CHAPTER 2 – RESPONSES TO COMMENTS

1. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and Section 15088(a) of the CEQA Guidelines govern the lead agency's requirement to respond to comments provided on a Draft Environmental Impact Report (EIR). Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states that "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues that were received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this chapter provides responses to written comments on the Draft EIR, inclusive of four agency letters received during the public comment period and one agency letter received after the close of the public comment period.

Table 2-1, *Comments Received in Response to the Draft EIR*, provides a list of the comment letters received by the City.

Section 2.2, *Topical Responses to Comments*, provides comprehensive responses to address multiple, similar comments that have been raised on key topics during the Draft EIR public review period. Where appropriate, references to the topical responses are provided within the individual responses to comments prepared in Section 2.3, *Responses to Comments,* which is described below. The Topical Responses in this section include the following:

- Topical Response No. 1: Public Participation and Review
- Topical Response No. 2: Transportation and Traffic
- Topical Response No. 3: Geology and Fault Hazards
- Topical Response No. 4: Aesthetics
- Topical Response No. 5: Land Use and Planning
- Topical Response No. 6: Historical Resources
- Topical Response No. 7: Noise and Vibration

Section 2.3, *Responses to Comments*, below, presents the comment letters submitted during the public comment period for the Draft EIR. As indicated in Table 2-1, the comment letters are organized by agencies (AG), organizations (ORG), form letters (FORM), and individuals (IND). Each letter/correspondence is assigned a number and each comment that requires a response within a given letter/correspondence is also

assigned a number. For example, the first agency letter below that provides comments is the letter from the South Coast Air Quality Management District, and their correspondence is, therefore, designated Letter No. AG 1. The first comment received within Letter No. AG 1 is then labeled Comment No. AG 1-1. Each numbered comment is then followed by a corresponding numbered response, (i.e., Response to Comment No. AG 1-1). A copy of each comment letter is provided in Appendix A, Original Comment Letters, in this Final EIR.

As required by CEQA Guidelines Section 15088(c), the focus of the responses to comments is "the disposition of significant environmental issues raised." Therefore, detailed responses are not provided to comments that do not relate to environmental issues. However, in some cases, additional information has been added for reference and clarity.

TABLE 2-1
COMMENTS RECEIVED IN RESPONSE TO THE DRAFT EIR

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Agencies													
AG 1	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765	May 27, 2020		X							X		
AG 2	Department of Transportation District 7, Office of Transportation Planning Mail Station 16 100 South Main Street Los Angeles, CA 90012	June 1, 2020					X		X		X		
AG 3	Los Angeles County Metropolitan Transportation Authority Metro Development Review One Gateway Plaza MS 99-22-1LosAngeles, CA 90012-2952	June 1, 2020							X		X		
AG 4	Craig Bullock Planning Director Office of Councilmember Mitch O'Farrell, 13th District 200 N. Spring Street, Room 480 Los Angeles, CA 90012	May 13, 2020								X	X		
AG 5	State of California Natural Resources Agency Office of the State Geologist 801 K Street, MS 12-30 Sacramento, CA 95814	July 16, 2020				X							

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Organizations													
ORG 1	Hollywood United Neighborhood Council Certified Neighborhood Council #52 PO Box 3272, Los Angeles, CA 90078	April 20 and 28, 2020 May 10 and 30, 2020	X			X			X		X	X	
ORG 2	Hollywood Dell Civic Association PO Box 93094 Hollywood, CA 90093	April 26, and June 1, 2020	X	X		X		X	X		X	X	
ORG 3	Argyle Civic Association PO Box 1935, Hollywood, CA 90078	April 27, 2020										X	
ORG 4	Los Feliz Improvement Association PO Box 29395 Los Angeles, CA 90029	April 28, 2020										X	
ORG 5	The Oaks Homeowners Association PO Box 29155 Los Angeles, CA 90029	April 28 and June 1, 2020							X			X	
ORG 6	Los Angeles / Orange Counties Building and Construction Trades Council 1626 Beverly Boulevard Los Angeles, CA 90026	April 29, 2020											X
ORG 7	Hollywood Hills West Neighborhood Council	April 30 and May 26, 2020				X					X	X	
ORG 8	Bel Air Beverly Crest Neighborhood Council 1645 Corinth Avenue, Room 103-4 Los Angeles, CA 90025	May 6, 2020										X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
ORG 9	Cahuenga Corridor Coalition 1604 N. Cahuenga, 6350 Hollywood Boulevard, 6356 Hollywood Boulevard, and 1611 El Centro Los Angeles, CA 90028	May 11, 2020											X
ORG 10	Menorah Housing Foundation 10991 W. Pico Boulevard Los Angeles, CA 90064	May 11, 2020											X
ORG 11	Ametron Audio/Video 1546 N. Argyle Avenue Los Angeles, CA 90028	May 12, 2020											X
ORG 12	Downtown Women's Center 442 South San Pedro Street Los Angeles, CA 90013	May 13, 2020											X
ORG 13	Hollywood Heritage, Inc. PO Box 2586 Hollywood, CA 90078	May 15 and June 9, 2020	X	X	X	X	X		X	X		X	
ORG 14	McQuiston Associates 6212 Yucca Street Los Angeles, CA 90028	June 3, 2020				X					X		
ORG 15	Gather Strategies, Inc. 6311 Romaine Street, Suite 7231 Los Angeles, CA 90038	May 17, 2020									X		X
ORG 16	United Neighborhoods for Los Angeles	May 18 and June 1, 2020					X		X		X	X	
ORG 17	Los Angeles Aging Advocacy Coalition 675 S. Carondelet Street Los Angeles, CA 90057	May 18, 2020											X

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
ORG 18	St. Barnabas Senior Services 675 S. Carondelet Street Los Angeles, CA 90057	May 18, 2020											X
ORG 19	LeadingAge California 1315 I Street, Suite 100 Sacramento, CA 95814	May 19, 2020											X
ORG 20	Alzheimer's Los Angeles 4221 Wilshire Boulevard, Suite 400 Los Angeles, CA 90010	May 19, 2020											X
ORG 21	Shelter Partnership 520 South Grand Avenue, Suite 695 Los Angeles, CA 90071	May 22, 2020											X
ORG 22	Greater Los Angeles African American Chamber of Commerce 5120 W. Goldleaf Circle, Suite 230 Los Angeles, CA 90056	May 22, 2020											X
ORG 23	Partners in Care Foundation 732 Mott Street, Suite 150 San Fernando, CA 91340	May 26, 2020											X
ORG 24	Epiphany Space 1763 North Gower Street Los Angeles, CA 90028	May 26, 2020											X
ORG 25	Beachwood Canyon Neighborhood Association	May 27 and June 1, 2020							X		X	X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
ORG 26	Kitty Gordillo 1358 North Wilcox Avenue Hollywood, CA 90028	May 28, 2020											X
ORG 27	Hollywood Adventist Church 1711 North Van Ness Avenue Los Angeles, CA 90028	May 28, 2020											X
ORG 28	Hollywoodland Homeowners Association 2700 North Beachwood Drive Hollywoodland, CA 90068	May 28, 2020	X	X				X	X		X	X	
ORG 29	Los Angeles County Economic Development Corporation 444 South Flower Street, 37th Floor Los Angeles, CA 90071	May 28, 2020											X
ORG 30	Discover Hollywood Magazine 6671 Sunset Boulevard, Suite 1502 Hollywood, CA 90028	May 28 and June 1, 2020			X				X			X	
ORG 31	Natural Resources Defense Council 1314 2nd Street Santa Monica, CA 90401	May 29, 2020					X						
ORG 32	City Council, Fourth District 200 North Spring Street, Room 425 Los Angeles, CA 90012	May 29, 2020										X	
ORG 33	Los Angeles LGBT Center Anita May Rosenstein Campus 1118 North McCadden Place Los Angeles, CA 90038	May 29, 2020											X

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
ORG 34	Corporation for Supportive Housing 800 South Figueroa Street, Suite 810 Los Angeles, CA 90017	May 29, 2020											X
ORG 35	Elkins Kalt Weintraub Reuben Gartside LLP 10345 W. Olympic Boulevard Los Angeles, CA 90064	May 29, 2020			X	X		X	X	X	X		X
ORG 36	Nichols Canyon Neighborhood Association	May 30, 2020										X	
ORG 37	Broadway Hollywood Homeowners Association 1645 North Vine Street Los Angeles, CA 90028-8839	May 30, 2020	X		X				X	X		X	
ORG 38	Vedanta Society of Southern California 1946 Vedanta Place Hollywood, CA 90068	May 30, 2020		X		X		X	X		X		
ORG 39	Outpost Neighborhood Association	May 31, 2020							X			X	
ORG 40	Lake Hollywood Homeowners Association	May 31 and June 1, 2020				X			X		X	X	
ORG 41	Los Angeles Conservancy 523 West Sixth Street, Suite 826 Los Angeles, CA 90014	June 1, 2020			X			X					
ORG 42	Strumwasser & Woocher LLP 10940 Wilshire Boulevard, Suite 2000 Los Angeles, CA 90024	June 1, 2020	X		X	X		X	X	X			
ORG 43	Kara Grant Law 17595 Harvard, Suite C-202 Irvine, CA 92614	June 1, 2020			X								

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
ORG 44	Manatt, Phelps & Phillips, LLP 2049 Century Park East, Suite 1700 Los Angeles, CA 90067	June 1, 2020	X	X	X		X	X	X	X			
ORG 45	The Federation of Hillside and Canyon Associations, Inc. P.O. Box 27404 Los Angeles, CA 90027	June 1, 2020				X			X		X	X	
Form Letters													
FORM 1	General Support Letter												X
	Nash Tennant 1717 Vine Street Los Angeles, CA 90028	May 7, 2020											
	Jono Hart 9726 Lookout Mountain Avenue Los Angeles, CA 90046	May 12, 2020											
	Jonathan Ducrest 6001 Carlton Way, Apartment 209 Los Angeles, CA 90028	May 12, 2020											
	Sean Leffers 1162 North Wetherly Drive Los Angeles, CA 90069	May 13, 2020											
	Joseph Gharib 6541 Hollywood Boulevard Los Angeles, CA 90028	May 14, 2020											
	Mario Alvare 1420 Seward Street Los Angeles, CA 90028	May 14, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	Steven Durbahn 2049 Balmer Drive Los Angeles, CA 90039	May 14, 2020											
	B Long	May 15, 2020											
	Michael Popwell 2345 Zorada Court Los Angeles, CA 90046	May 15, 2020											
	Giulia Zammit	May 15, 2020											
	Robert Soderstrom 2618 Lake View Terrace East Los Angeles, CA 90039	May 17, 2020											
	Tim Kring 6254 Hollywood Boulevard, #704 Los Angeles, CA 90028	May 17, 2020											
	Mikhail Tsipis 7121 Hillside Avenue Los Angeles, CA 90046	May 18, 2020											
	Frank Nemceff 655 North Serrano Avenue Los Angeles, CA 90004	May 19, 2020											
	Crissi Avila 5300 Farview Boulevard Los Angeles, CA 90056	May 19, 2020											
	Joshua Saidoff 4965 Bellaire Avenue Los Angeles, CA 91607	May 21, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	Eileen Kim 464 North Spaulding Avenue Los Angeles, CA 90036	May 22, 2020											
	Todd Warner 5709 Briarcliff Road Los Angeles, CA 90068	May 22, 2020											
	Stephanie Kamari	May 25, 2020											
	Anne Marie Otey 1626 Beverly Boulevard Los Angeles, CA 90026	May 25, 2020											
	Benjamin Birnbaum 424 Stanford Drive Arcadia, CA 91007	May 25, 2020											
	Tom Donohue 1209 Olancha Drive Los Angeles, CA 90065	May 26, 2020											
	Mark Bobrosky 24430 Fieldmont Place Los Angeles, CA 91307	May 26, 2020											
	Caprice Young 3750 Lankershim Boulevard Los Angeles, CA 90068	May 26, 2020											
	Terri Tilton 7135 Hollywood Boulevard West Hollywood, CA 90046	May 26, 2020											
	Maydia Luben 1344 North Serrano Avenue, #216 Los Angeles, CA 90027	May 26, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	Touran Saed 1508 Veteran Avenue Los Angeles, CA 90024	May 26, 2020											
	Brandi Orton 5170 Santa Monica Boulevard Los Angeles, CA 90029	May 27, 2020											
	Dante Alencastre 1632 North Laurel Avenue Los Angeles, CA 90046	May 27, 2020											
	Barbara Meltzer 532 North West Knoll Drive West Hollywood, CA 90048	May 27, 2020											
	Alycia Rosenberg	May 27, 2020											
	Adria Navarro 1645 Cicero Drive Los Angeles, CA 90026	May 28, 2020											
	Brandon Nuckelt	May 28, 2020											
	Donna Grayson 1539 North Alexandria Avenue Los Angeles, CA 90027	May 28, 2020											
	Dylan Tucker 8011 Romaine Street Los Angeles, CA 90046	May 28, 2020											
	Jack Sojka	May 28, 2020											
	Janet Heinritz-Canterbury	May 28, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	John Woo 1600 Vine Street, #227 Los Angeles, CA 90028	May 28, 2020											
	Ron Radachy	May 28, 2020											
	Kiera Pollock 1717 North Valley Street Burbank, CA 91505	May 28, 2020											
	Marla Luben 1344 North Serrano Avenue Los Angeles, CA 90027	May 28, 2020											
	Marva Murphy	May 28, 2020											
	Micki Nozaki	May 28, 2020											
	Mynor Rosales 5846 Gregory Avenue Los Angeles, CA 90038	May 28, 2020											
	Judy Radachy	May 28, 2020											
	Samuel Thomas 1483 East Orange Grove Boulevard Pasadena, CA 91104	May 28, 2020											
	Coles Johnson	May 28, 2020											
	Theresa Park	May 28, 2020											
	Angus Sutherland 6365 Ivarene Avenue Los Angeles, CA 90068	May 28, 2020											
	Brett King	May 28, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	Stanley Johnson 1120 South Grand Avenue Los Angeles, CA 90015	May 28, 2020											
	Jeremy Lehrer Graiwer	May 28, 2020											
	Kadee Rosales 5846 Gregory Avenue Los Angeles, CA 90038	May 28, 2020											
	Kevin Jobe	May 28, 2020											
	LC Blair 2260 North Cahuenga Boulevard Los Angeles, CA 90068	May 28, 2020											
	Lisa Sterrett 404 South Cochran Avenue Los Angeles, CA 90036	May 28, 2020											
	Mariel Lacina 6614 Vista Del Mar Los Angeles, CA 90293	May 28, 2020											
	Marina Krasnow	May 28, 2020											
	Michael Cornejo	May 28, 2020											
	Michael Doyle	May 28, 2020											
	Paula Zinnemann 8640 Tamarack Avenue Los Angeles, CA 91352	May 28, 2020											
	Roberto Gonzalez 917 Larrabee Street West Hollywood, CA 90069	May 28, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
	William Raleigh 14107 Bermax Avenue Los Angeles, CA 91342	May 28, 2020											
	Bryan Graybill 1434 North Spaulding Avenue Los Angeles, CA 90046	May 29, 2020											
	Alek Friedman	May 29, 2020											
	Ellen Greenman	May 29, 2020											
	Farham Allyev 6501 Yucca Street Los Angeles, CA 90028	May 29, 2020											
	George Reyes	May 29, 2020											
	James Carmicle 601 West 57th Street New York, NY 10019	May 29, 2020											
	Martha Palacios 1428 North Normandie Avenue Los Angeles, CA 90027	May 29, 2020											
	Rohan Abeckett 6218 Lexington Avenue Los Angeles, CA 90038	May 29, 2020											
	Timothy Grubbs 1425 North Sierra Bonita Avenue Los Angeles, CA 90046	May 29, 2020											
	Duke Gallagher 1 Corte Miro San Clemente, CA 92673	May 29, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
FORM 2	Support Letter												X
	Personal Assistance Services Council 3452 East Foothill Boulevard, Suite 900 Pasadena, CA 91107	May 12, 2020											
	Steven P. Wallace, Ph.D. 10960 Wilshire Boulevard, #1550 Los Angeles, CA 90024	May 18, 2020											
	Aging Next 141 Spring Street Claremont, CA 91711	May 13, 2020											
	L.A. Care Health Plan 1055 West 7th Street, 10th Floor Los Angeles, CA 90017	May 29, 2020											
	Skid Row Housing Trust 1317 East 7th Street Los Angeles, CA 90021	May 29, 2020											
FORM 3	General Opposition Letter		X						X	X	X	X	
	Maria Margarita Chon	May 28, 2020											
	Adam Bregman 1645 Vine Street, #1007 Los Angeles, CA 90028	May 28, 2020											
	Joanna MacIver	May 28, 2020											
	Kevin Hryciw	May 28, 2020											
	David E. Gordon 11100 Santa Monica Boulevard, Suite 300 Los Angeles, CA 90025	May 30, 2020											

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	Price Arana 1645 Vine Street, #901 Los Angeles, CA 90028	May 30, 2020											
	Danny Sherman 1645 Vine Street, #307 Los Angeles, CA 90028	May 31, 2020											
	Francesca Paige	May 31, 2020											
	Blumes Tracy 1645 Vine Street, #810 Los Angeles, CA 90028	May 31, 2020											
	Riki Lindhome	May 31, 2020											
	Mackenzie Goodspeed	May 31, 2020											
	Peter Varano	June 1, 2020											
	Zaman Nourafchan	June 1, 2020											
	Catherine Collinson 1645 Vine Street, #713 Los Angeles, CA 90028	June 1, 2020											
	Maureen Toth 1645 Vine Street, #402 Los Angeles, CA 90028	June 3, 2020											
	Nathan Hope	June 3, 2020											

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
Individuals													
IND 1	Deborah Brosseau 2135 Ivar Avenue, Apt 5 Los Angeles, CA 90068	April 16, 2020	X		X	X					X		
IND 2	Kent Beyda	April 16, 2020	X										
IND 3	Tony Kellam	April 16, 2020	X								X		
IND 4	Alek Friedman	April 17, 2020	X										X
IND 5	Laura Dupuis	April 16, 2020	X						X				
IND 6	William Bergmann 1701 N. Orange Grove Avenue Hollywood, CA 90046	April 17, 2020											X
IND 7	Andrew Carrollman	April 17, 2020				X			X		X		
IND 8	The Silverstein Law Firm, APC 215 North Marengo Avenue, 3rd Floor Pasadena, CA 91101	April 17, 20, 27, 29 May 8, 21, 22, 2020 June 1,3 and 12, 2020		X	X	X	X		X		X	X	
IND 9	Thomas Watson 7582 Mulholland Drive Los Angeles, CA 90047	April 18, 2020	X	X					X				
IND 10	Charles Adelman 6146 Eleanor Avenue, #107 Los Angeles, CA 90038	April 21, 2020									X		
IND 11	Meghan	April 23, 2020							X		X		X
IND 12	Cynthia Burns	April 24, 2020									X		

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 13	Frank Chindamo 6400 Primrose Avenue, #15 Los Angeles, CA 90068	April 26, 2020										X	
IND 14	Shannon Woodward	April 26, 2020										X	
IND 15	Dean Katz 6376 Quebec Drive Hollywood, CA 90068	April 27, 2020	X									X	
IND 16	Jack Humphreville	April 27 and May 31, 2020										X	
IND 17	Jeff Straebler	April 27, 2020							X			X	
IND 18	Michele Keeler	April 27, 2020				X			X		X	X	
IND 19	Neal Roscoe	April 27, 2020	X								X		
IND 20	Michael Andreas & Julie Fleischer 6740 Whitley Terrace Hollywood, CA 90068	April 27, 2020	X			X			X		X	X	
IND 21	Lori Hughes	April 27, 2020	X						X		X		
IND 22	Jim and Ann Geoghan	April 28 and May 11, 2020										X	
IND 23	Amy Bessone	April 29, 2020										X	
IND 24	Jennifer, Rudy and Parker van Zyl 6425 La Punta Drive Los Angeles, CA 90068	April 30, 2020							X			X	
IND 25	Kerry Morrison 1645 Vine Street Hollywood, CA 90028	April 30 and June 1, 2020											X
IND 26	Anastasia Mann	April 30, 2020		X		X						X	

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IND 27	Miranda Richards 200 N. Larchmont Boulevard Los Angeles, CA 90004	April 30, 2020				X			X			X	
IND 28	Leslie Hendry and Steve Lawrence	May 1, 2020										X	
IND 29	Ellen Vinitsky 6359 Primrose Avenue Los Angeles, CA 90068	May 1, 2020		X			X		X		X		
IND 30	Jim Geoghan	May 1, 2020				X					X		
IND 31	Carolyn Mohr 2514 Rinconia Drive Los Angeles, CA 90068	May 2, 2020	X					X	X			X	
IND 32	Stanley Johnson	May 4, 2020											X
IND 33	Mary S. Ledding, Esq. 6384 La Punta Drive Los Angeles, CA 90067	May 4 and 31, 2020	X	X					X	X	X	X	
IND 34	David Quinte	May 5, 2020											X
IND 35	Edward Stanza	May 5, 2020											X
IND 36	Noah Taubman	May 6, 2020											X
IND 37	Sheldon Bond	May 6, 2020											X
IND 38	Brian Ann Letofsky	May 6 and 13, 2020							X		X		
IND 39	Stephen Twining 11693 San Vicente Boulevard, #131 Los Angeles, CA 90049	May 6, 2020										X	
IND 40	Mary and William C Brown	May 6, 2020	X		X	X					X	X	
IND 41	Taylor Wishman	May 8, 2020											X

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 42	Name Unknown	May 8, 2020										X	
IND 43	Lauren Soroky	May 8, 2020											X
IND 44	Todd Regenbogen and Paulina Nguyen Regenbogen	May 8, 2020										X	
IND 45	Dr. Margaret Martin 2010 Vine Street Hollywood, CA 90068	May 10 and 11, 2020							X			X	
IND 46	Helena Lipstadt 1965 Canyon Drive Los Angeles, CA 90068	May 10, 2020										X	
IND 47	Frederick Rappaport	May 10, 200										X	
IND 48	Susan Core	May 10, 2020										X	
IND 49	Russell Brown	May 10, 2020										X	
IND 50	Marc Silverman	May 10, 2020										X	
IND 51	Mark Manos	May 10, 2020										X	
IND 52	Armando, Joseph, and Mary Marsella	May 10, 2020										X	
IND 53	Jonathan Posell	May 10, 2020										X	
IND 54	Joseph Remigereau 2222 N. Beachwood Los Angeles, CA 90068	May 11, 2020										X	
IND 55	George Abbott Clark	May 11, 2020										X	
IND 56	Suzanne Phillips	May 11, 2020										X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 57	David Bishop 1933 Carmen Avenue Los Angeles, CA 90068	May 11, 2020							X			X	
IND 58	Kathleen York	May 11, 2020										X	
IND 59	Adam Fischer	May 11, 2020	X			X						X	
IND 60	Alex Lyras	May 11, 2020										X	
IND 61	Nicholas Woods	May 11, 2020										X	
IND 62	Esther Shechtman Pamir	May 11, 2020										X	
IND 63	Gregory P. Williams	May 11, 2020										X	
IND 64	Priscilla Gibbs	May 11, 2020										X	
IND 65	Theodora and Robert Primes 2062 Watsonia Terrace Los Angeles, CA 90068	May 11, 2020									X	X	
IND 66	Francisca Alegria	May 11, 2020										X	
IND 67	Jamie Rosenthal 6312-6324 Yucca Street Los Angeles, CA 90028	May 11, 2020										X	
IND 68	Alfredo Septien 2103 Holly Drive Los Angeles, CA 90068	May 11, 2020										X	
IND 69	Luminita Roman 1714 N. McCadden Place, #103 Los Angeles, CA 90028	May 11, 2020						X		X		X	
IND 70	Anita Rosenberg	May 11, 2020			X							X	
IND 71	Name Unknown	May 11, 2020										X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 72	Pomerantz Family	May 11, 2020										X	
IND 73	Stephen DeCordova 2336 Lorenzo Drive Los Angeles, CA 90068	May 11, 2020										X	
IND 74	Francie H. Kelley 7721 Firenze Avenue Los Angeles, CA 90046	May 11, 2020										X	
IND 75	Christine Kantner	May 11, 2020										X	
IND 76	Thomas Calderon	May 11, 2020										X	
IND 77	Christine O'Brien	May 11, 2020										X	
IND 78	Michael Morrison	May 11, 2020											X
IND 79	Tree Lockie 3369 Charleston Way Hollywood, CA 90068	May 11, 2020										X	
IND 80	Scott Hemmann 7147 Hawthorn Avenue Los Angeles, CA 90046	May 12, 2020										X	
IND 81	Diane Weiss	May 12, 2020	X						X		X		
IND 82	Kent Beyda	May 12 and 16, 2020										X	
IND 83	Todd Manion	May 12, 2020										X	
IND 84	Wrenn Chais 3267 Ledgewood Drive Los Angeles, CA 90068	May 12, 2020										X	
IND 85	Cherilyn Smith	May 12, 2020										X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 86	Barbara Mitchell 2810 Belden Drive Los Angeles, CA 90068	May 12, 2020										X	
IND 87	Brian Folb 6464 Sunset Boulevard, Suite 700Hollywood, CA 90028	May 12, 2020											X
IND 88	Louis Walker	May 12, 2020										X	
IND 89	Cody Winchester	May 13, 2020				X							
IND 90	Leo Mellace 6357 Selma Avenue Los Angeles, CA 90028	May 13, 2020											X
IND 91	Jeff McDonough	May 13, 2020										X	
IND 92	Pat and Michael Peyser 627 N. Las Palmas Avenue Los Angeles, CA 90004	May 14, 2020										X	
IND 93	Chiara Santi	May 14, 2020											X
IND 94	Lauren Beyda	May 15, 2020										X	
IND 95	Adam Burke	May 15, 2020							X			X	
IND 96	Rebecca Waer	May 15, 2020							X		X		
IND 97	Evan Saona 1645 Vine Street, #509 Los Angeles, CA 90028	May 15, 2020	X						X				
IND 98	Gary L. Buchschacher, Jr.	May 15, 2020	X		X				X		X		
IND 99	Rachelle Lefevre	May 16, 2020										X	
IND 100	Diane Alancraig	May 16, 2020										X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 101	Aaron Jansen	May 16, 2020				X			X		X		
IND 102	Ann Haugen 6240 Scenic Avenue Los Angeles, CA 90068	May 17, 2020										X	
IND 103	Scott Addison Clay	May 18, 2020				X			X		X		
IND 104	Nick Egan	May 18, 2020							X		X	X	
IND 105	Luca Draccar	May 18, 2020	X										
IND 106	Jill Stewart	May 26, 2020										X	
IND 107	Gary Clemmer	May 26, 2020											X
IND 108	Stacie Surabian 2769 Hollyridge Drive Los Angeles, CA 90068	May 26, 2020				X			X				
IND 109	Victoria Box 2018 Vine Street Los Angeles, CA 90068	May 26, 2020		X		X		X	X		X		
IND 110	Sarajane Schwartz	May 26 and June 1, 2020							X			X	
IND 111	John McCarthy 2222 Holly Drive Los Angeles, CA 90068	May 26, 2020				X			X		X		
IND 112	L. Walker	May 27, 2020	X		X	X			X		X		
IND 113	Aaron M. Epstein 13455 Ventura Boulevard, #225 Sherman Oaks, CA 91423	May 27, 2020				X						X	
IND 114	Lynn Rosenberg	May 27, 2020											X

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 115	Beverly Freeman 2018 Vine Street Hollywood, CA 90068	May 27, 2020		X		X		X	X		X		
IND 116	Stuart Freeman 2018 Vine Street Los Angeles, CA 90068	May 27, 2020	X	X		X		X	X		X		
IND 117	Nick Freeman 2018 North Vine Street Los Angeles, CA 90068	May 27, 2020		X		X		X	X		X		
IND 118	Nick Hryciw	May 27, 2020	X						X				
IND 119	Theresa Meyers	May 27, 2020									X		
IND 120	Monet Corso	May 27, 2020	X		X				X				
IND 121	Theo Green 1645 Vine Street, Apt 510 Los Angeles, CA 90028	May 27, 2020	X						X				
IND 122	Leslie Blumberg 6126 Hollywood Boulevard Los Angeles, CA 90028	May 28, 2020											X
IND 123	Yoni Chriqui 1601 Vine Street, 6th Floor Los Angeles, CA 90028	May 28, 2020	X						X				
IND 124	Connie G.Gurich 5733 Arbor Vitae Los Angeles, CA 90045	May 28, 2020	X						X				
IND 125	Eric MacIver	May 28, 2020	X		X				X				
IND 126	Penny Safranek	June 4, 2020											X

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 127	Lanny Ziering 1645 Vine Street, Apt 507 Los Angeles, CA 90028	May 28, 2020	X		X			X	X				
IND 128	Michael Shaner	May 28, 2020	X						X				
IND 129	George Andraos and Arkadi Hayrapetyan 1775 Ivar Avenue Los Angeles, CA 90028	May 28, 2020	X					X	X		X	X	
IND 130	Marie de Varennes 5950 Foothill Drive Los Angeles, CA 90068	May 28, 2020	X								X	X	
IND 131	Steven Fierberg	May 29, 2020	X		X								
IND 132	John Given 2461 Santa Monica Boulevard, #438 Santa Monica, CA 90404	May 29, 2020									X	X	
IND 133	Sheri Hellard	May 29, 2020							X			X	
IND 134	Dr. Fariba Kalantari 6464 West Sunset Boulevard, Suite 1080 Hollywood, CA 90028	May 29, 2020											X
IND 135	David Bolour 2720 South La Cienega Boulevard, Suite A Los Angeles, CA 90034	May 27, 2020											X
IND 136	Hunter Jackson	May 29, 2020	X						X			X	
IND 137	Andrew Quintero	May 29, 2020							X			X	
IND 138	Brian Dyer	May 29 and June 1, 2020										X	
IND 139	Emma Riordan	May 29, 2020			X	X			X		X	X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 140	Chip Elements	May 30, 2020	X						X				
IND 141	Morris Berman	May 30, 2020	X						X				
IND 142	George Sunga	May 30, 2020										X	
IND 143	Diane Laskin 6400 Primrose Ave. Los Angeles, CA. 90068	May 30, 2020							X				
IND 144	Susan and Warren Jason	May 30, 2020			X				X			X	
IND 145	Linda Deutsch 2180 Alcyona Drive Los Angeles, Ca 90068	May 30, 2020										X	
IND 146	Mary Ann Skweres Robert Bayless 2146 Holly Drive Los Angeles, CA 90068	May 30, 2020				X			X		X		
IND 147	Kathleen P Martin	May 31, 2020	X		X								
IND 148	Mathias Sapper 3200 Deronda Drive Los Angeles, CA 90068	May 31, 2020							X				
IND 149	Kwock Koe, MD 2416 El Contento Drive Los Angeles, CA 90068	May 31, 2020							X			X	
IND 150	Milan Kalra	May 31, 2020		X			X						
IND 151	Tinker Lindsay	May 31, 2020			X							X	
IND 152	Bill Tetz	May 31, 2020	X		X	X					X		
IND 153	Terri Gerger	May 31, 2020									X		

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 154	Mark Rasmussen 1939 N Gramercy Place Los Angeles, CA 90068	May 31, 2020										X	
IND 155	Mary Ann Cherry	June 1, 2020									X		
IND 156	Julie Carter	June 1, 2020									X		
IND 157	Anna Josenhans & Greg Hayden 2748 Westshire Drive Los Angeles, CA 90068	June 1, 2020	X		X	X							
IND 158	Stephen Grant	June 1, 2020	X						X				
IND 159	Anne Crawford deZonia 2471 Hollyridge Drive Los Angeles, CA.	June 1, 2020							X		X		
IND 160	Marvin Van Ekeren	June 1, 2020							X		X		
IND 161	Elena Beecher 1723 Ivar Avenue Los Angeles, CA 90028	June 2, 2020							X				
IND 162	William Doig 6358 Yucca Street #310 Hollywood, CA 90028	June 1, 2020	X					X	X				
IND 163	Alexa Iles Skarpelos 6421 La Punta Drive Hollywood, CA 90068	June 1, 2020	X		X	X			X		X	X	
IND 164	Katie Haupt	June 1, 2020							X		X		
IND 165	Judy and Jeff Dowden	June 1, 2020	X					X					
IND 166	Judith Whitman	June 1, 2020										X	
IND 167	Barbara Hodous	June 1, 2020	X						X			X	

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 168	Emily Ferry 1958 Vista del Mar Los Angeles, CA 90068	June 1, 2020		X		X			X		X		
IND 169	Michael Brittain 2228 Vista Del Mar Pl Hollywood, CA 90068	June 1, 2020									X		
IND 170	Billy Mallery	June 1, 2020	X						X		X		
IND 171	Alyssa Van Breene	June 1, 2020											X
IND 172	Yvonne Westbrook	June 1, 2020							X				
IND 173	Marian Dodge	June 1, 2020				X							
IND 174	Hilary McLeod	June 1, 2020	X								X		
IND 175	Richard Gerger	June 1, 2020							X		X		
IND 176	Augusta Weaver-Johnson 3130 Deronda Drive Hollywood, CA 90068	June 1, 2020	X						X				
IND 177	Cyrus Kashfian	June 1, 2020	X	X	X	X		X	X	X		X	
IND 178	Rosalind Helfand	June 1, 2020							X		X		
IND 179	Pamela Vanderway 1851 Ivar Ave., Apt 406 Hollywood, CA 90028	June 1, 2020	X			X			X		X		
IND 180	Alison Leslie 1645 N. Vine Street, Suite #712 Los Angeles, CA 90028	June 1, 2020							X				
IND 181	Rosemary DeMonte	June 1, 2020				X			X		X		
IND 182	Joan Ehrlich	June 1, 2020	X			X			X		X		

No.	From	Date Received	Aesthetics	Air Quality	Cultural Resources	Geology and Soils	Greenhouse Gas Emissions	Noise and Vibration	Traffic	Alternatives	Other	Request for Extension	Support
IND 183	William A. Miller	June 1, 2020			X	X			X		X	X	
IND 184	Helen Jacks 2036 Holly Hill Terrace Los Angeles, CA 90068	June 1, 2020							X		X		
IND 185	Hannah Beavers	June 1, 2020			X	X					X	X	
IND 186	Paul Barron 7225 Hollywood Blvd, Apt 321 Los Angeles, CA 90046	June 1, 2020	X						X		X		
IND 187	Daisy Holden	June 1, 2020	X		X						X		
IND 188	Olivia Duke	June 2, 2020	X			X			X				

2. Topical Responses to Comments

a) Topical Response No. 1 – Public Participation and Review

Numerous comments were received requesting that the public review period for the Draft Environmental Impact Report (EIR) be extended. Reasons for the requested extension included the fact that the public review period occurred following the Mayor's "Safer at Home" Order issued on March 19, 2020, resulting from the COVID-19 pandemic; that the "Safer at Home" order further resulted in the closure of libraries, where copies of the Draft EIR would, otherwise, be available; and regarding the distraction of civil unrest in the City of Los Angeles (City) and concern that people without computers would be unable to access the City's posted version of the Draft EIR; the length of the Draft EIR being too long to be reviewed during the review period. It is noted that the City, at the beginning of the review process, offered to provide hard copies of the Draft EIR and/or USBs/CDs to those who did not have access to computers or internet. Only one person requested this accommodation to which the City provided a USB copy and hard copy per the commenter's request at no charge.

