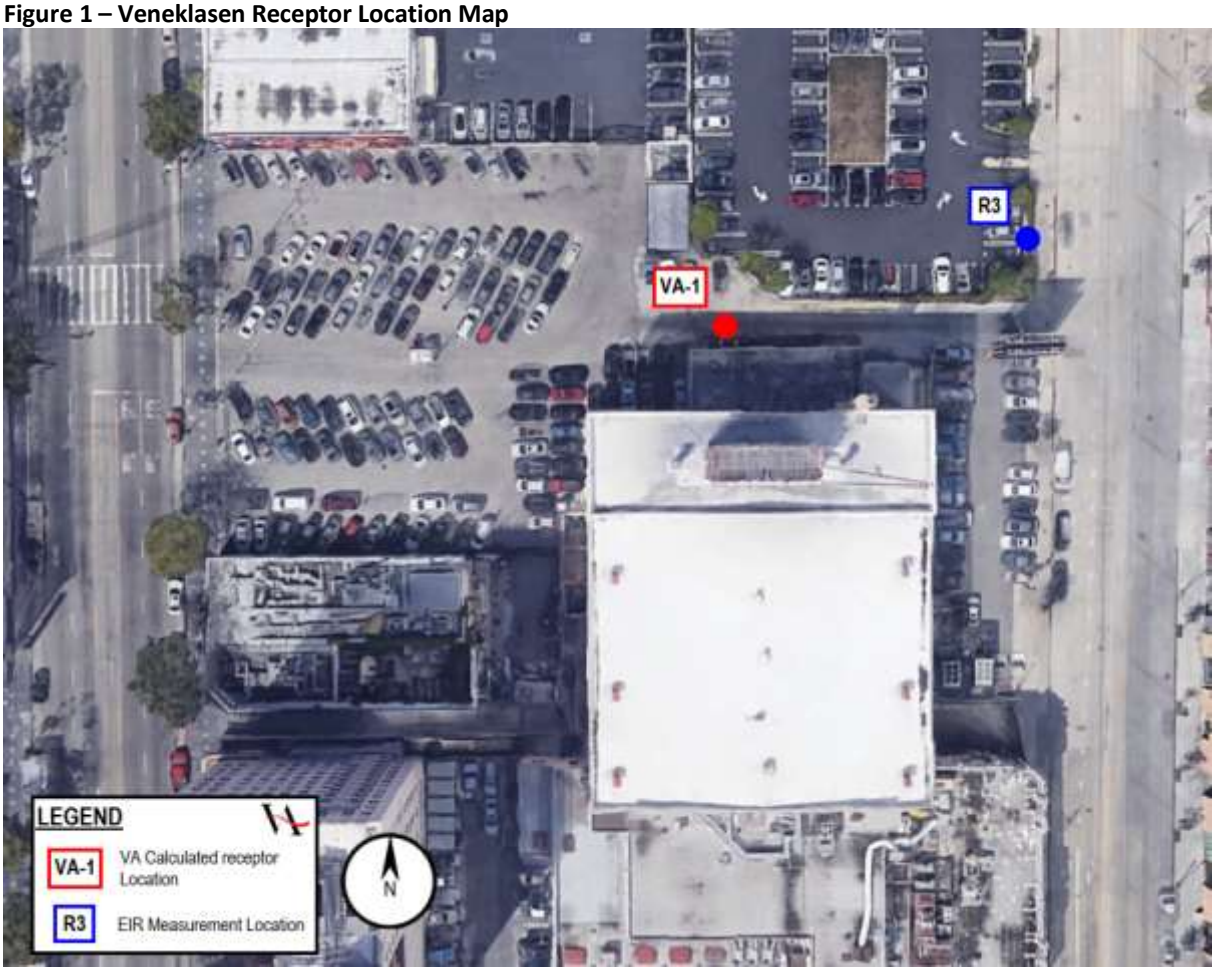
- Draft Environmental Impact Report ENV-2018-2116-EIR for the "Hollywood Center Project".
- Appendix K-1 Construction Noise and Vibration Impact Study provided by Acoustical Engineering Services (AES) (March 2020)
- Appendix K-2 Construction Traffic and Operational Noise Study provided by Environmental Science Associates (ESA) (April 2020)
- State of California General Plan Guidelines, Governor's Office of Planning and Research, 2003
- L.A. CEQA Thresholds Guide, City of Los Angeles 2006
- The Municipal Code of the City of Los Angeles, California
- FHWA Roadway Construction Noise Model User's Guide, January 2006
- FTA Transit Noise and Vibration Impact Assessment, May 2006, 2018
- Caltrans Transportation and Construction Vibration Guidance Manual, September 2013

This report is formatted to follow the noise section of the draft EIR. Based on Veneklasen's review of the draft EIR noise and vibration analysis, the document requires the following corrections, additions, and/or clarifications:

I. Ambient Noise Levels

Draft EIR Page IV.I-21, Table IV.I-5: The measured noise level at measurement position R3 is not representative of the noise levels at the back of the Pantages Theater. The measured ambient level for the Pantages Theater indicated in Table 1, Appendix K-2 states that the measured level is 60.1 dBA at R3 along Argyle Avenue. This is not representative of the sound levels in the access alley behind the theater where there is some exposure to Vine Street, but also significant acoustical shielding because of building geometry which does not appear to be accounted for. Veneklasen performed a distance and angle attenuation analysis at Veneklasen receptor location VA-1 which is shown in **Figure 1**. Using the measured level at R3 along Argyle Avenue and the measured level at R2 on Vine Street, Veneklasen calculated the ambient noise level at VA-1 to be approximately 56 dBA, accounting for increased distance and reduced angle of exposure. As such, the significance thresholds identified in Table IV.1-19 and Table IV.1-10 for the Pantages Theater (receptor location no. 9) are significantly higher, which has the effect of understating the impact of construction noise on the Pantages Theater. Additional sound level measurements should be performed of suitable duration to determine the ambient levels in the alley behind the Pantages Theater. Veneklasen would suggest a minimum measurement duration of 72 hours during normal weather conditions.

Figure 1 – Veneklasen Receptor Location Map



Additionally, once the subject project is constructed, the alley behind the Pantages will be completely shielded from Vine Street, and the angle of exposure to traffic noise from Argyle Avenue will be further reduced, likely causing the noise levels to decrease further. Veneklasen estimates the post-construction ambient noise level in the alley behind the Pantages Theater to be approximately 47 dBA.

II. Construction Traffic

Draft EIR Table IV.I-11: The assumptions made, traffic counts, and calculation methods for the existing plus construction condition could not be located in Appendix K-2 or Appendix N-1. These should be clarified.

The construction traffic analysis does not address short-term, maximum noise events, such as passing haul trucks which can cause annoyance and disruption to critical listening spaces such as the Pantages Theater. These events should be evaluated.

III. Construction Noise

Draft EIR Page IV-I-74: NOI-MM-1 states:

> *Noise and vibration construction equipment whose specific location on the project site may be flexible… shall be located away from the nearest off-site sensitive land uses (at least 100 feet away), or natural and/or manmade barriers (e.g. intervening construction trailers) shall be used to screen propagation of noise from such equipment towards these land uses.*

"Noise and vibration construction equipment" should be clarified. If the FHWA noise levels at 50 feet exceed the significance threshold of the Pantages Theater by more than 6 dB, the equipment will also exceed the significance threshold at 100 feet because sound decays at 6 dB per doubling of distance according to the inverse square law. The following noise mitigation methods will be required:

- All construction equipment engines will be properly tuned and muffled.
- Barriers, either plywood or flexible sound curtains must be erected between the construction site and the Pantages Theater.
- Construction and demolition activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.

Draft EIR Page IVI.I-75: The section titled "Level of Significance after Mitigation" says that with the noise mitigation measures, "construction noise impacts associated with on-site noise sources would remain temporarily significant and unavoidable" at the Pantages Theater and 10 other sensitive receptors. NOI-MM-3 says:

> *A construction liaison shall be provided to inform the nearby receptors, 1, 3, and 5 through 13 when peak noise and vibration activities are scheduled. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to these receptor properties that discloses construction schedule, including the various types of activities and equipment that would be occurring through the duration of the construction period.*

The calculations shown in Appendix K-1 and in the EIR do not show anticipated noise levels inside the Pantages Theater and other receptors. The L.A. CEQA Thresholds Guide lists a limit of 5 dBA above the interior noise level in noise-sensitive uses. The calculations show noise levels only at the receptor property lines/exterior.

An analysis should be conducted showing ambient noise levels measured inside the Pantages Theater and anticipated noise levels inside the Pantages Theater due to construction to show if noise levels would meet the L.A. CEQA Thresholds Guide.

Given the noise sensitive operational needs of the Pantages Theater, and the admitted inability to mitigate construction noise, construction activities shall not occur at least sixty minutes prior to, and for the duration of any theater performances. Typical performance times are:

- Tuesday-Friday: 8 PM
- Saturday: 2 PM and 8 PM
- Sunday 1 PM and 6:30 PM

The Pantages Theater will inform the construction team of any changes to this schedule.

Construction team shall be notified of rehearsals and other non-performance events at the Pantages Theater. The construction team will work with the Pantages Theater to successfully mitigate and manage noise as it occurs to maintain comfortable and safe conditions, as well as normal activity within the Pantages Theater.

IV. Construction Vibration

Building Damage

Draft EIR Table IV.I-17: The vibration levels indicated in the calculations show that at two feet (the closest distance of the Pantages Theater to the construction), all but one piece of equipment will exceed the regulatory PPV threshold of 0.12 inches per second (in/s) by a factor of more than 5. This poses an unacceptable risk for historic structures. Therefore, these pieces of equipment shall not be operated closer

than the distances indicated in ***Table 1*** below, which are the minimum distance required to not exceed the significance threshold.

Table 1 – Veneklasen Construction Vibration Building Damage Calculations

Equipment	PPV (in/s) at 2 feet	Distance required to meet significance threshold (feet)
Vibratory Roller	3.379	41.6
Large Bulldozer	1.432	19.1
Caisson Drilling	1.432	19.1
Loading Trucks	1.223	16.5
Jackhammer	0.563	8.2
Small Bulldozer	0.048	0.9

Note that the values in ***Table 1*** are calculated using n = 1.1, where n is the parameter that indicates how quickly ground-borne vibration decays with distance. The analysis in the EIR uses n = 1.5 at 25 feet or further and n = 1.1 closer than 25 feet. A value of 1.1 is more conservative and therefore appropriate for this situation where the soil propagation has not been measured. However, the choice of n does not significantly change the minimum distances reported or the conclusions of this report.