The California Environmental Quality Act (CEQA; Pub. Res. Code Section 21000 *et seq.)* and the Guidelines for the California Environmental Quality Act (State CEQA Guidelines; 14 Cal. Code Regs. Section 15000 *et seq*.) provide specific requirements with regard to the distribution and review of documents prepared as part of the EIR process, all of which the City has met or exceeded. An overview of these requirements and a discussion of how the City, in its role as Lead Agency for the Project, has met these requirements are provided below.

CEQA Guidelines Section 15085(a) requires that, upon completion of the Draft EIR, a Notice of Completion be filed with the Office of Planning and Research (OPR). CEQA Guidelines Section 15087 requires that a Notice of Completion and Availability (NOC/NOA) of the Draft EIR be mailed to organizations and individuals that have requested such notice in writing, and that notice shall also be given by at least one of the following additional methods: (1) publication at least one time in the newspaper of general circulation in the area; (2) posting of notice by the public agency on and off the site in the area where the project is to be located; or (3) direct mailing to owners and occupants contiguous to the parcel on which the project is located. CEQA Guidelines Section 15087(d) requires that the NOA shall also be posted in the Office of the County Clerk. CEQA Guidelines Section 15087(g) provides that lead agencies should furnish copies of the Draft EIR to the public library systems in the area of the project, and also provide a copy in the office of the lead agency, to make the Draft EIR available to the public. The City performed all of these options.

CEQA Guidelines Section 15086 includes the consultation requirements that the lead agency must fulfill during the comment period on the Draft EIR, such as consultation with responsible agencies, trustee agencies, and any other agency that has jurisdiction by law

over the Project. CEQA Guidelines Section 15086 also provides that the lead agency may consult with any person with expertise regarding any environmental impact involved, any member of the public who has filed a written request for notice; and any person identified by the applicant whom the applicant believes will be concerned about the project.

Consultation with the public was part of the Notice of Preparation (NOP), which included notification that a public scoping meeting would be held to further inform public agencies and other interested parties of the Project and to solicit input regarding the Draft EIR. The public scoping meeting was held on September 12, 2018, from 6:00 p.m. to 8:00 p.m. at the First Presbyterian Church of Hollywood, located at 1760 N. Gower Street, Los Angeles, CA 90028. The meeting was held in an open house or workshop format and provided public agencies and interested parties the opportunity to view materials, ask questions, and provide oral and written comments to the City regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. The presentation materials and other documentation from the scoping meeting were provided in Appendix A-3, Scoping Meeting Materials, of the Draft EIR.

With regard to public review of the Draft EIR, CEQA Guidelines Section 15105(a) specifies that the public review period for a Draft EIR should not be less than 30 days nor longer than 60 days except in unusual circumstances. When a Draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.

The Governor's Executive Order N-54-20, signed April 22, 2020, suspended the deadlines for filing, noticing and posting of CEQA documents with county clerks for 60 days, but did not suspend or extend the time the public has to review and comment on CEQA documents, including EIRs. Therefore, despite the specific actions the Governor has taken to suspend CEQA deadlines to accommodate to the pandemic, the Governor has not suspended or affected the time requirements under CEQA Section 15105, and the provisions in Section 15105 remain operative and binding.

In accordance with the requirements discussed above, once the Draft EIR was completed, the City, as the Lead Agency, filed a Notice of Completion (NOC) with OPR, and copies of the Draft EIR were provided for distribution by the State Clearinghouse commencing the public review period on April 16, 2020 and ending on June 1, 2020, a period of 47 days. The City prepared and mailed the NOA requesting comments on the Draft EIR to responsible agencies, those individuals who had previously requested notice, and to all organizations and individuals identified by the Applicant as being concerned about the Project.

The NOA included information on how to access the Draft EIR, including accessing the City's website. The NOA was sent to those agencies and individuals that commented on the NOP for the Initial Study, all property owners and tenants (including businesses)

within a 500-foot radius of the Project Site, and any person or organization who had requested to be included on an interested parties list for the Project.

A copy (USB thumb drive) of the Draft EIR was also mailed to numerous appropriate agencies identified by the Los Angeles Department of City Planning. To further ensure that agencies received notice of the Draft EIR, the City e-mailed copies of the NOA to known agency contacts and/or general agency e-mail addresses, which also included a link to the Draft EIR on the City's website. A notice was also printed in the *Los Angeles Times* and posted at the County Clerk Office. With the newspaper notice, direct mailings to owners and occupants within a 500-foot radius of the Project Site, all parties who responded to the NOP, and to all persons and organizations on the Project's interested parties list including those who requested receive notice, the City exceeded the basic noticing requirements set forth in CEQA Guidelines Section 15087.

As stated in the NOA, the City's Department of City Planning recognized the unprecedented nature of COVID-19 and the restrictions it was causing. Having been identified as an essential City service, the Department of City Planning continued to work and respond to all inquiries pertaining to its ongoing efforts to process entitlement applications. As a result of the Mayor's "Safer at Home" Order issued on March 19, 2020, the Department of City Planning acknowledged that the usual methods for accessing project-related materials in-person might be limited. Nonetheless, the Department of City Planning was committed to ensuring that interested parties seeking information about the Project could retain access to the Draft EIR and the documents referenced in the Draft EIR. The Department of City Planning was responsive and responded to public requests for Draft EIR information throughout the public review circulation period.

As the NOA clearly stated, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file, consistent with AB 900 requirements, were available for public review online at the Department of City Planning's website, in the following location: http://planning4la.com/development-services/eir. The NOA also stated that the Draft EIR, and the documents referenced in the Draft EIR, were available for purchase; however, when a request was made to the Planning Department for a hard copy, the copy was provided without charge. The NOA stated that the Project Planner, Mindy Nguyen, could be contacted via phone or e-mail, both of which were provided on the NOA, should an interested party wish to purchase a copy of the Draft EIR and referenced documents (on either CD-ROM, a USB flash drive, or in hard copy), or to arrange additional accommodations.

Further, the NOA stated that the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file were available for public review at the City of Los Angeles, Department of City Planning, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012, during office hours Monday - Friday, 9:00 a.m. to 4:00 p.m., by appointment arranged through Staff Planner.

The City acknowledges that CEQA Guidelines 15087(g) states to make copies of EIRs available to the public and that Lead Agencies should furnish copies of the Draft EIRs to public library systems serving the area involved. As many commenters noted, the libraries serving the Project Site were closed during the Project's Draft EIR public review period per the Mayor's "Safer at Home" Order. Despite these closures, the City's efforts described above ensured that the public was provided sufficient access to the Draft EIR and supporting and referenced documents.

While the City understands that the "Safer at Home" Order may have prevented neighborhood groups from meeting in person, CEQA does not require that people be able to meet and confer in person on a Draft EIR, and the "Safer at Home" Order should not have precluded any groups from reviewing the Draft EIR and providing their combined comments. Furthermore, neighborhood groups are not required to meet in person in order to confer, nor is it a CEQA or City requirement that neighborhood groups have to meet in person in order to provide comments. In fact, on May 28, 2020, during the 47-day public review period, the Hollywood United Neighborhood Council met, discussed the Project, and voted to submit a comment letter to the City. During this publicly noticed Special Joint Board and Planning Land Use and Management (PLUM) Committee meeting, the Applicant's team made a public presentation and community members were provided an opportunity to, and did provide comments to the Neighborhood Council.

Concerning the length of the public review of the Draft EIR, the public review period of 47 days, beginning on April 16, 2020, and ending on June 1, 2020, met CEQA's requirement of 45 days pursuant to CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State Clearinghouse for public review by State agencies.

As explained in detail above, the City met or exceeded CEQA's requirements with regard to the distribution of documents for public review of documents in order to ensure that all interested agencies, organizations, and individuals were informed of and had the opportunity to comment on the Draft EIR for the Project. Therefore, since the Draft EIR and the documents supporting and referenced in the Draft EIR, as well as the whole of the case file, remained accessible to all individuals throughout the public review comment period, the comment period was not extended.

In addition to the scoping meeting, the Applicant for the Project conducted significant public outreach to approximately 100 public entities, which included mailings to residents, notification to neighborhood associations and nearby landowners, attendance at local neighborhood council meetings, and participation in presentations for stakeholder organizations. Examples of organizations, groups, and outreach events with which the Applicant had contact with or participated in include the Argyle Civic Association (June 26, 2018), Las Palmas Senior Center (June 27, 2018), Ciclavia Hollywood (September 30, 2018), Hollywood Chamber of Commerce (January 15, 2019, June 20, 2019), Triangle Square Senior BBQ (April 13, 2019), LAAAC Summit on Aging (May 6, 2019), Hollywood Partnership (October 22, 2019), Hollywood PAL (May 13, 2020), Metro Aging and Disability Forum (November 14, 2019), Seventh Day Adventist Church (May 14,

2020), Justice in Aging (May 14, 2020), Hollywood United Neighborhood Council (May 28, 2020 and attended nearly every meeting in 2019/2020), and the Hollywood Hills West Neighborhood Council (May 20, 2020).

Regarding the Final EIR, pursuant to CEQA Guidelines Section 15088(b), the City, as the Lead Agency, will provide a written response to public agency comments at least 10 days prior to certifying the Final EIR. The Lead Agency will meet these requirements by providing written responses to each comment as presented in this chapter in this Final EIR. In addition, the City will provide responses to comments submitted by organizations and individuals as included in this chapter in this Final EIR. It should be noted that the Department of City Planning accepts comments up until the final decision is made on the Project.

b) Topical Response No. 2 – Transportation and Traffic

(1) Introduction

This topical response is provided in response to comments received on the Draft EIR expressing concerns regarding impacts of the Project on transportation. Transportation-related issues raised focus on the use of vehicle miles traveled (VMT) as the metric for evaluating traffic impacts, construction traffic, traffic effects on the freeway, traffic effects from the COVID-19 pandemic, emergency response, and traffic effects on hillside areas. The information presented below is primarily based on content provided in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA), which was prepared in accordance with the Los Angeles Department of Transportation (LADOT) Transportation Assessment Guidelines (TAG) and included in Appendix N-1 of the Draft EIR.

(2) Discussion

(a) Traffic Impacts and Vehicle Miles Traveled

A number of comments on the Draft EIR raised concerns about the use of VMT as the metric for assessing traffic impacts. As stated on pages IV.L-2 and IV.L-3, in Section IV.L, *Transportation*, of the Draft EIR, current CEQA Analysis Guidelines are consistent with CEQA Guidelines Section 15064.3(c), which states that the provisions of Section 15064.3 shall apply Statewide beginning on July 1, 2020, but that a lead agency may elect to be governed by its provisions immediately upon adoption. The City adopted VMT as part of its CEQA Transportation Thresholds as a criterion to determine transportation impacts, pursuant to Senate Bill (SB) 743 and the recent changes to CEQA Guidelines Section 15064.3.

SB 743, signed by Governor Jerry Brown in 2013 and which became effective on January 1, 2014, changed the way transportation impacts are identified under CEQA. Specifically, the legislation directed the State of California's Office of Planning and Research (OPR)

to develop new metrics for evaluating transportation impacts under CEQA using methods that no longer focus on measuring automobile delay and level of service (LOS) but rather promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal networks, and access to diverse land uses. Following several years of draft proposals and public input, OPR issued updates to the CEQA Guidelines in support of these goals that established VMT as the primary metric for evaluating a project's impacts on the environment and transportation system. OPR issued its Technical Advisory[1] and the California Natural Resources Agency certified and adopted the updated CEQA Guidelines[2] in December 2018.

In July 2019, the City of Los Angeles implemented the shift to VMT, as required by the State's updated CEQA Guidelines, by preparing the updated TAG that provides guidance on the analysis requirements, approach, impact thresholds, and evaluation of significant transportation impacts. Per the TAG, evaluation of transportation impacts under CEQA would be conducted based on potential for conflicts with plans, programs, ordinances, or policies addressing the circulation system, causing substantial VMT, or substantially increasing hazards due to a geometric design feature. The TAG also includes guidance for conducting non-CEQA transportation analysis, which includes an assessment of pedestrian, bicycle, and transit access, project access, safety, and circulation, project construction, and residential street cut-through analysis. Each of the applicable CEQA and non-CEQA analyses described above and included in the TAG were conducted in preparation of the Draft EIR for the Project. It is acknowledged that the Project would add traffic to the local circulation network, including during peak hours of traffic. Traditional circulation analysis related to intersection LOS and residential segment analysis was conducted for non-CEQA purposes to comply with LADOT TAG requirements; however, they no longer serve as the basis for determining significant impacts related to transportation pursuant to CEQA, and are only included in Appendix N-1 of the Draft EIR for informational purposes.

The review of the three relevant CEQA areas, including (1) potential for conflicts with plans, programs, ordinances, or policies addressing the circulation system; (2) causing substantial VMT; and (3) substantially increasing hazards due to a geometric design feature, resulted in findings that the Project would result in less-than-significant transportation impacts.

As provided on pages IV.L-30 through IV.L-42, in Section IV.L, *Transportation*, of the Draft EIR, the plan consistency analysis, which included a detailed review of the Project in relation to City policies specified in the TAG, concluded that the potential for impacts on the environment due to conflicts with programs, plans, ordinances, or policies addressing

1 State of California, Governor's Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018.

2 State of California, Governor's Office of Planning and Research, Current CEQA Guidelines Update, https://opr.ca.gov/ceqa/updates/guidelines/, accessed August 25, 2020.

the circulation system, including transit, roadway, bicycle and pedestrian facilities, plans, would be less than significant.

Assessment of causing substantial VMT for a project is consistent with the OPR advisory on SB 743 and assesses significant transportation impacts based on per capita residential VMT and employment VMT per employee for the development. This Project is located in the Central Area Planning Commission (APC) area and using the City's VMT Calculator, both the per capita residential VMT and employment VMT per employee are less than 15 percent of the APC average, as defined in the TAG. Therefore, as concluded on page IV.L-43 of the Draft EIR, the Project would be below applicable significance thresholds and would have a less-than-significant VMT impact.

Finally, a review of potential hazards was also conducted and analyzed for the Project. As indicated on pages IV.L-44 and IV.L-45 of Section IV.L, *Transportation,* of the Draft EIR, the Project is designed to comply with LADOT standards, is configured to avoid potential conflicts with transit services and pedestrian traffic, would not create hazards associated with roadway networks, and would contribute to overall walkability through enhancements to the Project Site, streetscape, and crossing of Argyle. Accordingly, the analysis concluded that impacts due to hazards associated with design features or incompatible uses would be less than significant.

For informational purposes, additional detail pertaining to non-CEQA analysis, such as intersection level of service, construction effects, and neighborhood intrusion effects can also be found in the TA provided in Appendix N-1 of the Draft EIR.

(b) Construction Traffic

Several comments in the Draft EIR raised concerns about the potential for traffic and congestion during construction of the Project.

As discussed on pages IV.L-28 and IV.L-29 of Section IV.L, *Transportation*, of the Draft EIR, the Project would implement two Project Design Features specific to traffic during Project construction. Project Design Feature TRAF-PDF-2 would require a detailed Construction Management Plan (CMP) to formalize how construction will be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The CMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction-related project representatives (i.e., construction contractors), whose projects will potentially be under construction at around the same time as the Project, will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project. The CMP will include, but not be limited to, the following elements as appropriate:

- As traffic lane, parking lane and/or sidewalk closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, will be developed and implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

- Ensure that access will remain unobstructed for land uses in proximity to the Project Site during project construction.

- Coordinate with the City and emergency service providers to ensure adequate access, including emergency access, is maintained to the Project Site and neighboring businesses and residences. Emergency access points will be marked accordingly in consultation with LAFD, as necessary.

- Provide off-site truck staging in a legal area furnished by the construction truck contractor. Anticipated truck access to the Project Site will be off Ivar Avenue, Vine Street, and Argyle Avenue.

- Schedule deliveries and pick-ups of construction materials during non-peak travel periods to the extent possible and coordinate to reduce the potential of trucks waiting to load or unload for protracted periods.

- As parking lane and/or travel lane closures are anticipated, worksite traffic control plan(s), approved by the City of Los Angeles, should be implemented to route vehicular traffic, bicyclists, and pedestrians around any such closures.

Also, the Project would implement Project Design Feature TRAF-PDF-3 such that Applicant will prepare a Construction Worker Parking Plan prior to commencement of construction to identify and enforce parking location requirements for construction workers. The Construction Worker Parking Plan will include, but not be limited to, the following elements as appropriate:

- During construction activities when construction worker parking cannot be accommodated on the Project Site, the plan will identify alternate parking location(s) for construction workers and the method of transportation to and from the Project Site (if beyond walking distance) for approval by the City 30 days prior to commencement of construction.

- Construction workers will not be permitted to park on street.

- All construction contractors will be provided with written information on where their workers and their subcontractors are permitted to park and provide clear consequences to violators for failure to follow these regulations.

In addition to the above, the TAG requires an assessment of “non-CEQA” transportation issues, which includes construction traffic. The analysis of construction traffic as a “non-CEQA” issue is included in the TA to comply with LADOT requirements. For reference, the construction traffic analysis in the TA evaluated three categories per the TAG in regard

to in-street construction impacts: temporary traffic constraints, temporary loss of access, and temporary loss of bus stops or rerouting of bus lines. See Appendix N-1, pages 101 to 108 of the TA for the construction traffic analysis of these issues, provided in the Draft EIR for informational purposes only.

(c) Traffic Effects on the Hollywood Freeway (US-101)

There were a number of comments on the Draft EIR that raised concerns regarding the Project adding to congestion on the Hollywood Freeway (US-101) and ramps. Although freeway analyses for the Project were not required for CEQA per the City's TAG, the analyses were presented for informational purposes in Appendix I of the TA for the Hollywood Center Project.[3] In consultation with Caltrans, seven off-ramps were identified for evaluation, and mainline analyses were conducted along the northbound and southbound US-101 in both directions between Odin Street and Sunset Boulevard. The off-ramps included in this evaluation were the US-101 northbound and southbound off-ramps to Cahuenga Boulevard, the US-101 southbound off-ramp to Vine Street/Franklin Avenue, the US-101 northbound and southbound off-ramps to Gower Street, and the US-101 northbound and southbound off-ramps to Hollywood Boulevard. The mainline analyses included merge or weaving analyses at the following on-ramps: southbound on-ramps from Cahuenga Boulevard, Argyle Avenue, and Hollywood Boulevard; and northbound on-ramps from Hollywood Boulevard, Argyle Avenue, and Cahuenga Boulevard East (Pilgrimage Bridge). As shown in Appendix I of the TA, the analyses found that various segments of the freeway do operate under congested conditions. However, the analysis determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline, on-ramps, or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and associated intersections. An overview of the supplemental analysis was also provided on pages IV.L-49 and IV.L-50, in Section IV.L, *Transportation*, of the Draft EIR.

(d) Traffic Effects of the COVID-19 Pandemic

A number of comments questioned the impact of the Project on post-pandemic traffic and use of public transportation. Consideration of post-pandemic traffic is speculative and does not require analysis pursuant to CEQA Guidelines Section 15384(a). Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on traffic conditions, particularly from the public's use of public transit during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment, and CEQA generally does not require an analysis of the environment's impact on the

[3] Subsequent to release of the Draft EIR, the City of Los Angeles Department of Transportation published new *Interim Guidance for Freeway Safety Analysis* in May of 2020. This guidance requires analysis of freeway off-ramp queuing when certain screening criteria are met. The analyses presented in Appendix I to the TA for the Hollywood Center Project go beyond the requirements of this new City guidance, in that it included off-ramp queuing analyses and mainline merge/diverge/weaving analyses.

Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

(e) Emergency Response

Some comments on the Draft EIR expressed a general concern that the Project will have an adverse impact on emergency response resources and times. Fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional fire and police protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 of the Draft EIR concluded that impacts to fire and police services, respectively, would be less than significant.

Furthermore, the analysis included in Section IV.K.1, *Fire Protection,* of the Draft EIR, provides an evaluation of emergency response during both construction and operation of the Project. As analyzed therein, during construction, the Project would implement a CMP (Project Design Feature TRAF-PDF-2) and Construction Worker Parking Plan (Project Design Feature TRAF-PDF-3) to ensure adequate emergency access is maintained in and around the Project Site throughout all construction activities. The CMP would be prepared for review and approval by LADOT prior to commencement of any construction activity. The practices included in these plans, as well as techniques typically employed by emergency vehicles to clear or circumvent traffic, are expected to limit the potential for significant delays in emergency response during construction of the Project.

During Project operation, a number of factors would operate to facilitate responses to emergency calls so as to reduce any potential impact, despite the Project-related increase in traffic. Emergency response is routinely facilitated, particularly for high priority calls, through the use of sirens to clear a path of travel pursuant to California Vehicle Code Section 21806, driving in lanes of opposing traffic, use of alternate routes, and multiple station response. The Project Site vicinity is well-served by two nearby fire stations within close proximity to one another and the Project Site. The Project Site is located in an established urban area that is well-served by the surrounding roadway network, and multiple routes exist in the area for emergency vehicles and evacuation. Emergency access to the Project Site and surrounding uses would be maintained at all times, and emergency vehicles will have priority and the ability to bypass signals and stopped traffic. Thus, Project-related traffic is not anticipated to impair the Los Angeles Fire Department (LAFD) from responding to emergencies at the Project Site or within the surrounding area.

There are a number of additional factors that influence emergency response times in addition to traffic, including alarm transfer time, alarm answering and processing time,

mobilization time, risk appraisal, signals, and roadway characteristics. The LAFD has recently taken a number of steps to improve its related systems, processes and practices and lower its response times. Upgrades include installation of automated vehicle locating systems on all LAFD apparatus; replacement of fire station alerting systems that control fire station dispatch audio, signal lights, and other fire station alerting hardware and software; development of a new computer aided dispatch system to manage fire and emergency medical service incidents from initial report to conclusion of an incident; and use of Citywide traffic pre-emption systems. A traffic pre-emption system allows the normal operation of traffic lights to be preempted by an emergency vehicle to improve response times by stopping conflicting traffic in advance, providing the emergency vehicle the right-of-way. Based on the ability of LAFD to respond to emergency situations, the number, proximity, and accessibility of fire stations in the Project vicinity, and the multiple steps being taken by the LAFD to improve emergency response, Project impacts on fire protection services and emergency response would be less than significant. Moreover, as discussed in Section IV.F, *Hazards and Hazardous Materials*, of the Draft EIR, none of the streets adjacent to the Project Site are designated Disaster Routes or City-selected disaster routes. As analyzed therein, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Additionally, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for the Los Angeles Police Department (LAPD) services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

(f) Traffic Effects on Hillside Areas

A number of commenters expressed concerns about potential effects of the Project on access and emergency access to hillside areas and on evacuation of hillside areas during emergencies. Some of these comments specifically mention hillside streets, Franklin Avenue, and the US-101 on-ramp at Franklin Avenue/Argyle Avenue. As discussed

above and in Section IV.L, *Transportation*, of the Draft EIR, as a result of State law (SB 743) and subsequent action by the City, the adopted CEQA significance metric for traffic impacts is now VMT, not intersection LOS. Accordingly, the City's current TAG requires operational intersection analysis solely as a non-CEQA assessment to understand traffic operations at project driveways and intersections in the vicinity of a project. The specific TAG requirements for this analysis are as follows:

Study locations should be determined in consultation with LADOT and should include:

- *All primary project driveways*
- *At a minimum, intersections at either end of the block(s) on which the project is located or up to 600 feet from the primary project driveway(s), whichever is closer*
- *Unsignalized intersections that are adjacent to the project or that are expected to be integral to the project's site access and circulation plan*
- *All signalized intersection in proximity to the project to where 100 or more net new peak hour trips would be added by the project*

Applying the criteria above resulted in the identification of the nine intersections discussed an analyzed in the main body of the TA report. Appendix F of the TA (included in Appendix N-1 of the Draft EIR) displays analysis volumes for all of the analysis years and scenarios. As shown in Appendix F, the Project is not projected to add 100 or more peak hour trips to the Argyle Avenue/Franklin Avenue/US-101 on-ramp intersection or intersections to the east along Franklin Avenue, and analysis of these locations was, therefore, not required.

In regard to increases in traffic on hillside residential streets themselves, as part of the non-CEQA analysis in the TA in Appendix N-1 of the Draft EIR conducted in response to the City's TAG, the TA evaluated the potential for the Project to create excessive burdens on the residential street segments of Argyle Avenue, Vista Del Mar Avenue, and Carmen Avenue north of Franklin Avenue. With application of the City's evaluation criteria for residential streets, none of these streets were determined to be excessively burdened by the addition of Project traffic (see pages 109 through 127 of the TA). Furthermore, LADOT did not include analysis of traffic in more remote hillside locations, as due to distance, such effects would be limited and, therefore, did not warrant evaluation in the TA.

Concerns regarding emergency access were also evaluated in Section IV.K.1, Fire Protection, and Section IV.K.2, Police Protection, of the Draft EIR. As indicated above under the heading *Emergency Response*, the Project would not result in significant impacts associated with the provision of LAFD or LAPD services, including provision of services to hillside neighborhoods. In addition, regarding fire response, the hillside neighborhoods to the north of US-101 take access on Franklin Avenue to the north of US-101 (and other streets, such as Cahuenga Boulevard, located to the north of US-101). These areas are served by Fire Station No. 82 at 5769 W. Hollywood Boulevard, which

is also located to the north of US-101, and has direct access to Highland Avenue. Because these neighborhoods are substantially separated from the Project Site by US-101 and because the LAFD has right of access through use of sirens, control of traffic signals, opposing lane travel, and other means, it is not anticipated that the Project would significantly impair the LAFD from responding in a timely manner to emergencies in these hillside neighborhoods.

Regarding concerns that the Project would exacerbate existing congested conditions in hillside neighborhoods due to tourists and visitors accessing the Hollywood Sign and other hillside areas, Project residents and occupants would not be tourists and would not be expected to meaningfully contribute to such traffic issues in these neighborhoods.

Regarding concerns that increased traffic from the Project would impede the ability of residents to evacuate during a wildfire or other emergency, Section IV.F, *Hazards and Hazardous Materials*, of the Draft EIR analyzed whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As analyzed therein, these impacts would be less than significant. None of the streets adjacent to the Project Site are designated Disaster Routes or City-selected disaster routes. In addition, the adequacy of emergency evacuation in the event of a major wildfire or other catastrophic event is addressed by government agencies at the State, regional, and local levels and generally not at a Project level. Furthermore, there are numerous regulations and procedures in place that address fire hazards in Very High Fire Hazard Severity Zones (VHFHSZ), such as areas of the Hollywood Hills. For example, the LAFD has instituted Red Flag warnings, which restrict vehicle parking on surrounding roadways when winds are stronger than 25 miles per hour (mph) and humidity is less than 15 percent in the VHFHSZ. During Red Flag warning days, posted streets must be clear of parked vehicles and residents are asked to (1) report any signs of smoke immediately by calling 911; (2) use extreme caution when operating spark- or flame-producing machinery in grass or brush areas; (3) have an evacuation plan in place and identify two exit routes and, if told to evacuate by fire or police officials, do so immediately; and (4) report any suspicious activity to law enforcement.[4] In addition, in the event of a major fire, LAFD has adopted the "Ready, Set, Go!" program, which provides information and education for residents in the event of a wildfire where a key step to help avoid bottlenecks during an evacuation is to not wait to be told to leave, but to go early. As these and other regulations and programs are in place at the State, regional, and local levels to address evacuation in the event of a major wildfire or other emergency, and as the Project would have limited effects on traffic in these neighborhoods, no significant impacts on emergency evacuation due the Project would occur.

4 Los Angeles Fire Department, LAFD Declares Red Flag Alert on Tuesday, October 24, 2017, October 23, 2017, https://www.lafd.org/news/lafd-declares-red-flag-alert-tuesday-october-24-2017, accessed August 25, 2020.

c) Topical Response No. 3 – Geology and Fault Hazards

(1) Introduction

This topical response addresses comments received on the Draft EIR concerning potential impacts of the Project due to its location within an Alquist-Priolo Earthquake Fault Zone for the Hollywood Fault. Specifically, several comment letters, including a late comment letter from the California Geological Survey (CGS), expressed concerns about whether the fault studies cited in the Draft EIR adequately investigated the possibility of "active fault traces" existing under the Project Site.[5] Several commenters also expressed their disagreement with the Draft EIR and fault studies' conclusion that there are no active fault traces beneath the Project Site. Additionally, several commenters referenced a report published in May 2020, by the United States Geological Survey-California Geological Survey (USGS-CGS), which the commenters argue conflicts with the Draft EIR's conclusion relating to active fault traces. According to those commenters, the USGS-CGS report includes information that requires additional investigation of the potential for active faults on the site and, potentially, substantial revisions to the Draft EIR, which would require another round of circulation for public comment. (See Cal. Code Regs., tit. 14, div. 6, ch. 3 ("CEQA Guidelines"), § 15088.5.) Lastly, several comment letters raised general concerns about other geologic hazards.

The information presented in this topical response is based on the content provided in Section IV.D, *Geology and Soils*, of the Draft EIR, and the following fault studies provided in Appendix G, Geotechnical Reports and Paleontological Reports, of the Draft EIR. The fault studies listed below were approved by the City of Los Angeles Department of Building and Safety (LADBS) on July 7, 2015, and August 9, 2019.