Draft EIR NOI-MM-4: Mitigation Measure NOI-MM-4 (structural vibration monitoring during project construction) is insufficient as proposed in the EIR. NOI-MM-4 should be revised as follows:

- The noise and vibration monitoring program must include (but not limited to) monitor specifications, calibration certificates, exact monitoring locations (which shall be approved by the Pantages Theater), and protocols for data collection, reporting, alerting, maintenance and calibration, and unplanned outage. Selected monitoring systems must be capable of 24-hour unmanned operation, with internal storage and remote data download. Systems shall be capable of measuring PPV in all three axes (vertical and two horizontal) simultaneously.
- The monitoring program must specify the protocols for threshold exceedance, including but not limited to which personnel are designated to receive alerts, how the alerts will be sent (text message, email, etc.), and how the event will be documented and reported. The program must include regular reporting no less frequently than weekly.
- The warning level (0.1 in/s) is too close to the limit (0.12 in/s) and will likely not provide sufficient warning. Veneklasen suggests 0.06 in/s as a warning limit.
- If the feasible steps discussed in item d of NOI-MM-4 are insufficient to reduce the vibration below the regulatory threshold, the vibration-generating activity shall not be restarted. In this case, alternative methods shall be employed that do not generate vibration above the threshold.
- If the warning level is exceeded, activity must halt until the source of the vibration is identified and correctly mitigated to meet the requirements.
- Pantages representatives should also get the notifications of warnings during the monitoring program.
- Pantages representatives should have the opportunity to review bids for the monitoring work and have input regarding the preferred vendor for this work.

Item f of NOI-MM-4 on Page IV.I-85 indicates:

> *In the event that the regulatory ground vibration levels are exceeded and there is documented evidence including a visual inspection that no damage to historic structures has occurred, the ground vibration levels can be increased to the criteria for the previous building structural category in increments as follows, subject to review and approval by the City, up to a maximum regulatory ground vibration level of 0.5 inch/second (PPV), or equivalent level.*

The thresholds are set so that the probability of damage is acceptably low. Therefore, one would not expect damage to occur a large percentage of the time that the threshold is exceeded. However, this is not justification for increasing the threshold. The proposed process for increasing the threshold substantially increases the risk to the building and is unacceptable.

On page IV.I-86, the EIR states that:

> *it is conservatively concluded that structural vibration impacts on the AMDA Vine Building, the Argyle House at southwest corner of Yucca Street and Argyle Avenue, the Pantages Theatre, Avalon Hollywood, Art Deco Building (6320 Yucca), and the single-story commercial building at 1718 N. Vine Street (except if this building has already been demolished as part of Related Project No. 2) would be significant and unavoidable because it cannot be assured that all components of Mitigation Measure NOI-MM-4 can be implemented.*

This statement implies that that if all components of Mitigation Measure NOI-MM-4 are implemented, the impacts on the Pantages Theater and other sensitive receptors will be less than significant. We disagree. Even if NOI-MM-4 is revised as recommended above, and even if all components of NOI-MM-4 are implemented, there is a significant and unavoidable risk that vibration levels during construction of the project would cause damage to the Pantages Theater. The EIR should be clarified in this respect.

Human Annoyance

Appendix K-1 Appendix A, Construction Vibration Impacts – EAST SITE: Equation 1 shown below comes from the FTA manual and is used to calculate the vibration level (Lv) of the different pieces of construction equipment at 2 feet from the Pantages Theater.

$$L_v = L_{v,ref} - 30log\left(\frac{D}{25}\right) \qquad \text{(Equation 1)}$$

Using this equation results in the vibration levels shown in ***Table 2*** below. These levels do not match the results in Table IV.I-19 of the EIR. The results in the EIR suggest a multiplier of about 23 instead of the multiplier of 30 in Equation 1. The distance loss equation used in the EIR to calculate the vibration levels at 2 feet from the Pantages using the reference level at 25 feet is not supported by any reference material.

Draft EIR Table IV.I-2, Table IV.I-19 and Appendix K-1 Section 5.2: Table IV.I-19 indicates the significance threshold to be in "dBA (Leq)". This is incorrect; dBA and Leq are terms used for noise not vibration. Veneklasen assumes that this was intended to be VdB; this should be corrected.

Table IV.I-19 also indicates that the significance threshold for the Pantages Theater is 72 VdB. Table IV.I-2 from the EIR indicates that 72 VdB is to be used as a significance threshold for frequent events affecting category 2 buildings or "residences and buildings where people normally sleep." The Pantages Theater does not meet this description. It meets the description of Category 1, "buildings where vibration would interfere with interior operations." Appendix K-1, section 5.2 says "vibration impacts pursuant to human annoyance at nearby noise sensitive receptors would exceed the significance thresholds (72 VdB at residential uses, 75 VdB at institutional uses, and 65 VdB at recording studios)." The language saying "65 VdB at recording studios" was omitted from the draft EIR noise section but was included in Appendix K-1.

Recording studios and theaters both should be considered Category 1 as both are critical listening spaces. Excessive vibration could affect the historical landmark and sensitive production equipment; spotlights and other direct mounted audio/visual equipment are susceptible to shaking resulting in auditory or visual distractions from the performance. Therefore, the significance threshold for human annoyance at the Pantages Theater should be 65 VdB.

Draft EIR Table IV.I-19: Table IV.I-19 shows that all pieces of construction equipment will cause vibration levels between 11 and 47 VdB above the significance threshold. However, if (1) the correct significance threshold of 65 VdB is used, and (2) the vibration levels are calculated using the method established in the FTA Transit Noise and Vibration Impact Assessment Manual, the levels are between 26 and 62 VdB above the significance threshold.

Table 2 shows the calculated minimum distance from the Pantages that the construction equipment can operate at to not exceed the human annoyance significance threshold. During performances, rehearsals, or other critical events all equipment must not be operated within the distances indicated in ***Table 2*** below. These values should be used in Table IV.1-19.

Table 2 – VA Construction Vibration Human Annoyance Calculations

Equipment	Lv (VdB) at 2 feet	Distance required to meet Significance threshold (feet)
Vibratory Roller	127	235
Large Bulldozer	120	135
Caisson Drilling	120	135
Loading Trucks	119	125
Jackhammer	112	75
Small Bulldozer	91	15

V. Operational Noise

The calculations shown in Appendix K-2 and in the EIR do not show anticipated noise levels inside the Pantages Theater and other receptors. The calculations show noise levels at the receptor property lines / exterior.

For setting a sound level limit inside the Pantages Theater, A-Weighted decibels (dBA) is not appropriate to use. Low-frequency noise (bass signal) interfering with the operation of the theater should also be considered. For this purpose, operational noise generated by the Hollywood Center Project shall not exceed NC 15 in the Pantages Theater at least sixty minutes prior to, and for the duration of any theater performances. The NC 15 value assumes that the 31 Hz frequency band is included. The NC 15 values would be considered the limit levels.

An analysis must be conducted by a qualified acoustical consultant showing measured ambient noise levels as well as anticipated future noise levels inside the Pantages Theater to show that operational noise levels will meet the proposed interior noise levels at least sixty minutes prior to, and for the duration of any theater performances.

Operational Traffic Noise

Draft EIR Table IV.I-14, Table IV.I-15, and Appendix K-2 Table 5: The resultant traffic increase from general operation of the proposed project is shown to be insignificant. However, the methodology for how these increases were modeled is unclear. All assumptions should be laid out in the EIR or appendices.

Loading Dock/Refuse Collection

Draft EIR Page IV.I-35, IV.I-52, IV.I-118, and Figure II-15: The section entitled "Loading Docks and Refuse Collection" on page IV.I-52 states:

> *Loading docks and refuse collection areas would be located on Level 1 of both the West and East Site buildings. Loading areas for vendors, deliveries, and trash pickups would be completely enclosed at both sites and would shield the surrounding sensitive receptors from any noise from loading/unloading and refuse operations.* ***Therefore, noise from the loading docks and refuse collection would not result in excess noise levels at the surrounding sensitive receptors, and impacts would be less than significant for the Project and the Project with the East Site Hotel Option.***

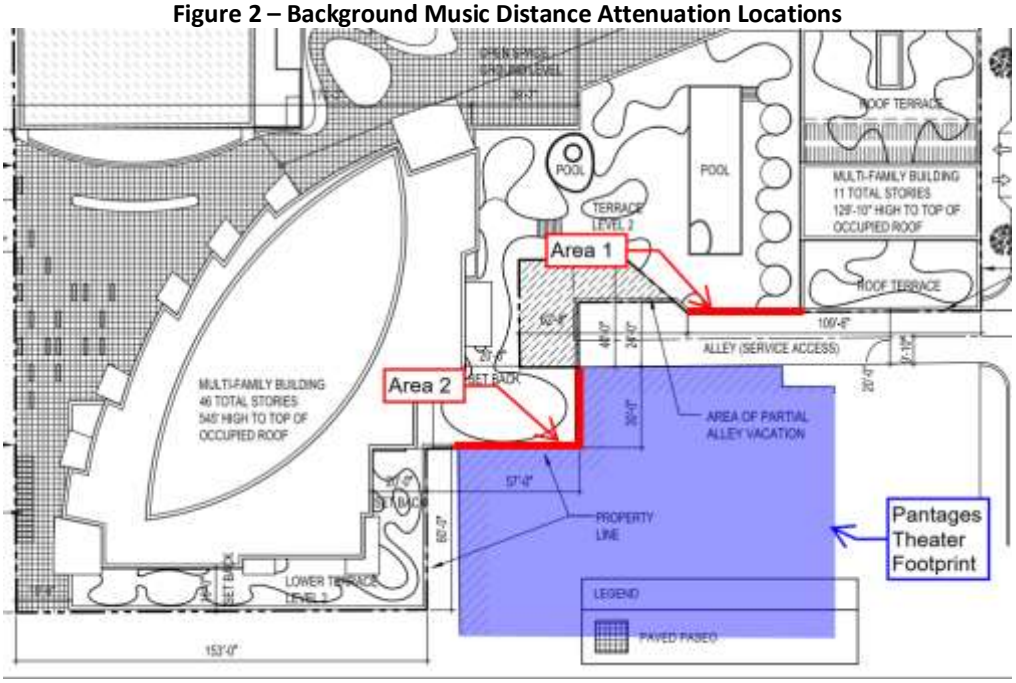
Figure II-15 in the Project Description section of the draft EIR shows that the loading dock is not completely enclosed or shielded from the back of the Pantages Theater. Using measurements of loading dock activity from previous Veneklasen projects as a reference source, Veneklasen performed a distance attenuation calculation to predict the sound levels at the backstage doors of the Pantages Theater. Veneklasen calculated the sound levels at the Pantages Theater, 24 feet away across the alley to be an average of 78 dBA (Leq) and a maximum noise level of 85 dBA. Per Los Angeles Municipal Code Section 111.02, noise levels cannot exceed the ambient noise level by more than 10 dBA for a period of less than 5 minutes in any hour, or exceed the ambient noise levels by more than 5 dBA for a period of up to 15 minutes in any hour. The predicted noise levels from loading dock activity is greater than 10 dBA above the allowable limit and requires additional review and analysis.

All loading and refuse collection must not take place during performances and other events at the Pantages Theater and truck engines must not be idling while loading and unloading.