- 2015 Fault Study - Group Delta Consultants, Inc. Fault Activity Investigation, East and West Millennium Sites 1733-1741 Argyle Avenue; 6236 and 6334 West Yucca Street; 1720-1730, 1740, 1745-1760, and 1762-1770 N. Ivar Avenue, Hollywood Area, City of Los Angeles, California, March 6, 2015
- 2019 Fault Study - Group Delta Consultants, Inc., Surface Fault Rupture Hazard Evaluation Report, Hollywood Tract, Block 21, Lots 1 and FR2 [APN 5546004029], 6334 W Yucca Street and 1770 N Ivar Avenue and Recommendations for 50-Foot Setback Removal at Hollywood Tract, Block 21, Lot 3 [APN 5546004008] and Central Hollywood Tract No. 2, Lot FR6 [APN 5546030034], 1760 and 1764 N Ivar Avenue and 1720, 1722, and 1734 N Vine Street, Los Angeles, California, July 19, 2019

In addition to these fault studies, Section IV.D, *Geology and Soils*, of the Draft EIR, is also based on the following broad based geotechnical investigation provided in Appendix G of the

[5] As discussed in greater detail below, and in Section IV.D, *Geology and Soils*, and Appendix G of the Draft EIR, a "fault trace" is defined by the State Mining and Geology Board's regulations as the "line formed by the intersection of a fault and the earth's surface, and is the representation of a fault as depicted on a map, including maps of earthquake fault zones." (Cal. Code Regs., tit. 14, div. 2, ch. 8 ("State Geology Regulations") § 3601, subd. (b).) A fault is "active" if it "has had surface displacement within Holocene time (about the last 11,000 years), hence constituting a potential hazard to structures that might be located across it." (State Geology Regulations, § 3601, subd. (a).)

Draft EIR, that addressed soil erosion, liquefaction, expansive soils, and other geotechnical issues:

- Feffer Geological Consulting, Geotechnical Investigation for EIR, Hollywood Center Development, 1733-1741 Argyle Avenue; 6236 and 6334 West Yucca Street; 1720-1730, 1740, 1745-1760, and 1762-1770 N. Vine Street; 1746, 1748-1754, 1760, and 1764 N. Ivar Avenue, Hollywood Area City of Los Angeles, California, September 23, 2019 (Geotechnical Investigation), provided in Appendix G-3 of this Draft EIR

Furthermore, the discussion of faulting provided below relies on the following regulatory documents:

- California Geological Survey (CGS), *Special Publication 42, Earthquake Fault Zones, A Guide for Government Agencies, Property Owners / Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California*, revised 2018
- CGS, *Note 49, Guidelines for Evaluating the Hazard of Surface Fault Rupture*, May 2002
- City of Los Angeles Department of Building and Safety P/BC 2020-129, *Surface Fault Rupture Hazard Investigations*, January 1, 2020
- Alquist-Priolo Special Studies Zone Act (A-P Act; Public Resources Code 2621-2630)

(2) Discussion

(a) Background on the City's Duties under the Alquist-Priolo Act and CEQA

This topical response discusses the City's separate, but overlapping, duties to investigate and analyze the potential for active fault traces under the Project Site pursuant to the California Environmental Quality Act (CEQA) and the Alquist-Priolo Special Studies Zone Act (Alquist-Priolo Act). The following overview of the legal duties and requirements placed on the City's investigation by these two statutes is included to aid the reader in understanding the City's role, and the role of other agencies, including USGS and the State Geologist (CGS).

(i) The Alquist-Priolo Act

Under the Alquist-Priolo Act, the City is required to determine whether the Project, "which is located within a delineated earthquake fault zone" would be located "across the trace of active faults." (See Pub. Resources Code, § 2621.5; see also State Geology Regulations, § 3603, subd. (a) [areas within 50 feet of an active fault trace are "presumed to be underlaid by active branches of that fault unless proven otherwise by an appropriate geologic investigation and report"].) As noted above, "fault traces" are expressed as lines on the earthquake fault zone (EFZ) maps prepared by CGS. (See Figure IV.D-2 in the Draft EIR.) The lines follow the "traces" of faults that are presumed to be "active" (meaning they are presumed to have ruptured within the last 11,700 years [Holocene time]) by CGS, pending the site-specific investigation required by the Alquist-Priolo Act, as discussed below. (See Special Publication 42, page 27.) Thus, if the City determines (based on the investigation discussed below) that

active fault traces exist on a project site, and a proposed project, regardless of the size or construction materials proposed, would be built across an active fault trace, the Alquist-Priolo Act requires the City to deny the proposed project. (Pub. Resources Code, § 2621.5, subd. (a); State Geology Regulations, § 3603, subd. (a).)[6]

To aid the City in deciding whether a project proposed within an EFZ would be built across an active fault trace, the Alquist-Priolo Act requires the project applicant to provide the City with a "report prepared by a geologist registered in the State of California," that is "based on a geologic investigation designed to identify the location, recency, and nature of faulting that may have affected the project site in the past and may affect the project site in the future." (State Geology Regulations, § 3603, subd. (d).) The Alquist-Priolo Act also requires that the report be peer-reviewed by another geologist registered in the State, hired by the City. (*Id*. at subd. (e).) The report must "demonstrat[e], to the satisfaction of the lead agency advised by its own reviewing geologist, that the site-specific fault investigation is sufficiently thorough, the findings regarding surface fault rupture hazards are valid and persuasive, and any proposed setbacks are sufficient to account for both Holocene-active fault traces and fault related ground deformation." (Special Publication 42, page 30.) Essentially, the report must analyze the information provided by the site investigation(s) and conclude whether there is faulting on the project site and whether any faulting discovered has ruptured within the last 11,700 years (i.e., whether the fault is "active").

In considering the report(s) and potentially approving the Project, the City must take the policies and criteria of the State Mining and Geology Board and the findings of the State Geologist/CGS into account. (Pub. Resources Code, § 2623, subd. (a); see Special Publication 42, and Note 49, discussed above.) Once the report has been approved by the City, no subsequent geologic reports are required, unless the City determines that new geologic data warranting further investigations is recorded. (Pub. Resources Code, § 2623, subd. (b).)

The Alquist-Priolo Act required CGS to provide all affected cities, counties, and state agencies with EFZ maps in 1973, and to "continually review new geologic and seismic data and [] revise the earthquake fault zones or delineate additional earthquake fault zones when warranted by new information." (Pub. Resources Code, § 2622.) The "new geologic and seismic data" reviewed by CGS comes from a variety of sources, including sources like the USGS, and the site-specific investigations performed under the Alquist-Priolo Act. As discussed above, the EFZ maps provide the City with the presumed locations of active fault traces, and include an area surrounding the traces that require site-specific investigation before the City may approve a project within the earthquake fault zone. (See Special Publication 42, page 12 [EFZ maps "are delineated to define those areas where fault investigations are required" but "no degree of the relative potential of future surface displacement or hazard is implied for the faults shown on the EFZ maps"].)

[6] In such cases, the City will permit an applicant to attempt to redesign a proposed project to avoid active fault traces, if possible.

The Alquist-Priolo Act also directs CGS, along with the State Mining and Geology Board, to provide cities and counties with policies and criteria to guide city and county decision-making under the Alquist-Priolo Act. (Pub. Resources Code, § 2623.) CGS "does not have direct authority to approve or disapprove geologic investigations, nor to approve or disapprove specific projects which might be built on or near faults." (*Better Alternatives for Neighborhoods v. Heyman* (1989) 212 Cal.App.3d 663, 671 (*Better Alternatives*); see also Special Publication 42, Figure 2-3 [explaining the roles of the lead agency and State Geologist].)

Thus, it is the City that "has the ultimate responsibility to determine whether a project complies with the Alquist-Priolo Act and its implementing regulations." (See *Better Alternatives*, *supra*, 212 Cal.App.3d at p. 671.) In this context, the City must weigh the evidence before it (including conflicting evidence) and has the discretion to accept the expert opinion, analysis, and conclusions in some evidence while rejecting others. (*Id*. at pp. 672–673; see also *id*. at p. 672, fn. 7 [State Geologist's "analysis is entitled to no more weight than that of any other expert"].)

(ii) CEQA

CEQA requires the City to decide whether the Project could significantly impact the environment, directly or indirectly, by exposing people and structures "to potential substantial averse seismic effects, including the risk of loss, injury, or death from rupture of a known earthquake fault or strong ground shaking." (*California Oak Foundation v. Regents of University of California* (2010) 188 Ca.App.4th 227, 263; see CEQA Guidelines, Appendix G.) In making that decision, the CEQA Guidelines direct the City to consider "the most recent Earthquake Fault Zoning Map issued by the State Geologist for the area" as well as "other substantial evidence of a known fault" and CGS Special Publication 42. (CEQA Guidelines, Appendix G.) CEQA requires that the EIR for the Project adequately discuss the Project's potential environmental impacts,[7] so as to ensure informed decisionmaking and public participation, and that the conclusions in the EIR be supported by substantial evidence. (See *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 512–513, 516.)

CEQA also requires that, when comments on the Draft EIR provide evidence conflicting with the environmental conclusions in the Draft EIR, the City must respond with "good faith, reasoned analysis" that either explains how the project will be revised to address the significant environmental issues raised in the comment, or explains why the City did not accept the suggestions or comments raised. (CEQA Guidelines, § 15088.) While the City is not required to respond to late comments, it may choose to do so. (*Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, 972.)

Thus, similar to the City's decision under the Alquist-Priolo Act, the City must weigh evidence of potentially significant impacts provided in and relied on by the Draft EIR as well as evidence

[7] CEQA generally does not require the City to consider the impacts of the environment on a proposed project or its future users, except to the extent that a project exacerbates existing environmental hazards. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 388.)

provided by the public and experts, and decide whether the Project could adversely impact the environment by directly or indirectly causing potential adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault. As with the Alquist-Priolo Act, the City has discretion to weigh the evidence presented, and decide which evidence it agrees with. Unlike the Alquist-Priolo Act, however, CEQA also requires that the public and decisionmakers be adequately informed by the analysis in the EIR of the Project's potential impacts on the environment, including earthquake-related impacts, so that the public and decisionmakers may act accordingly. The City provides this analysis of its actions and duties under the Alquist-Priolo Act to ensure an adequate discussion of the Project's potential environmental impacts, including seismic impacts, as required by CEQA.

(b) The City's Review of the Project under the Alquist-Priolo Act and CEQA

The Project is located within an earthquake fault zone for the Hollywood Fault. CGS' most recent EFZ map (released on November 6, 2014) for the fault depicts two, presumed active, fault traces in the area of the Project Site. (See Figure IV.D-2 in the Draft EIR.) One trace is depicted as running east to west roughly parallel to the north side of Yucca Street, across from the northern boundaries of both the Project's East and West Sites. (See Figure IV.D-2 in the Draft EIR.) The second trace is depicted as running roughly east to west, though curving slightly to the south to touch the southern boundary of the West Site at two points and then traversing the parking lot just south of the Capitol Records Building in the southern portion of the East Site, and then curving slightly northward along Carlos Avenue to the East of the Project Site. (See Figure IV.D-2 in the Draft EIR.)

Accordingly, as discussed below, the applicant had a registered geologist prepare the report required by the Alquist-Priolo Act based on a site-specific investigation in accordance with the policies and criteria established by the Mining and Geology Board and CGS in Special Publication 42 and Note 49. LADBS provided further guidance in LADBS P/BC 2020-129. That report, the 2015 Fault Study (see Appendix G-1 of the Draft EIR) was considered and approved by the City in 2015. (See Geology Report Approval Letter, dated July 7, 2015, pp. 5–7 of Appendix G-1 of the Draft EIR.) The applicant also provided a follow up report, the 2019 Fault Study (see Appendix G-2 of the Draft EIR), after further investigation of the West Site, which was approved on August 9, 2019.

The 2015 and 2019 fault investigations at the Project Site were prepared by Group Delta Consultants and witnessed by CGS geologists and City officials, including the City's geologist. The CGS representatives who participated in on-site review sessions in the West Trench February 2014, in the East Trench July 2014, and SEC Ivar and Yucca Trench October 2018, included Janice Hernandez, Brian Olsen, Jerry Treiman, and Gorgon Seitz. Janice Hernandez authored the CGS Fault Evaluation Reports, as well as coauthored the 2018 USGS-CGS Seismic Survey. Five Group Delta Certified Engineering Geologists participated in different phases of the investigations. The trenches and transects were observed by paleoseismic specialists, including Dr. Thomas Rockwell (Rockwell Consulting), Dr. Roy

Shlemon (R.J. Shlemon & Associates), and Tanya Gonzalez (Earth Consultants Inc. [ECI]), as well as expert third party reviewer Eldon Gath with ECI.

The 2015 and 2019 Group Delta fault investigations were conducted in compliance with the guidelines published by the Mining and Geology Board and CGS, as well as the Alquist-Priolo Act and State Geology Regulations. Both investigations concluded that, while there are fault traces beneath the Project Site, those traces have not experienced fault movement for at least the last 30,000 years, and thus, are not "active." Based on the Group Delta fault investigations of the Project Site, and the required peer-review by the City's geologist, the City exercised its authority under the Alquist-Priolo Act by approving the geologic report for the Project and concluded that the Project would not be built across active fault traces.

Here, the Draft EIR analyzed whether the Project would have significant environmental impacts by subjecting people and structures to the risk of loss, injury, or death from a known earthquake fault or strong seismic ground shaking. As directed by the CEQA guidelines, the Draft EIR referenced the latest EFZ map for the Project area, the 2015 and 2019 Fault Studies, and the other geologic and seismic information listed in the introduction, including Special Publication 42 and Note 49. The Draft EIR preparers also reviewed the information provided in CGS' comments on the Notice of Preparation (NOP), including the GIS data and other information from CGS' website, and Fault Evaluation Report (FER) No. 253. Based on that information, the Draft EIR discussed the regulatory and physical environmental setting relating to geology and seismic issues, and then analyzed the Project's potential to adversely impact the existing environment. Based on that analysis, and the City's conclusion under the Alquist-Priolo Act that there is no active faulting going through or extending to the Project Site, the Draft EIR concluded that the Project's impacts associated with rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure, would be less than significant. (See Section IV.D, *Geology and Soils*, of the Draft EIR.)

As mentioned above, CEQA generally does not require an EIR to analyze the impacts of the environment on a proposed project, except where a project could exacerbate an existing environmental hazard. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.*, *supra*, 62 Cal.4th at p. 388.) Because the City concluded, under the Alquist-Priolo Act, that there are no active fault traces on the Project Site, there is no existing hazard that the Project could exacerbate. Similarly, the construction of the Project would not exacerbate seismic hazards by inducing seismic activity. Thus, the Project's seismic impacts would be less than significant.

A 2016 USGS study of earthquakes in greater Los Angeles between 1915 and 1932 found that seismic activity correlated with oil drilling in that area during the same time period, and concluded that some significant earthquakes in the Los Angeles Basin area during that time may have been associated with oil industry practices at the time, such as oil extraction without

water reinjection, which are no longer employed.[8] This study correlates to other research which establishes that the most common causes of induced seismicity are impoundment of reservoirs, surface and underground mining, withdrawal of fluids and gas from the subsurface, and injection of fluids into underground formations.[9] There is little indication that surface construction, such as proposed for the Project, could induce seismic activity. This evidence supports the conclusions in the Draft EIR.

(c) Methods and Data for Determining Recency of Fault Movement

As discussed above, the two main requirements of the site-specific investigation and geologic report required by the Alquist-Priolo Act are determining the actual location of fault traces presumed to be beneath the Project Site (based on the EFZ map), and the determination of whether any fault traces beneath the Project Site are "active" (meaning they have ruptured within the last 11,700 years). Special Publication 42 provides specific guidance on methods used for site-specific fault investigations in its *Section 5: Guidelines for Geoscience Practitioners (Project and Reviewing Geologists): Evaluating the Hazard of Surface Fault Rupture*. The guidance is supplemented by CGS Note 49 and LADBS P/BC 2020-129. The types and reliability of methods are summarized below from the most accurate and reliable methods to less reliable methods.

Fault Trenching – The most exhaustive method of determining fault location and recency data is through direct observation and testing of fault trench exposures. Fault trenching exposes the layers of soil deposits that have built up at the site over time. Generally, soil buildup appears as horizontal bands on the walls of a trench, with the most recent soils at the top and older soils at the bottom. The deeper the trench, the older the exposed soil at the bottom. By exposing the soil layers, geologists look for evidence of faulting, which usually involves visual breaks or ruptures in the horizontal bands of soil on the trench wall. In general, the depth of the ruptures (if any) helps determine the age of the fault. Geologists photograph and document their observations of the trench walls and take samples to perform other analyses to help date the soils. (See Special Publication 42, pages 23–33.) The 2015 and 2019 Group Delta fault studies conducted fault trenching, and also incorporated the previous results of fault studies conducted on nearby properties. In addition, the 2015 and 2019 Group Delta fault studies included chronologic dating of soil units conducted by three paleoseismic specialists Dr. Thomas Rockwell (San Diego State University), Dr. Roy Shlemon (R.J. Shlemon & Associates), and Tanya Gonzalez (ECI). Both Studies determined that all the observed/inferred fault features were covered by pre-Holocene soils and that no on-site fault movement has occurred within the last 30,000 years. In other words, no active faults underlie the Project Site.

8 Susan E. Hough and Morgan T. Page, USGS, Potentially Induced Earthquakes During the Early Twentieth Century in the Los Angeles Basin, Bulletin of the Seismological Society of America, at 2419, 2016.

9 USGS, Natural Hazards, Can we cause earthquakes? Is there any way to prevent earthquakes?, https://www.usgs.gov/faqs/can-we-cause-earthquakes-there-any-way-prevent-earthquakes?qt-news_science_products=0#qt-news_science_products, accessed August 25, 2020.

Transect Method - When site conditions make fault trenching infeasible (for example, in urban environments when existing buildings or infrastructure prevent the access needed to dig a continuous trench), the transect method of continuous core borings with supplemental Cone Penetration Testing (CPT) soundings is used to locate faulting and to determine the age of any faults. (See Special Publication 42, page 34.) Core borings extract long, cylindrical soil samples from the site at depths well below trenching. CPT testing does not extract soils, but measures the soil's resistance to penetration, and the granular nature of the soils as the tip of the bore moves through the ground. These two tests are best performed together, as in the "transect" method. (Special Publication 42, page 34.) Essentially, the transect method exposes "points" of soil deposit (as opposed to a continuous "line" of soil in a trench) and then geologists compare the layers of soil deposits in the cores to determine whether there is evidence of faulting, and take samples to determine the age of any faults discovered. This method requires multiple closely spaced borings to increase the accuracy of interpreting the areas in between borings. The accuracy is further improved when combined with the data acquired from fault trenching. The 2015 and 2019 Group Delta fault studies included transect investigations (including a total of 43 core borings and 96 CPT tests throughout the East and West Sites) in areas where fault trenching was infeasible due to existing structures. The purpose of the transects was to supplement the data from the fault trenches.

Geophysical Surveys - Geophysical surveys, like the one presented in the 2018 USGS-CGS report (published in 2020 and discussed below in Section 2.d) referenced in some of the Draft EIR comments, are non-invasive ways to measure certain properties of subsurface deposits that can help locate fault traces. (See Special Publication 42, pages 34–35.) Geophysical surveys can provide helpful preliminary data but are no substitute for site-specific investigations, such as the trenching and transect investigations preformed on the Project Site, for determining the location and recency of faulting. For example, guided-wave method studies, such as the guided-wave study performed in the USGS-CGS report, measure seismic energy at specific points and then model the movement of that energy through the surface of the earth in a limited surrounding area. The model is based on the largely accepted theorem that seismic energy "waves" move at different speeds and frequencies depending on the composition of the earth. In general, seismic waves have been observed to slow down and change frequency as they move through a fault when compared to the surrounding rock. Using this principle, the model predicts where faulting could be located based on the speed and frequency of seismic waves measured at a specific point or points. (See the USGS-CGS report, pages 1–5.) Additionally, it should be noted that the accuracy of seismic measurements in dense urban environments is often impacted by background noise. (USGS-CGS report, page 22.) Moreover, geophysical surveys, because they do not expose the soil or have methods for dating soil deposits, rarely provide any information on the recency of faulting[10] activity. (See USGS-CGS report, page 1; Special Publication 42, pages 34–35.) Thus, geophysical surveys are considered preliminary and highly dependent on pre-established data, such as from previous site-specific fault studies. As stated in the 2018

[10] For example, a report analyzing a fault structure modeled by a geophysical study could discuss its potential to be "active" if the fault structure were shown to connect with an existing, presumed active fault.

USGS-CGS report, “the seismic data provide little or no information about the rupture history of the fault traces.” (USGS-CGS report, page 1.) In addition, CGS Special Publication 42 also states, “geophysical methods alone can only provide a range of alternative interpretation for what exists in the subsurface.” (Special Publication 42, pages 34–35.) While the results of the 2018 USGS-CGS study and the 2015 and 2019 Group Delta studies all confirm the presence of faulting beneath the Project Site, some commenters have suggested that the USGS-CGS study shows additional fault traces that must be investigated and analyzed to determine their age. As explained below, however, the 2015 and 2019 Fault Studies thoroughly investigated the locations of the inferred fault traces in the USGS-CGS report. Additionally, the 2018 USGS-CGS study does not provide data on the recency of fault movement. (USGS-CGS report, page 1.) The 2015 and 2019 Group Delta study results, on the other hand, included direct observed evidence that the faults beneath the Project Site have not experienced movement in the last 30,000 years.

In summary, data on fault location and recency of movement is best obtained through direct observation and testing of the soil deposits on the Project Site. The most exhaustive method for doing so requires fault trench exposures. Other methods, such as the transect method, are also frequently used to expose and test soil deposits, particularly in urban environments where existing infrastructure prevents fault trenching. The City has found transect investigation to be a reliable indicator of the location and recency of faulting, particularly where, as here, transect investigations are combined with trenching. As Special Publication 42 acknowledges, it is for the City to establish the requirements for fault investigations at a given project site, taking CGS’ guidelines and regulations into account. (Special Publication 42, page 34.) Lastly and most importantly, while geophysical studies can provide some information about geologic structures underground, which can be used to infer faulting, geophysical studies themselves do not provide information on whether an inferred fault trace is “active” or not.

(d) Conclusions of the 2018 USGS-CGS Open-File Report (Published on May 8, 2020)

In 2018, the USGS and CGS conducted a geophysical survey to identify and locate faults in the area of and adjacent to the Project Site. The report is titled: *2018 U.S. Geological Survey–California Geological Survey, Fault-Imaging Surveys Across the Hollywood and Santa Monica Faults, Los Angeles County, California*, and published in 2020 (2018 USGS-CGS). The survey used several methods to map fault traces, including guided-wave inversion, seismic-refraction tomography, multichannel analysis of surface waves (MASW), and seismic-reflection processing techniques. As previously discussed in Section 2.c), geophysical surveys cannot in and of themselves establish the recency of fault movement.

The 2018-USGS-CGS results indicate two potential “zones” of fault traces to the east of the Project Site along North Argyle Avenue. As discussed below, the southernmost inferred fault trace zone boundary in the USGS-CGS report largely corresponds with the southernmost fault trace depicted on the 2014 EFZ map. Both inferred fault zones would run through the extensive fault trenching performed on the East Site. The 2015 Fault Study found some

evidence of faulting on the East Site near Argyle Street but concluded that the fault traces had not ruptured in at least the last 30,000 years and were therefore not active. Unlike the USGS-CGS study, the 2015 and 2019 Fault Studies performed extensive trenching and other fault investigations at the Project Site to provide direct observation for evaluating the recency of faulting history. As discussed above, the Alquist-Priolo Act only applies to active fault traces, and it is the City that must decide, based on the required site-specific investigation, whether a proposed project would be constructed across an active fault trace. The 2018 USGS-CGS report data are limited to geophysical data and do not provide information on whether the inferred fault traces are active. As stated in the 2018 USGS-CGS report, "the seismic data provide little or no information about the rupture history of the fault traces." (USGS-CGS report, page 1.) The CGS 2018, *Guide for Assessing Fault Rupture Hazards in California*, also cautions that "geophysical methods alone can only provide a range of alternative interpretation for what exists in the subsurface." (Special Publication 42, pages 34–35.) As explained above in Section 2.c), geophysical surveys are highly dependent on pre-established seismic and geologic data, such as from site-specific fault investigation studies. The pre-established data provide specific geologic time markers that the geophysical survey can then use to tie specific faults to specific time frames. Here, the USGS-CGS report did not rely on the site-specific studies performed on the Project Site, though the 2015 Fault Study was approved by the City and filed with CGS. Instead it relied on two draft studies performed for Projects not adjacent to the Project Site, in discussing the potential age of the inferred faulting.

(i) Analysis of the USGS-CGS Report Under the Alquist-Priolo Act

Some commenters have interpreted the USGS-CGS study to infer a fault trace (depicted as the southernmost "zone" along Argyle Avenue) that would run east to west just to the south of the trenching performed on the East Site through the alley separating the East Site and the Pantages Theatre, before curving back northward through the parking lot south of the Capitol Records Building, also on the East Site. That inferred fault trace roughly corresponds with the southernmost fault trace depicted in the 2014 EFZ map and discussed above. (See Figure IV.D-2 in the Draft EIR.) The 2015 Fault Study performed trenching on the East Site just north of the alley that revealed no active faulting in the "zone" identified in the USGS-CGS report. Further, the 2015 Fault Study performed extensive transect method investigations through the parking lot on the southernmost portion of the East Site and concluded that there were no active fault traces beneath the Project Site in that area. Several commenters disagree with that conclusion and claim that the City cannot approve the Project unless additional fault trenching is performed which shows that the southernmost fault "zone" in the USGS-CGS report is either not "active" or is not located where the USGS-CGS report infers it to be.

(a) The City has decided to require additional fault trench investigation of the southernmost portion of the East Site.

The City has reviewed USGS-CGS report and the comment letters discussing it, including the late comments submitted by CGS, and concluded that the best way to resolve the issue

is for the developer to perform additional trenching in the southern part of the East Site overlapping the transect investigations performed in 2015, prior to construction. While not required by the Alquist-Priolo Act, the City is nevertheless requiring the Project applicant additional trenching out of an abundance of caution. As discussed above, the USGS-CGS report infers two potential fault trace "zones" that could intersect the Project Site. Both of those inferred trace "zones" would run through the extensive fault trenching performed on the East Site, which found no active fault tracing, and therefore do not qualify as "new geologic data" warranting further investigation by the City. The boundary of the southernmost inferred fault zone in the USGS-CGS study, as stated above, generally follows the existing presumed fault trace on the 2014 EFZ map, and was therefore investigated through the trenching performed on the East Site along Argyle Avenue and the transect studies performed on the southernmost portion of the East Site. Where the transects overlapped with the fault trenching performed on the East Site, the findings of the two methods of investigation agreed. The City believes that requiring additional trenching in the area of the southernmost inferred fault "zone" in the USGS-CGS report on the East Site could definitively resolve the concerns raised by CGS and other commenters. Accordingly, the following condition of approval will be added to the Project entitlements requiring the additional trenching be performed prior to the commencement of construction:

> Prior to the issuance of any permit which authorizes excavation on the Project Site, the project engineering geologist (a California licensed Certified Engineering Geologist or Professional Geologist who is experienced with fault investigations, at the discretion of the Grading Division of the Los Angeles Department of Building and Safety (LADBS)) shall directly observe, by exploratory trench overlapping the transect investigation performed on the southern portion of the East Site, continuous strata of late Pleistocene age to rule out "active fault traces" (as defined by California Code Regulations, title 14, division 2, chapter 8, section 3601, subdivision (a)) on the Project Site. The trench shall be constructed such that it crosses the projected CGS 'probable fault' in the southwest portion of the East Site and shadows the specific transect CPT data point in question.
>
> LADBS' reviewing geologist, California Geological Survey (CGS) geologists, and other paleoseismic experts shall be invited to observe the trench after the trench has been secured; shored or benched; cleaned, and a string line or grid reference system is in place. Once the field exploration and geologic analysis are completed, the project engineering geologist shall prepare a Surface Fault Rupture Hazard Investigation Report to the satisfaction of LADBS, and submit the Report to the City.
>
> If the investigation performed by the project engineering geologist, as documented in the Surface Fault Rupture Hazard Investigation Report, concludes that there are no active fault traces traversing the southern portion of the East Site, no Project-related construction activity may proceed until DBS provides written approval of the Surface Fault Rupture Hazard Investigation Report to the Applicant and the Department of City Planning.
>
> If the investigation performed by the project engineering geologist, as documented in the Surface Fault Rupture Hazard Investigation Report, concludes that there are active fault traces traversing the southern portion of the East Site, construction of the Project, as proposed, shall not proceed. In compliance with CGS' and LADBS' guidance, the Surface Fault Rupture Hazard Investigation Report shall include recommendations for building setbacks from any identified active fault trace(s), subject to LADBS review and approval.

No ground disturbance or other construction activity shall take place on the Project Site until all of the following has been completed to the satisfaction of the Director of Planning:

1. Applicant shall meet with the Department of City Planning and LADBS to determine what modifications need to be made to the Project to address the existence of the active fault traces on the Project Site, including any building setbacks recommended in the Surface Fault Rupture Hazard Investigation Report approved by LADBS.
2. Applicant shall submit revised plans to the City that include the project modifications needed to address the existence of the active fault traces on the Project Site.
3. The Department of City Planning and LADBS shall determine what, if any, additional environmental review, pursuant to the California Environmental Quality Act (CEQA), is necessary to analyze the Project modifications, and complete the additional environmental review.
4. The City shall review the appropriate environmental clearance and proposed entitlements for the Project, as modified. Following this review, the City may, but is not required to, approve the modified Project and related clearances and entitlements. However, such approval is required before any ground disturbance or other construction activity may occur on the Project Site.

(ii) Analysis of the USGS-CGS Report Under CEQA

As discussed above, the City's duties under CEQA and the Alquist-Priolo Act are distinct, though related. Under CEQA, the City must decide whether the information provided in the USGS-CGS report requires revision and recirculation of the Draft EIR. (See Pub. Resources Code, § 21092.1; CEQA Guidelines, § 15088.5.) According to the CEQA Guidelines, recirculation of the Draft EIR would be required if the USGS-CGS report includes "significant new information" showing that the project could have a new or substantially more severe impact, suggested a new mitigation measure or alternative, considerably different from those analyzed in the Draft EIR and the project proponents reject it. (See CEQA Guidelines, § 15088.5.) As discussed above, the USGS-CGS report provides information that infers the location of two potential fault zones. Both inferred fault zones would run through the extensive fault trenching performed on the East Site, which confirmed that no active fault traces existed. The southern extent of the possible fault zone was also investigated through transects, in compliance with the City's requirements for fault investigations as guided by Special Publication 42 and Note 49 from CGS. That investigation also concluded that no active fault traces exist on the Project Site. As stated above, the location of southernmost inferred fault trace in the USGS-CGS report corresponds to the southernmost fault trace in the 2014 EFZ map, which, as directed in the CEQA Guidelines, was used, along with the other information discussed above, to determine whether the project could have seismic impacts related to a known fault.

(a) The USGS-CGS report and the comments interpreting that report do not constitute "significant new information" requiring recirculation of the Draft EIR.

The Draft EIR considered the location of the southernmost presumed fault trace in the EFZ map, the site-specific investigations in the 2015 and 2019 Fault Studies and the City's determination that no active fault traces exist under the Project Site, before concluding that the Project's seismic impacts would be less than significant. The USGS-CGS report does not establish that the inferred fault zone locations represent "active" faults, and "there is no

requirement in CEQA or the Guidelines that an agency disclose the presence of an 'inferred' earthquake fault, particularly where, as here, the agency discloses more generally the presence of significant seismic risks." (See *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 265.) The location of a southern inferred fault, based on the zones depicted in the USGS-CGS report was already investigated in the 2015 Fault Study and the City concluded that no active faults existed on the Site. Contrary to the claims of some commenters, the USGS-CGS report does not contradict that investigation because the USGS-CGS report infers fault traces in locations already investigated through the trenching and transect studies performed on the Project Site and did not take the Project Site investigations into account when modeling potential fault locations. Moreover, the USGS-CGS report does not establish that the inferred faults are active. Thus, the USGS-CGS report does not contain significant new information establishing that the Project would have any new or substantially more severe seismic-related impacts by directly or indirectly causing the risk of loss, injury, or death from the rupture of a known fault or strong seismic ground shaking.

(iii) Conclusion

The USGS-CGS report does not require recirculation under CEQA, because it does not establish that there are presumed active fault traces under the Project Site. Studies performed for the Project Site indicate that there is not an active fault trace under the Project Site. Nevertheless, out of an abundance of caution, the City will require fault trenching overlapping the transect investigation to be performed on the southern portion of the East Site. As explained above, the trench investigation will be completed prior to the commencement of construction on the Project Site. Once it receives the results of that investigation, the City will analyze that information for the potential to require revisions to the Project and the Environmental Impact Report prepared for the Project, and for the potential to require the City to revise its conclusions under the Alquist-Priolo Act.

(e) Other Geologic Hazards

A number of public comments raised general concerns regarding geologic hazards other than faulting. As discussed on pages IV.D-33 to IV.D-35 in Section IV.D, *Geology and Soils*, of the Draft EIR, the Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking or other seismic-related ground failure, including liquefaction. Any such seismic-related impacts would be less than significant based on compliance with all applicable City and California Building Code requirements. Application of appropriate engineering controls and compliance with applicable code and regulatory requirements for planned excavation and construction activities on-site would preclude slope stability geologic hazards at the Project Site and protect surrounding developments. Per the LABC requirements, prior to the issuance of a grading permit, a qualified geotechnical engineer must prepare and submit to the LADBS a Final Geotechnical Report that includes site-specific design recommendations for seismic safety and design requirements for foundations, retaining walls/shoring and excavation to meet applicable state and City regulatory requirements.

d) Topical Response No. 4 – Aesthetics

(1) Introduction

This topical response is provided in response to comments received on the Draft EIR expressing concerns regarding the Project's aesthetics impacts. Commenters expressed concern that the scale of the Project's high-rise components, compared to the surrounding neighborhood and the Hollywood Community, were not adequately evaluated in the Draft EIR. A theme among the comments is that, because of building height, the Project does not exemplify the existing visual character of the Hollywood Community and not suitable for the proposed location near Hollywood Boulevard and Vine Street. Commenters asserted that the visual characteristics of the Project, such as exterior building details, were not adequately addressed in the Draft EIR. In addition, many commenters challenged the absence in the Draft EIR of an evaluation of City and other Hollywood Redevelopment Plan design guidelines.

Commenters expressed the concern that the Project would block views of the Hollywood Hills across the Project Site from taller residential buildings in the area. Another concern expressed in comment letters was that the Project would block views from the residential neighborhoods within the Hollywood Hills to the north and east of the Project Site. Another issue raised was whether Objective 7 of the Hollywood Community Plan, which promotes the preservation of views of the Community's mountainous open space, was adequately addressed. The following subsections describe the information required in the Draft EIR. They also discuss the physical characteristics and scale of the Project which, as reflected in the comment letters, was of particular interest to the community.

(2) Discussion

(a) Requirements of the CEQA Guidelines

Comments were received that stated or indicated that the implementation of SB 743 in evaluation of aesthetics in Section IV.A, *Aesthetics*, of the Draft EIR was impermissible and that the Draft EIR failed to adequately evaluate the Project's height, scale, visual character, and lighting. SB 743, which is codified in Public Resources Code (PRC) Section 21099(d)(1) and the City of Los Angeles Zoning Information (ZI) File No. 2452, provide that aesthetics impacts, including impacts related to scenic vistas, scenic resources, visual character/conflicts with regulations governing scenic quality, and light and glare shall not be considered significant impacts on the environment for all residential, mixed-use residential, or employment center projects located on an infill site within a Transit Priority Area (TPA).

Since the Project is a proposed mixed-use residential development located within a TPA, these issues were discussed in the Draft EIR for informational purposes only, as explained on pages IV.A-3 and IV.A-4, in Section IV.A, *Aesthetics*, of the Draft EIR.

The Project Site is located within 600 feet of the Metro B (Red) Line Hollywood/Vine Station and is designated in the City's ZIMAS zoning records as within a TPA. Under PRC Section 21099, a TPA is defined as "an area within one-half mile of a major transit stop that is existing or planned." In addition, the Project Site is located on an infill site, defined under PRC Section 21099(a)(1) as "a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses." The Project also qualifies as a "mixed-use residential" project since it would provide a mix of residential and retail/restaurant uses. Further, the Project would qualify as an "employment center project" because it is located on properties "zoned for commercial uses with a floor area ratio of no less than 0.75 and located within an existing transit priority area," as stated in PRC Section 21099(a)(1).

PRC Section 21099(d)(2)(A) indicates that, although the determination that aesthetics impacts of projects within a TPA are not significant, this regulation does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies. As such, a project is not exempt from compliance with city regulations that govern design, light and glare, and other regulations. However, compliance with such policies is a City policing power that occurs outside the CEQA process, and such policies are not required to be evaluated in the Draft EIR. PRC Section 21099(d)(2)(B) states that, for the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources. Although CEQA Guidelines Appendix G, Aesthetics question (b) lists historical buildings as scenic resources, impacts to historical resources are still considered in the Draft EIR. As also specified in ZI File No. 2452, "the limitation of aesthetic impacts pursuant to Section 21099 of the PRC does not include impacts to historic or cultural resources. Impacts to historic or cultural resources will need to be evaluated pursuant to CEQA regardless of project location." In compliance with this code section and with the CEQA Guidelines, Section IV.C, *Cultural Resources*, of the Draft EIR evaluated impacts to historical resources separately from the aesthetics analysis.

The analysis of historical resources included changes in views of historical resources, as a result of the development of the Project. The Draft EIR evaluation of the Project's impacts on views of identified historical resources in the Project vicinity is provided on pages IV.C-71 through IV.C-79, including Table IV.C-5, *Summary of View Analysis for Identified Historical Resources in Project Vicinity,* of the Draft EIR. See also Topical Response No. 6 – Historical Resources, below, for an analysis of Project impacts on historical resources, including the Project's impacts on views of and from historical buildings in the area.

Although PRC Section 21099(d)(1) states that aesthetics impacts of projects within a TPA are not significant impacts on the environment, the Draft EIR discussed the subject of views, scenic resources, regulations that govern scenic quality, and light and glare for informational purposes. Visual simulations of the future Project were provided to give the community a sense of the scale and appearance of the Project. However, the visual

simulations were not intended to be used as a basis on which to determine whether the Project would have a significant impact relative to views or scenic vistas. With respect to view impacts, however, visual simulations that were incorporated into this discussion also provided a reference for the determination in Section IV.C. *Historical Resources*, of the Draft EIR, as to whether the Project would have a direct or indirect impact on views of, or from, the Capitol Records Building.

Appendix G of the State CEQA Guidelines was used to guide the informational analysis of the Project's aesthetics evaluation provided in the Draft EIR. In accordance with Appendix G, except as provided in PRC Section 21099, a project would have a significant impact related to aesthetics if it would:

a) Have a substantial adverse effect on a scenic vista;

b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;

c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality; or

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

(b) Project Characteristics and Existing Conditions

The Project is designed to promote local, regional, and State land use and mobility objectives and to reduce vehicle miles traveled (VMT) by maximizing infill development within an existing Regional Center near jobs, retail, and entertainment in proximity to transit and transportation infrastructure that encourages pedestrian activity.

Many comments regarding building scale, primarily building height, have been received. As discussed in the Draft EIR, the West Building would be 35 stories and reach a maximum height of 469 feet and the East Building would be 46 stories and reach a maximum height of 595 feet. Each site would include a separate 11-story Senior Building. The surrounding neighborhood is comprised of a variation of commercial and multi-family building types, ranging from low-rise to high-rise buildings and, in that sense, the Project is consistent with the high-rise character of the area. However, the proposed buildings would be substantially taller than existing high-rise development in the area.

The taller buildings represented by the Project serve both the functions of (1) accommodating the allowable floor area ratio (FAR) of up to 6.973 to allow for the development of the housing, including affordable housing and (2) reducing the floorplates of the buildings to provide for the publicly-accessible paseo and plazas surrounding the base of the buildings. The proposed FAR of 7:1 would exceed the Project Site's existing

zoning designation ("D" Limitation), which limits FAR to 3:1 for most of the Project Site and 2:1 FAR for one parcel. As discussed in detail in Topical Response No. 5 – Land Use and Planning, the Applicant has revised the requested entitlements from a Zone and Height District Change to a Density Bonus Compliance Review and would seek Density Bonus Incentives and Waivers of Development Standards to allow for an increase in FAR pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance (LAMC Section 12.22 A.25(f)(4)(i)). The proposed Density Bonus Compliance Review would not change the Project's FAR, but the method under which the FAR is calculated. With the inclusion of at least 11 percent of the base permitted units for Very Low Income households, the Project Applicant is entitled to two incentives and the Waiver of Development Standards[11] the requested increase in FAR (however, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 10 percent of the units as Very-Low Income to be eligible for the 35 percent FAR increase On-Menu Incentive). Pursuant to the State Density Bonus Law, a city shall grant a density bonus, and, if requested by the applicant and consistent with the applicable requirements of Government Code Section 65915, incentives or concessions, and waivers or reductions of development standards. The State Density Bonus Law supersedes any local ordinances, including the "D" Limitations pursuant to Ordinance No. 165,659.

Under the proposed design, the ground level open space, paseo, and plazas allow for public amenities and deeper setbacks and views around the buildings. The separation between the 35-story West Building and the existing Capitol Records Building would be a minimum of 120 feet (measured from the outer edge of the sunshades), and the distance between the 46-story East Building and the existing Capitol Records Building would be a minimum of 70 feet (measured from the outer edge of the sunshades). The setback of the East Building from Vine Street, which would allow views of the Capitol Records Building would be approximately 40 feet.

Under existing conditions, with the exception of the historic Capitol Records Building, the Gogerty building, and the "Hollywood Jazz: 1945-1972" mural at the south wall of the Capitol Records Building, the visual character of the Project Site is dominated by on-site surface parking lots and parking lot signage. The parking lots between Vine Street and Ivar Avenue and the parking lot along the east side of Vine Street are not landscaped and contain no other features of visual interest. The setting for the Hollywood Walk of Fame, which adjoins the Project Site along both sides of Vine Street to Yucca Street, is generally non-distinguished and uninviting, particularly along the west side of Vine Street in which landscaping is minimal. No public seating or other complementary features are available along either street frontage, and the general visual character and quality of the Project Site and adjoining sidewalks is low. The vicinity of Hollywood Boulevard and Vine Street is known and visited by tourists from throughout the world. The Project would contribute to the importance of this location by upgrading the streetscape along Vine Street with additional street trees and pedestrian amenities, such as seating, plazas, and gardens.

[11] Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled

The density of the Project and ground-level restaurant/retail uses would support the daytime and nighttime use of the area with increased pedestrian activity and security lighting. With the landscaped paseo passing through both blocks, the Project would provide a crosswalk and landscaped median along Vine Street to improve pedestrian safety and enhance the pedestrian experience of the Hollywood Walk of Fame.

The "Hollywood Jazz: 1945-1972" mural along the south wall of the Capitol Records Building is a point of visual interest that contributes to the existing visual character of the East Site. However, the mural is located at the back edge of a private surface parking lot. No public access (with the exception of those parking in the lot) is provided to the mural, and no seating or other accommodations are provided to allow for contemplative viewing. There are no existing retail or restaurant uses within the Project Site that would invite visitors or pedestrians to linger or gather. No facilities for visitors are provided along the street front or within the existing Project Site for visitors who are interested in viewing or evaluating the iconic architecture of the Capitol Records Building.

The Project's open space amenities would be designed to maintain a visual connection with the street fronts and publicly-accessible paseo while helping to activate the plazas by drawing in pedestrian activity. Amenities within the ground level plazas would include 9,200-square-foot outdoor gathering space, with seating, fireplace, and library; an approximately 12,920-square-foot performance area with a stage to host public acoustic performances, a landscaped palm tree grove, and a bike center; and an approximately 6,590-square-foot landscaped area with grass, seating alcoves, and a water feature.

The issue of building height and scale with respect to existing development is also subjective and based on an interest in keeping the appearance of a location the same as or equivalent to its existing appearance. It is noted that when the Capitol Records Building was constructed in the mid-1950s, it represented an unusual building height and design at this location. However, because of its unique design and height, and the character of the location relative to the view field of eastbound US-101 and the Hollywood Hills, the building became a landmark representing the Hollywood community and the City.

Most of the progressive architectural design and building activity in the Hollywood community took place in the late 1920s and early 1930s and, although respected by the City at large and preserved through existing regulations, the commercial district largely represents a stasis that has existed in the community in subsequent decades. For instance, the Hollywood Walk of Fame is a tourist attraction and source of community pride in the entertainment industry, but few locations exist where visitors are able to visit in an outdoor setting, rest, and enjoy the ambience and experience of this iconic location.

The City's land use policies, which discuss protecting neighborhoods from buildings of contrasting scale, generally refer to established low-rise residential neighborhoods in which a multi-story building can create a stark contrast and affect the uniformity of a neighborhood street. Because the Project Site is located within a commercial zone and

the proposed buildings would be sited within existing surface parking lots, it would not disrupt the area's lower scale, established single-family neighborhoods.

In summary, the Project's proposed buildings and architectural character would be consistent with the landmark nature of the Hollywood and Vine locale and represent a focal component of Hollywood's commercial district. Respectively, the orientation of the tallest structures along the Vine Street axis, with lower height structures at the periphery of the Project Site, would reduce the Project's contrast to the lower scale residential neighborhoods to the west of Ivar Avenue and to the east of Argyle Avenue. The public open space provided by the landscaped paseo, and deeper setbacks achieved by the paseo would allow for light and views between structures, including continued visibility of the Capitol Records Building. The replacement of existing surface parking lots with new buildings that complement the modern curvilinear style of the Capitol Records Building, a public paseo, sidewalk improvements, and street front retail and restaurant uses would energize the area and improve the visual character of the Project Site and adjacent Hollywood Boulevard Commercial and Historic District.

(c) Aesthetic Effects of the Project

(i) Scenic Vistas - Aesthetics Question (a)

Comments were received regarding the impact of the Project on views of the Capitol Records Building from surrounding residential areas, as well as impacts on views of the Hollywood Hills and Hollywood Sign from residential areas to the south of the Project Site. The Project's environmental effects relative to scenic vistas during construction and operation are evaluated in Section IV.A, *Aesthetics*, pages IV-A-29 through IV.A-54, of the Draft EIR. The effects of the Project with respect to scenic vistas are illustrated in simulations from a variety of vantage points close to the Project Site and nearer to the Project Site, as provided in Figures IV.A-7 through IV.A-20 of the Draft EIR. As shown in these figures, the Project would retain views of the Capitol Records Building from Hollywood and Vine, from Yucca Street, from eastbound US-101, from the hillside areas, and from Mulholland Drive's Jerome C. Daniel/Hollywood Bowl Overlook. The Project would limit and/or block some closer views of the Capitol Records Building from Hollywood Boulevard (mid-block between Argyle Avenue and Vine Street) and from some locations on Argyle Avenue. However, because of the paseo opening at Argyle Avenue, views of the Capitol Records Building from this street frontage would continue to be available. In addition, new and closer views of the Capitol Records Building would be provided from within the Project's paseo and West Plaza. As further described in Section IV.A, *Aesthetics*, of the Draft EIR although public views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline from limited vantage points would be altered, the Project would not have a substantial adverse effect on scenic vistas. Views of the Capitol Records Building from hillside residential neighborhoods to the east of US-101 would be retained, although the Project's high-rises would be prominent in the view field.

The Project would be located between the Hollywood Hills/the Hollywood Sign and some residential neighborhoods, some of which have views across the Project Site of this open

space and scenic resource. However, most views of the Hollywood Hills and Hollywood Sign would be through north/south street corridors, such as Gower Avenue, Argyle Avenue, and Vine Street. In addition, upper stories of some residential buildings would have views of the Hollywood Hills and across existing low-rise buildings. However, the CEQA Guidelines provide that view impacts are applicable only to public views, which would be views from public streets, public open space and parks, or public buildings, Therefore, views from residential buildings are not evaluated in the Draft EIR. Furthermore, pursuant to PRC Section 21099(d)(1) and ZI File No. 2452, scenic vista impacts of a residential mixed-use or employment center project located within a TPA are not considered significant impacts on the environment.

(ii) Scenic Resources – Aesthetics Question (b)

Comments were received regarding preservation of the area's scenic resources, such as the Hollywood Walk of Fame. The Project's environmental effects relative to scenic resources during construction and operation are evaluated in Section IV.A, *Aesthetics*, pages IV-A-54 through IV.A-57, of the Draft EIR. The "Hollywood Jazz: 1945-1972" mural would be incorporated as part of the backdrop for the stage in the East Site's paseo. The Project would avoid disruption to the Hollywood Walk of Fame by eliminating driveway and vehicle access from Vine Street, including the removal of five existing curb cuts. These changes would help restore continuity to the Hollywood Walk of Fame by reducing vehicle/pedestrian conflicts. The removed curb cuts would further emphasize the Hollywood Walk of Fame as a continuous pedestrian element within close proximity to the Project's paseo and street-front retail uses.

The Project would not cause any physical changes to any of the historic Hollywood Boulevard Commercial and Entertainment District by removing scenic resources or obstructing access to this area. The Project's public space and improvements to Vine Street, including the incorporation of a landscaped median along Vine Street and improvements to the Hollywood Walk of Fame, would enhance the aesthetic value of the historic Hollywood Boulevard Commercial and Entertainment District.

As such, the Project would not substantially damage scenic resources. Furthermore, pursuant to PRC Section 21099(d)(1) and ZI No. 2452, the effects of a residential mixed-use or employment center project located within a TPA on scenic resources are not considered significant impacts on the environment.

(iii) Visual Character/Conflicts with Regulations Governing Scenic Quality – Aesthetics Question (c)

In addition to the provision of PRC Section 21099(d)(1) that visual character/conflicts with applicable zoning and regulations governing scenic quality of a project within a TPA shall not be considered significant, the CEQA Guidelines Appendix G Question (c) exempts any urban project from an evaluation of visual character.

Nonetheless, in response to comments received regarding the consistency of the Project with the requirements of Objective 7 of the Community Plan, the Draft EIR included a discussion of the Project's potential for conflict with applicable zoning and other regulations governing scenic quality. This objective encourages the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region. As discussed under Subsection 2.C(1), Scenic Vistas, above, view impacts refer to the preservation of public views of open space and from open space. This applies to open space that is publicly or privately owned.

The Project's environmental effects relative to policies that govern scenic quality during construction and operation are discussed in Section IV.A, *Aesthetics*, pages IV.A-57 through IV.A-59, of the Draft EIR.

As illustrated in the simulated views from Quebec Drive (Figure IV.A-7, page IV.A-34 of the Draft EIR), from Argyle Avenue at Holly Mont Drive (Figure IV.A-8, page IV.A-35 of the Draft EIR), from Bonair Place (Figure IV.A-15, page IV.A-45 of the Draft EIR), and from the Yamashiro Restaurant driveway (Figure IV.A-16, page IV.A-45 of the Draft EIR), the Project would form a background feature visible in the view field from areas of the City's hillside neighborhood streets. However, it would not result in any substantial obstruction of such broad horizon views. Although some commenters expressed that effects on these views would conflict with Objective 7 of the Community Plan, Objective 7 is intended to preserve views of, and from, Hollywood's mountainous open space and is not intended to preserve views from residential areas within hillside neighborhoods. Objective 7 would, however, be applicable to public views from the Jerome C. Daniel/Hollywood Bowl Overlook or views of the Hollywood Sign, both of which are representative open space locations. As further discussed on page IV.A-58 of the Draft EIR and illustrated in Figure IV.A-12, the north-facing view from Hollywood Boulevard and Vine Street, page IV.A-41 of the Draft EIR; Figure IV.A-13, the north-facing view from Vine Street to the south of Sunset Boulevard, page IV.A-43 of the Draft EIR; and Figure IV.A-14, north-facing view from Sunset Boulevard and Ivar Avenue, page IV.A-44 of the Draft EIR, the Project would not block public views of the Hollywood Hills or Hollywood Sign through north-south street corridors or views of scenic vistas from the Jerome C. Daniel/Hollywood Bowl Overlook.

No maximum building heights are applicable to the Project Site. Based on the evaluation on pages IV.A-57 through IV.A-59 of the Draft EIR, impacts relative to regulations that govern scenic resources and the potential for associated physical impacts on the environment were determined to be less than significant.

In regard to the evaluation of zoning and regulations governing scenic quality, it should also be noted that Section IV.A, *Aesthetics*, of the Draft EIR, included an error by stating regulations that govern scenic quality (Aesthetics Threshold (c)) should be evaluated and should include a determination of impact significance. However, as with scenic vistas,

scenic resources, visual character, and light and glare, impacts regarding conflicts with applicable zoning and other regulations governing scenic quality are not considered significant impacts on the environment under PRC Section 21099(d)(1). The changes to Section IV.A, to correct this error, are presented in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. These changes do not affect the conclusions of the analysis provided in Section IV.A of the Draft EIR that impacts associated with such policies would be less than significant.

(iv) Light and Glare – Aesthetics Question (d)

Comments were received regarding the light and glare effects of the Project on adjacent uses and the area. The Project's environmental effects relative to light and glare during construction and operation are evaluated in Section IV.A, *Aesthetics*, pages IV.A-59 through IV.A-56, of the Draft EIR. As discussed therein, Project Design Feature AES-PDF-1 would require eight-foot tall security fencing, which would reduce ground level views of the construction site and reduce light spillage and Project Design Feature AES-PDF-3 would require that construction lighting be shielded, directed downward in such a manner as to avoid undue glare or light trespass onto adjacent uses. During operation, Project Design Feature AES-PDF-4 would require that architectural lighting and building security lighting along public streets and within the paseo will be placed to prevent direct visibility of the light source from the residential uses to the north, east, and west of the Project Site. Pedestrian lights within the paseo and along public sidewalks would be provided for security and way-finding. Commercial signs for ground level restaurant and retail uses would be similar to other signage in the Project vicinity, and no off-site signage is proposed. All proposed signage would conform to the size, type, and placement requirements of the Hollywood Signage Supplemental Use District (HSSUD), which is applicable to the Project Site. In accordance with the HSSUD, Project signage would be coordinated with the architectural elements of the new buildings and compliment and protect the character defining features of the historic Capitol Records Building. The Capitol Records Building's neon sign would be preserved and continued as under existing conditions. With the incorporation of the above-referenced Project Design Features and LAMC lighting requirements, the Project would not adversely affect daytime or nighttime views in the area due to increases in light or glare. Furthermore, pursuant to PRC Section 21099(d)(1) and ZI File No. 2452, impacts relative to light and glare of a residential mixed-use or employment center project located within a TPA are not considered significant impacts on the environment.

(v) Environmental Impacts on Historical Resources

Several comments asserted that the Draft EIR ignored aesthetic impacts to historic and cultural resources. As discussed above, changes in the CEQA Guidelines under PRC Section 21099(d)(1) provide that aesthetic impacts of mixed-use projects within a TPA are not significant with respect to scenic vistas, scenic resources, visual character/conflicts with applicable zoning and other regulations governing scenic quality, and light and glare. Because impacts on historical resources are not exempt under PRC Section 21099(d)(1) or ZI File No. 2452, the Draft EIR incorporates a discussion of direct

and indirect impacts on historical resources in Section IV.C, *Cultural Resources*, of the Draft EIR. The focus related to aesthetics is on the effects of the Project on views of and from historical buildings, which is addressed in the Draft EIR. Shade/shadow impacts are not identified in CEQA Guidelines Appendix G and are not currently evaluated in the City's Draft EIRs in relation to historical resources or to any off-site uses. Therefore, the Draft EIR for the Project did not include a discussion of the effects of shading on historical buildings.

e) Topical Response No. 5 – Land Use and Planning

(1) Introduction

This topical response is provided in response to comments received on the Draft EIR pertinent to land use and planning. Comments included questions regarding whether the Project would be consistent with the land use parameters established under the Project Site's existing C4-2D-SN zoning designation, the 1988 Hollywood Community Plan, and the 2003 Hollywood Redevelopment Plan.

A number of comments asserted that the Draft EIR did not evaluate the Project for consistency with all of the land use policies of the applicable land use plans and "cherry-picked" land use policies, rather than reviewing or comparing the Project to a broad range of policies set forth under the General Plan Framework Element and the Hollywood Redevelopment Plan. Comments also questioned whether sufficient justifications exist to support the Project's proposed entitlements, particularly related to the size and scale of the Project relative to existing development standards. Comments also asserted that the Draft EIR does not include critical information regarding floor area and affordable housing incentives.

The discussion below describes the requirements of CEQA regarding the content of Draft EIR Section IV.H, *Land Use and Planning*, and whether the Draft EIR is consistent with the required content under the applicable threshold set forth in the CEQA Guidelines, Appendix G, subsection XI, Land Use and Planning.

In addition, this topical response introduces an update to the Project's proposed entitlement program. The Project Applicant has revised the request for the proposed Zone and Height District Change to allow, under a Measure JJJ concession pursuant to LAMC Section 11.5.11(e), a floor area ratio (FAR) increase up to 7:1, as presented in Chapter II, *Project Description*, of the Draft EIR, to a Density Bonus Compliance Review pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance. The update to the entitlement requests would not change any Project features as under the original entitlement request – the Project would maintain the same floor area, density, building height, and mix of uses. As part of the updated entitlements, the Project Applicant has also revised the request for a Conditional Use Permit for a unified development to allow FAR averaging and residential density transfer across the Project Site, to an Off-Menu incentive request to allow FAR and density averaging across the Project Site in conjunction with the Density Bonus request. This is discussed in greater detail below

under Subsection 2.a, *Implementation of Density Bonus Regulations*, and Subsection 2.b, *Revised List of Requested Entitlements*, of this Topical Response.

(2) Discussion

(a) Implementation of Density Bonus Regulations

As noted in the Introduction section, above, the Project Applicant has revised the Zone and Height District Change request provided in Chapter II, Subsection 8, *Anticipated Project Approvals*, of the Draft EIR to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, and the request for a Conditional Use Permit (CUP) for a unified development to allow FAR averaging and residential density transfer across the Project Site, to an Off-Menu Incentive request to allow FAR and density averaging across the Project Site in conjunction with the Density Bonus request. These revisions have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

The Project Site's underlying zoning designation is C4-2D-SN. Height District 2 allows a 6:1 FAR, with no height limit in conjunction with the C4 Zone. However, the Project Site is subject to D Limitations, pursuant to Ordinance No. 165,659, which restricts lots with Assessor's Parcel Numbers (APN) 5546-004-006, 5546-004-020, 5546-004-021, 5546-004-029, 5546-030-028, 5546-030-031, 5546-030-032, 5546-030-033, and 5546-030-034 to a 3:1 FAR; and the corner lot on the southeast corner of Yucca Street and Ivar Avenue, with APN 5546-004-032, to a 2:1 FAR.

Intended to promote the development of affordable housing, the California State Density Bonus Law (State Density Bonus Law), codified in Government Code Sections 65915 *et seq*., and the City's Density Bonus Ordinance (Density Bonus Ordinance), codified in LAMC Section 12.22 A.25 and which implements the State Density Bonus Law, allow a "Housing Development Project" to be granted a density bonus in exchange for providing a requisite percentage of affordable housing. The Density Bonus Ordinance defines a "Housing Development Project" as a mixed-use development in which the residential floor area occupies at least 50 percent of the total floor area of the building or buildings. Pursuant to the State Density Bonus Law, a city shall grant a density bonus, and, if requested by the applicant and consistent with the applicable requirements Government Code Section 65915, incentives or concessions, and waivers or reductions of development standards. A project may qualify for up to a 35 percent density bonus and up to three incentives or concessions, based upon the percentage of affordable units proposed at each income level. In addition, the State Density Bonus Law also permits a developer to request a waiver or reduction of development standards that will have the effect of physically precluding the construction of a development.

The Project does not request an increase in the residential density as the Project's residential component is consistent with the underlying C4 Zone and Regional Center

Commercial land use designation, pursuant to LAMC Section 12.22 A.18, and in conjunction with the requested Vesting Tentative Tract Map (Case No. VTT-82152).[12]

LAMC Section 12.22 A.25(e) specifically provides that projects which set aside at least 10 percent of the base permitted residential units for Very Low Income households may request up to two (2) development incentives or concessions (On-Menu or Off-Menu). Moreover, Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled. With the inclusion of 133 affordable senior housing units (13.2 percent of the Project's total 1,005 units), the Project would provide more than the requisite 10 percent of the units for Very Low Income households, thereby entitling the Project Applicant to two (2) incentives, and Waivers of Development Standards (the request for which shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled).

Pursuant to LAMC Section 12.22 A.25(f)(4)(i), the Applicant requests the On-Menu incentive to permit an FAR increase in a percentage equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. By setting aside a minimum of 11 percent for Very Low Income households, the Project is eligible for a 35 percent density bonus and, therefore, a 35 percent increase in FAR. Thus, as a departure from the entitlement request in Chapter II, *Project Description*, of the Draft EIR, the Project requests one (1) On-Menu incentive to increase the Project Site's maximum allowable FAR by 35 percent from 2:1 FAR to 2.7:1 FAR (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032) and from 3:1 FAR to 4.05:1 FAR (for the balance of the Project Site); and one (1) Off-Menu incentive to allow FAR and density averaging across the Project Site for a Housing Development located on non-contiguous lots (i.e. the West Site and East Site bisected by Vine Street).

Consistent with the requested entitlements identified in Chapter II, Subsection 8, *Anticipated Project Approvals*, of the Draft EIR, the Project would also request a Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the Project's total floor area, as applicable. Additionally, the Project also requests a Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site.

The Project's updated entitlements would not change any Project features, including but not limited to the Project's residential density, residential and commercial floor area, height, parking, open space, and setbacks; and would not change the Project's affordable housing component, which includes 133 affordable units for seniors. Consequently, the

[12] Developments combining residential and commercial uses located within a C4 Zone provided that such lot is located within an area designated as Regional Center Commercial by the adopted community plan, are permitted the R5 Zone density of 1 unit per 200 square feet of lot area.

updated entitlement requests would not change the analysis of the Project's environmental effects analyzed in the Draft EIR.

Moreover, as noted above, the State Density Bonus Law mandates that local governments shall grant certain development incentives to projects that provide the requisite percentage of affordable housing. Accordingly, the State Density Bonus Law supersedes any local ordinances, including the "D" Limitations pursuant to Ordinance No. 165,659; and, pursuant to a City of Los Angeles Department of City Planning memorandum, dated April 4, 2019, and the Hollywood Redevelopment Plan, including any development limitations contained therein.[13]

Furthermore, as the entitlement requests no longer include a zone change or height district change that result in an increased allowable residential floor area, density or height, the Project is no longer subject to Measure JJJ or LAMC Section 11.5.11. As such, any comments on the Draft EIR relating to Measure JJJ or the Project FAR's or requested entitlements' consistency with the "D" Limitation pursuant to Ordinance No. 165,659 or any other FAR limitation provided in the Hollywood Redevelopment Plan, are no longer applicable.

The proposed updates to the entitlement program would require a revision of the entitlements identified in the Draft EIR, as listed in Subsection 2.b, *Updated List of Requested Entitlements*, below.

(b) Updated List of Requested Entitlements

Under the Density Bonus approach, the entitlements would be updated from those provided in the Chapter II, *Project Description*, of the Draft EIR, to those listed below:

1. Pursuant to LAMC Section 12.22 A.25, a Density Bonus Compliance Review, reserving at least 11 percent of the Project's units for Very Low Income households, seeking the following incentives and waivers:

    a. An On-Menu Incentive to permit a 35 percent increase in the maximum allowable floor area ratio (FAR) from 2:1 to 2.7:1 (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032); and from 3:1 to 4.05:1 FAR (for the balance of the Project Site).

    b. An Off-Menu Incentive to allow FAR and density averaging for a Housing Development Project located on non-contiguous lots.

    c. A Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site.

[13] City of Los Angeles Department of City Planning Memorandum: Community Redevelopment Agency/Los Angeles Designated Local Authority (CRA/LA-DLA) and Measure JJJ Transit Oriented Communities Incentives; CF 18-1023, April 4, 2019.

d. A Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable.

2. Pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for onsite and off-site consumption within 12 establishments.

3. Pursuant to LAMC Section 16.05, Site Plan Review for a development that results in an increase of 50 or more dwelling units and/or guest rooms or generates more than 1,000 average daily trips.