Outdoor Spaces - Amenity Deck (Level 2), East Site – Background Music

Draft EIR Table IV.I-12 and Page IV.I-51: On page IV.I-51 it is stated that the "sound level of the music speakers is conservatively assumed to be 75 dBA at 25 feet, which is more than 5 dBA higher than the ambient noise levels in the vicinity of the Amenity Deck (Level 2), East Site, which ranges from approximately 60.1 to 68.3." The predicted noise level pre-construction is 56 dBA and as stated in **Item I** above, Veneklasen predicts the post-construction noise level from Argyle Avenue to be about 47 dBA. Both predicted pre-construction and post-construction noise levels are significantly lower than the assumed 60.1 stated in the Draft EIR indicating that additional review and analysis should be performed. The areas from which Veneklasen performed a distance loss calculation between the Amenity Deck (Level 2), East Site and the Pantages Theater are shown in ***Figure 2*** below:

Figure 2 – Background Music Distance Attenuation Locations



The distance from Area 1 to the Pantages Theater is 20 feet and the Distance from Area 2 to the Pantages Theater is 0 feet. For the purpose of an accurate analysis, Veneklasen has assumed a minimum distance of 5 feet from the nearest music speaker for Area 2. The results of these calculations are shown in ***Table 3*** below:

Table 3 – Calculated Sound Levels from Amenity Deck Loudspeakers

Location	Distance from music speaker to Pantages Theater Façade (feet)	Calculated Sound Level at Pantages Theater Façade (dBA)
Area 1	20	77
Area 2	5	89

These values exceed the significance threshold at the Pantages Theater by a significant amount. Area 2 and all areas within 20 feet of the Pantages Theater shall not be occupied or have background music playing at least sixty minutes prior to, and for the duration of any theater performances. Further analysis of these areas should be performed by the applicant to define how they will comply. Such mitigation measures might include barriers, prohibiting the use of subwoofers, locating background music speakers away from the property line between the Pantages, and using many quieter background music speakers evenly distributed instead of fewer, louder background music speakers.

Outdoor Spaces - Amenity Deck (Level 2), East Site – Speech

Draft EIR Page IV.I-35 and Appendix K-2 Page 16: Page IV.I-35 of the Draft EIR states:

> *Noise from female adults, male adults, and children talking at a raised level is approximately 63 dBA, 65 dBA, and 65 dBA, respectively, at a distance of 3 feet. As a conservative analysis, it is assumed that each outdoor space would be at full capacity and that half of the visitors would be adults (half male and half female) and half would be*

children. Of the adults and children, half would be talking simultaneously (assuming approximately half of the occupants talking and the other half listening)

Page 16 of Appendix K-2 states that the Amenity Deck (Level 2), East Site has "a calculated maximum capacity of 547 people and approximate area of 8,200 square feet." Because the background music level has been established at 75 dBA, it appears the acoustical phenomenon called Lombard Effect has not been addressed so the sound levels of each voice used are too low. The Lombard Effect is a well-researched and commonly accepted theorem within the acoustical community that people talk louder as background noise level is increased. Veneklasen calculated the sound levels resulting from the 400 square foot area of the pool deck closest to the Pantages Theater at capacity with fifty percent of occupants speaking at once. A distance loss calculation of each voice was conducted to the Pantages Theater and the resulting sound level was 74 dBA. This is more than 5 dBA above the calculated post-construction ambient noise level in the alley. Mitigation must be required in the form of a barrier along the south side of the Amenity Deck as well as a lower limit for the background music level. This should be reviewed and updated as part of the application.

Figure II-19 indicates that under the East Site Hotel Option, there will be a swimming pool located in Area 2 is as shown in ***Figure 2*** above. Using the same calculation methods to determine the sound levels from speech at the Pantages from this area, the noise level will be 80 dBA at the Pantages. This would be a significant on-going impact and this area cannot be occupied by a pool, as any operation will significantly exceed both proposed interior noise guidelines and could negatively impact rehearsals and other theater operations.

Outdoor Spaces – East Site Plaza, Performance Stage

Draft EIR NOI-PDF-3: Outdoor concerts and events are currently planned at the East Site Plaza. For any such events, the maximum noise level should be such that Pantages performances shall not be negatively impacted. The following mitigation methods are required:

- Notify Pantages in advance of the Event.
- If Event is scheduled for date of a Pantages performance or rehearsal, schedule an operations meeting with Pantages personnel to review date, time and outdoor physical layout of the event.
- Any additional concerns shall be reviewed that may affect Pantages activity, including AV (speaker) layout and planned radio/wireless microphone frequencies.
- Perform a "sound check" and walk through with Pantages personnel the day of event to verify that sound levels cannot be heard within the theater and/or affect the performance, including audiences' enjoyment of the Pantages show.
- Once source levels for the Outdoor Event are agreed upon (including specific spectral content) these shall be set as the maximum allowable limit to be maintained for the duration of the Outdoor Event.
- Pantages shall be given the opportunity for each event to have representatives or professionals monitor the event. Access and rights to monitor shall be provided.
- If there is an issue of violation during the event, then organizers shall alter the level to bring the event into compliance at the time of the occurrence.

Mechanical Noise

Draft EIR Table IV.I-12: Table IV.I-12 shows calculations for East Rooftop Mechanical equipment. Veneklasen does not see any selected mechanical equipment, assumptions, or calculations. This should be analyzed to assure that the sound levels do not violate any regulations at the Pantages Theater property line. This includes all mechanical equipment with exhaust or intake on the building exterior such as garage fans in addition to the exterior rooftop mechanical equipment. Applicant should present the assumptions and method of analysis that was performed.

Emergency Generator

Draft EIR Page IV.I-52: The draft EIR states:

> *Stationary sources would also include emergency generator capacity for the residential buildings on the West Site and East Site with an estimated capacity rated at approximately 1,500 kilowatts (2,012 horsepower) for each site, which would provide emergency power primarily for lighting and other emergency building systems. The emergency generators would be located on the building rooftops within an enclosure that would substantially minimize noise levels to the environment.* ***Given their location on the rooftops within an enclosure, and their limited use, emergency generators would not contribute to an increase in day-to-day operational ambient noise levels, and impacts would be less than significant for the Project and the Project with the East Site Hotel Option.***

It is true that these generators are infrequently used (testing or emergency purposes) and would not greatly increase daily levels. However, the sound levels when they are operating under test are very significant, especially on receptors which would be considered critical listening environments. All feasible mitigation measures should be taken including super critical (hospital grade) mufflers and noise mitigation enclosures. Testing of these emergency generators should be done on weekdays during the late morning or early afternoon to avoid conflicts with sensitive theater activities.

VI. Conclusions

1. The measured noise level at R3 will not be representative of the ambient sound levels in the Alley during construction. The post-construction ambient noise levels will be even lower due to the change in geometry of the site.

2. An analysis of maximum event noise levels resulting from passing construction vehicles should be performed.

3. If the FHWA noise levels at 50 feet exceed 6 dB more than the significance threshold of the Pantages Theater, additional noise mitigation methods (mufflers, barriers, operational controls, etc.) must be used.

4. The construction noise levels are excessive. Given the operational needs of the Pantages Theater, and the inability to mitigate construction noise, construction activities shall not occur during any theater performances, rehearsals or times where the use of the theater is critical.

5. Analysis of interior noise levels inside the Pantages resulting from construction activity on the proposed project site should be performed.

6. Vibration levels, for both building damage and human annoyance, are excessive. Equipment shall never be operated closer to the Pantages Theater than the distances provided in Table 1 and shall not operate closer than the distances provided in Table 2 during events at the theater.

7. VA does not agree with the assumptions regarding the n-value in all vibration calculations. The n-value used for PPV and Lv calculations should be 1.1 and 1.5 respectively. These values effect the distance that equipment must operate from the Pantages Theater as well as the calculated Lv values.

8. The draft EIR states that the noise levels from the loading dock and refuse collection will not affect any receptors. This appears is incorrect since the Pantages Theater is directly across the alley from the loading dock. Loading dock activity and refuse collection will exceed the regulations set forth in LAMC Section 111.02.

9. The draft EIR states that noise from the Amenity Deck (Level 2), East Site will not exceed 5 dBA above the ambient noise level at any sensitive receptor. VA's calculations show this to be incorrect and significant mitigation will be required.

10. The proposed pool as part of the East Site Hotel Option will significantly exceed both VA proposed interior noise guidelines and could negatively impact rehearsals and other theater operations. Location and usage should be reviewed.

11. Planned outdoor concerts or events shall be coordinated with Pantages so that any Pantages performance or activity is not affected by the outdoor event.

12. A thorough acoustical analysis of all mechanical equipment must be performed by a qualified acoustical consultant when all equipment is located and selected.

13. An analysis of interior noise levels inside the Pantages resulting from general operation of the proposed project site shall be performed.

Please contact Veneklasen with any questions.

Sincerely,
Veneklasen Associates, Inc.

John J. LoVerde, *FASA*
Principal

McCall Edwards
Associate

Appendix A – ACOUSTICAL CALCULATION METHODS

Decibel Addition

Decibels are based on a logarithmic scale; defined as the logarithmic ratio between a measured sound pressure level and a reference sound pressure level. When decibels are added, they are not combined arithmetically, but logarithmically. Decibels are added according to the following equation.

$$SPL_{tot} = 10log\left(10^{\left(SPL_1/10\right)}\right) + 10log\left(10^{\left(SPL_2/10\right)}\right)$$

Where:
SPL_{tot} = Total Sound Pressure Level (dB or dBA)
SPL_1, SPL_2 = Sound Pressure Level 1, 2 (dB or dBA)

A-Weighting

A-weighting a spectrum is completed by applying standardized weighting factors to a frequency spectrum, either in octave bands or third-octave bands. These resultant A-weighted levels are summed using decibel addition to generate the overall A-weighted level, noted as dBA. In a report, spectral data is typically presented un-weighted, and the overall level is presented with A-weighting.

The octave band A-weighting correction factors are shown in the table below:

	Octave Band Center Frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
A-weighting Correction Factor (dB)	-26	-16	-9	-3	0	+1	+1	-1

Acoustical Shielding

The presence of adjacent buildings or facades, changes in terrain, parapets, and other similar barriers provide acoustical shielding, reducing the sound level incident on the exterior facades. Common locations where acoustical shielding occurs include, but are not limited to, the roof, the back, and sides of the building that are not directly facing the noise source.

Acoustical shielding due to building geometry can be separated into two categories: reduction due to reduced area of exposure (side of a building), and shielding from barriers (such as a parapet or sound wall).

Reduction as a result of reduced area of exposure is calculated according to the following equation:

$$\Delta SPL = 10\log_{10}\left(\frac{\theta_{exp}}{180}\right)$$

Where:
ΔSPL = Change in Sound Pressure Level (dB)
θ_{exp} = Angle of exposure (degrees)

Appendix 1 – Acoustical Attenuation due to Distance

Sound pressure level reduction due to distance is calculated according to the following equation:

$$SPL_2 = SPL_1 + C_S \log\left(\frac{r_1}{r_2}\right)$$

Where:
SPL_1 = Sound Pressure Level at Location 1 (dB or dBA)
SPL_2 = Sound Pressure Level at Location 2 (dB or dBA)
C_S = Source Coefficient; 20 for point source, 10 for a line source
r_1 = Location 1 distance from source (ft.)
r_2 = Location 2 distance from source (ft.)

In some situations, the C_S value is between 10 and 20; selection of this number is an engineering judgment based on the relationship between the source and receiver as well as the type of source.

Peak Particle Velocity Attenuation due to Distance

Peak particle velocity reduction due to distance is calculated according to the following equation:

$$PPV_{equip} = PPV_{ref}\left(\frac{25}{D}\right)^n$$

Where:
PPV_{equip} = Peak particle velocity at distance D given the reference PPV.
PPV_{ref} = measured peak particle velocity at 25 feet taken from FHWA document.
D = distance from construction equipment to receiver.
Exponential value that is a measure of the attenuation of a specific soil.

Human Annoyance Vibration Attenuation Due to distance

Vibration attenuation due to distance is calculated according to the following equation:

$$L_v = L_{v,ref} - 30log\left(\frac{D}{25}\right)$$

Where:
L_v = Vibration level in VdB at distance D given the reference vibration level at 25 feet.
$L_{v,ref}$ = Reference vibration level in VdB at 25 feet taken from the FHWA document.
D = Distance from construction equipment to receiver.

Lombard Effect

The Lombard Effect equation is used to calculate the increase in people voice levels based on the background noise level.

$$L_{S,A,lm} = 55 + c(L_{N,A} - 45)$$

Where:
$L_{S,A,lm}$ = The resultant sound pressure level at 1 meter from the speakers mouth.
C= The Lombard slope (between 0.5 and 0.7)
$L_{N,A}$ = The background noise level.

EXHIBIT B

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MAY 29, 2020

HOLLYWOOD CENTER MIXED-USE PROJECT DEIR TRANSPORTATION IMPACT ANALYSIS PEER REVIEW

MCAF Vine LLC is proposing to construct the Hollywood Center, a mixed-use project at 1720, 1749, 1750 and 1770 Vine Street, 1770 Ivar Street and 1733 North Argyle Avenue in the Hollywood Community of the City of Los Angeles (the Project). The Project site includes portions of two blocks (the East Site and the West Site) separated by Vine Street. The Project will be comprised of 1,005 residential dwelling units (872 market-rate units and 133 senior affordable units), approximately 30,176 sf of commercial space, an outdoor performing space accommodating 350 attendees, and 120,175 sf of private residential and publicly accessible open space. The Capitols Records and the Gogerty Buildings will remain on the site. The existing parking lots on the site will be removed and a vacant 1,237 sf commercial building will be demolished, with parking for the Capitol Records and Gogerty Buildings provided as part of the Project. An alternative Hotel Scenario is also being considered which would substitute 220 hotel rooms for 104 of the market-rate units.

A Draft Environmental Impact Report (DEIR) containing analyses of the Project's environmental impacts was prepared by ESA under the direction of the City of Los Angeles. The DEIR contains Appendix N, the Project Transportation Assessment, dated April 2020 and prepared by Fehr & Peers (TA). The TA forms the basis for the DEIR conclusions concerning the Project Transportation impacts.

This memorandum summarizes a peer review of the Project TA, focusing on the accuracy and adequacy of the TA in addressing the transportation impacts of the Project as it affects local access and egress for Pantages Theatre. The Pantages Theatre is a historic theater on a site immediately south of the alley on the south edge of the Project East Site. That alley is to provide a shared service access including commercial loading/unloading, back-of-house services such as trash/recycling service, deliveries, etc. for both the Project East Site and the Pantages Theatre. Below are the issues identified in the peer review of the Project TA that need to be addressed.

PANTAGES THEATRE ACCESS TO THE ALLEY AND NEARBY SEGMENTS OF ARGYLE AVENUE

The Pantages Theatre, which opened in 1930, is one of Los Angeles' leading venues for live theater, with recent presentations of large-scale Broadway musicals such as Disney's The Lion King, Wicked, Hamilton, and Phantom of the Opera, operates in the range of 10-15 different shows each year. Typically, for each show duration, a platoon of incoming (load-ins) and outgoing (load-outs) trucks that haul the necessary props, costumes, and related equipment must occur. Below are typical scenarios for load-ins and load-out truck activities provided by the Pantages Theatre management:

Load-Ins (typically over 2 days)

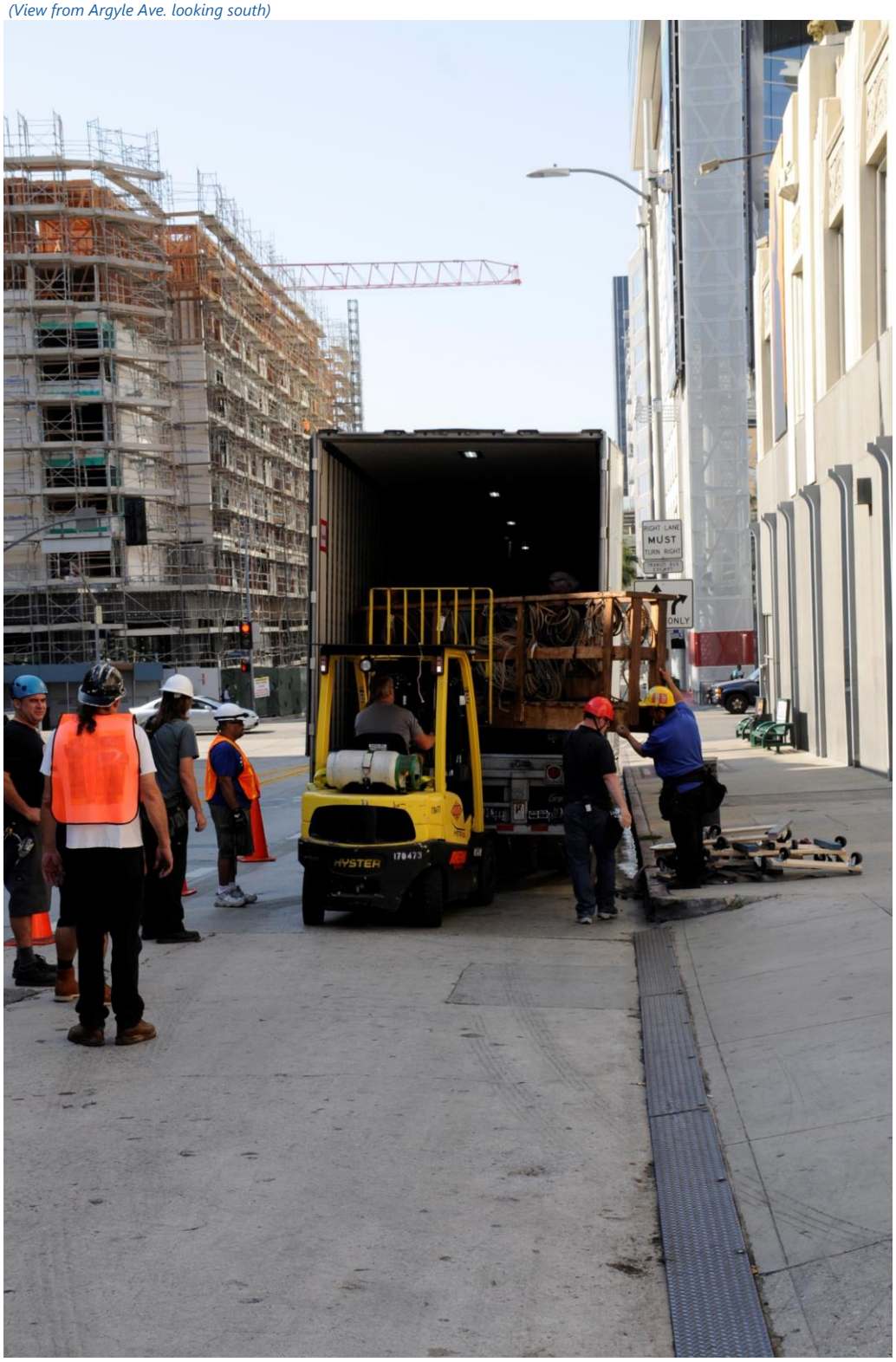
- Day 1 - Monday 12pm to 12am
- Day 2 - Tuesday 6am to 3pm

- Trucks – One on Argyle and one in Alley
  2-4 trucks for small shows
  6-9 trucks for mid-size shows
  10 to 24 trucks for large shows

For load-in activities, the Pantages Theatre typically utilizes the alley for one large semi truck, and the remaining trucks occupying the available curb spaces along the west curb of Argyle Avenue. Below are historical photographs of some of the typical curb-side load-in activities prior to a show at the Pantages Theatre, which are in addition to the use of the alley:

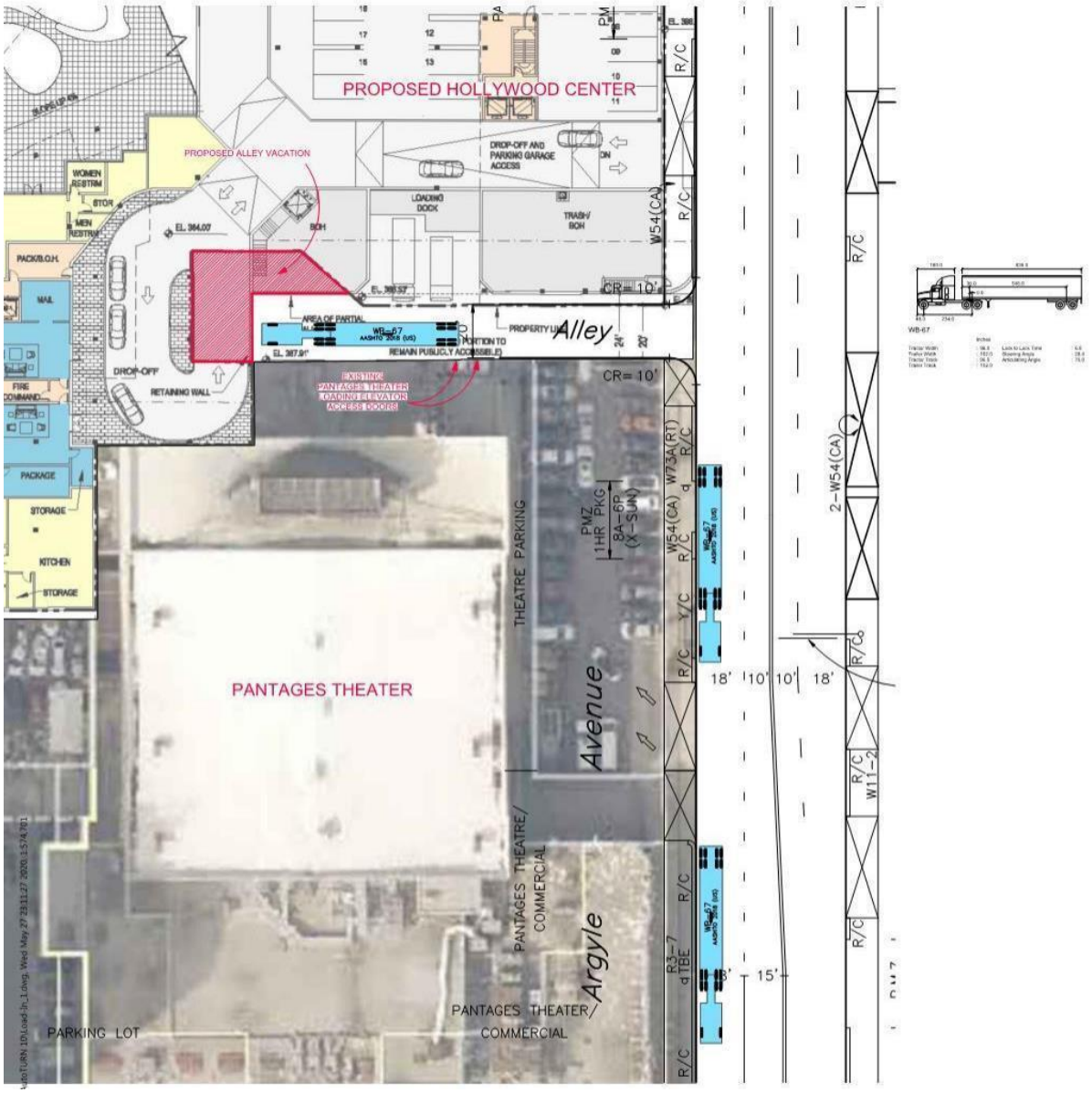
Typical Semi Truck Staging/Unloading for Load-Ins on Argyle Avenue (View from Argyle Avenue east curb)

Typical Semi Truck Staging/Unloading for Load-Ins on Arglye Avenue
(View from Argyle Ave. looking south)



During a typical load-in day, one large semi truck occupies the existing alley, with additional truck(s) staged along the west curb on Argyle Avenue:

Typical Load-In Staging of Large Semis in the Public Alley and Along Argyle Ave.

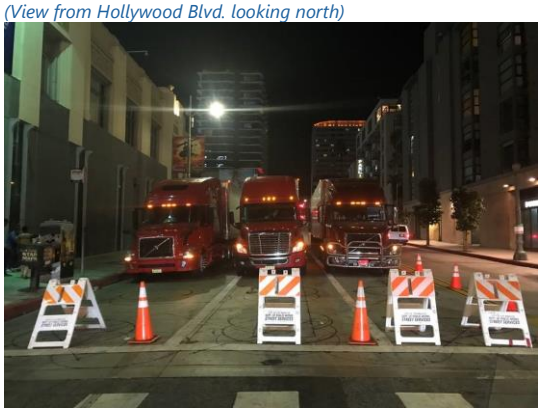


Load-Outs (typically one night)

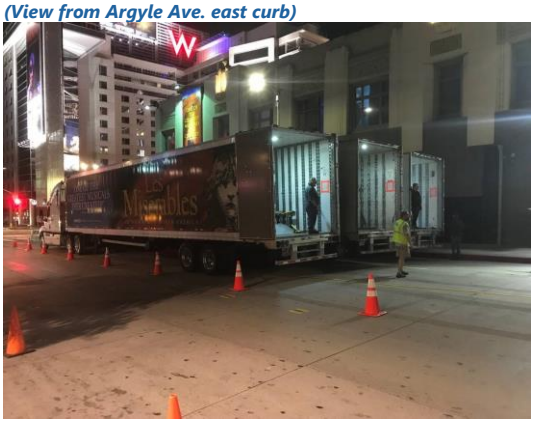
- Sundays – 10pm to 6am (but on large shows may last up to 24 hours straight)
- Trucks – loading three trucks on Argyle and one truck in alley

For load-out activities, the Pantages Theatre typically closes all southbound lanes on Argyle Avenue to facilitate the load-outs at the end of a show run, and temporarily prohibits through traffic except for local access for the adjacent land uses along Argyle Avenue in this block. As outlined above, the southbound half-street closure can occur over an 8 to 24 hour period, depending on the number of truck loads necessary. Pantages Theatre obtains a Street Use Permit with the City of Los Angeles Bureau of Street Services for each show in order to accommodate the necessary short-term closures of Argyle Avenue. Below are historical photographs of a typical load-out staging scenario:

Typical Southbound Lane Closure for Load-Outs
(View from Hollywood Blvd. looking north)



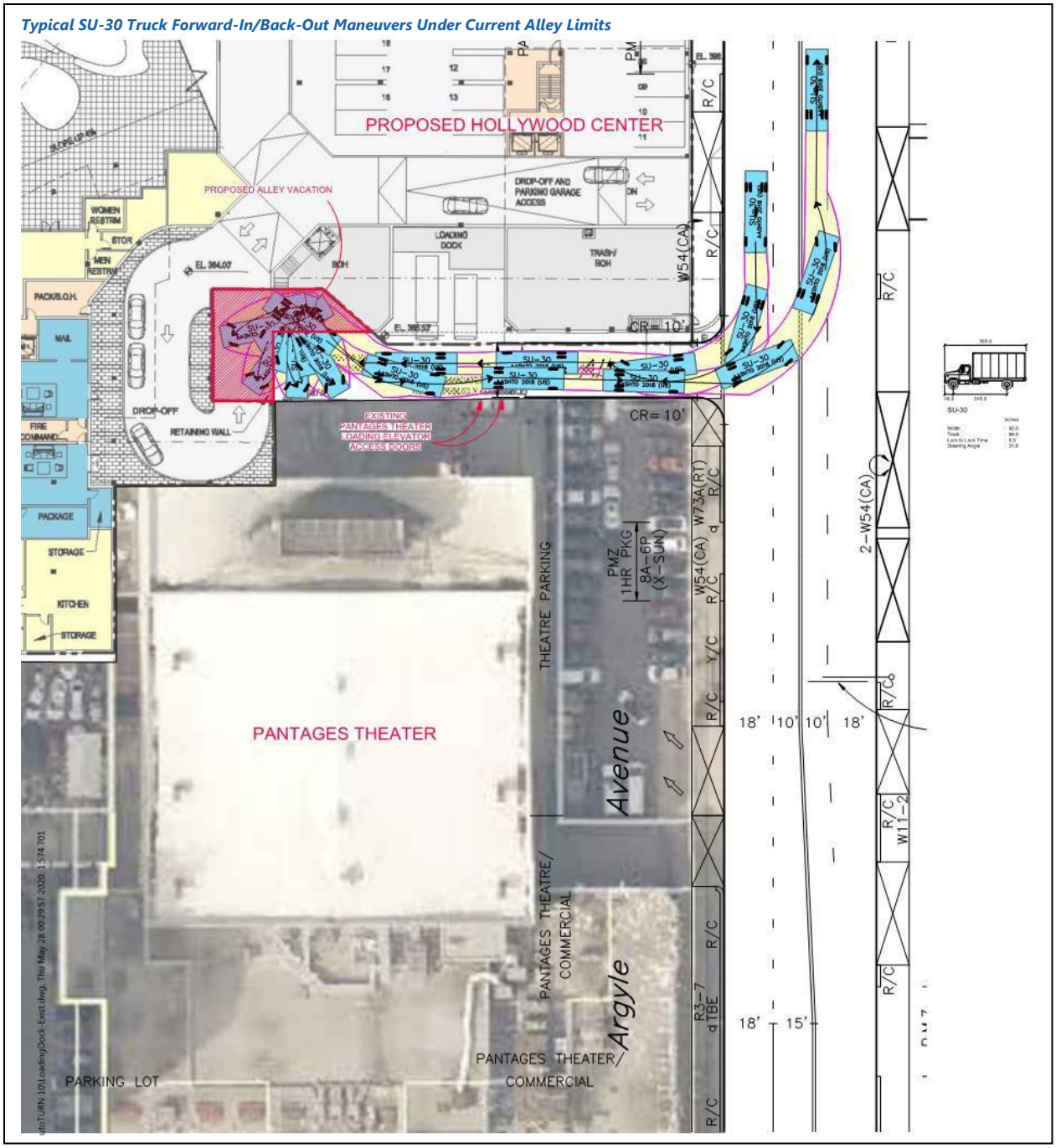
Typical Southbound Lane Closure for Load-Outs
(View from Argyle Ave. east curb)



Under the existing conditions, the alley is accessed by the large semi trucks for both load-ins and load-outs from the north via the Hollywood Freeway. Currently, the west end of the alley is open to the parking lot to the west. Under an informal agreement with the parking management of the parking lot west of the alley, when the parking lot to the west of the alley is unobstructed, each semi-truck that arrives via Argyle Avenue and enters the alley for either the unloading or loading activities is allowed to depart by proceeding westbound through the existing surface parking immediately to the west of the alley. However, when the adjacent parking lot is obstructed, trucks loading in the alley would instead back out onto Argyle Avenue to depart.

In addition to the large semi trucks serving the Pantages Theatre, regular service trucks utilize the existing alley and turnaround. Below is a typical maneuver for an AASHTO standard SU-30 truck:

Typical SU-30 Truck Forward-In/Back-Out Maneuvers Under Current Alley Limits



PROJECT LOADING DOCK IMPACTS ON EXISTING ALLEY INCLUDING EXISTING USES

The size of trucks backing into the Project loading dock from the alley will be physically limited. Any larger trucks serving the Project loading docks would either struggle to make multiple back-and-forth maneuvers to exit, or simply stop in the alley and back out onto Argyle Avenue to depart. The proposed loading dock appears to be designed for a typical AASHTO single unit truck (SU-30). The alley is 20 feet wide and the loading Project dock is at a right angle. There is a 4 foot widening on private property that is not to be

dedicated as part of the alley. No swept path analysis or truck size limitation is included in the Project TA. Likewise, the impact on the existing maintenance of swept paths for use by Project delivery trucks is not described or analyzed. This will be particularly an issue on load-in/load-out days when large trucks occupy the alley for long periods of time. Therefore, the alley adequately serving both the existing uses and the East Site loading needs is not substantiated.

With the proposed vacation of what is effectively the turnaround portion and the full dead-ending of the alley by the Project, large trucks will no longer be able to pull through to depart, and will be required to back out onto Argyle to depart in every instance, thereby drastically reducing the accessibility of the alley and increasing truck movements on Argyle Avenue.