4. Pursuant to LAMC Section 17.15, a Vesting Tentative Tract Map No. 82152 to allow the merger of 16 existing lots and the subsequent re-subdivision of a 4.61-acre Site into three (3) ground lots and 35 airspace lots for a total of 38 lots; the merger of a portion of an alley to add 1,313 square feet to the Project Site; the merger of portions along the sidewalk of Yucca Street, Argyle Avenue, and both sides of Vine Street to add 5,163 square feet to the Project Site, dedicating five-foot wide sidewalk easements over said sidewalk merger areas; an associated haul route for the export of 542,300 cubic yards of soil; and the removal of 16 street trees.

5. Pursuant to California Government Code Sections 65864 through 65869.5, a Development Agreement between the Applicant and the City of Los Angeles.

(c) CEQA Threshold Requirements Pertinent to Land Use

As discussed in Section IV.H, Subsection 3(b), *Methodology,* on pages IV.H-15 through IV.H-17, of the Draft EIR, the Project is analyzed for consistency and/or conflict with policies that have been adopted for the purpose of avoiding or mitigating an environmental effect. CEQA Guidelines Section 15125(d) requires that in describing the environmental effects, an EIR include a discussion of any conflicts between the proposed project and applicable general plans, specific plans, and regional plans. Separately, Appendix G recommends that a lead agency consider whether the project would cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The finding of conflict or no conflict with an adopted policy must be directly related to a physical environmental effect.

Importantly, a conflict between a project and an applicable plan is not necessarily a significant impact under CEQA unless the inconsistency will result in an adverse physical change to the environment that is a "significant environmental effect" as defined by CEQA Guidelines Section 15382. As provided in CEQA Guidelines Section 15126.2: "an EIR shall identify and focus on the significant effects of the proposed project on the environment." An excerpt from the legal practice guide, Continuing Education of the Bar, Practice Under the California Environmental Quality Act, Section 12.34 illustrates the point:

> *An inconsistency between a proposed project and applicable plan is a legal determination not a physical impact on the environment. …if a project affects a river corridor, one standard for determining whether the impact is significant might be whether the project violates plan policies protecting the corridor; the environmental impact, however, is the physical impact on the river corridor.*

Under the State Planning and Zoning Law (Government Code Section 65000 et seq.) strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project is considered consistent and/or compatible with a general plan or elements of a general plan's overall goals and objectives if it furthers one or more policies and does not obstruct other policies, but need not be in perfect conformity with every plan policy.

Several comments asserted that the Draft EIR "cherry-picked" the policies that it would evaluate and ignored policies with which the Project may not have been consistent. The Project was compared to applicable policies of the Southern Council of Government's (SCAG's) 2016–2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS), the Los Angeles General Plan Framework Element, the currently adopted 1988 Hollywood Community Plan, and the Hollywood Redevelopment Plan as provided in tables contained in Appendix J*, Land Use Plans and Policies: Project Consistency Tables*, of the Draft EIR. The Project was evaluated with respect to those policies in which a potential conflict could result in a physical environment impact. As such, the Project was not compared to land use designations, zoning requirements, or other policy concerns that are outside the scope of CEQA. To the extent that the Project's potential conflict with a plan, program, or policy was analyzed in another section of the Draft EIR, that issue was not further discussed in the Land Use Section. For example, consistency with air quality plans was analyzed in Section IV.B, *Air Quality,* and policies of the City's Mobility Plan 2035 are evaluated in Section IV.L, *Transportation*, of the Draft EIR.

Consistent with the requirements of Appendix G of the CEQA Guidelines, the Draft EIR analyzed whether the Project would cause a significant environmental impact due to a conflict with land use regulations. More specifically, the Section IV.H, *Land Use and Planning*, of the Draft EIR, with supporting information included in Appendix J of the Draft EIR, examined the Project's potential to conflict with applicable policies. In addition to plans cited above, the range of evaluated plans also included the Los Angeles Municipal Code, the 2010 Bicycle Plan, the 2035 Mobility Plan, and ZI No. 2427 regarding Health Risk Assessments for Freeway Adjacent Properties. Section IV.H, *Land Use and Planning*, pages IV.H-27 and IV.H-28, of the Draft EIR concluded that the Project does not generally conflict with the relevant identified policies. In the absence of such a conflict and, in accordance with and contingent upon required findings that must be made, the Draft EIR appropriately concluded less-than-significant impacts would occur, relevant to the land use threshold.

Several comments were received regarding the Project's consistency with General Plan Framework Policy 3.2.4, which states: "Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts." These comments were concerned primarily with the height and scale of the Project.

The Draft EIR determined that the Project would not conflict with this policy. The Project is located within a commercial zone and would not encroach into the existing surrounding residential neighborhood. The Project would be consistent with the on-going, mixed-use redevelopment in the area (type of land use) and targeted growth policies applicable to Regional Centers and TPAs (density) and would be sited and designed to enhance the character of the Regional Center mixed-use, commercial district.

While the West and East Buildings would have a substantially greater height than existing buildings in the area, which range in height from one to 18 stories, the existing zoning does not limit building height. The Project's density and height would be allowed under existing State and City zoning provisions, as discussed above. The building heights further result from the Project's deeper building setbacks and ground level open space. Building heights could be reduced with the elimination of ground level open space and the construction of a more block-like development over the entirety of the Project Site. However, the ground level open space and paseo provides a public benefit and allows for a more graceful development and iconic architecture. It is also noted that building height is not a CEQA issue applicable to projects located within a TPA or to urban projects consistent with allowances under the LAMC.

Nevertheless, with respect to the surrounding residential community, the Project is sited and designed to focus greater intensity centered on Vine Street, with the 35-story West Building and 46-story East Building located toward the center of the development. The 11-story West Senior Building, which would be located at the corner of Ivar Avenue and Yucca Street, would provide a transition between the West Building and the lower-scale (one- to two-story) buildings located to the north across Yucca Street and west across Ivar Avenue. The 11-story East Site Senior Building would be located along Argyle Avenue, providing a transition from the East Building to the 18-story 6226 Yucca project (Argyle House) located at the corner of Yucca Street and Argyle Avenue, and the seven-story Eastown project located to the east across Argyle Avenue.

(i) Impact Analysis of Conflicts with Applicable Land Use Policies

CEQA's current Land Use and Planning threshold discussed above varies from the approach used in prior EIRs in that the analysis is concerned not with finding consistency with a broad range of adopted land use plans and policies, but to evaluate potential conflict of the Project with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The finding of conflict or no conflict with

an adopted policy must be directly related to a physical environmental effect. Project consistency with applicable policies is summarized below.

(a) Land Use Policies to Create Districts to Protect Established Residential Communities

A number of comments asserted that the Project's density would overwhelm and impact the surrounding community and, thus, would not protect established residential communities. An important policy of the Framework Element is to concentrate new growth in districts, such as Regional Centers, to protect established residential communities. Framework Element Goal 3F and Policy 3.10 regarding regional centers include reinforcing existing, and encouragement of new, regional centers that accommodate a broad range of uses. Regional centers are intended to also provide job opportunities, multi-family housing, and services accessible to the region. Also, according to the Policy 3.10, such centers should be compatible with adjacent land uses, and developed to enhance urban lifestyles. The Project Site is located within a designated Regional Center and would be developed within existing surface parking lots and, thus, would not encroach into existing, surrounding residential neighborhoods and, as such, would be consistent with the Framework Element's basic tenet to preserve single-family neighborhoods and focus density in limited areas linked to infrastructure.[14]

The Project Site is surrounded by residential, commercial, and mixed-use, buildings that vary in building style and scale. The Project would be consistent with the on-going mixed-use redevelopment in the area and targeted growth policies applicable to Regional Centers and Transit Priority Areas (TPAs), and would be sited and designed to enhance the character of the Regional Center. The Project would be taller than existing buildings in the area. However, as discussed in Section IV.A, *Aesthetics*, of the Draft EIR and reiterated in Topical Response No. 4 – Aesthetics, above, the issue of building scale and height is not an environmental effect under CEQA pursuant to PRC Section 20199. Furthermore, City and State policies encourage high density development in designated TPAs and Regional Centers. As such, although the Project is taller than existing buildings in the area, this would not result in a conflict with the Regional Center designation.

The Project is sited and designed to focus greater intensity development adjacent to Vine Street, with the 35-story West Building and 46-story East Building located toward the center of the development. The 11-story West Senior Building would be located at the corner of Ivar Avenue and Yucca Street and would provide a transition between the West Building and the lower-scale (one- to two-story) buildings located to the north across Yucca Street and west across Ivar Avenue. Also, the 11-story East Senior Building located along Argyle Avenue would provide a transition between the 46-story East Building and the lower scale development across Argyle Avenue to the east (two-story apartments and seven-story Eastown mixed-use residential building).

[14] City of Los Angeles Department of City Planning, General Plan Framework Element, Executive Summary, page 1, adopted December 11, 1996, re-adopted August 8, 2001.

While the West and East Buildings would have a substantially greater height and intensity than existing development in the area, the Project is consistent with the higher density, mixed-use redevelopment trend in Hollywood and would boost residential densities, significantly increasing housing opportunities in the Hollywood Community Plan area. In fact, the Project's residential density is consistent with the permitted density in the underlying C4 Zone and Regional Center Commercial land use designation pursuant to LAMC Section 12.22 A.18, and in conjunction with the requested Vesting Tentative Tract Map (Case No. VTT-82152).[15] The Project would also provide ground level dining and open space uses for residents, employees, and visitors. These ground level uses and the proposed mix of uses within the Project would increase the diversity of uses consistent with the Regional Center designation and would improve the pedestrian experience at the Project Site. The Project would enhance the urban character of the area, with an emphasis on activating Vine Street for pedestrians and cyclists and create a stronger connection to the Hollywood Walk of Fame and Capitol Records Complex. A publicly-accessible paseo would connect Argyle Avenue to Ivar Avenue and would provide a mid-block crossing on Vine Street and a new crosswalk across Argyle Avenue.

(b) Land Use Policies to Reduce Air Emissions and Vehicle Miles

The Project's location within a TPA offers multiple transportation alternatives, including Metro rail and bus services. Given the proximity of residents to restaurants, services, and jobs within this high density, mixed-use area, commercial services and jobs could also be accessed by walking and cycling. With the trend that population in the region will continue to increase and public interest in living near jobs and commercial services will continue, the support of high density residential development, including senior housing, in proximity to in transit and services would enable each resident to drive fewer miles each day, than those living in a suburban setting. The densification of this area would improve the environment and health of residents by reducing total vehicle miles driven within the Basin. Consistent with adopted policies to reduce air emissions and energy demand, the Project would incorporate energy conservation measures beyond regulatory requirements as specified in Project Design Features GHG-PDF-1 and WS-PDF-1, as discussed in Sections IV.E, *Greenhouse Gas Emissions*, and IV.N.2, *Water Supply*, of the Draft EIR.

These measures require United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification energy performance optimization features, such as reducing building energy cost by a minimum of 11.6 percent for new construction compared to the 2019 Title 24 Building Energy Efficiency Standards and installing energy efficient appliances. The Project would achieve a LEED Gold Certification and would comply with and exceed existing minimum energy efficiency requirements, such as Title 24 standards and CALGreen Code, including solar-ready building rooftops so that on-site solar photovoltaic or solar water heating systems could

[15] Developments combining residential and commercial uses located within a C4 Zone provided that such lot is located within an area designated as Regional Center Commercial by the adopted community plan, are permitted the R5 zone density of 1 unit per 200 square feet of lot area.

be installed in the future. The Project would be designed to exceed American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2010 standards by more than 20 percent through the use of efficient heating, ventilation, and air conditioning (HVAC) systems and a high-performance building envelope. Indoor air quality would be enhanced through the selection of low-volatile organic chemical (VOC) emitting materials, and exhaust systems would be utilized for optimal ventilation in both kitchens and bathrooms. In addition, as an Environmental Leadership Development Program (ELDP) as certified by the Governor, the Project is required to and has entered a binding commitment to delay operating until it receives LEED Gold Certification.

The Project would provide up to 551 on-site bicycle parking spaces consistent with the requirements of the LAMC and would include bicycle lockers and showers for Project residents and employees to encourage utilization of alternative modes of transportation. The Project would designate a minimum of eight percent of on-site, non-residential parking for carpool and/or alternative-fueled vehicles. In addition, the Project design provides for the installation of the conduit and panel capacity to accommodate future electric vehicle charging stations into a minimum of 30 percent of the parking spaces, with 10 percent of the Code-required spaces further improved with electric vehicle charging stations.

The Project would implement a Transportation Demand Management (TDM) Program per Project Design Feature TRAF-PDF-1, which consists of strategies that are aimed at discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation, such as carpooling, taking transit, walking, and biking.

Several comments were received regarding public disinterest in the use of transit, particularly for higher-income working professionals. However, the City's densest jobs districts, such as Downtown Los Angeles, have limited and costly vehicle parking. With the Project's proximity to transit, and ease of travel to the Downtown jobs district, many working families choose to use transit and benefit from the overall savings. In addition, the Project would be located within a high jobs area, which can be accessed via bicycle and walking. Further, as part of the TDM Program, the Project would support strategies to encourage public transit, such as providing on-site locations to purchase Metro passes, transit subsidies, a commute trip reduction program; shared mobility features (i.e., bike and car share); education and encouragement programs on available transit options; and on-site management of TDM programs. These TDM strategies would be implemented as Project Design Feature TRAF-PDF-1, which would be enforceable through the Mitigation Monitoring Program outlined in Chapter 4, *Mitigation Monitoring Program*, in this Final EIR. In regards to propensity of residents to ride transit, the U.S. Census Bureau American Community Survey found that 26 percent of Hollywood area residents use non-automobile modes (17 percent transit, 7.5 percent walk, 1.5 percent bike) on their journey to work as compared to approximately 17 percent citywide, and that this is as high as 32 percent for residents living in the census tracts within which the Project is located (20

percent transit, 11 percent walk, 1 percent bike).[16] According to estimates from the City's calibrated travel demand forecasting model (itself based on the SCAG regional RTP/SCS model), approximately 23 percent of all trips within the Hollywood area are made by transit, walking, or biking. Finally, according to information from Metro's 2019 on-board survey, approximately 16 percent of Metro rail riders have a household income in excess of $100,000.

A pedestrian paseo connecting Argyle Avenue to Ivar Street through the Project Site and a proposed signalized crossing across Argyle Avenue are intended to facilitate pedestrian connectivity and align with existing mid-block crosswalks on Vine Street and Ivar Avenue.

By locating the Project's proposed residential and commercial uses within an area that has existing high quality public transit (with access to existing regional bus and rail service), employment opportunities, restaurants and entertainment, all within walking distance, and by including features that support and encourage pedestrian activity and other non-vehicular transportation and increased transit use, the Project would reduce vehicle trips and VMT, and resulting air pollution and GHG emissions.

(c) Land Use Policies Related to Density and Floor Area Ratio

Comments questioned whether sufficient justifications exist to support the Project's proposed entitlements, particularly regarding the size and scale of the Project relative to current zoning. These development restrictions, which would be modified by the Project's proposed entitlements, are not environmental issues under CEQA. The Project, however, would be consistent with the residential density allowed in the C4 Zone within a designated Regional Center of one unit per 200 square feet of lot area (see LAMC Section 12.22 A.18(a)) and in conjunction with the requested Vesting Tentative Tract Map (Case No. VTT-82152). Zoning restrictions, however, are related to the City's authority to approve development projects under applicable State and City planning and zoning laws and are beyond the scope of CEQA.

Nevertheless, several comments expressed opposition to the Project's high density character and believed that it violates the existing zoning restrictions on the Project Site. As previously stated, the Project does not request an increase in residential density. The Project's request for an FAR increase is permitted by the State Density Bonus Law and the City's Density Bonus Ordinance. The higher density would also be consistent with the City's vision for growth in targeted areas served by transit.

Higher densities in Regional Centers and TPAs, such as the Project Site, are a means by which growth can be accommodated while protecting established lower density neighborhoods and because higher densities and mixes of uses encourage the use of

[16] United States Census Bureau, American Community Survey, Table S0801, 2018 ACS 5-Year Estimates.

transit, cycling, and pedestrian activity and, thus, reduce reliance on single-occupancy vehicles.

Comments have also asserted that the Draft EIR does not include critical information regarding floor area and affordable housing incentives. With regard to the Project's floor area calculation, the total floor area for the Project is 1,287,150 square feet; and the total floor area of the Project, including existing buildings onsite is 1,401,453 square feet. Table II-1, *Proposed Development Program,* of the Draft EIR, provides a visual presentation of the facts contained in the discussion of the proposed new buildings and includes a note that the FAR is based on the total floor area (1,401,453 square feet) divided by the total Project Site lot area (200,971 square feet). This note explains the calculation of the FAR appropriately includes the entire floor area of the Capitol Records Complex buildings plus the proposed buildings.

The Project would be consistent with the allowable densities under the existing Redevelopment Plan designations and allowances of the LAMC. As discussed above, the State Density Bonus Law is a State-mandated program which requires local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. As such, the Project's request for an FAR increase is permitted by the State Density Bonus Law and the City's Density Bonus Ordinance.

Formerly proposed affordable housing incentives were listed in Chapter II, Subsection 8, *Anticipated Project Approvals*, of the Draft EIR. The currently proposed housing incentives are listed in this topical response in Subsection 2.b, above, and described in detail in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comments were also received regarding the affordability of the Project's 133 Very Low Income residential units. The income category of Very Low Income qualifying residents is based on 50 percent or less of the estimated area median income (AMI) in the Los Angeles – Long Beach Primary Metropolitan Statistical Area. This level is determined periodically by the US Department of Housing and Urban Development (HUD), which is adjusted for household size and published periodically. The Project's commitment to Very Low Income residential units would be an enforceable Condition of Approval and covenanted for a period of 55 years. Given the changing AMI, the rental rates would be determined by the Los Angeles Housing and Investment Department (HCIDLA) at the time the covenant is recorded.

f) Topical Response No. 6 – Historical Resources

(1) Introduction

This topical response is provided in response to comments received on the Draft EIR expressing concerns regarding the potential direct and indirect impacts of the Project on the Capitol Records Building and on other historical resources in the vicinity of the Project Site. Common issues raised focused on effects on the Capitol Records Building, indirect

impacts to historic resources within the Hollywood Boulevard Commercial and Entertainment District, impacts to the Hollywood Walk of Fame, and the sufficiency of construction vibration and settlement mitigation measures proposed to address historic resources. The information presented below is based on content provided in Section IV.C, *Cultural Resources*, of the Draft EIR, and the Historical Resources Technical Report prepared by Historic Resources Group (HRG Report) dated March 2020, included as Appendix F-1 of the Draft EIR.

(2) Discussion

(a) Historical Resources on the Project Site

(i) Capitol Records Building

The Capitol Records Building is architecturally significant as "an important example of Mid-Century Modern architecture, the world's first round office tower, and the first skyscraper built in Hollywood after World War II."[17] In addition, the architectural firm responsible for its design, Welton Beckett and Associates, was a local architectural firm "important to the development of Los Angeles… responsible for innovative structures that successfully melded the Modern style with rational design principles, as exemplified in the Capitol Tower."[18] The Capitol Records Building and its rooftop signage are historically significant for their association with Capitol Records, Inc., which is important as "the first major recording label on the West Coast and the site of pioneering recordings by artists such as Frank Sinatra and Nat King Cole."[19] The building has been determined eligible to the National Register through what is known as a "consensus determination" during the Section 106 process, which means that the property was previously reviewed by a federal agency under Section 106 of the National Historic Preservation Act. A consensus determination results in the property being automatically added to the California Register. At the local level, the building is also a designated Historic-Cultural Monument (HCM), regulated under the City of Los Angeles Cultural Heritage Ordinance, and by the City's Cultural Heritage Commission and the City Council. As a building listed on the California Register and designated a City of Los Angeles HCM, the building is significant under California Register Criteria 1 and 3, and HCM Criteria 1 and 3.

(ii) Gogerty Building

As a building that currently is not listed on either the National Register or the California Register but appears eligible for the California Register as an individual property through survey evaluation, a formal statement of significance has not been developed for the building previously. A Hollywood Community Redevelopment Area survey evaluation

[17] City of Los Angeles Department of City Planning, Recommendation Report Cultural Heritage Commission, for Case No; CHC-2006-3592-HCM, August 17, 2006.

[18] City of Los Angeles Department of City Planning, Recommendation Report Cultural Heritage Commission, for Case No; CHC-2006-3592-HCM, August 17, 2006.

[19] City of Los Angeles Department of City Planning, Recommendation Report Cultural Heritage Commission, for Case No; CHC-2006-3592-HCM, August 17, 2006.

form from a survey conducted in 2009 indicates that the applicable evaluation criteria are California Register Criteria 1 and 3. However, the form only discusses significance for architecture and as a building type (reflecting Criterion 3), stating that "the property appears significant both for its architecture and as a fine example of commercial architecture constructed during the Depression."[20] Significance under Criterion 1 is not discussed in the form. Collectively, the Gogerty Building and the Capitol Records Building are referred to as the Capitol Records Complex.

(b) Historical Resources in the Vicinity

There are 25 previously identified as designated and potentially eligible historical resources—including two historic districts (Hollywood Boulevard Commercial and Entertainment District and the Vista del Mar/Carlos District), one potential historic district (Hollywood North Multi-Family Residential Historic District) and structure (Hollywood Walk of Fame)—recorded within the Project vicinity (an approximately 0.25-mile radius), which are described in greater detail in the HRG Report included in Appendix F-1, of the Draft EIR. The findings in the HRG Report were based on a records search at the South Central California Inventory Center, as well as consultation with the California Historical Resources Inventory and the findings of the City of Los Angeles' city-wide survey, SurveyLA. The most proximate off-site historical resources to the Project where potential impacts were identified include: The Hollywood Walk of Fame, the Pantages Theatre, Avalon Hollywood, and the 6316-24 Yucca Street/Art Deco Building storefront.

(c) Project Objectives & Design Characteristics related to Historical Resources

As presented on page II-13, in Chapter II, *Project Description*, of the Draft EIR, the Project includes 10 objectives, including the following four objectives related to historical resources:

1. Redevelop the Project Site, with a mixed-use development that protects the architectural and historical heritage of the Capitol Records Complex and activates Hollywood Boulevard, Vine Street, and surrounding streets through connected, publicly available landscaped open space, including a paseo with shopping, seating, open air dining, and art installations, and plazas accommodating performances and community focused events.

2. Create a hub of activity surrounding the Capitol Records Complex and the intersection of Hollywood Boulevard and Vine Street, by activating the eastern end of Hollywood Boulevard and the terminus of the Hollywood Walk of Fame, to increase engagement with the Capitol Records Complex.

[20] Historic Resources Group, Historic Resources Technical Report, March 2020. Provided as Appendix F-1 of the Draft EIR. DPR form for property at 6272 Yucca Street included in Appendix H-1 of the Historic Resources Technical Report.

3. Develop architecturally distinct buildings that are compatible with the Capitol Records Complex through a design that responds to the Capitol Records Building's modernist architectural character, and preserve views of the Capitol Records Building.

4. Maintain prominent views of the Capitol Records Building by providing building setbacks, visual buffers, open space between the Project's new buildings and the Capitol Records Complex, and safe public viewing areas from the proposed paseo and plazas, to maximize view corridors and continue showcasing its distinctive architectural design.

As further described on pages II-51 through II-52, under the subheading *Design and Architecture*, in Chapter II, *Project Description*, of the Draft EIR, the architecture of the Project has been designed to be distinct from, but compatible with, the modernist architectural character of the Capitol Records Building and the greater Hollywood neighborhood. The proposed buildings have been located and configured to preserve important views of the Capitol Records Building and to promote compatibility between new construction and the historic Capitol Records Complex. The West and East Buildings have been articulated in a manner that responds to the design of the Capitol Records Building. The West and East Buildings, together with the Capitol Records Building, are asymmetrically centered on Vine Street, highlighting the Capitol Records Building's prominence. The façades of the West and East Buildings oriented toward the Capitol Records Building and the Hollywood Hills have been designed to curve softly to respond to the form of the Capitol Records Building while maximizing the width of view corridors into and through the Project Site. These curved exterior walls of the West and East Buildings also include balconies intended to evoke the signature sunshades of the Capitol Records Building. The remaining façades, oriented south toward Hollywood, adopt the rectilinear language of the City's grid and more traditional buildings.

In order to preserve and enhance the strong pedestrian nature of Vine Street, the Project includes a paseo and other pedestrian connectivity features (as further described under Subsection 7.e, *Access and Circulation*, in Chapter II, *Project Description*, of the Draft EIR), with all vehicular access to the Project provided by driveways located on Ivar Avenue, Yucca Street, and Argyle Avenue. The Project would avoid new curb cuts along the Hollywood Walk of Fame and would remove seven (7) of the existing curb cuts along Vine Street, helping restore continuity to the Walk of Fame, while reducing pedestrian/vehicular conflicts that currently exist along this section of Vine Street.

A wide landscaped paseo is proposed for pedestrian use and would extend east–west through the Project Site, connecting Ivar Avenue to Vine Street and Vine Street to Argyle Avenue. The paseo would function as a public open space amenity at the terminus of the Hollywood Walk of Fame, and at the West Plaza would include flexible space, where visitors can view the Capitol Records Building.

(3) Thresholds of Significance used in the Draft EIR to Identify Significant Impacts on Historical Resources

As indicated on page IV.C-48, in Section IV.C, *Cultural Resources*, of the Draft EIR, in accordance with Appendix G of the CEQA Guidelines, a Project would have a significant impact related to historical resources if it would:

> ***Threshold (a): Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;***

Substantial adverse change is defined as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired" (CEQA Guidelines Section 15064.5(b)(1)). CEQA Guidelines Section 15064.5(b)(2) also states that "the significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, the California Register of Historical Resources…or a local register of historical resources."

(4) Project Effects on the Capitol Records Building

A number of comments on the Draft EIR raised concerns about the Project's impacts on the Capitol Records Building, including the potential for direct impacts; indirect impacts due to obstruction of views to the building; the height and mass of new construction and effects on the building; noise and vibration effects on the structural integrity of the building; and noise and vibration effects on the building's recording studios.

Potential for Direct Impacts. As indicated on pages IV.C-51 through IV.C-53, in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project would have no significant direct impacts on the Capitol Records Building or the Gogerty Building. As reflected in the Project Objectives, the Project has been designed to protect and preserve the architectural and historical heritage of the Capitol Records Building, and as stated on pages IV.C-51 and IV.C-52, in Section IV.C, the Project does not include the demolition, relocation, rehabilitation, alteration, relocation, or conversion of the Capitol Records Building. The Capitol Records Building would remain unchanged in its original location after implementation of the Project. The only change that would occur on the Capitol Records parcel is the potential for a small portion of the existing surface parking lot to the rear of the building to be improved as a landscaped area, which would not affect the ability to understand the Capitol Records Building as a significant work of architecture or its important associations with the music industry. Accordingly, as the Project would not affect the location, design, materials, or workmanship of the Capitol Records Building, the Project would not materially impair the building, such that it would no longer convey its historic significance. Therefore, direct impacts on the Capitol Records Building would be less than significant.

Effects on Views to the Capitol Records Building. Several comments on the Draft EIR voiced concern that the Project would have a significant impact on the Capitol Records Building due to obstruction of views to the building. As stated on pages IV.C-57 and IV.C-58, in Section IV.C, *Cultural Resources*, of the Draft EIR, due to the building's architectural significance, it is important that views showcasing its form and design details be maintained so that the distinctive architectural design of the building continues to be visible and understood. In addition to up-close views from Vine Street north of Hollywood Boulevard, as well as from Yucca Street and Argyle Avenue, important views include looking north up Vine Street from Hollywood Boulevard and views from US-101.

As shown and discussed in Chapter II, *Project Description*, of the Draft EIR, and as analyzed in Section IV.C, the Project includes setbacks, grade-level open space, and tower massing that would maintain important public street views to the Capitol Records Building and would ensure that new construction would be appropriately distanced so that the mass and scale would not obscure the distinctive shape and architectural features of the Capitol Records Building from public view. The West and East Buildings, in relation to the Capitol Records Building, would be asymmetrically centered on Vine Street, to highlight the Capitol Records Building prominently. Both of the tower portions of the East Building and West Building would be convex shaped with both buildings sited so that the tower mass tapers in toward Vine Street. On the East Site, the southwest corner of the tower component for the East Building would be set back 19.5 feet from Vine Street, and the façade would curve away from Vine Street, increasing the setback from Vine Street and pulling away from the Capitol Records Building. In addition, the proposed paseo and grade-level public plaza would create a "buffer zone" between the East Site development and the Capitol Records Building so that visual prominence of the building along Vine Street would be maintained (see Figure II-5, *Conceptual Site Plan*, in Chapter II, *Project Description*, of the Draft EIR). The paseo and plaza would also provide seating areas and new public opportunities for closer viewing of the south and east façades of the Capitol Records building than under current conditions, where such views are limited to adjacent sidewalks.

On the West Site, the West Building would be set back 15 feet from Vine Street at the southeast corner and would curve away from Vine Street along the eastern façade. Overall, the bulk and mass of the both the East Building and the West Building would be reduced at Vine Street and much of the massing that comprises the towers of the two buildings would be placed away from the Capitol Records Building. In this way, important views from Vine Street and from US-101 would be maintained (see Figure IV.A-12, *Key View 6*, and Figure IV.A-9, *Key View 3*, in Section IV.A, *Aesthetics*, of the Draft EIR).

Regarding views to the Capitol Records Building that would be obstructed, as stated on page IV.A-51, and as shown in Figure IV.A-19, Key View 13, in Section IV.A, *Aesthetics*, of the Draft EIR, the East Building would be constructed to the south of the Capitol Records Building and, as such, would block a focal view of the Capitol Records Building through a driveway/parking lot located between the Pantages Theatre on the east and the Equitable Building on the west. Although this view of the Capitol Records Building

would be blocked, more prominent views of the Capitol Records Building would be available at the intersection of Hollywood and Vine Street, located less than 90 feet to the west of Key View 13. The broader Hollywood Boulevard/Vine Street intersection view location (see Figure IV.A-12, Key View 6 - Existing and Simulated Views from the Intersection of Hollywood Boulevard and Vine Street) would be available to most pedestrians currently viewing the Capitol Records Building through the driveway/parking lot since most pedestrians passing the driveway/parking lot would be walking to or from this intersection. In addition, although not evident in Key View 6, in addition to views of the Capitol Records Building being retained at the Hollywood Boulevard/Vine Street intersection, from the southwest corner of the intersection views encompassing the Capitol Records Building, the Equitable Building, and the Pantages Theatre would also be retained.

As stated on page IV.A-54, in Section IV.A of the Draft EIR, in addition to obstruction of the view of the Capitol Records Building on Hollywood Boulevard between the Pantages Theatre and the Equitable Building, the Project would also block focal views of the building from sections of Ivar Avenue and Argyle Avenue. However, the Capitol Records Building would continue to be visible from more prominent public view locations, such as the Hollywood Hills, U.S. 101, along Vine Street across from the main public entrance to the building and further to the west, at the intersection of Hollywood Boulevard and Vine Street, and from new public viewing locations enabled by the Project along its paseo and within the West Plaza. The Project's elimination of seven existing curb cuts and the addition of a paseo and plazas with frontage along the segment of Vine Street between Hollywood Boulevard and Yucca Street would also enhance the pedestrian experience and activity in this area, which features prominent views of the Capitol Records Building.

Based on the above, although certain public views to the Capitol Records Building would be obscured by the Project, from a historical resource perspective and in light of the generous setbacks and building forms of the Project that would serve to maintain important prominent views, indirect impacts would be less than significant, and the unique massing, form, and architecture of the Capitol Records Building would continue to be a prominent feature of the Hollywood skyline. The building would continue to convey its historic significance and maintain its eligibility for listing as a historical resource. In addition, the Capitol Records Building's National Register eligibility, its status as a resource listed in the California Register, and its designation as a Los Angeles HCM would not be threatened.

From an Aesthetics analysis perspective, it should be noted as stated in Section IV.A, *Aesthetics*, of the Draft EIR, that pursuant to Public Resources Code (PRC) Section 21099 et. seq. (which codifies Senate Bill [SB] 743) and City of Los Angeles Zoning Information (ZI) No. 2452, because the Project meets SB 743 criteria as a mixed-use infill project within a transit priority area, its aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character, and light and glare as outlined in the CEQA Guidelines Appendix G, are not considered significant impacts on the environment. Furthermore, the informational analysis of effects on scenic vistas provided on pages IV.A-29 through

IV.A-54, in Section IV.A, concluded that while the Project would block some focal views of the Capitol Records Building from sections of Ivar Avenue, Hollywood Boulevard, and Argyle Avenue, the Capitol Records Building would continue to be visible from more prominent public view locations, and, the Project would not have a substantial adverse effect on scenic vistas.

In addition, as stated on page IV.A-26, in Section IV.A of the Draft EIR, under the Methodology heading, although views are discussed for informational purposes, the degree of impact relative to the threshold applies to views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[21]

Effects of Height and Mass of New Construction on the Capitol Records Building. As stated on pages IV.C-57 and IV.C-58, in Section IV.C, *Cultural Resources*, of the Draft EIR, because the Project would construct a 46-story East Building and up to an 11-story East Senior Building immediately south and east of the Capitol Records Building (as well as similar development on the West Site), thereby adding considerable height and mass to an area currently occupied by surface parking, the immediate surroundings of the Capitol Records Building would be altered. Setting features important to the Capitol Records Building, however, are limited to the building parcel, as well as the configuration of street and sidewalk fronting the building's west-facing façade. These important aspects of the historical setting of the Capitol Records Building would remain intact, including the public right-of-way along Vine Street. The public entrance and primary façade of the Capitol Records Building would continue to face the sidewalk and street as has been the case since its original construction. The larger setting is not critical to understanding the historic significance of the Capitol Records Building because it is not intrinsic to the building's architectural design, and it is through the building's architectural design that the building's architectural significance and important associations with the music recording industry are conveyed. Moreover, as stated above, the Project has been designed with generous setbacks and building forms that serve to maintain important views, including views from Vine Street and from US-101, so that the unique massing, form, and architecture of the Capitol Records Building would continue to be a prominent feature of Hollywood.

After construction of the Project, the Capitol Records Building would remain intact in its original location. All of its character-defining features, including the rectangular, one-story base and 12-story circular tower, vertical concrete piers, horizontal window bands, concrete awnings, porcelain-enamel sunshades, rooftop metal trylon and concentric ring rooftop sign would remain unchanged and continue to be viewable and discernable by

21 *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

the public. The Capitol Records Building would continue to convey its historic significance and maintain its eligibility for listing as a historical resource. The building's National Register eligibility, its status as a listed California Register resource, and its designation as a Los Angeles HCM would not be threatened.

Construction Vibration and Settlement Effects on the Capitol Records Building. Although the potential for damage to the Capitol Records Building (and the Gogerty Building) due to construction-related vibration and settlement is considered a significant impact, with implementation of mitigation measures during construction, indirect impacts on these resources would be less than significant. These impacts are addressed by Mitigation Measure NOI-MM-4, provided in Section IV.I, *Noise*, of the Draft EIR, and by Mitigation Measure CUL-MM-2, in Section IV.C, *Cultural Resources,* of the Draft EIR. Based on comments received on the Draft EIR, these mitigation measures have been refined, as shown in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Construction Noise and Vibration Effects on the Capitol Records Building's Recording Studios. Comments on the Draft EIR stated concerns regarding the feasibility of continued operation of the recording studios in the Capitol Records Building during and beyond the Project's construction phase and also questioned the lack of analysis of noise and vibration impacts on the operation of the studios.

The Project does not involve any proposals for changes to the occupancy and use of the Capitol Records Building, and no such changes are foreseeable. As stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, the Applicant has a lease with Capitol Records that can be extended until 2026. As the Capitol Records Building's recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. Accordingly, no additional analysis or mitigation measures are required in the EIR to address the Capitol Records Building's recording studios and reverberation chambers. Other than addressing and mitigating to a less-than-significant level potential impacts associated with structural damage to the Capitol Records Building due to construction vibration and settlement, the Capitol Records recording studio was not treated as a noise sensitive receptor because the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Therefore, the on-site Capitol Records Building recording studios did not need to be analyzed as a sensitive receptor for noise and vibration effects.

(5) Impacts on the Hollywood Boulevard Commercial and Entertainment District

There were several comments on the Draft EIR voicing concern about impacts on the Hollywood Boulevard Commercial and Entertainment Historic District (District), a historic resource listed in the National Register and California Register, which is adjacent to the Project Site. The potential for indirect impacts on the adjacent District, including effects associated with building heights and effects on the integrity of the District, were addressed on page IV.C-71 and on pages IV.C-77 through IV.C-79, in Section IV.C, *Cultural Resources*, of the Draft EIR, and on pages 122 through 125, in Appendix F, of the Draft EIR. The analysis provided therein stated in part that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also stated that features important to the significance of the District are largely contained within and are best experienced within the District, and that new construction associated with the Project would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced.

Regarding the potential for the Project to affect the integrity of the District due to the form, plan, style, workmanship, feeling, and association of buildings or the collection of buildings in the District, these issues were also fully addressed on pages IV.C-77 through IV.C-79 of the Draft EIR, which stated that despite substantial new construction located immediately to the north of the District, all but one of the seven aspects of integrity would be unaffected by the Project. As defined by the National Park Service, the federal agency charged with maintaining the National Register and developing the practical standards and guidance to implement preservation policy at the national level, the seven aspects of integrity that are necessary for a historic resource to fully convey its significance are: location, setting, design, materials, workmanship, feeling, and association. The Project would not affect the integrity of *location, design, materials, or workmanship* for the District or any of its component contributing buildings. These resources would remain intact in their current locations and would not be materially altered by new construction associated with the Project. Therefore, integrity of *feeling* would also remain unaffected because all the existing physical elements that characterize the District and contributing buildings would remain and continue to convey their historic significance. Because all the important physical characteristics of the District would remain, they would continue to reflect their important associations with the commercial development of Hollywood prior to World War II; as such, integrity of *association* would also remain unaffected by the Project.

As stated in the Draft EIR, *setting* was identified as the only aspect of integrity with the potential to be affected by the Project. However, in regard to changes to the *setting* of the District, the analysis also stated that such alterations would not materially impair the District in a manner where it would no longer be able to convey its historic significance.

Setting features important to the District include the following: the configuration of streets and sidewalks fronting the District buildings, the pattern of tightly spaced buildings defining a linear commercial corridor, and the public circulation space delineated by a uniform building street wall. Since setting features are largely contained within the District and its immediate setting would not be altered, new background skyline elements would not adversely affect the setting of the District such that its listing in the National Register would be threatened. Moreover, the area surrounding the District is already characterized by juxtapositions between building heights. Furthermore, the Project has been designed to maintain a clear separation at the ground level between the District boundary and new construction on the Project Site so that the distinctive urban form of the District would be maintained and the individual contributing buildings that border the new construction would continue to be understood as contributors. Based on these factors, the Draft EIR concluded that indirect impacts on the District (other than potential construction vibration impacts on certain individual properties in the event owners do not consent to implementing mitigation) would be less than significant. See also Topical Response No. 4 – Aesthetics, above.

(6) Impacts on the Hollywood Walk of Fame

As reflected in Chapter II, *Project Description*, of the Draft EIR, the Project would enhance the Hollywood Walk of Fame along Vine Street with adjacent Project landscaping, streetlights, paving, and provision of a paseo and plaza near the northern terminus of the Hollywood Walk of Fame. The Project would also eliminate driveway access from Vine Street, including the removal of five existing curb cuts. These changes would increase public access to the resource and help restore continuity to the Hollywood Walk of Fame, while also reducing vehicle/pedestrian conflicts. The Project Description also included plans and renderings that reflected these characteristics of the Project. Among other figures in the Project Description, see Figure II-5, Conceptual Site Plan; Figure II-6, Conceptual Site Plan, West Site; Figure II-7, Conceptual Site Plan, East Site; Figure II-16, Publicly Accessible Open Space; and, Figure II-29, Project Site Bicycle Parking.

The setting of the Hollywood Walk of Fame and potential Project effects were also addressed in Chapter III, *Environmental Setting* (see page II-2), and in Section IV.A, *Aesthetics* (see page IV.A-12, pages IV.A-14 through IV.A-19, page IV.A-28, page IV.A-30, and pages IV.A-54 through IV.A-57) of the Draft EIR.

In addition, in regard to effects on the setting of the Hollywood Walk of Fame as a historical resource, see pages IV.C-63 and IV.C-64 of Section IV.C, *Cultural Resources*, of the Draft EIR, which included an analysis specifically focused on changes to the setting of the Hollywood Walk of Fame. As stated therein:

> *The setting of the portion of the Hollywood Walk of Fame that is adjacent to the Project Site would change with the construction of the new buildings and associated plazas and landscaped areas. However, the larger setting of the Hollywood Walk of Fame would remain largely unaffected as the character of its setting is largely defined by buildings, landscaped planters, fencing, and parking*

lots on one side, and an asphalt roadway on the other. This setting would remain essentially unchanged with the Project, with the exception of the removal of five existing curb cuts. Although elimination of these curb cuts would alter the current setting of the Hollywood Walk of Fame, these changes would improve and help restore continuity to the Hollywood Walk of Fame as a continuous element oriented towards pedestrians, by reducing vehicle conflicts and interference with pedestrian activity at these junctures. Therefore, the Hollywood Walk of Fame would retain its integrity of setting after construction of the Project and would continue to convey its historical significance as a decorative sidewalk oriented towards pedestrian circulation.

As indicated on page IV.C-83 of the Draft EIR, potentially significant direct and indirect impacts to the Hollywood Walk of Fame during construction would be reduced to a less than significant level through implementation of Mitigation Measure CUL-MM-1 and associated requirements for the removal, storage, reinstallation and restoration of portions of the Hollywood Walk of Fame.

(7) Sufficiency of Construction Vibration and Settlement Mitigation Measures

Several comments focused on the findings in the Draft EIR that construction vibration and settlement impacts were determined to be significant and unavoidable, and asserted that the mitigation measures provided were not adequate and that such impacts should be avoided through additional or revised measures.

Regarding construction vibration and potential structural impacts to historic buildings during construction, see Mitigation Measure NOI-MM-4, on pages IV.I-84 through IV.I-86, in Section IV.I, *Noise*, of the Draft EIR. Mitigation Measure NOI-MM-4 lists six requirements that would help reduce potential vibration impacts and prevent structural damage. Mitigation Measure NOI-MM-4 requires that structural vibration monitoring be performed during Project construction. Prior to the start of construction, investigations of the proximate historical buildings (the Pantages Theatre, the Avalon Hollywood, and the 6316-24 Yucca Street/Art Deco Storefront), shall be conducted to document the physical condition of the building's readily visible features. The Applicant is also required to prepare and implement a vibration monitoring program during site demolition and grading/excavation. Vibration monitoring systems shall be placed at receptor building façades (with the permission of building owners) to measure and document vibration velocities during construction activity. The vibration monitoring systems shall be preset to send warnings prior to the vibration threshold being reached. Mitigation Measure NOI-MM-4 lays out the steps to be taken should the warning and/or regulatory vibration thresholds be reached. Steps include making feasible adjustments to construction activities in the vicinity of the receptor, such as staggering concurrent vibration-generating construction activities. Should Project construction result in damage to the proximate historical buildings, Mitigation Measure NOI-MM-4 requires that repairs to historic materials be conducted pursuant to the Secretary of the Interior's standards.

In response to the concerns raised in comments on the Draft EIR, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, parts "f." and "g." have been removed; thus, "h." has been renumbered as "f". Regarding the warning level of 0.10 inch/second (PPV) for the off-site historic structures, this level was set at a level that would avoid unnecessary triggers from background vibrations unrelated to the Project and within the range of the warning levels set for the other FTA building categories. For example, the warning levels for FTA Category III and Category IV were set at approximately 75 percent and 90 percent of the threshold values, respectively. The warning level of 0.10 inch/second (PPV) is approximately 83 percent of the 0.12 inch/second (PPV) threshold value. This value has been revised to 75 percent of the threshold value, which would be 0.09 inch/second (PPV). The additional clarifications to Mitigation Measure NOI-MM-4 are also provided in double-underlined and strikeout text below:

> **NOI-MM-4: Vibration Monitoring.** The Applicant shall perform structural vibration monitoring during Project construction as follows:
>
> a. Prior to start of construction, the Applicant shall retain the services of a licensed building inspector or structural engineer, or other qualified professional as approved by the City, to visit the following buildings, which are located either on-site or immediately adjacent to the Project Site ~~and to the west~~, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. This includes both historic buildings and non-historic buildings in proximity to the Project Site. For the historic buildings listed below, inspection and documentation shall also be carried out by and in coordination with a qualified preservation consultant. The non-historic buildings are as follows:
>
> - AMDA Vine Building
> - Argyle House
> - Single-story commercial building at 1718 N. Vine Street (if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2, the provisions of this mitigation measure do not apply to this structure).
>
> The historic buildings are as follows:
>
> - Capitol Records Building (on-site)
> - Gogerty Building (on-site)
> - Pantages Theatre (off-site)
> - Avalon Hollywood (off-site)
> - 6316-24 Yucca Street/Art Deco Building Storefront (off-site)
>
> b. The Applicant shall retain the services of a qualified acoustical engineer and/or structural engineer to develop and implement a vibration monitoring

program during the site demolition and grading/excavation, capable of documenting the construction-related ground vibration levels at the buildings listed above. The vibration monitoring systems shall be placed at receptor building façades closest to Project construction activity or placed at a representative location if a receptor building façade is not accessible and shall continuously measure (in vertical and horizontal directions) and store the peak particle velocity (PPV) in inch/second. The systems shall also be programmed for two preset velocity levels: a warning level of ~~0.10~~ 0.09 inch/second (PPV) for the off-site historic structures, 0.15 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.25 inch/second (PPV) for the AMDA Vine Building, and 0.45 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House and a regulatory level of 0.12 inch/second (PPV) for the off-site historic structures, 0.2 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.30 inch/second (PPV) for the AMDA Vine Building, and 0.50 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House. In cases where a receptor building façade is not accessible, the two preset velocity levels shall be programmed at equivalent levels based on distance and soil characteristics that affect vibration transmission over that distance. The systems shall also provide real-time alert when the vibration levels exceed the two preset levels. The noise and vibration monitoring program shall include a description of the monitoring equipment specifications, calibration certificates, exact monitoring locations (which shall be coordinated with the property owners for the buildings listed in "a." above), and protocols for data collection, reporting, alerting, maintenance and calibration, and unplanned outage. Selected monitoring systems shall be capable of unmanned operation during periods of on-site Project construction activity, with internal storage and remote data download. Systems shall be capable of measuring the inch/second PPV in all three axes (vertical and two horizontal) simultaneously. The monitoring program shall specify the protocols for threshold exceedance, including, but not be limited to, which personnel are designated to receive alerts, how the alerts shall be sent (text message, email, etc.), and how the vibration event shall be documented and reported. The program shall include regular reporting no less frequently than weekly.

c. The vibration monitoring program shall be submitted, for review and approval to the Department of Building and Safety, prior to initiating any construction activities.

d. In the event the warning level (i.e., ~~0.10~~ 0.09, 0.15, 0.25, and 0.45 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to staggering concurrent

vibration-generating construction activities (if doing so would not pose a safety risk to personnel or damage risk to buildings or facilities) and utilizing lower vibratory techniques.

e. In the event the regulatory level (i.e., 0.12, 0.20, 0.30, and 0.50 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and implement feasible steps identified in Item "d" above to reduce the vibration level from construction activities to avoid or minimize damage from construction activities in the vicinity of the building. The contractor shall visually inspect the building for any damage. Results of the inspection must be logged.

~~f. 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.~~

- ~~From Category IV to Category III (0.12 to 0.2 inch/second [PPV], or equivalent level),~~
- ~~From Category III to Category II (0.2 to 0.3 inch/second [PPV], or equivalent level), or~~
- ~~From Category II to Category I (0.3 to 0.5 inch/second [PPV], or equivalent level).~~

~~If the regulatory ground vibration level is increased, the warning level shall also be increased matching the corresponding Category as follows (or equivalent levels):~~

- ~~Category I: 0.45 inch/second [PPV]~~
- ~~Category II: 0.25 inch/second [PPV]~~
- ~~Category III: 0.15 inch/second [PPV]~~
- ~~Category IV: 0.10 inch/second [PPV]~~

~~g. If new regulatory and warning levels are set pursuant to Item "f" above, they can be exceeded and increased again pursuant to the same requirements in Item "f".~~

~~h.~~ f. In the event damage occurs to the historic features of historic buildings ~~(finish materials)~~ due to construction vibration, such features/materials shall be repaired in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards.

Regarding settlement, potential impacts to historic buildings during construction are addressed through Mitigation Measure CUL-MM-2 provided on pages IV.C-81 and IV.C-82 in Section IV.C, *Cultural Resources*, of the Draft EIR. The mitigation requires that

excavation and shoring plans be prepared by a California Registered Civil Engineer experienced in the design and construction of shoring systems and hired under the excavation subcontractor and that the shoring systems shall be selected and designed in accordance with all current code requirements, industry best practices, the recommendations of the Project Geotechnical Engineer, with all subject to Los Angeles Department of Building and Safety (LADBS) review and approval during the Grading Permit application submission stage. The measure also requires that plans and specifications be prepared in light of protecting adjacent historic resources, and that the final excavation and shoring plans include all appropriate details, material specifications, testing and special inspection requirements and that they be reviewed by the Project Geotechnical Engineer for conformance with the design intent and submitted to LADBS for review and approval during the Grading Permit application submission. In addition, the measure requires that the general contractor hire a California Registered Professional Engineer or California Professional Land Surveyor to prepare an Adjacent Structures Construction Monitoring Plan, subject to review and approval by LADBS, prior to initiation of any excavation, grading, or shoring activities to ensure the protection of adjacent historic resources from damage due to settlement during construction and excavation. The Adjacent Structures Construction Monitoring Plan is required to include, among other requirements, that a California Professional Land Surveyor establish survey monuments and document and record through any necessary means, including video, photography, survey, etc., the initial positions of adjacent structures, sidewalks, buildings, utilities, facades, cracks, etc. to form a baseline for determining settlement or deformation. Additionally, the measure requires that foundation systems 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. Based on these and other requirements provided in Mitigation Measure CUL-MM-2, there are adequate provisions to ensure construction is carried out in a manner that will reduce potential impacts due to vibration and settlement to a less-than-significant level, assuming that consent of adjacent property owners is provided. The procedures and requirements in Mitigation Measure CUL-MM-2 are not uncommon for high-rise development in dense urban areas of the City, and represent feasible engineering practices. In addition to Mitigation Measure CUL-MM-2, as stated on page IV.I-78, in Section IV.I, *Noise,* of the Draft EIR, the Project would also be subject to the Los Angeles Municipal Code (LAMC) Section 91.3307.1 (Protection of Adjoining Property), which states adjoining public and private property would be protected from damage during construction, remodeling, and demolition work with such provisions implemented by contractor engineers, architects, and other contractor personnel via compliance with applicable regulatory standards.

Regarding concerns that the focus of Mitigation Measure CUL-MM-2 was too narrow with respect to the participation of a preservation consultant and compliance with the standards, which seemed to only be required in association with effects on building finish materials. The intent of the measure was to ensure that damage to any notable historic features of a building would be subject to the provisions involving a preservation consultant and compliance with standards. Accordingly, the language in the first paragraph of the last bullet of Mitigation Measure CUL-MM-2, has been clarified as

follows, and as documented in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR:

CUL-MM-2: 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, or other damage 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~~ historic features 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 Interior's~~'~~ Standards, as appropriate.

(8) Significant Impacts Remaining after Mitigation

With implementation of mitigation measures, Project impacts to historical resources would be reduced to a less-than-significant level with the exception of potential temporary construction vibration and settlement effects on certain off-site historical resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront). While the mitigation provided would avoid significant impacts to the on-site Capitol Records Building and Gogerty Building and would provide similar protections to off-site historic buildings subject to potential structural damage from vibration and settlement, Mitigation Measure CUL-MM-2, presented in Section IV.C, *Cultural Resources*, of the Draft EIR; and Mitigation Measure NOI-MM-4, presented in Section IV.I, *Noise*, of the Draft EIR, would require the consent of other property owners who may not agree to participate in the mitigation measures; therefore, the Draft EIR conservatively concluded that structural vibration and settlement impacts on certain historical resources adjacent to the Project Site would remain significant and unavoidable. However, this finding of significant and unavoidable impact is not based on the effectiveness of the mitigation measure; it is based solely on the uncertainty of obtaining the consent of the property owners to implement the mitigation measure on their properties.

Potentially significant direct and indirect impacts to the Hollywood Walk of Fame during construction would be reduced to a less-than-significant level through implementation of Mitigation Measure CUL-MM-1 and associated requirements for the removal, storage, reinstallation and restoration of portions of the Hollywood Walk of Fame.

g) Topical Response No. 7 – Noise and Vibration

(1) Introduction

This topical response is provided in response to comments received on the Draft EIR expressing concerns regarding potential noise and vibration impacts of the Project. Issues raised focused on ambient noise levels, Project construction noise and vibration impacts

on sensitive receptors, construction vibration impacts on historic structures, operational noise impacts on sensitive receptors, and mitigation measures proposed to reduce construction noise and vibration impacts. The information presented below is based on the content provided in Section IV.I, *Noise*, of the Draft EIR, and the Construction Noise & Vibration Impact Study, prepared by Acoustical Engineering Services, Inc. (AES) dated March 2020, included as Appendix K-1 of the Draft EIR and the Off-Site Construction, and On-Site and Off-Site Operational Noise Technical Appendix, prepared by ESA dated April 2020, included in Appendix K-2 of the Draft EIR. The mobile source noise analysis was based on traffic data included in the Transportation Assessment (TA), prepared by Fehr & Peers dated March 2020, which is included in Appendix N-1 of the Draft EIR.

(2) Discussion

(a) Noise-Sensitive Receptor Locations

Some land uses are considered more sensitive to noise than others due to the types of activities typically involved at the receptor location and the effect that noise can have on those activities and the persons engaged in them. The 2006 L.A. CEQA Thresholds Guide states that residences, schools, motels and hotels, libraries, religious institutions, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks are generally more sensitive to noise than commercial and industrial land uses. Only pre-school, elementary, middle, and high schools are considered to be noise-sensitive receptors. Existing noise-sensitive uses, or receptors, within 500 feet of the Project Site include the following 13 off-site noise-sensitive receptors:

1. Multi-family residential uses along Ivar Avenue and north of Yucca Street. Approximately 170 feet from the West Site and 350 feet from the East Site construction area.
2. Vine Lodge Hotel along Vine Street approximately 360 feet from the West Site and 280 feet from the East Site construction area.
3. Argyle House (apartments) at the southwest corner of Yucca Street and Argyle Avenue approximately 300 feet from the West Site and immediately adjacent to the East Site construction area.
4. Kimpton Everly Hotel at the northeast corner of Yucca Street and Argyle Avenue approximately 550 feet from the West Site and 230 feet from the East Site construction area.
5. Multi-family residential uses to the east of Argyle Avenue approximately 530 feet from the West Site and 80 feet from the East Site construction area.
6. American Music and Dramatic Academy (AMDA) Vine Building immediately adjacent to the West Site and approximately 220 feet from the East Site construction area.
7. The AMDA Tower Building is located on the northwest corner of Yucca Street and Vine Street and approximately 125 feet from the West Site and 295 feet from the East Site construction area.

8. Eastown multi-family residential uses to the east of Argyle Avenue approximately 530 feet from the West Site and 80 feet from the East Site construction area.
9. Pantages Theatre approximately 280 feet southeast of the West Site and adjacent to the south of the East Site construction area.
10. The Lofts (Hollywood Equitable Building) at Hollywood Boulevard and Vine Street includes multi-family residential uses to the east of Vine Street approximately 280 feet southeast of the West Site and 100 feet south of the East Site construction area.
11. h Club Los Angeles to the west of Vine Street approximately 100 feet south of the West Site and 90 feet west of the East Site construction area.
12. The Knickerbocker Senior Residential use to the east of Ivar Avenue approximately 90 feet south of the West Site and 300 feet west of the East Site construction area.
13. Multi-family residential uses (including the St. Elmo Apartments at 6358 Yucca Street) to the west of Ivar Avenue approximately 140 feet west of the West Site and 650 feet west of the East Site construction area.

All other noise-sensitive uses regulated by the City are located at greater distances from the Project Site and would experience lower noise levels from potential sources of noise on the Project Site due to distance loss. There are no pre-school, elementary, middle, or high schools within 500 feet of the Project Site.

(b) Vibration Receptor Locations

Typically, groundborne vibration generated by man-made activities (e.g., rail and roadway traffic, operation of mechanical equipment, and typical construction equipment) diminishes rapidly with distance from the vibration source. Construction activities, such as impact pile driving, would have the greatest effect on vibration sensitive land uses. With respect to potential structural damage, structures in close proximity to the Project Site, including a number of historic structures, are considered vibration sensitive receptors. **Table 2-2**, *Vibration Receptors*, lists the surrounding vibration receptors categorized by those near to the West Site and the East Site while also separately listing those that are historic structures. Although the Capitol Records Complex, which consists of the Capitol Records Building and the Gogerty Building, is located within the Project Site, it is included in the vibration analysis due to the potential for structural damage to a historical resource.

TABLE 2-2
VIBRATION RECEPTORS

Location No.[a]	Building Structure Nearest to Project Site[b]	FTA Building Category[c]
Project West Site		
6	North – AMDA Vine building	Category II
14	North – Art Deco Building at 6314-24 Yucca Street	Category IV
15	South – Avalon Hollywood	Category IV
16 and 17	West – Single-story commercial buildings on west side of Ivar Avenue (6340 Yucca Street, 1763 Ivar Avenue, and the Hollywood-Ivar Building at 1741 Ivar Avenue)	Category III
18 and 19	East – Capitol Records Complex (Capitol Records Building and Gogerty Building located on-site within the Project East Site)	Category I
Project East Site		
3	North – Argyle House at the southwest corner of Yucca Street/Argyle Avenue	Category I
8	East – Eastown multi-family residential buildings	Category I
9	South – Pantages Theatre	Category IV
20	South – Single-story commercial building at 1718 N. Vine Street	Category III
11	West – h Club LA	Category III
15	West – Avalon Hollywood	Category IV
Historic Structures		
9	Pantages Theatre	Category IV
10	The Lofts (Hollywood Equitable Building)	Category IV
13	St. Elmo Apartments at 6358 Yucca Street	Category IV
14	Art Deco Building at 6316-24 Yucca Street	Category IV
15	Avalon Hollywood	Category IV
17	Hollywood-Ivar Building at 1741 Ivar Avenue	Category IV
18 and 19	Capitol Records Complex (Capitol Records Building and Gogerty Building located on-site within the Project East Site)	Category I

[a] Refer to Figure IV.I-3 in the Draft EIR for location number.

[b] Represents off-site building structures located nearest to the Project Site to the north, south, east and west.

[c] FTA's thresholds for structural damage, as further described in Subsection 9.3(a)(3), are as follows:

Category I: Reinforced concrete, steel, or timber (no plaster)

Category II: Engineered concrete and masonry (no plaster)

Category III: Non-engineered timber and masonry buildings

Category IV: Buildings extremely susceptible to building damage

SOURCE: AES, Construction Noise & Vibration Impact Study, March 2020. Provided in Appendix K-1 of this Draft EIR.

Comments were raised about the FTA's *Transit Noise and Vibration Impact Assessment Manual* vibration category used for several buildings for evaluating structural damage impacts. The AMDA Vine Building was corrected to Category II. The Capitol Records Complex was inadvertently mislabeled under the Historic Structures section as Category IV and has been corrected to Category I. Refer to the Construction Vibration section below for additional information. These changes are reflected in Table 2-2 above and in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. These corrections do not alter the impact findings related to construction vibration structural impacts presented in the Draft EIR.

With respect to human annoyance, off-site sensitive land uses include buildings, in which vibration-sensitive equipment is used (e.g., hospitals, research, medical offices, and manufacturing); residential land uses and buildings, where people normally sleep; schools; and churches. Industrial or commercial (including office) uses are not considered vibration-sensitive. All of the off-site sensitive receptors listed above in Subsection 2.a), *Noise-Sensitive Receptor Locations*, were analyzed for impacts related to vibration-related human annoyance.

(c) Ambient Noise Levels

Comments were raised on the Draft EIR questioning the adequacy of the ambient noise level measurements, whether they represent the ambient noise level for the area, and the dates and duration of the measurements. The predominant existing noise source near the Project Site is roadway noise from Yucca Street, Vine Street, Hollywood Boulevard, and other major roadways in the surrounding area. Additionally, US-101, located approximately 380 feet north of the East Site's northernmost boundary, contributes to ambient noise levels. Other noise sources include general residential and commercial-related activities associated with trash collection activities, loading and unloading activities, and surface parking lots. The Project Site itself contains an existing surface parking lot that generates its own noise as vehicles enter and exit the parking lot, people open and close their vehicles doors, and walk to and from their vehicles.

As discussed above, 13 off-site noise-sensitive receptor locations were identified to represent noise-sensitive uses within the Project area. The locations of the noise-sensitive receptors are listed in **Table 2-3*,*** *Summary of Ambient Noise Measurements at Noise Sensitive Receptors*, as Receptor Locations 1 through 13 with the approximate distances to the West Site and East Site. Ambient noise levels were conducted at a total of eight (8) locations (R1 through R8). The measured environmental noise levels at R1 through R8 represent the current ambient noise levels in the vicinity of the Project Site and are used to establish the existing ambient noise level at the noise-sensitive receptors within the Project area. Some of the noise measurement locations represent noise levels at multiple noise sensitive receptor locations, as noted in Table 2-3.

TABLE 2-3
SUMMARY OF AMBIENT NOISE MEASUREMENTS AT NOISE SENSITIVE RECEPTORS

Receptor Location	Approximate Distance to Project Site, Feet		Measured Daytime Ambient Noise Levels,[a] dBA L_{eq}
	West Site	East Site	
1. Multi-family residential uses along Ivar Avenue, north of Yucca Street	170	350	59.9
2. Vine Lodge Hotel	360	280	73.0
3. Argyle House at southwest corner of Yucca Street/Argyle Avenue	300	Adjacent	68.3
4. Kimpton Everly Hotel at northeast corner of Yucca Street/Argyle Avenue	550	230	68.3
5. Multi-family residential uses east of Argyle Avenue	530	80	68.3
6. AMDA Vine Building	Adjacent	220	64.9
7. AMDA Tower Building	125	295	64.9
8. Eastown multi-family residential uses east of Argyle Avenue	530	80	60.1
9. Pantages Theatre	280	Adjacent	60.1
10. The Lofts (Hollywood Equitable Building) at Hollywood Boulevard/Vine Street	280	100	68.1
11. h Club Los Angeles (formerly Redbury Hotel)	100	90	68.1
12. The Knickerbocker Senior Residential	90	300	63.2
13. Multi-family uses (including the St. Elmo Apartments at 6358 Yucca Street) west of Ivar Avenue	140	650	62.7

[a] Based on measured ambient noise levels at measurement receptors R1 through R8:
– Measurements at R1 is applicable to receptor locations 6 and 7.
– Measurements at R2 is applicable to receptor locations 10 and 11.
– Measurements at R3 is applicable to receptor locations 8 and 9.
– Measurements at R4 is applicable to receptor location 12.
– Measurements at R5 is applicable to receptor location 13.
– Measurements at R6 is applicable to receptor location 1
– Measurements at R7 is applicable to receptor location 2
– Measurements at R8 is applicable to receptor locations 3, 4, and 5.

SOURCE: ESA, 2020.

The ambient noise measurements at all measurement locations meet or exceed the City's requirements for ambient noise as established in Los Angeles Municipal Code (LAMC) Section 111.01(a) and 111.03 and other conditions in Section 111.02. As described on page IV.I-13 of the Draft EIR, the LAMC identifies the location (at an adjacent property line and at a location appropriate for the particular noise source being measured) and

length of the time period (at least 15 minutes L_{eq}) for conducting ambient noise measurements as indicated below in the relevant sections from the LAMC.

- LAMC Sections 111.01(a) and 111.03 define the ambient noise as the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. The actual ambient noise level is the measured noise level averaged over a period of at least 15 minutes L_{eq} at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured.

- LAMC Section 111.02 provides procedures and criteria for the measurement of the sound level of "offending" noise sources. In accordance with the LAMC, a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line is considered a noise violation. To account for people's increased tolerance for short-duration noise events, the Noise Regulation provides a 5-dBA allowance for noise occurring more than five but less than fifteen minutes in any one-hour period and an additional 5-dBA allowance (total of 10 dBA) for noise occurring five minutes or less in any one-hour period.