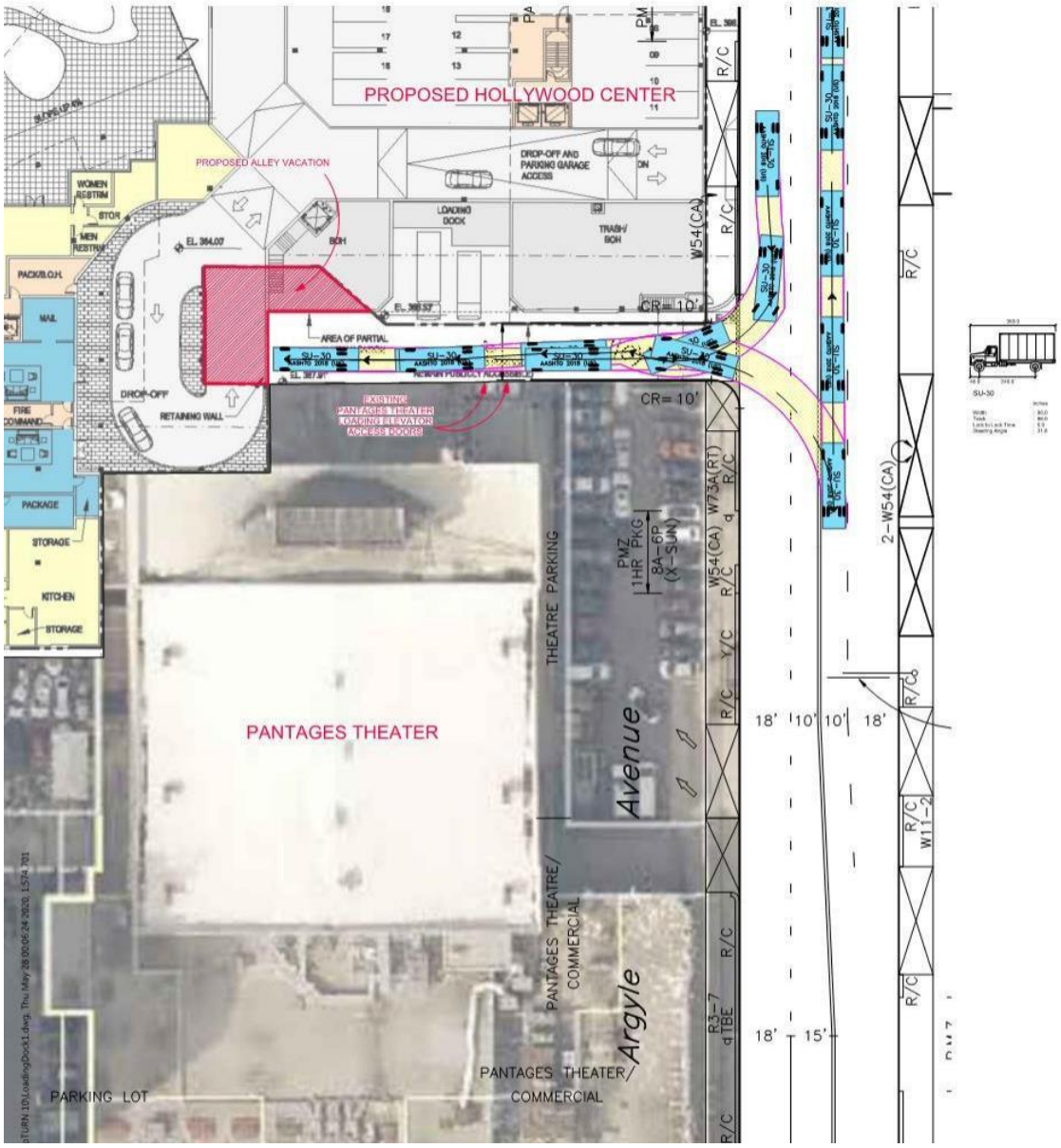
The Project Description section of the TA has not addressed the impacts to other users of this alley by proposing to partially vacate the existing alley. The proposed partial vacation effectively eliminates the capability of service trucks of all sizes to turn around and pull forward to depart the public alley. Appendix C reviews the TA Guidelines and states simply that "The Project will use the alley access for loading", but does not address the operational aspects of loading. The operations of the alley and adjacent segment of Argyle Avenue are critical to Pantages Theatre show openings and closings, and well as Pantages Theatre daily operations.

Project Site Plan as exhibited in the TA contains conflicting information. Particularly, the alley shared between the Project and the Pantages Theatre are shown differently in Figure 2A and 2D. Figure 2A, the Site Plan capturing both the East and the West Sites, shows the alley with the turnaround area left intact between the two sites. Conversely, Figure 2D, also labeled as the "Site Plan", represents a close up of the East Site, and shows a portion of the alley being vacated and thus eliminated the turnaround capability.

Figure 2D, which indicates that Project drop-off/pick-up area will occupy the vacated portion of the alley, is consistent with Figure II-14 in the Description of Project section of the DEIR, which indicates that this vacated portion of the alley is to have walls constructed separating it from the remaining alley, thus creating a dead-end condition for the shared alley with no turnaround space for service trucks. The alley turnaround area is currently used for daily delivery trips by the Pantages Theatre, trash pickups, and other services, and needs to remain usable without impedance. Under the existing conditions, standard single-unit trucks (SU-30) can utilize the turnaround area to depart without having to back out of the alley:

Under the proposed conditions, a typical SU-30 truck will no longer be able to turn around in this dead-end alley, and must back out of the alley driveway in order to depart, thereby adding even more truck movements on Argyle Avenue. Below is a typical scenario in which a SU-30 truck would have to maneuver in order to arrive and depart the alley:

Typical SU-30 Truck Forward-In/Back-Out Maneuvers at Future Alley



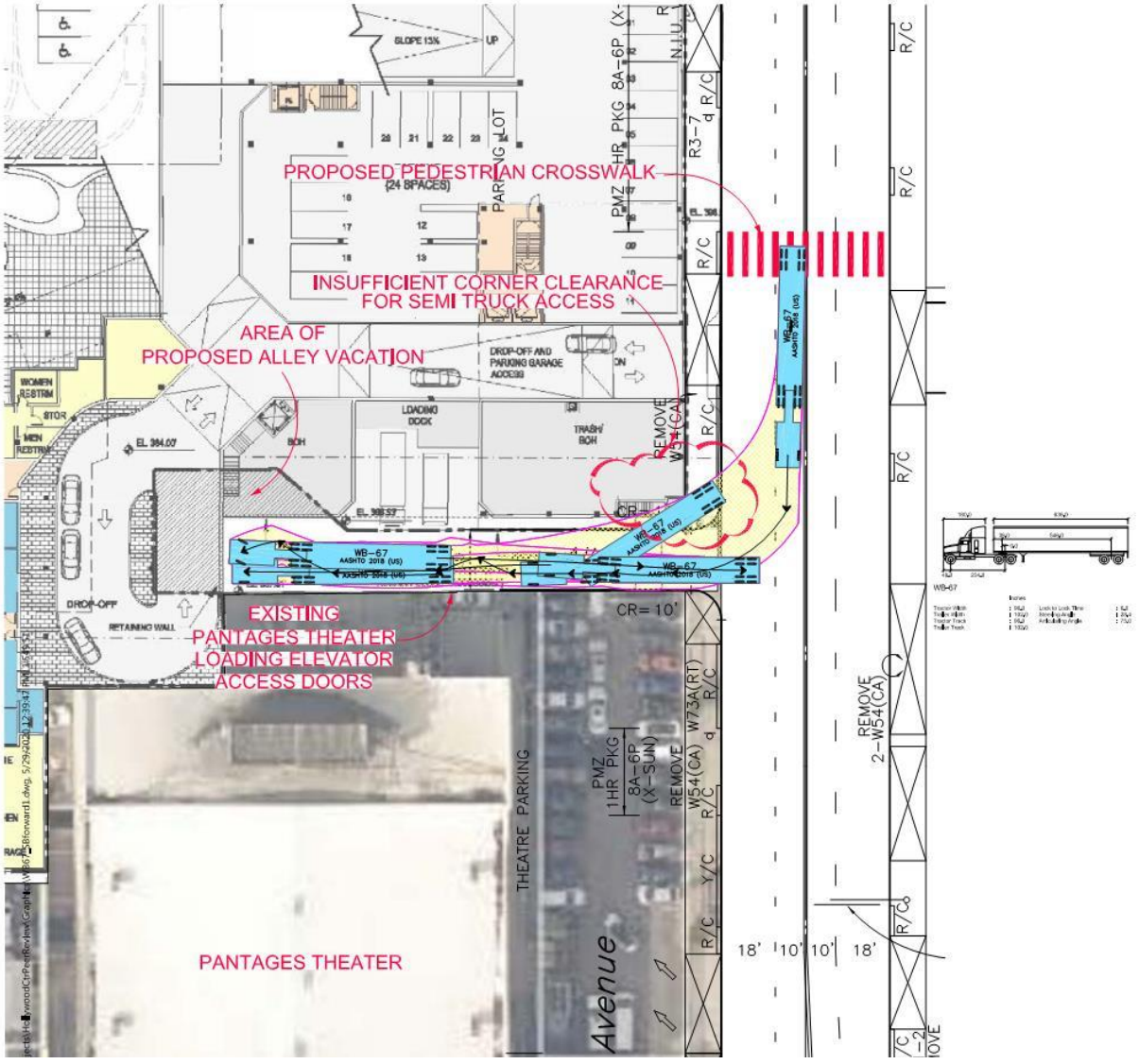
While the above proposed design may suggest that the future loading dock for the Project, as it forms a "hammerhead"-like configuration with the public alley and might serve as adequate turnaround dimensionally for service trucks for the Project, the loading dock for the Project is not part of the public alley, and cannot be relied on to be available for turnaround purposes for other vehicles arriving that serves the Pantages Theatre. Thus, the proposed reduction to the public alley is inadequate to serve the Pantages Theatre.

The safety concerns of requiring daily delivery trucks for the Pantages and other south side users of the alley to now back out rather than turn around needs to be analyzed and fully addressed. The analysis needs to consider having the trucks back up past the Pantages elevator and other alley activities, across the

sidewalk with sight distance for all modes (especially pedestrians), and onto Argyle Avenue with an existing parking garage entrance/exit across the street serving the Eastown mixed use development and even heavier traffic flows than the Pantages Theatre, as well as a loading dock serving the commercial uses such as CVS Pharmacy and more.