More specifically, the existing ambient noise environment at all measurement locations currently exceed the City's presumed daytime ambient noise standard of 50 dBA (L_{eq}) for residential use. Therefore, consistent with LAMC procedures, the measured noise levels are used as the baseline conditions for the purposes of determining Project impacts.

As shown in the monitoring data files provided in Appendix K (specifically, refer to Appendix K-2, Exhibit A), the ambient noise measurements were taken for a period of at least 15 minutes. The monitoring occurred on Wednesday and Thursday, May 23 and 24, 2018, respectively, for durations that meet or exceed the LAMC as listed above. These did not correspond to a holiday or unique event day that would cause elevated noise above typical conditions in the Project area. The ambient noise measurement locations were selected because they are representative of the noise environment of the existing off-site noise-sensitive receptors, including residential, hotel, performance venue, and institutional uses. As previously mentioned, the predominant existing noise source surrounding the Project Site is traffic noise from Yucca Street, Vine Street, Hollywood Boulevard, US-101, and other major roadways in the surrounding area. All ambient noise measurement locations near the Project Site were placed along the nearby streets and the nearby noise-sensitive receptors; therefore, these locations were representative of the ambient noise levels surrounding the Project Site. Furthermore, as noted on page IV.I-88 of the Draft EIR, the 2006 L.A. CEQA Thresholds Guide identifies a distance of 500 feet as the screening criterion with respect to construction activities. Therefore, receptors located greater than 500 feet from the Project Site would not need to be specifically evaluated, and ambient noise levels at distances greater than 500 feet are not required. Thus, the locations and time period for the ambient noise level measurements comply with the LAMC specifications and provide adequate and representative ambient noise data measured in the Project area.

(d) Construction Noise

Comments were raised regarding impacts from construction if the East Site rather than the West Site were constructed first. In Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, the East Site commencing construction first is addressed. As provided therein, no substantially different impacts would occur, and no new significant impacts would occur from construction of the East Site first compared to construction of the West Site first as evaluated in the Draft EIR.

Comments were raised asserting that the modeled construction noise levels in the Draft EIR were lowered to minimize impacts. Section IV.I, *Noise*, of the Draft EIR presents a conservative impact analysis by assuming that the multiple noisiest pieces of construction equipment would operate simultaneously at construction areas nearest to the affected receptors (the fence line of the Project Site nearest to the receptor) (see Appendix K-1 of the Draft EIR). This is a conservative assumption because, in reality, multiple pieces of equipment cannot occupy the same physical space at the same time, and, construction equipment is typically mobile and physically spaced throughout a construction site. As stated on page IV.I-39 of the Draft EIR, construction noise levels experienced at a sensitive receptor location would fluctuate throughout a given workday as construction equipment moves from one location to another within the Project Site.

Regarding the metric used to evaluate noise impacts, the 2006 L.A. CEQA Thresholds Guide Exhibit I.1-1 and I.1-2 (pages I.1-8 and I.1-9 of the Draft EIR) cites to construction noise levels from the United States Environmental Protection Agency (USEPA) research and documentation.[22] As noted on page 12 of the USEPA documentation, engine noise typically predominates, with exhaust noise usually being most significant. Other sources of noise from construction equipment includes mechanical and hydraulic transmission and actuation systems, and cooling fans. According to the USEPA documentation, the typical operating cycles of construction equipment includes one or two minutes of full-power (and therefore full power noise levels) followed by three or four minutes at lower power. Given fluctuating engine power levels combined with the fact that construction equipment would be mobile throughout the Project Site, the time-averaged equivalent (L_{eq}) noise level of construction equipment is the appropriate metric to use for construction noise analyses consistent with the analysis provided in the Draft EIR. The L_{max} or the maximum, instantaneous noise level experienced during a given moment in time is not appropriate since it assumes construction equipment is operating at full power for the entire construction period, which is not consistent with USEPA research which, as stated above, states that the majority of the noise cycle for construction equipment is at a lower engine power. Therefore, the noise analysis in the Draft EIR used the appropriate noise metric for evaluating impacts.

In addition, the analysis accounted for overlapping construction phases that would occur on each of the individual sites (i.e., the West Site and the East Site) to provide maximum

[22] USEPA, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB206717, 1971.

construction noise levels from on-site construction activities on each site. The analysis also considered noise from overlapping construction activities on both the West Site and the East Site. Therefore, the modeled construction noise levels in the Draft EIR were not lowered to minimize impacts. The Draft EIR disclosed maximum potential construction noise levels in order to avoid underestimating Project construction noise impacts. As concluded on page IV.I-40 of the Draft EIR, construction noise impacts would be potentially significant, and mitigation measures would lessen but not reduce impacts to a less-than-significant level.

Comments were received regarding construction noise impacts to the Capitol Records Complex, which consists of the Capitol Records Building and Gogerty Building, denoted as historic structures and located on-site within the Project's East Site. The Project does not involve any proposals for changes to the occupancy and use of the Capitol Records Building, and no such changes are foreseeable. The Capitol Records Complex is Applicant-controlled. As stated on page II-36, in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease agreement between the Applicant and Capitol Records that can be extended until 2026, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As the Capitol Records Building's recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. As such, potential interference with on-going activities within the buildings, including the recording studios and reverberation chambers, would be coordinated directly with the building occupants. No additional analysis or mitigation measures are required in the EIR to address the Capitol Records Building's recording studios and reverberation chambers. Other than addressing and mitigating to a less-than-significant level potential impacts associated with structural damage to the Capitol Records Complex due to construction vibration and settlement, the Capitol Records recording studio was not treated as a noise sensitive receptor because the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]).

Comments were raised regarding the lack of discussion of construction staging and construction traffic noise from vehicles along haul routes. The construction haul routes and staging areas were identified on page II-73 in Chapter II, *Project Description*, of the Draft EIR. Regarding construction traffic noise, as discussed, there are two proposed haul routes. The first haul route would have inbound and outbound trucks heading to and from US-101 utilizing entry and exit ramps north of the Project Site (e.g., entry ramps on Argyle Street and exit ramps to Gower Street. The second haul route option for both outbound and inbound trips would utilize entry and exit ramps to and from US-101 on Hollywood Boulevard and not on Franklin Avenue or Argyle Avenue. Additionally, all construction

staging activities would be located within the West and/or East Sites. No additional staging or use of off-site areas is proposed. Construction traffic noise impacts were fully analyzed and disclosed in the Draft EIR, inclusive of the haul routes, and were summarized in Table IV.I-11 of the Draft EIR, with potentially significant construction traffic noise impacts identified for Yucca Street between Argyle Avenue and Gower Street.

Comments were raised regarding construction noise impacts to locations greater than 500 feet from the Project Site, such as at locations to the north of US-101. As stated on page IV.I-88 of the Draft EIR, the 2006 L.A. CEQA Thresholds Guide identifies a distance of 500 feet as the screening criterion with respect to construction activities. Therefore, receptors located greater than 500 feet from the Project Site would not need to be specifically evaluated and ambient noise levels at distances greater than 500 feet are not required. A distance-based screening criterion is appropriate because noise attenuates (reduces) with increasing distance from the noise source. As discussed on page IV.I-6 of the Draft EIR, noise levels from a construction site are attenuated at a rate between 6 dBA for acoustically "hard" sites and 7.5 dBA for "soft" sites for each doubling of distance from the reference measurement, as their energy is continuously spread out over a spherical surface (e.g., for hard surfaces, 80 dBA at 50 feet attenuates to 74 dBA at 100 feet, 68 dBA at 200 feet, etc.). Hard sites are those with a reflective surface between the source and the receiver, such as asphalt or concrete surfaces or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the reduction in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface, such as soft dirt, grass, or scattered bushes and trees, which in addition to geometric spreading, provides an excess ground attenuation value of 1.5 dBA (per doubling distance). Additionally, intervening buildings and other structures that block the line-of-sight from the Project's construction site to an off-site receptor location would also block noise levels by a minimum of 10 dBA. Furthermore, as discussed above, the Project would have no haul routes on local streets north of US-101. Thus, with distance attenuation of noise, the presence of intervening buildings and structures (including the US-101 overpass itself serving as an intervening structure) between the Project Site and off-site uses greater than 500 feet from the Project Site, and with no Project haul routes on local streets north of US-101, construction noise impacts to locations greater than 500 feet from the Project Site, such as at locations to the north of US-101, were appropriately screened out for evaluation in accordance with the 2006 L.A. CEQA Thresholds Guide.

(e) Construction Vibration

As discussed on page IV.I-8 of the Draft EIR, the Federal Transit Administration's (FTA) published Transit Noise and Vibration Impact Assessment Manual, which provides technical guidance for conducting noise and vibration environmental analyses, uses a screening distance of 100 feet for highly vibration-sensitive buildings and 50 feet for lesser vibration-sensitive buildings including residential uses. The screening levels recognize that vibrations caused by construction equipment diminish in strength with increasing

distance from the construction equipment.[23] Buildings within the screening distance were included in the quantified analysis for vibration impacts.

Comments were raised asserting that the modeled construction vibration levels in the Draft EIR were lowered to minimize impacts. Section IV.I, *Noise*, of the Draft EIR presents a conservative impact analysis by assuming that vibration-generating equipment (i.e., a vibratory roller) may be in use at a very close distance to buildings. As discussed on page IV.I-78 of the Draft EIR, the estimated vibration levels at the buildings adjacent to the north and south of the West Site and East Site construction areas would be up to 3.379 inch/second PPV, which would exceed the applicable significance thresholds (i.e., 0.50 inch/second PPV, 0.30 inch/second PPV, 0.20 inch/second PPV, or 0.12 inch/second PPV, depending on the FTA building category) at the buildings adjacent to the north and south. The vibration level of up to 3.379 inch/second PPV is calculated based on vibration-generating equipment (i.e., a vibratory roller) in use at a very close distance of 2 feet to the buildings adjacent to the north and south of the West Site and East Site construction areas. As shown in Table IV.I-16 of the Draft EIR, vibration levels drop substantially with distance, where the vibration level from a vibratory roller would decrease to 0.21 inch/second PPV at 25 feet. Since vibration-generating equipment may, at times, be used in close proximity to the buildings adjacent to the north and south, the Draft EIR calculated maximum vibration levels and identified potentially significant vibration impacts for building damage based on these maximum vibration levels. Therefore, the modeled construction vibration levels in the Draft EIR were not lowered to minimize impacts.

Comments were raised regarding the criteria used to evaluate vibration impacts to several buildings in the Project vicinity. As discussed in Section IV.I, *Noise*, of the Draft EIR, the vibration levels were calculated based on the FTA's *Transit Noise and Vibration Impact Assessment Manual*. As stated on page IV.I-32 of the Draft EIR, the City has not adopted criteria to assess vibration impacts during construction. Thus, for this Project, the City has determined to utilize the FTA's criteria for structural damage and human annoyance impact evaluations.

Regarding structural damage, the FTA has adopted vibration criteria that are commonly used to evaluate potential structural damage to buildings by building category from construction activities. Category I refers to reinforced-concrete, steel, or timber (no plaster) buildings. Category II refers to engineered concrete and masonry (no plaster) buildings. Category III refers to non-engineered timber and masonry buildings. Category IV refers to buildings extremely susceptible to vibration damage.

Comments were received that asserted that the AMDA Vine Building and the AMDA Tower Building were mischaracterized as Category I since they are not reinforced. As discussed on page IV.I-15 of the Draft EIR, the AMDA Tower Building is located on the northwest corner of Yucca Street and Vine Street and approximately 125 feet from the West Site and 295 feet from the East Site construction area. This distance is outside of

[23] FTA, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 182.

the screening distance and need not be analyzed quantitatively. Regarding the AMDA Vine Building, as stated in Table IV.I-17 of the Draft EIR, the estimated vibration velocity levels from all construction equipment would exceed the Category I threshold of 0.5 inch/second PPV at the AMDA Vine Building. As per the information supplied in the comments regarding the structural characteristics of the AMDA Vine Building, the AMDA Vine Building has been changed from FTA Category I to a Category II for the structural damage analysis with a significance threshold of 0.3 inch/second PPV. The revision is provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. However, this change does not affect the vibration calculations provided in the vibration analysis for the Draft EIR and would result in the same vibration level as disclosed in the Draft EIR and the same impact determination as provided in the Draft EIR. Therefore, no new, or substantially more significant impact has been identified.

Regarding human annoyance, as stated on page IV.I-9 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Furthermore, the FTA specifically states that the criteria for Category 1 are based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses with primarily daytime use, such as schools, churches, other institutions, and quiet offices, that do not have vibration-sensitive equipment but still have the potential for activity interference.

Comments were received that asserted that the AMDA Vine Building and the AMDA Tower Building were mischaracterized as Category 3, and the Pantages Theatre as a critical listening space, was mischaracterized as Category 2 and that these should be evaluated as Category 1. As discussed on page IV.I-15 of the Draft EIR, the AMDA Tower Building is located on the northwest corner of Yucca Street and Vine Street and approximately 125 feet from the West Site and 295 feet from the East Site construction area. This distance is outside of the screening distance and, therefore, did not need to be analyzed quantitatively. Regarding the AMDA Vine Building, as discussed above, the FTA makes clear that the criteria for Category 1 are based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. AMDA states in Comment No. ORG 44-8 that they are “accredited by the National Association of Schools of Theater” and that “AMDA offers a High School Summer Conservatory Program.” Since AMDA is a school, the potential for human annoyance vibration impacts is based on the FTA Category 3 use for institutional land uses with primarily daytime use such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment but still have the potential for activity interference. Therefore, no revision to the human annoyance vibration impact analysis for the AMDA Vine Building presented in the Draft EIR is required. As the AMDA Tower Building is outside of the screening distances from the Project Site, no quantified analysis is required for vibration impacts.

Regarding the Pantages Theatre, in recognition of the potential for high sensitivity events at the venue, which is similar to a concert hall, the analysis of vibration human annoyance impacts to the Pantages Theatre in Section IV.I, *Noise*, of the Draft EIR, has been updated to reflect the use of FTA Category 1 for human annoyance impacts, which provides for the most conservative analysis. The use of FTA Category 1 to evaluate vibration human annoyance impacts for the Pantages Theatre does not change the estimated vibration levels for Project construction or the impact finding of the analysis, which indicates that vibration human annoyance impacts would be potentially significant and unavoidable. While the change in category would increase the increment of the impact over the threshold standard, the increase would not be substantial in light of the overall sizeable exceedance of the standard with a maximum human annoyance vibration level of 119 VdB at the Pantages Theatre compared to the FTA Category 1 and 2 thresholds of 65 VdB and 72 VdB, respectively. Also, as relates to this impact, Mitigation Measure NOI-MM-3, Construction Liaison, provided in Section IV.I, *Noise*, of the Draft EIR, has been revised to include the following provision, which would help reduce human annoyance impacts on the Pantages Theatre, though impacts would still be potentially significant and unavoidable:

> "The construction liaison shall coordinate with the owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre."

The refinement to the analysis of vibration human annoyance impacts associated with the Pantages Theatre and the revisions to Mitigation Measure NOI-MM-3, Construction Liaison are incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comments were received regarding construction vibration impacts to the Capitol Records Complex, which consists of historic structures located on-site within the Project's East Site. As previously stated, the Capitol Records Complex is Applicant-controlled. Pursuant to a lease agreement between the Applicant and Capitol Records, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As such, any interference with ongoing activities within the buildings, including the reverberation chambers, would be coordinated directly with the building occupants. The Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. Additionally, the Project's potential effect on the use of the on-site reverberation chambers and recording studios for their intended purpose as commercial sound recording facilities are economic and/or social impacts, rather than physical changes in the environment. Nonetheless, the Capitol Records Building and Gogerty Building were conservatively included in the in the vibration analysis, as discussed on page IV.I-17 of Section IV.I, *Noise*, of the Draft EIR due to the potential for structural damage to a historical resource.

(f) Operational Noise

(i) Off-Site Traffic Noise

Comments were raised asserting that the modeled operational traffic noise levels in the Draft EIR were lowered to minimize impacts. As explained in the Draft EIR, the most conservative traffic noise impacts were analyzed based on existing and existing plus Project traffic conditions. As discussed at the bottom of page IV.I-34 of the Draft EIR, with respect to operational traffic noise, impacts are evaluated for the buildout year 2027 (under the sequential construction scenario), which provides for a more conservative analysis compared to buildout year 2025 (under the overlapping construction scenario) since total roadway traffic volumes are generally assumed to increase in future years. As discussed at the top of page IV.I-53 of the Draft EIR, the maximum increase in Project-related traffic noise levels over existing traffic noise levels would be approximately 0.8 dBA CNEL (from 61.4 to 62.2 dBA CNEL) along Yucca Street between Argyle Avenue and North Gower Street and would not exceed the significance threshold of a 5-dBA CNEL increase for the "conditionally acceptable" category. Therefore, even under the most conservative analysis, increases in traffic noise along this segment or any of the analyzed segments would not be significant. It is noted that Section IV.I, *Noise*, of the Draft EIR inadvertently omitted Table IV.I-13, which would have provided the numerical results of the traffic noise modeling for existing and existing plus Project conditions for the 162 individual roadway segments analyzed. Nonetheless, this information is provided in Table 5 of Appendix K-2 of the Draft EIR, which was publicly circulated as part of the Draft EIR. Furthermore, as discussed above, the top of page IV.I-53 of the Draft EIR contains an accurate summary of the traffic noise modeling results for existing and existing plus Project traffic conditions. Therefore, Project traffic noise impacts are fully evaluated in the Draft EIR, and traffic noise impacts are not minimized or downplayed. No new information is presented, and no additional analysis is required. The inadvertent omission of Table IV.I-13 in Section IV.I, *Noise*, of the Draft EIR has been corrected in the Final EIR (see Final EIR, Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*).

(g) On-Site Noise

Comments were raised regarding concerns that operational on-site noise levels from the Project's open space, amenity, loading dock and refuse collection, and mechanical equipment were lowered to minimize impacts, as well as general disagreement with the noise modeling. As explained in Section IV.I, *Noise*, of the Draft EIR and as clarified below, operational on-site noise impacts were evaluated based on conservative assumptions to provide maximum impacts and to avoid underestimating impacts and were calculated appropriately.

The Project would include an East Site Plaza Performance Stage. As discussed on page IV.I-50 of the Draft EIR, the East Site Plaza Performance Stage would be an open space pedestrian area with a calculated maximum capacity of 350 people that would host occasional live, acoustic performances or provide prerecorded, low-level, background music via ambient music speakers. As reflected in Project Design Feature NOI-PDF-3,

the Project would not require or allow operation of any amplified sound system for performances in the outdoor plaza areas, including the East Site Plaza, Performance Stage. In addition, the acoustic performances or ambient music speakers with prerecorded, low-level, background music on the East Site Plaza Performance Stage will be limited to a sound level of 85 dBA at 25 feet from the musicians. Project Design Feature NOI-PDF-3 would be enforceable by the City as a Condition of Approval. The East Site Plaza Performance Stage would not include a Hollywood Bowl concert venue-sized sound system. As discussed on pages II-58 and II-59 in Chapter II, *Project Description*, of the Draft EIR, the performances would not be allowed to use an amplified sound system. The performances would primarily consist of acoustic musical performances, plays or other theatrical performances, and outdoor fitness classes. Each performance would be up to approximately one to two hours in duration and would end by dusk. When special events occur within these spaces, set-up may begin as early as 10:30 A.M., events would start no earlier than 11:00 A.M., and events would end at dusk. Thus, the East Site Plaza Performance Stage would generate daytime noise only and would not generate nighttime noise. The East Site Plaza Performance Stage generally faces southward towards the East Site Building. Thus, the design of the East Site Plaza Performance Stage would be such that performance noise would generally be directed into the Project Site's East Site Plaza.

The Project would include an East Site Amenity Deck (Level 2) and a West Site Amenity Deck (Level 2) that would include gathering spaces with seating and pool areas where guests may recreate. The noise that would be generated by these uses include small background/ambient music speakers that may be used to provide soft ambient music for the listening enjoyment of the East Site Amenity Deck (Level 2) and West Site Amenity Deck (Level 2) users. The small background/ambient music speakers would be located within the open space areas where people would congregate and would be ceiling-mounted speakers, or small wall- or planter-mounted speakers, or similarly mounted speakers, and would not be loud "concert-level" entertainment speakers. The purpose of the West Site and East Site Amenity Deck ambient music speakers are for the listening enjoyment of the Project's on-site users of the respective Amenity Decks. It is unrealistic to assume that the speakers would be placed at the exterior edges of the Project Site and directed away from the West Site and East Site Amenity Deck as such placement would make it impractical for on-site users of the Project's Amenity Deck to listen to or hear the speakers. Furthermore, as required in the Draft EIR via Project Design Feature NOI-PDF-3, the Project would be designed to require that these speakers be downward- or inward-facing and used for background music only. Project Design Feature NOI-PDF-3 would be enforceable by the City as a Condition of Approval. Ambient background music is played to provide a certain level of privacy for users conversing on the Amenity Decks and, therefore, would not cause the so-called Lombard Effect[24] that may occur in a loud concert-level entertainment setting. As explained on page IV.I-49 of the Draft EIR, sound level of background music is typically higher than the background noise level by 3 dB or more; for the purposes of the analysis, background music is assumed to be more than 5

[24] The Lombard Effect is a theorem that people talk louder as background noise level is increased.

dB higher than the applicable background noise level. For this noise analysis, the sound level from the background music speakers is conservatively assumed to be 75 dBA at 25 feet. This referenced noise level of 75 dBA at 25 feet from the ambient music speaker (see page IV.I-51 of the Draft EIR) represents the assumed volume at a distance of 25 feet, and not the volume reached within the entire Amenity Deck. This sound level represents a high background music level in order to conservatively estimate maximum impacts. The actual background/ambient music level would be lower to facilitate the ability of amenity deck users to have normal conversations.

In addition, noise would occur from people using the Project's other open space and amenity spaces, including the West Site Plaza; Amenity Terrace (Level 2), West Senior Building; Rooftop Terrace, West Senior Building; East Site Plaza, Lounge, and Garden; and Rooftop Terrace, East Senior Building. The Draft EIR provides a conservative analysis that overestimates the actual noise that would occur at off-site locations. The conservative noise analysis assumed an occupancy for each of these areas that is higher than would otherwise be allowed given ingress/egress limitations, elevator and stairwell capacities, fire escape route capacities, and other capacity considerations.

Rooftop mechanical equipment noise is regulated by LAMC Section 112.01, According to this section of the LAMC, air conditioning, refrigeration, heating, pumping, and filtering equipment may not be operated in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or a condominium, apartment house, duplex, or attached business within any adjoining unit to exceed the ambient noise level by more than 5 dBA. Rooftop mechanical equipment noise is discussed and analyzed on pages IV.I-46 and IV.B-47 of the Draft EIR. As discussed therein, mechanical equipment would be located on the rooftops, and, as such, the equipment noise levels would be attenuated greatly given their positions above and generally out of the line-of-sight of noise-sensitive receptors. Furthermore, compliance with LAMC Section 112.01 would ensure mechanical equipment noise would be controlled, which can be achieved via equipment noise shields, enclosures, screens, parapets, or other similar noise control strategies. In addition, Exhibit C (On-site Operational Noise Model Output (CadnaA)) of Appendix K-2 of the Draft EIR, included the results of the modeling analysis for the Project mechanical equipment and other stationary noise sources for Project operations. As summarized in Table IV.I-12 of the Draft EIR, Project operational noise sources would result in noise levels less than 5 dBA above the applicable ambient noise level at noise receivers in the Project vicinity. Therefore, impacts would be less than significant. The modeling analysis as summarized in Table IV.I-47 in the Draft EIR confirmed mechanical equipment noise would not contribute to increases in the ambient noise environment.

The Project would include emergency generator capacity that would provide emergency power. Emergency generators would undergo periodic maintenance and testing to ensure proper functioning. Emergency generators are permitted by the South Coast Air Quality Management District (SCAQMD) for air quality control and regulated under SCAQMD Rule 1470, which allows for up to 50 hours per year for maintenance and testing. As

discussed on page IV.I-52 of the Draft EIR, emergency generators would be enclosed and located on building rooftops. Given the height of the proposed buildings (for instance, 35 occupiable stories for the West Site and 46 occupiable stories for the East Site [page II-14 of the Draft EIR]), sound levels from emergency generators would not interfere with operations at the nearby noise-sensitive receptors. In addition, testing of the emergency generators would be done on weekdays during normal workday time periods, such as in the late morning or early afternoon time periods and would not be conducted during off-work nighttime periods or the weekends. Noise from emergency generators were included in the operational on-site noise modeling.

Noise from the Project's parking structure was considered and addressed in Section IV.I, *Noise*, of the Draft EIR. Parking structures may generate noise from engine use as vehicles drive within the structure, occasional tire squeals, slamming of car doors, car alarms, from people walking to and from their vehicles, and other similar vehicle-related noises. Parking at both the Project's West Site and East Site would consist of five below-grade levels with additional grade-level parking provided on the East Site. The grade level parking on the East Site would be enclosed. Since the below-grade and grade-level parking would be enclosed on all sides, noise generated within the parking structures would be shielded from off-site sensitive receptor locations in the immediate vicinity of the Project Site.

Regarding loading dock and refuse collection noise, as discussed on page II-23 in Chapter II, *Project Description*, of the Draft EIR, the loading areas and trash receptacles for the West Building would be located in the parking garage for the West Building, and all trash pickup areas would be in enclosed interior areas. As shown in Figures II-14 and II-15 and as discussed on page II-29 in Chapter II, *Project Description*, of the Draft EIR, the loading activity areas and trash receptacles for the East Building would be located within a covered loading bay screened by a roll down door such that noise from the loading activity areas and trash receptacles would be shielded at off-site noise-sensitive receptor locations. These loading areas for the West Site and the East Site would incorporate noise shielding to the off-site environment via barriers, such as solid building walls. Since loading areas for vendors (including vendor trucks that may or may not contain potential transportation refrigeration units [TRUs]), deliveries, and trash pickups would incorporate noise shielding at both sites, which would block the surrounding sensitive receptors from Project-related noise from loading/unloading and refuse operations, an analysis of these noise sources is not warranted as there would be no significant impact. This conclusion is supported by accounting for the noise attenuation from the roll down door and distance. In particular, for the East Site Building, which is located near the Pantages Theatre, the roll down door would be steel and would provide a minimum 20-dBA noise reduction from the loading activity area to the exterior of the East Building.[25] The approximate distance from the nearest side of the East Building to the Pantages Theatre property line is approximately 24 feet. However, the distance from

[25] FHWA, Noise Barrier Design Handbook, Chapter 3, Acoustical Considerations, Section 3.4.2, Barrier Sound Transmission.

the loading activity area (i.e., the loading dock) to the Pantages Theatre property line (see Figure II-14, "Loading Dock" of the Draft EIR) is approximately 45 feet or more. Accounting for the noise attenuation that would occur from the roll down door and distance attenuation of 45 feet, the noise level at the rear side of the Pantages Theatre would be up to approximately 53 dBA L_{eq} based on the noise level of 78 dBA at 24 feet without attenuation from the roll down door, as referenced in the comment. A noise level of 53 dBA L_{eq} at the rear side of the Pantages Theatre would not substantially contribute to increases in the existing ambient noise environment, and, as such, impacts would be less than significant, as concluded in the Draft EIR.

The Project's composite on-site operational noise sources were modeled using the CadnaA noise propagation program, as described on page IV.I-35 of the Draft EIR. The model considered environmental factors, such as noise reflection and attenuation, from topography, intervening structures, and distance (both horizontally and vertically) from a noise source. The composite noise modeling included noise from open spaces areas, including from the East Site Plaza Performance Stage, the East Site Amenity Deck (Level 2) and West Site Amenity Deck (Level 2), rooftop mechanical equipment, emergency generators, and loading dock and refuse collection. The location of noise sources, such as ambient music speakers, were modeled based on reasonable assumptions, such as locating speakers within the open space areas where people would congregate. As required by Project Design Feature NOI-PDF-3, ambient music speakers for use on the Amenity Decks (Level 2) on both the East Site and the West Site would be downward- or inward-facing and used for background music only. As such, ambient music speakers would be directed downward or inward toward the Amenity Deck and not to off-site locations, and speaker noise would be directed away from noise sensitive receptors near the Project Site. Even with the highly conservative assumptions described above, the Projects composite on-site operational noise levels shown in Table IV.I-12 on page IV.I-47 of the Draft EIR at noise-sensitive receivers would be less than 5 dBA over the ambient noise levels due to noise attenuation over distance and intervening structures and impacts would be less than significant. The noise levels would be expected to be less than indicated in the noise analysis given the conservative assumptions built into the noise modeling as explained above.

Comments were also raised concerning noise "bounce" from varying geography and Project rooftop elements that would generate noise from crowds and amplified music into the hills north of US-101. With respect to noise "bounce" from varying geography, according to the California Department of Transportation (Caltrans), studies of highways through canyons typically have shown noise increases of less than 3 dBA from canyon effects. However, unless the slopes are perfectly vertical, buildup of reflections will be more limited because of the slope angles. In the vicinity of the Project Site, because of the angle of the cut slope, noise reflections from geography are directed skyward[26] and, thus, would not be exposed to direct reflected noise from the Project Site. With respect to the area north of the Project Site and north of US-101, as shown in Figure II-5 in Chapter

[26] Caltrans, Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013, p. 5-42.

II, *Project Description*, of the Draft EIR, the Capitol Records building would serve as a partial noise barrier to the north blocking a portion of the noise from the primary source of operational noise from the Project Site (i.e., the East Site Level 1 Performance Stage). Furthermore, with respect to the community to the north of the Project Site in the Hollywood Hills area, which is the community north of Franklin Avenue and US-101 to the north of the Project Site, the noise level from the Project's operational sources, including from crowd gatherings and amplified music, would be less than 44 dBA L_{eq}, given the community north of Franklin Avenue is over approximately 600 feet to the north of the Project Site and is located north of noise-sensitive receptor 1, as shown in Table IV.I-12 on page IV.I-47 of the Draft EIR. Thus, the Project's noise from crowd gatherings and amplified music would not exceed the significance thresholds and would not require that the proposed open space uses be prohibited. It is also noted that the design of the Project is such that potential noise-generating activities associated with ambient/background music speakers and acoustic performances on the East Site Plaza Performance Stage would be located on the lower levels of the Project (i.e., Levels 1 and 2) and not on the rooftops, and that the ambient/background music speakers and East Site Performance Stage would be oriented to face the Project Site interior and away from the residential community to the north of the Project Site. While the Project's West Senior Building and East Senior Building would have open space areas on the rooftops of the 11-story buildings as proposed under the Project, no noisy or loud event programming or use of amplified speakers would occur in these rooftop areas. Thus, the Project would not include loud or amplified rooftop noise sources that may be associated with other existing developments in the Hollywood area, such as other existing hotels with potentially loud noise-generating activities on their rooftops. Noise from the Project's Level 1 and Level 2 areas would largely be blocked or partially blocked by intervening structures at the residential community to the north of the Project Site. Furthermore, controls would be in place to minimize noise to the off-site environment as specified in Project Design Feature NOI-PDF-3. Thus, the Project would not generate loud operational noise from rooftop activities and would not cause significant operational noise impacts on the residential neighborhoods to the north of the Project Site.

(h) Cumulative Noise and Vibration

(i) Construction

Comments were raised regarding cumulative construction noise and vibration impacts from nearby related projects. Cumulative construction noise and vibration impacts were discussed and analyzed on pages IV.I-88 through IV.I-90 of the Draft EIR. As discussed therein, Related Project Nos. 1 through 10 are located within 1,000 feet of the Project Site.

- Related Project No.1 – Argyle House (built)
- Related Project No. 2 – Hotel at 1718 N. Vine Street
- Related Project No.3 – Kimpton Everly Hotel (built)

- Related Project No.4 – Residential uses at 6220 W. Yucca Street
- Related Project No.5 – Offices at 6225 W. Hollywood Boulevard (terminated)
- Related Project No. 6 – Mixed Use Development at 6200 W. Hollywood Boulevard (built)
- Related Project No. 7 – Hotel at 6381 W. Hollywood Boulevard
- Related Project No. 8 – Condominiums and Hotel at 6140 Hollywood Boulevard
- Related Project No. 9 – Offices at 1601 N. Vine Street (built)
- Related Project No. 10 – Residential uses at 6100 W. Hollywood Boulevard

Related Project Nos. 1, 3, 6, and 9 are built and would not contribute to cumulative construction noise impacts. Related Project No. 5 was terminated by the Department of City Planning via a Notice of Termination on December 31, 2012. However, it was included in the cumulative analysis in the Draft EIR in order to provide a conservative analysis.