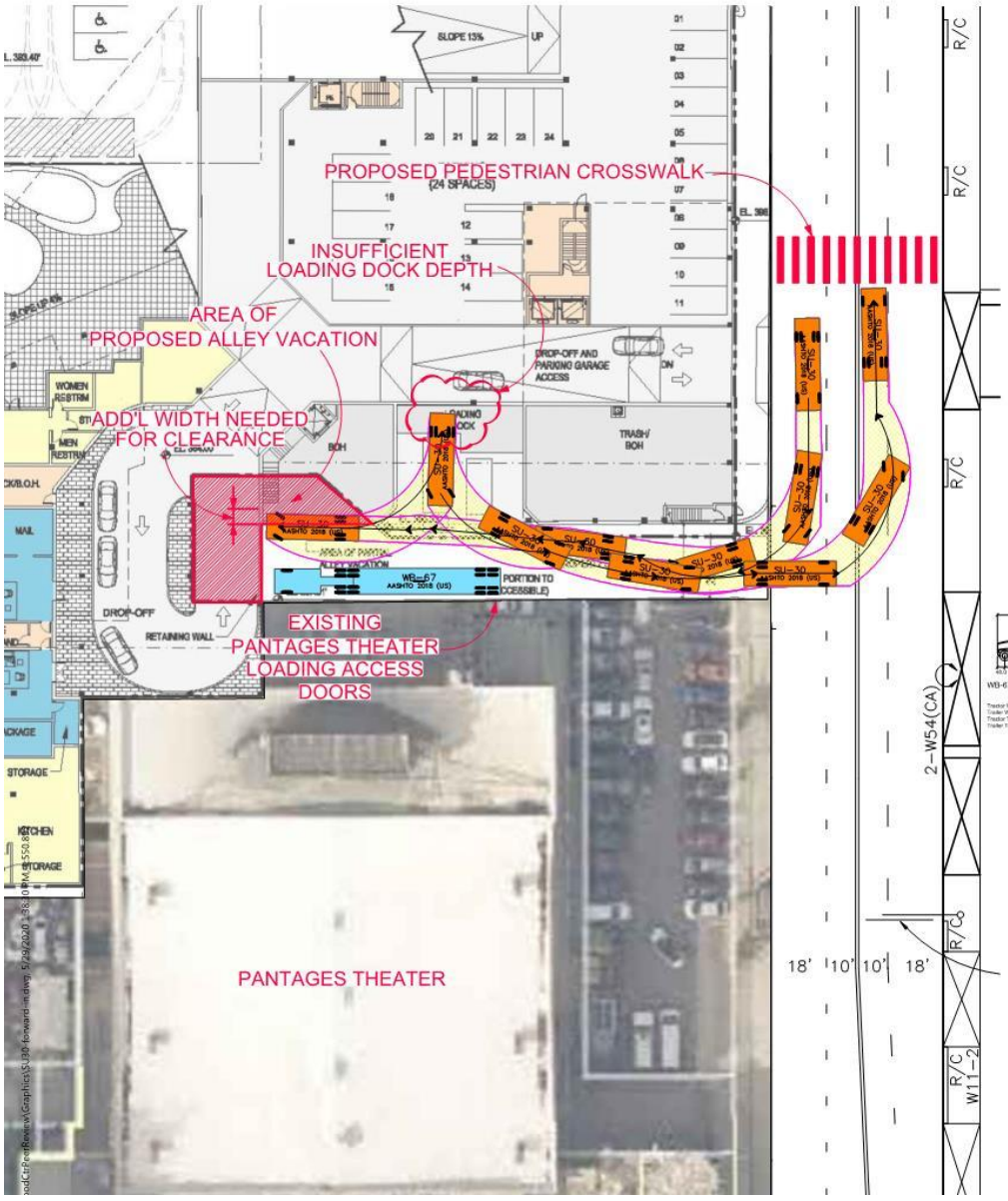
Below is a typical truck turn simulation for an AASHTO standard "WB-67" semi truck (73.5' bumper-to-bumper in length) maneuvering within the proposed alley limits for a forward-in and back-out scenario. The need for local delivery trucks to back out onto the street is exacerbated by having a parking structure entrance/exit on the opposite side alley driveway on Argyle Avenue. Trucks backing out to exit north will need to back in front of this driveway. It should also be assessed if the backing trucks will conflict with use of alley with service elevator for the Pantages Theatre.

WB-67 Semi Truck Forward-In Arrival Maneuvers at the Proposed Alley



Further, when trucks serving the Pantages Theatre occupies a portion of the currently proposed alley for loading and unloading, the Project loading dock is rendered inaccessible, as it does not have sufficient depth to accommodate the simultaneous uses that can occur within a shared use alley such as this one. An example of such a condition is shown below:

Typical Maneuvers of SU-30 Truck Simultaneously Accessing Project Loading Dock with WB-67 Truck in Alley



As shown above, in order for a SU-30 truck to access the project loading dock while a semi truck is positioned in the alley, additional width is needed in order for the su-30 truck to bypass the WB-67 semi

truck and back into the west position of the Project loading dock. In addition, the entire loading dock needs to be shifted further north in order to adequately receive the SU-30 truck for loading/unloading.

CONCERNS REGARDING MID-BLOCK PEDESTRIAN CROSSING SIGNAL ON ARGYLE AVENUE

The mid-block pedestrian crossing proposed across Argyle Avenue is cited throughout the TA as a Project feature. However, the pedestrian crossing on Argyle is not characterized or analyzed as it is proposed – a crossing that is part of a four legged intersection, with two legs being private dust-pan style driveways, and with the Project driveway "daylighting" from a subterranean parking garage, which is essentially the terminus of a speed ramp. Based on the City of Los Angeles standards, dustpan-style driveways connecting the street do not receive a full traffic signal (red-yellow-green indicators). Instead, the City of Los Angeles Department of Transportation generally limit these types of intersections to receiving at most a "red flashing" indicators for the driveways, or install only devices for the pedestrian crosswalk. Unless both the Project driveway and the driveway serving the Eastown mixed-use development are flanked by step-down curb and radius designs, the signalization for this location would not typically be granted a full traffic signal operation. A pedestrian crossing immediately adjacent to and part of the same intersection containing a speed ramp from a subterranean parking structure presents limitations to visibility of a pedestrian crosswalk that is directly next to this speed ramp. The safety implications of the pedestrian crossing next to a subterranean ramp, rather than at a mid-block location, are not discussed nor analyzed. Further, the dust pan driveway design increases potential safety conflicts with pedestrians. Additionally, the dustpan configuration and sight distance concerns are further exacerbated by Argyle Avenue having an approximately 7% uphill slope north of the Project driveway. A more detailed safety analysis of this entire concept should be further studied.

It is also noteworthy that the private driveway serving the Eastown mixed-use development (the east leg of the signalized intersection) is currently a right-in/right-out only driveway, with speed bumps and the eastern terminus of this driveway being gated and closed to through traffic:

Turn Prohibitions Signage for Residential Driveway Serving the Eastown Mixed Use driveway (opposite of the Project Driveway)

These traffic signage were installed as part of the Eastown development at the request of LADOT. Typically, LADOT imposes left turn prohibitions to private driveways as a tool to reduce the amount of additional traffic added to an already congested roadway, or as a means to reduce the probability of potential traffic safety conflicts in that specific location. Vehicles exiting the Eastown driveway making left turns into a gridlocked traffic condition may block northbound traffic from flowing through while waiting for a gap in the southbound traffic. While common wisdom may deduce that having a signalized intersection that serves both the Project and the Eastown driveways would alleviate these concerns, the introduction of a new traffic signal will cause further delays on Argyle Avenue, as it will increase wait time. A comprehensive queuing and signal timing synchronization study, along with safety, and neighborhood traffic management analysis of Argyle Avenue and the Project driveway should be conducted, as queuing will be an added issue for a full signal with phases activated by automobiles exiting either driveway.

Based on those considerations, the following statement on Page 123 is not correct:

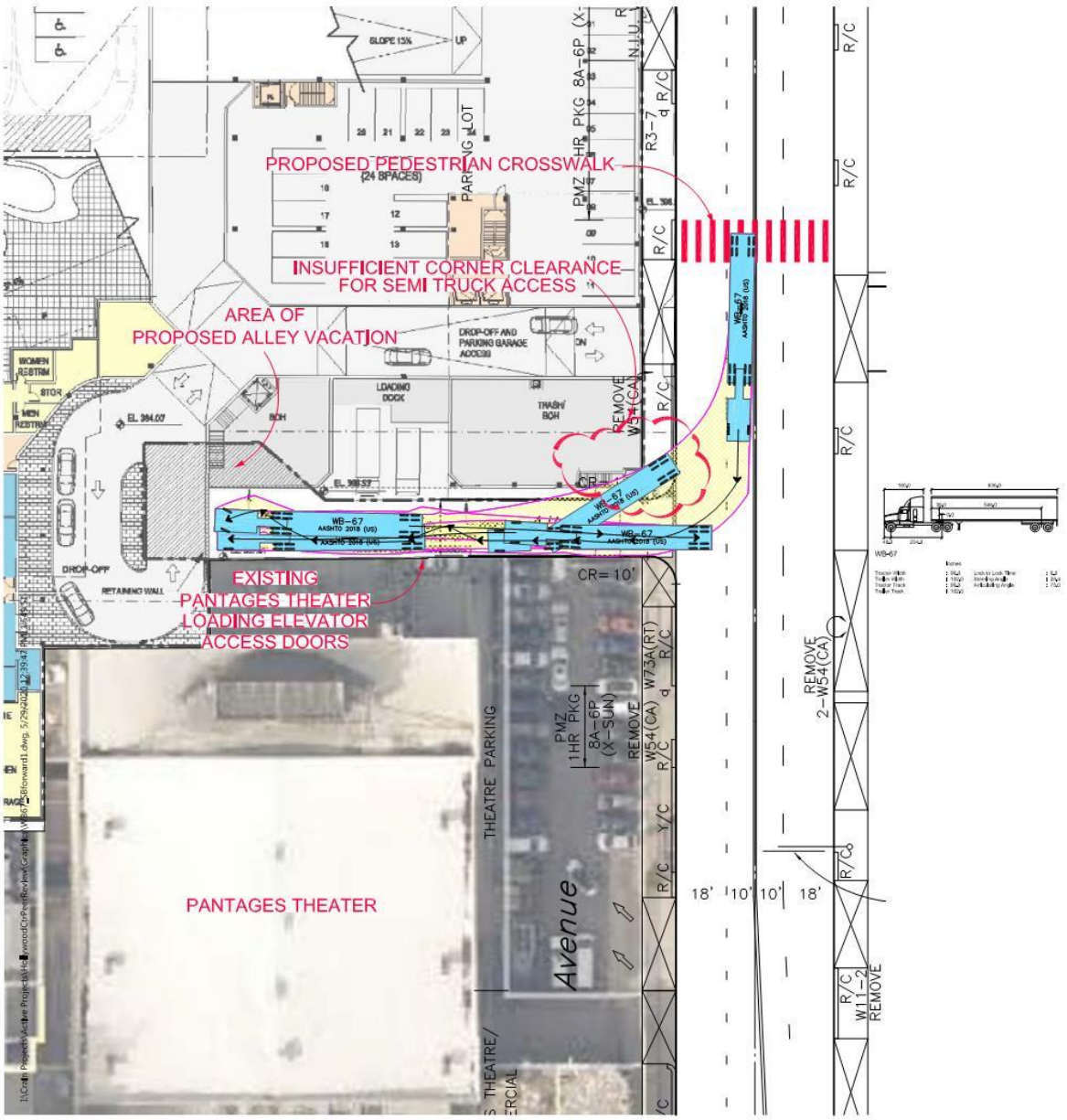
> *"The Project and East Site Hotel Option would not substantially increase hazards, conflicts, or preclude City action to fulfill or implement projects associated with the surrounding transportation network and will contribute to overall walkability through enhancements to the project site, streetscape, and crossing of Argyle Avenue."*

It should also be noted that Argyle Avenue is a local street. Full signals on arterials are made part of the ATSAC/ATCS system which provides better progression for accommodating through automobiles. However, local streets are meant to serve all travel modes under the City's Complete Streets policy. A full signal can be part of the ATCS/ATSAC system, but requires pedestrians to wait to accommodate a vehicular progression. While suitable for arterial and collector streets, a full traffic signal is not appropriate for a mid-block location on a local street when it can be avoided. This condition has been amongst a list of common complaints from communities that experience heavy usage of fully signalized pedestrian crossings,

There are options which can increase pedestrian safety – Rectangular Rapid Flashing Beacons (RRFBs), in pavement flashers, or HAWK signals. For example, the Ivar Street mid-block crosswalk is also across a local street and is to be connected to the Project's pedestrian paseo. That crosswalk does not require pedestrians to wait, but requires vehicles to stop for the pedestrian crosswalk. A pedestrian-actuated crosswalk is also consistent with the City's Vision Zero goals.

Further, large semi trucks entering the alley from the north would have to encroach into the proposed signalized driveway intersection in order to complete its multi-point maneuvers. When this occurs, any "green" time received by the Project or the Eastown driveways for vehicles to depart would be inhibited from leaving their respective driveways. As shown below, the semi truck accessing the alley will completely block the Project driveway during operation, and the green time triggered by the driveways will be unusable. In addition, when smaller service trucks utilizing the alley simultaneously with trucks loaded in the Project loading dock bays, all trucks of any size in the alley would have to back out onto Argyle to depart, and would effectively encroach into the proposed signalized intersection. A consideration to relocate the Project driveway further north is recommended, and further studies by the Project is needed to incorporate existing operations of the Pantages Theatre.

Typical WB-67 Semi Truck Maneuver Accessing the Alley



NEED FOR MEASURES TO ADDRESS ACCESS IMPACT ISSUES

The Project is in a Transit Oriented District and proposes to take advantage of that designation. The vehicle access impacts on congestion are outlined in the TA. However, the impacts of more vehicular access on this area being particularly appropriate for a Complete Streets approach is not discussed. Measures to reduce access impacts on the Transit Oriented District are not considered, and the addition

of a large pool of new parking spaces is antithetical to the City's goals to shift travel mode behaviors. Argyle Avenue and Hollywood Boulevard is projected to operate at LOS F prior to the Project in 2027, and the Project will have an added 8% impact. Argyle Avenue and Yucca Street is also to operate at LOS F in 2027. The Argyle Avenue and Hollywood Boulevard LOS F is based on study intersection counts collected during construction at this intersection per Page 48 of the TA. No adjustment was made to Argyle Avenue and Hollywood Boulevard traffic baseline volumes to reflect the tendencies of automobile drivers to avoid construction zones. Further, the Project TA is silent as to the implications of an 8% Argyle Avenue and Hollywood Boulevard impact. The driveway access on Argyle Avenue will add considerable vehicular traffic (approximately 3,750 daily driveway trips for the East Site Hotel Option) to Argyle Avenue, which is counterproductive to pedestrian safety and the goals of a transit-oriented development, especially one that is half a block from a Metro Redline Station, whose ridership is dependent on safe, efficient, and direct pedestrian access. The Project is also adjacent to Hollywood Boulevard, which is also a major walking attraction.

The Project will have very substantial impacts on the one-block segment of Argyle Avenue between Yucca Street and Hollywood Boulevard that is already heavily utilized and congested. As discussed above, this one-block segment of Argyle Avenue serves to provide large truck access to the Pantages Theatre. The impacts of using Argyle Avenue as the sole connection to the East Site parking structure that serves the 46 story and 11 story Multifamily Buildings needs to be further evaluated. Yucca Street on the north end of the site is also a local street that is further from the Redline Station, Pantages Theatre and Hollywood Boulevard pedestrian uses. Yucca Street is also substantially wider with a closer access to the Hollywood Freeway. Distributing the East Site Project traffic to use Yucca Street, away from the highly pedestrian-centric features surrounding the Argyle Avenue/Hollywood Boulevard intersection is not discussed in the TA despite the 8% to the LOS F impact at this intersection. The existing Vine Street driveways are to be removed as part of the Project despite the 46-story multifamily building proposed along Vine Street and along Argyle Avenue. The potential for lessening the Project's impact on Argyle Avenue by providing driveway access on Yucca Street and/or Vine Street must be evaluated in the DEIR.

The TA also fails to consider potential measures to directly offset the Project traffic impact at Argyle Avenue and Hollywood Boulevard. In particular, the TA did not address what measures are available to maintain Argyle Avenue as a Local Street, as it is designated in the Mobility Plan 2035. Note that the block of Argyle Avenue adjacent to the Project is part of a designated bicycle friendly route on the Bicycle Plan 2010 (which was incorporated into the Mobility Plan 2035). The consistency, or lack thereof, with the East Site access being exclusively served via a single driveway on Argyle Avenue with a Project driveway signal as an added feature, while no other physical improvements are considered, is an incomplete study.

In the Los Angeles Department of Transportation Assessment Guidelines, the potential for a traffic shift is listed as a consideration for review in a Transportation Assessment. The Hollywood Boulevard traffic congestion added by the Project could cause vehicle trips to shift from Hollywood Boulevard to local streets. The analysis should consider Project measures to be more attractive to those using alterative travel modes.

The Argyle Avenue driveway will present access impact issues which are not considered in the TA. The "No" response to the Screening Criteria 2.4 question on Page 3 of Appendix B -- "Is the project proposing new driveways or introducing new vehicle access to the property from the public right-of-way?" is incorrect. However, in Appendix C the response to the same question is "Yes". Therefore the TA should

consider the traffic hazards induced by the Argyle Avenue driveway as the sole access for a subterranean parking garage with the only parking for 46 story and 11 story buildings.

NEED FOR TDM MEASURES FOR HOTEL PATRONS, COMMERCIAL CUSTOMERS AND OUTDOOR PERFORMANCE SPACE ATTENDEES

For purposes of addressing access, the resident and employee trips which are the only trips addressed by the TDM program are a minority of the driveway trips. As shown in Table 7, of the TA, there will be 5,987 daily driveway trips for the Project scenario. The high rise residential and senior affordable housing will contribute 1,665 trips, or 28% of the total trips. Outdoor performance space will add 511 trips (9%) are trips not addressed by the TDM program. The remaining 3,811 daily driveway trips are assumed to be generated by the commercial uses. Per the TA, the patron trips comprise 92.5% of the commercial trips who will not be addressed by the TDM program (Residential visitor trips are not estimated, and for the following calculation all trips to residences are assumed to be made by the residents.) Thus, most trips even under the residential scenario will not be addressed by the TDM. That has substantial ramifications for the local access impacts.

Below are more detail calculations extracted from the TA:

- For the Project residential scenario, of the 5,987 daily driveway trips, commercial non-employee trips plus Outdoor Performance Space trips comprise 68% -- ((1,364+2,467) x .925 + 511) = 4,055 trips.
- For the Hotel scenario, the non-residential or employee driveway trips comprise 73% of the 6,671 daily driveway trips -- ((948 + 1,316 + 2,442) x .925 + 516) = 4,869.

The only referenced TDM measure mentioned in the Project Description of the TA for any of hotel patrons, commercial customers and outdoor performance space attendees is a hotel shuttle, which is mentioned in the Project Description but is not defined there or elsewhere. Given the magnitude of the access impacts, ignoring 68% to 73% of the driveway trips is insufficient. TDM measures, including reaching out to Hotel patrons before they arrive and Outdoor Performance attendees through the website needs to be part of the TDM program. Reducing automobile usage by paying for parking only if it is utilized should be extended to include hotel guests and commercial patrons, as bifurcation of parking payment for resident and employees is meant to accomplish.

CONSTRUCTION IMPACTS TO PANTAGES THEATRE'S ACCESS TO THE ALLEY AND NEARBY SEGMENTS OF ARGYLE AVENUE

Construction work areas and blockages to the alley are not directly addressed in the Project TA. The closest direct statement regarding construction impacts to the alley are on Page 105 which states the following:

> *"An individual vehicle lane may also be temporarily closed on Vine Street and Argyle Avenue during construction, but an open travel lane would always be provided for vehicles (without the need for detours)."*

On Page 106 the TA states:

"Since the Project construction would not prevent vehicle or pedestrian access to other locations surrounding the construction area, access impacts would be less than significant."

To support these statements, the alley must remain usable for Pantages Theatre deliveries, including load-ins and load-outs for the largest of its shows, and the alley remaining accessible and usable by the Pantages Theatre should be made a Project Condition of Approval. If access is not to be provided as it is today, that impact must be disclosed, fully analyzed, and addressed.

SUMMARY

The TA does not consider or adequately address the Argyle Avenue impacts and Pantages Theatre's shared access needs. Adjustments to the Project that have the potential to lessen these impacts should be considered and evaluated, including the following:

- Widen and redesign the Project loading dock and the shared alley for both the Project and the Pantages Theatre so as to provide sufficient width turnaround for daily delivery vehicles, and with adequate flare at the driveway connection to Argyle Avenue to accommodate large semis to access the alley and to allow daily delivery vehicles to utilize the alley simultaneously with the presence of a parked semi in the alley. This is required for safe access as well as continued operations of the existing uses, which is critical for the Pantages Theatre. Without an adequate alley width and flared corner conditions at the northeast corner of the alley, the loading and unloading of the Project at its currently proposed loading dock would highly disrupt the operation of the Pantages Theatre. Conversely, Trucks serving the Pantages Theatre in the Alley would also render the currently proposed Project loading dock inaccessible. If either operation defaults to the effort to mutually accommodate each other's access of an inadequately designed alley and loading dock configuration, the service vehicles waiting for access would generate further disruption and congestion on Argyle Avenue in this block.

- The private driveway serving the Eastown mixed-use development should remain as a non-signalized and right-in/right-out driveway as it operates today and the Project Argyle Avenue driveway configured not to be signalized.

- Conduct a detailed operational analysis that will address the local Project access impacts, especially by distributing the East Site access either to Yucca Street, or disbursed so as not to be concentrated on Argyle Avenue and away from pedestrian activities, to be consistent with the Mobility Plan 2035 and Vision Zero goals of the City.

- Expanding the Project TDM Program to address the majority of the daily Project trips to be consistent with Mobility Plan 2035 goals.

- Maintain full access of the alley to Pantages Theatre during all phases of construction, as it is critical to Pantages Theatre's operations