Related Project Nos. 2, 4, 5, 7, 8, and 10 are closest to noise-sensitive receptors 1, 3, and 5 through 13, as identified for this Project's noise analysis. If construction of any of these related projects were to overlap with construction of the Project, cumulative construction noise level increases could occur at the sensitive receptor locations. According to the Draft EIR for Related Project No. 2, construction noise levels after mitigation would exceed the significance thresholds and would result in cumulative construction noise impacts if nearby related projects, including the Project, were to be constructed concurrently.[27] Similarly, the Draft EIR for Related Project No. 4, which was recently released for public review in April 2020, also determined that cumulative construction noise impacts would be significant and unavoidable.[28] Noise studies identifying potential construction scheduling or noise impacts for Related Project Nos. 5, 7, 8, and 10 are not available. However, the Draft EIR determined that that their individual or combined short-term construction noise levels would have a potentially significant cumulative impact on noise-sensitive receptors. Thus, if construction of one or more of these related projects were to overlap with Project construction, the Project's contribution to cumulative construction noise would be cumulatively considerable for both on-site construction noise and off-site construction traffic noise and would represent significant cumulative construction noise impacts for the Project.

Regarding cumulative construction vibration, the only related projects that are located adjacent to the same receptor as the Project are Related Project No. 1 and Related

[27] City of Los Angeles Department of City Planning, Draft Environmental Impact Report, citizenM Hollywood & Vine Project, Section IV.H, *Noise*, ENV-2016-2846-EIR, June 2019.

[28] City of Los Angeles Department of City Planning, Draft Environmental Impact Report, 6220 W. Yucca Project, Section IV.I, *Noise*, ENV-2014-4706-EIR, April 2020.

Project No. 2. However, Related Project No. 1 is built, and, therefore, it would not contribute to cumulative vibration impacts. Should construction of the Project and Related Project No. 2 overlap, there is the potential for cumulative vibration impacts to the Pantages Theatre to the south of the Project Site. As discussed above, construction of the Project would result in significant vibration impacts related to structural damage and human annoyance at this receptor. Therefore, the Project's vibration impacts, when considered with Related Project No. 2, would be cumulatively considerable, and cumulative impacts due to construction vibration would be significant for the Project. Because consent of off-site property owners, who may not agree, would be required to implement Mitigation Measure NOI-MM-4, the Project's Draft EIR conservatively concluded that cumulative vibration impacts on the Pantages Theatre would be significant and unavoidable.

(ii) Operation

Cumulative operational noise and vibration impacts were discussed and analyzed on pages IV.I-88 through IV.I-90 of the Draft EIR. Cumulative plus Project traffic noise modeling for future years 2027 and 2040 determined that although there would be a cumulative impact along one roadway segment with residential uses (i.e., Franklin Avenue west of N. Highland Avenue), the Project's contribution to this impact would not be cumulatively considerable under future year 2027 or 2040 conditions. Accordingly, cumulative impacts would be less than significant for the Project. Regarding on-site operational noise, each of the related projects would be required to comply with LAMC-required provisions that limit stationary source noise from items, such as mechanical equipment, to ensure that noise levels would be less than significant at the property line for each related project or incorporate project mitigation as required under CEQA. The Project, when considered together with related projects, would have a less-than-significant cumulative impact for on-site operational noise.

Vibration levels rapidly attenuate with increasing distance from a vibration source, and there is no potential for cumulative operational impacts with respect to groundborne vibration. Therefore, operation of the Project, when considered together with related projects, would result in a less-than-significant cumulative impact with respect to groundborne vibration.

(i) Mitigation Measures

In response to the concerns raised regarding construction noise and vibration, Mitigation Measure NOI-MM-1 has been updated to include the specific provisions for equipment setback distances from off-site historic buildings, including the Pantages Theatre, as well as additional clarifications regarding performance standards. Mitigation Measure NOI-MM-1, as revised in the Final EIR, includes a 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas from the property line of off-site historic buildings, which would provide an added safety margin to help protect against potential damage to off-site historic buildings by prohibiting certain

construction equipment and activities in close proximity to off-site historic buildings. The incorporation of the 40-foot buffer zone is a feasible measure that goes beyond typical, regulatory, and minimum building standards. The revisions and clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, and are shown in double-underlined text below.

> **NOI-MM-1: Setback Distances and Boundary Noise Curtains.** Noise and vibration construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) 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. Even with natural and/or manmade barriers, in no case shall fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas be within 40 feet from the property line of off-site historic buildings. If manmade barriers are to be used, the contractor shall be required to use temporary construction noise barriers, such as sound deadening blankets or curtains, with a height up to 20 feet above ground that shall achieve a performance standard of a minimum 12-dBA insertion loss along the Project Site's boundary where significantly impacted noise-sensitive land uses are within 500 feet of the Project Site. The temporary construction noise barriers shall be installed on or around the Project Site perimeter and/or along soldier piles that shall be drilled and cast in place during shoring activities. Open access points or gates leading to street frontages, including along Ivar Avenue, Vine Street, and Argyle Avenue, shall be permissible to allow for adequate and safe worker, vehicle, and equipment access to the construction area. The temporary construction noise barriers installed on or around the soldier piles shall remain in-place during ground disturbance activities until exterior vertical building construction commences, when the use of on-site noise-generating heavy-duty construction equipment is prevalent.

Mitigation Measure NOI-MM-2 requires that the construction contractor use equipment with state-of-the-art noise shielding and muffling devices. In response to the concerns raised regarding performance standards for stationary equipment noise, Mitigation Measure NOI-MM-2 has been clarified to include information regarding performance standards and noise shielding and muffling devices. The additional clarifications to Mitigation Measure NOI-MM-2 are incorporated in the Final EIR (see Final EIR, Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*) and shown below with the additional information provided in double-underlined text below.

> **NOI-MM-2: Equipment Noise Shielding, Mufflers, and Stationary Curtains.** The Project contractor shall use power construction equipment with ~~state-of-the-art~~ factory-installed noise shielding and muffling devices. In addition, no impact pile driving shall be utilized; augured, or drilled piles are permitted. Flexible sound control curtains that achieve a performance standard of a minimum 12-dBA insertion loss with appropriate open access points or gates to allow for adequate and safe worker, vehicle, and equipment access shall be placed around all drilling apparatuses, drill rigs, stationary concrete pumps, stationary generators, and jackhammers when in use.

Comments were received requesting that construction activity be prohibited during the hours that performances are occurring at the Pantages Theatre, which are noted as being commonly scheduled for 8:00 P.M. Tuesday through Saturday, with a matinee on Saturday afternoon at 2:00 P.M. LAMC Section 41.40 prohibits construction between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, 6:00 P.M. and 8:00 A.M. on Saturday, and at any time on Sunday. As stated in Chapter II, *Project Description*, construction activities would occur Monday through Saturday from 7:00 A.M. to 3:00 P.M. Thus, Project construction would be consistent with the LAMC and would avoid the majority of the performance times at the Pantages Theatre. For the Saturday, 2:00 P.M. performance time, Mitigation Measure NOI-MM-3 has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* of the Final EIR as indicated in double-underlined text below:

> **NOI-MM-3: Construction Liaison.** 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 to occur. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to these receptor properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. The construction liaison shall coordinate with the owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

As shown, Mitigation Measure NOI-MM-3 requires that the construction liaison inform receptors 1, 3, and 5 through 13 (the Pantages Theatre is designated as receptor 9 in Figure IV.I-3 of the Draft EIR) when peak noise and vibration activities are scheduled. Furthermore, the updated Mitigation Measure NOI-MM-3 requires the construction liaison to coordinate with the owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 P.M. Tuesday through Saturday and 2:00 P.M. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

Comments were received raising concern from the potential for Project construction to result in damage impacts to nearby buildings and that mitigation should be improved. In response to the concerns raised, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, in response to the potential for increased risk to buildings from increasing the vibration monitoring warning and threshold levels if no damage has occurred under the current warning and threshold levels, parts “f.” and “g.” have been removed; thus, “h.” has been renumbered as “f”. The additional clarifications and improvements to Mitigation Measure NOI-MM-4 are also provided in double-underline and strikeout text below.

NOI-MM-4: Vibration Monitoring. The Applicant shall perform structural vibration monitoring during Project construction as follows:

a. Prior to start of construction, the Applicant shall retain the services of a licensed building inspector or structural engineer, or other qualified professional as approved by the City, to visit the following buildings, which are located either on-site or immediately adjacent to the Project Site ~~and to the west~~, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. This includes both historic buildings and non-historic buildings in proximity to the Project Site. For the historic buildings listed below, inspection and documentation shall also be carried out by and in coordination with a qualified preservation consultant. The non-historic buildings are as follows:

- AMDA Vine Building
- Argyle House
- Single-story commercial building at 1718 N. Vine Street (if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2, the provisions of this mitigation measure do not apply to this structure).

The historic buildings are as follows:

- Capitol Records Building (on-site)
- Gogerty Building (on-site)
- Pantages Theatre (off-site)
- Avalon Hollywood (off-site)
- 6316-24 Yucca Street/Art Deco Building Storefront (off-site)

b. The Applicant shall retain the services of a qualified acoustical engineer and/or structural engineer to develop and implement a vibration monitoring program during the site demolition and grading/excavation, capable of documenting the construction-related ground vibration levels at the buildings listed above. The vibration monitoring systems shall be placed at receptor building façades closest to Project construction activity or placed at a representative location if a receptor building façade is not accessible and shall continuously measure (in vertical and horizontal directions) and store the peak particle velocity (PPV) in inch/second. The systems shall also be programmed for two preset velocity levels: a warning level of ~~0.10~~ 0.09 inch/second (PPV) for the off-site historic structures, 0.15 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.25 inch/second (PPV) for the AMDA Vine Building, and 0.45 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House and a regulatory level of 0.12 inch/second (PPV) for the off-site historic structures, 0.2 inch/second (PPV) for the single-story commercial

building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.30 inch/second (PPV) for the AMDA Vine Building, and 0.50 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House. In cases where a receptor building façade is not accessible, the two preset velocity levels shall be programmed at equivalent levels based on distance and soil characteristics that affect vibration transmission over that distance. The systems shall also provide real-time alert when the vibration levels exceed the two preset levels. The noise and vibration monitoring program shall include a description of the monitoring equipment specifications, calibration certificates, exact monitoring locations (which shall be coordinated with the property owners for the buildings listed in "a." above), and protocols for data collection, reporting, alerting, maintenance and calibration, and unplanned outage. Selected monitoring systems shall be capable of unmanned operation during periods of on-site Project construction activity, with internal storage and remote data download. Systems shall be capable of measuring the inch/second PPV in all three axes (vertical and two horizontal) simultaneously. The monitoring program shall specify the protocols for threshold exceedance, including but not be limited to which personnel are designated to receive alerts, how the alerts shall be sent (text message, email, etc.), and how the vibration event shall be documented and reported. The program shall include regular reporting no less frequently than weekly.

c. The vibration monitoring program shall be submitted, for review and approval to the Department of Building and Safety, prior to initiating any construction activities.

d. In the event the warning level (i.e., ~~0.10~~ 0.09, 0.15, 0.25, and 0.45 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to staggering concurrent vibration-generating construction activities (if doing so would not pose a safety risk to personnel or damage risk to buildings or facilities) and utilizing lower vibratory techniques.

e. In the event the regulatory level (i.e., 0.12, 0.20, 0.30, and 0.50 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and implement feasible steps identified in Item "d" above to reduce the vibration level from construction activities to avoid or minimize damage from construction activities in the vicinity of the building. The contractor shall visually inspect the building for any damage. Results of the inspection must be logged.

~~f. 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.~~

- ~~From Category IV to Category III (0.12 to 0.2 inch/second [PPV], or equivalent level),~~
- ~~From Category III to Category II (0.2 to 0.3 inch/second [PPV], or equivalent level), or~~
- ~~From Category II to Category I (0.3 to 0.5 inch/second [PPV], or equivalent level).~~

~~If the regulatory ground vibration level is increased, the warning level shall also be increased matching the corresponding Category as follows (or equivalent levels):~~

- ~~Category I: 0.45 inch/second [PPV]~~
- ~~Category II: 0.25 inch/second [PPV]~~
- ~~Category III: 0.15 inch/second [PPV]~~
- ~~Category IV: 0.10 inch/second [PPV]~~

~~g. If new regulatory and warning levels are set pursuant to Item "f" above, they can be exceeded and increased again pursuant to the same requirements in Item "f".~~

~~h.~~ f. In the event damage occurs to the historic features of historic buildings ~~(finish materials)~~ due to construction vibration, such features/materials shall be repaired in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards.

As discussed in Section IV.I, *Noise*, of the Draft EIR, construction noise and vibration impacts would be lessened with implementation of feasible mitigation measures. With respect to construction noise, even with the mitigation measures along with the clarifications and improvements to the mitigation measures described above, construction noise impacts would be lessened, but impacts to off-site receptors would be significant and unavoidable as disclosed in the Draft EIR.

With respect to construction vibration, with the mitigation measures along with the clarifications and improvements to the mitigation measures described above, potential construction vibration impacts for structural damage would be lessened and could be reduced to a level of less than significant if damage occurs and if consent from off-site property owners is obtained for repairs; however, impacts were conservatively concluded to be significant and unavoidable as disclosed in the Draft EIR since such consent, if damage occurs, cannot be guaranteed. Construction vibration impacts with respect to potential human annoyance would be significant and unavoidable as disclosed in the Draft EIR.

3. Responses to Comments

Comment Letter No. AG 1

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Received May 27, 2020

Comment No. AG 1-1

Attached are South Coast AQMD staff's comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed Hollywood Center Project (SCH No.: 2018051009) (South Coast AQMD Control Number: LAC200416-01). Please contact me if you have any questions regarding these comments.

Response to Comment No. AG 1-1

The comment introduces SCAQMD comments on the Draft EIR. Responses to the referenced letter are provided below in Response to Comment Nos. AG 1-3 to AG 1-9.

Comment No. AG 1-2

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

Response to Comment No. AG 1-2

The comment introduces SCAQMD comments on the Draft EIR. Responses to the referenced letter are provided below in Response to Comment Nos. AG 1-3 to AG 1-9.

Comment No. AG 1-3

South Coast AQMD Staff's Summary of Project Description

The Lead Agency is proposing to construct a new mixed-use development on a 4.69-acre site which will be developed with one of two development options (Proposed Project). Development Option 1 consists of construction of four new buildings totaling 1,287,150 square feet, which would include 1,005 residential units and 30,176 square feet of commercial uses, and an additional 166,582 square feet of open space. Development Option 2 consists of construction of four new buildings totaling 1,272,741 square feet, which would include 884 residential units, 220 hotel rooms, and 30,176 square feet of commercial uses, and an additional 150,371 square feet of open space. The Proposed Project is located on the southeast corner of Yucca Street and Ivar Avenue in the community of Hollywood within the City of Los Angeles. Upon review of the Draft EIR and

Figure IV.H-3 *Project Location within Freeway Health Risk Assessment Study Area*, South Coast AQMD staff found that the Proposed Project will be located within 520 feet of U.S. Route 101[1]. Construction of the Proposed Project is anticipated to begin in 2021 and be completed by 2025[2]. A portion of the Proposed Project will become operational as early as 2024, while construction is ongoing[3].

South Coast AQMD Staff's Summary of the Air Quality Analysis and Health Risk Assessment

In the Draft EIR, the Lead Agency quantified the Proposed Project's construction emissions from an overlapping construction scenario, where portions of the Proposed Project's construction would overlap, and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds for construction. The Lead Agency found that the Proposed Project's unmitigated regional construction air quality impacts would be significant for nitrogen oxide (NOx) at 132 pounds per day (lbs/day)[4], which is above South Coast AQMD's regional air quality CEQA significance threshold for construction at 100 lbs/day. The Lead Agency is committed to Mitigation Measure AQ-MM-1, which requires that all construction equipment 50 horsepower (hp) or greater meet Tier 4 off-road emission standards and be outfitted with California Air Resources Board (CARB)-certified Level 3 Diesel Particulate Matter (DPM) filters, or equivalent Best Available Control Technology (BACT), that pole power shall be made available for electric tools during construction, and that construction equipment be maintained in accordance with manufacturer specifications[5]. With implementation of AQ-MM-1, the Proposed Project's construction air quality impacts from NOx emissions would be reduced to less than significant at 92 lbs/day[6].

The Lead Agency quantified the Proposed Project's operational emissions in 2024, when a portion of the Proposed Project will become operational, and in 2025 at full buildout for both development options and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds for operation. Based on this analysis, the Lead Agency found that the Proposed Project's unmitigated regional operational air quality impacts would be significant for NOx in year 2025 for both development options, with the maximum NOx emissions at 79 lbs/day[7] in Development Option 2, which is above South Coast AQMD's regional air quality CEQA significance threshold for operation at 55 lbs/day. The Lead Agency is committed to implementing operational Mitigation Measure AQ-MM-2, which requires that routine maintenance and testing of emergency generators on-site occur on different days[8]. With implementation of AQ-MM-2, the Proposed Project's operational air quality impacts from regional NOx emissions would be reduced to less than significant at 49 lbs/day[9]. In addition to AQ-MM-2, the Lead Agency is committed to Project Design Feature GHG-PDF-1 (Green Building Features), which includes a commitment to LEED Gold Certification, thirty percent of code-required parking to be prewired for electric vehicle charging, 10 percent of code-required parking to have electric vehicle charging, and indoor and outdoor water consumption reduction features[10].

The Lead Agency analyzed the Proposed Project's localized construction and operational air quality impacts and found that those impacts would be less than significant[11].

The Lead Agency also prepared a Health Risk Assessment (HRA) to disclose potential health risks to residents that may live at the Proposed Project, which is in close proximity to U.S. Route 101. The Lead Agency found that the unmitigated cancer risk at the maximum exposed individual receptor (MEIR) from the surrounding high-volume freeway would be 9.83 in one million[12], which would not exceed South Coast AQMD's CEQA significance threshold of 10 in one million for cancer risk[13]. To comply with Los Angeles Municipal Code (LAMC) 99.05.504.5.3 and 99.04.504.6, the Lead Agency will install MERV 13 filters at the Proposed Project[14] and reduce cancer risk to 5.64 in one million[15].

Footnote 1: Draft EIR. Section IV.H. Land Use and Planning. Page IV.H-17.

Footnote 2: Draft EIR. Section II Project Description. Page II-71.

Footnote 3: *Ibid.*

Footnote 4: Draft EIR. Section IV.B Air Quality. Page IV.B-56.

Footnote 5: *Ibid.* Page IV.B-59.

Footnote 6: *Ibid.* Page IV.B-60 through IV.B-61.

Footnote 7: *Ibid.* Page IV.B-58.

Footnote 8: *Ibid.* Page IV.B-59 through IV.B-60.

Footnote 9: *Ibid.* Page IV.B-63.

Footnote 10: Draft EIR. Section IV.E. Greenhouse Gas Emissions. Page IV.E-41 through IV.E-42.

Footnote 11: Draft EIR. Section IV.B Air Quality. Page IV.B-66 through IV.B-68.

Footnote 12: Draft EIR. Appendix E-2 Freeway Health Risk Assessment. Page 8.

Footnote 13: South Coast AQMD has developed the CEQA significance threshold of 10 in one million for cancer risk. When South Coast AQMD acts as the Lead Agency, South Coast AQMD staff conducts a HRA, compares the maximum cancer risk to the threshold of 10 in one million to determine the level of significance for health risk impacts, and identifies mitigation measures if the risk is found to be significant.

Footnote 14: Draft EIR. Appendix E-2 Freeway Health Risk Assessment. Page 8.

Footnote 15: *Ibid.* Page 43.

Response to Comment No. AG 1-3

This comment provides a summary of the Project as described in Chapter II, *Project Description,* of the Draft EIR, and a summary of the air quality impact findings and mitigation measures included in Section IV.B, *Air Quality*, of the Draft EIR. To clarify the commenter's description of the Project, the Lead Agency is not proposing to construct the Project as stated in the comment, rather the Project Applicant is proposing to construct the Project. As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 1-4

Summary of South Coast AQMD Staff's Comments

Based on a review of the Draft EIR and supporting technical documents, the Lead Agency likely underestimated the Proposed Project's air quality impacts because the Draft EIR did not analyze an overlapping construction and operational air quality impact scenario. The Lead Agency should also incorporate an additional mitigation measure in the Final EIR to further reduce the Proposed Project's regional construction NOx emissions, particularly during periods of overlapping construction and operational activities. Additionally, due to the Proposed Project's proximity to a high-volume freeway, South Coast AQMD staff recommends the Lead Agency incorporate health risk reduction strategies in the Final EIR. Please see the attachment for more information. Furthermore, based on the Hazards and Hazardous Materials Section, the Proposed Project site was used as a gasoline and automotive service station and a laundry and/or dry-cleaning business. Volatile organic compounds were found in the soils. Therefore, the Proposed Project is subject to the requirements of South Coast AQMD Rule 1166. The attachment includes information regarding compliance with this rule.

Response to Comment No. AG 1-4

This comment asserts that the Draft EIR likely underestimated the Project's air quality impacts and that additional mitigation measures should be incorporated into the Final EIR. The Project's maximum air quality impacts from construction and operation are provided in Section IV.B, *Air Quality*, of the Draft EIR. Maximum unmitigated daily construction and operation emissions without mitigation are shown in Tables IV.B-5, IV.B-7, and IV.B-8 of the Draft EIR. As shown in those tables, NO_X emissions would exceed the respective thresholds of significance. The maximum unmitigated daily construction emissions for NO_X would be 132 pounds per day, which are primarily attributable to emissions from grading and excavation activities. The maximum unmitigated daily operational emissions for NO_X would be 79 pounds per day. As construction and operational air quality impacts would be potentially significant for emissions of NO_X, mitigation measures would be required. Mitigation measures are described on pages

IV.B-59 and IV.B-60 of the Draft EIR. The results of the maximum mitigated daily construction and operation emissions are provided in Tables IV.B-9, IV.B-11 and IV.B-12 of the Draft EIR. As shown, with implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2 maximum mitigated daily construction and operational emissions would be reduced to less than significant as the emissions would not exceed the respective thresholds of significance.

As requested in the comment, clarifying information is provided herein to disclose the maximum daily construction and operational emissions that would occur from an interim buildout scenario with overlapping construction and operational activities. Under this interim buildout scenario, overlapping construction and operational activities would occur from operations of either the West Site or the East Site (whichever is built first) and overlapping construction of the other Site. As discussed on page II-71 in Chapter II, *Project Description*, of the Draft EIR, construction of the second site would only commence at the start of the building construction phase of the first site. For instance, if the West Site undergoes construction first, construction of the East Site would not begin until the building construction phase of the West Site. Appendix E in this Final EIR includes supplemental Project construction air quality emission worksheets under the scenario where construction occurs on the East Site prior to the West Site. As clarified in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, either the West Site or the East Site could undergo construction first. The maximum NOx emissions that would occur, with either the West Site or the East Site undergoing construction first, from overlapping construction and operational activities would be 79 pounds per day for the Project. Since overlapping construction and operational activities would not occur during the relatively higher emissions generating grading and excavation activities, these emissions would be lower than the maximum unmitigated daily construction emissions. Furthermore, these emissions would be similar to the unmitigated operational emissions that would occur at full buildout of the West Site and East Site. With implementation of Mitigation Measures AQ-MM-1 and AQ-MM-2, maximum mitigated daily emissions from overlapping construction and operational activities would be reduced to below 55 pounds per day of NO_X, which would not exceed the significance threshold for either construction or operations. Because the mitigation measures already provided in the Draft EIR would reduce impacts to less than significant, no additional mitigation measures beyond those that are already described in the Draft EIR would be required under CEQA. Therefore, impacts from overlapping construction and operational activities would be the same as the impacts that have already been disclosed in the Draft EIR.

The above clarifying information regarding the maximum daily construction and operational emissions that would occur from an interim buildout scenario with overlapping construction and operational activities is included in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

With respect to the Project Site's proximity to a high-volume freeway (i.e., US-101), the Draft EIR discusses the Freeway Health Risk Assessment (HRA) that was conducted for

the Project on page IV.B-36 of Section IV.B, *Air Quality*, of the Draft EIR and further directs the reader to the location of the analysis in Section IV.H, *Land Use and Planning*, of the Draft EIR. As discussed on page IV.H-16 of the Draft EIR, the City does not require a health risk assessment; however, in response to the City's Zoning Information (ZI) File No. 2427, as well as recommendations from CARB, an HRA was prepared to assess the proposed siting of new residential land uses in proximity to US-101. The HRA analyzes potential health impacts of siting future sensitive receptors (in particular, future residents of the Project, including senior residents) on the Project Site in proximity of US-101. The assumptions and results of the Freeway HRA were provided on pages IV.H-25 to IV.H-27 of Section IV.H*, Land Use and Planning*, of the Draft EIR with supporting calculations provided in Appendix E-2 of the Draft EIR. As discussed on page IV.H-26 of the Draft EIR, the Project's multi-family residential receptors that would have the most exposure to US-101 would be located at the northeastern corner of the West Building. The maximum modeled cancer risk at this location would be approximately 9.02 in 1 million for the 30-year residential exposure scenario. The Project's senior building receptors that would have the most exposure to US-101 would be located at the northeastern corner of the East Senior Building. The maximum modeled cancer risk at this location would be approximately 9.83 in 1 million for the 30-year residential exposure scenario. Both scenarios are below the 10 in 1 million significance threshold. As stated in the Draft EIR, the Freeway HRA results discussed above do not account for the effect of indoor air filtration from the required installation of MERV 13 filters, which is a strategy that can reduce health risk impacts to future Project residents from freeway toxic air contaminants (TAC) emissions and lower indoor air concentrations of diesel particulate matter (DPM) and lower the cancer risks. As discussed in Section IV.H.2, *Regulatory Framework,* of the Draft EIR, the City adopted pollutant control requirement in the Los Angeles Municipal Code (LAMC) Section 99.04.504 and Section 99.05.504, which requires the installation of MERV 13 filters in residential and non-residential uses with mechanically ventilated buildings within 1,000 feet of a freeway. The American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) 52.5 standard provides removal efficiencies for mechanical filtration. According to the ASHRAE 52.2 standard, MERV 13 filters have reduction efficiencies of 50, 85, and 90 percent for particles with diameter ranges of 0.3 to 1.0 µm, 1.0 to 3.0 µm, and 3.0 to 10.0 µm, respectively.[29] As a conservative assumption, the assessment assumed a 50-percent control efficiency even though the portion of DPM between 1.0 µm and 3.0 µm would be controlled at 85 percent and the portion of DPM between 3.0 µm and 10.0 µm would be controlled at 90 percent. With incorporation of MERV 13 indoor air filters, the maximum cancer risk from TAC emissions would be reduced to approximately 5.64 in 1 million for the multi-family residential receptors and to approximately 6.13 in 1 million for the senior building residential receptors, which would both be below the 10 in 1 million significance threshold. Therefore, the Draft EIR adequately incorporates health risk reduction strategies and impacts would

[29] National Air Filtration Association, Understanding MERV, https://www.nafahq.org/understanding-merv-nafa-users-guide-to-ansi-ashrae-52-2/, updated October 2018, accessed August 25, 2020.

be less than significant. No additional reduction strategies or measures would be required under CEQA.

With respect to Section IV.F, *Hazards and Hazardous Materials*, of the Draft EIR and the volatile organic compounds (VOCs) that were found in the soils, the Project would be subject to the requirements of SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil). A description of SCAQMD Rule 1166 has been included as applicable regulatory information in Section IV.F, *Hazards and Hazardous Materials*, as well as in Section IV.B, *Air Quality*, in the corrections and additions section of the Final EIR. Because the Project would implement the applicable requirements as regulatory compliance measures, no additional mitigation measures are required. It should also be noted that the Draft EIR includes mitigation measure HAZ-MM-1, described on page IV.F-26 of the Draft EIR, which requires preparation of a soil management plan to mitigate impacts related to contaminated soils, soil vapor, and underground storage tanks (USTs).

Comment No. AG 1-5

Conclusion

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), South Coast AQMD staff requests that the Lead Agency provide South Coast AQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project. Further, if the Lead Agency makes the findings that the recommended new mitigation measure is not feasible, the Lead Agency should describe the specific reasons supported by substantial evidence for rejecting it in the Final EIR (CEQA Guidelines Section 15091).

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at amullins@aqmd.gov if you have questions or wish to discuss the comments.

Response to Comment No. AG 1-5

The commenter requests written responses to their comments prior to certification of the Final EIR. The Lead Agency has provided the SCAQMD with detailed written responses to all comments contained in this letter and the attachment prior to the certification of the Final EIR pursuant to Public Resources Code Section 21092.5(a) and CEQA Guidelines

Section 15088. As this comment does not address the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 1-6

ATTACHMENT

1. <u>Air Quality Analysis – Overlapping Construction and Operational Activities</u>

Based on a review of the Air Quality Analysis in the Draft EIR, South Coast AQMD staff found that the Lead Agency did not analyze a scenario where construction activities overlap with operational activities (e.g., some components of the Proposed Project may be operational in year 2024 while some other components are under construction until year 2025). Since construction of the Proposed Project is expected to occur over four and a half years from 2021 to 2025, and the Proposed Project will be operational as early as 2024[16], it is reasonably foreseeable that construction and operation may overlap for at least one year between years 2024 and 2025. If an overlapping construction and operation scenario is reasonably foreseeable at the time the Draft EIR was prepared, South Coast AQMD staff recommends that the Lead Agency analyze the Proposed Project's air quality impacts from overlapping construction and operational activities. Additionally, as stated above, the Proposed Project's mitigated construction and operational emissions from NOx (e.g., 92 lbs/day and 49 lbs/day) were slightly below South Coast AQMD's regional air quality CEQA significance thresholds for construction and operation, respectively. To provide a conservative and more comprehensive analysis of the Proposed Project's air quality impacts, the Lead Agency should use its best efforts to identify the overlapping construction and operational years and activities, combine construction emissions (including emissions from demolition) with operational emissions, and compare the combined emissions to South Coast AQMD's air quality CEQA operational thresholds of significance to determine the level of significance in the Final EIR. If the air quality analysis from overlapping construction and operational activities is not included in the Final EIR, the Lead Agency should provide reasons for not including the analysis supported by substantial evidence in the record.

Footnote 16: Draft EIR. Section IV.B Air Quality. Page IV.B-41.

Response to Comment No. AG 1-6

This comment asserts that the Draft EIR did not analyze a scenario where construction activities overlap with operational activities. As discussed in Response to Comment No. AG 1-4, clarifying information is provided to disclose the maximum daily construction and operational emissions that would occur from an interim buildout scenario with overlapping construction and operational activities. As discussed therein, the maximum NOx emissions that would occur from overlapping construction and operational activities would be 79 pounds per day for the Project. The emissions would be similar to the unmitigated operational emissions that would occur at full buildout of the West Site and East Site. With implementation of Draft EIR Mitigation Measures AQ-MM-1 and AQ-MM-2,

maximum mitigated daily emissions from overlapping construction and operational activities would be reduced to below 55 pounds per day of NO_X, which would not exceed the significance threshold for either construction or operations. Because the mitigation measures already provided in the Draft EIR would reduce impacts to less than significant, no additional mitigation measures beyond those that are already described in the Draft EIR would be required under CEQA. Therefore, impacts from overlapping construction and operational activities would be the same as the impacts that have already been disclosed in the Draft EIR.

The above clarifying information regarding the maximum daily construction and operational emissions that would occur from an interim buildout scenario with overlapping construction and operational activities is included in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. AG 1-7

2. <u>Additional Recommended Construction Air Quality Mitigation Measure</u>

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's NOx emissions, particularly from the overlapping construction and operational activities after revisions to the Air Quality Analysis in response to Comment No.1, South Coast AQMD staff recommends that the Lead Agency incorporate the following additional construction mitigation measure in the Final EIR.

a) During the grading/excavation phase, the Proposed Project will require a maximum of 192 one-way haul trips for 209 days, which will contribute over 65 percent of the Proposed Project's mitigated construction NOx emissions (63 lbs/day out of 92 lbs/day)[17]. To further reduce construction NOx emissions from haul truck trips, the Lead Agency should require the use of zero-emissions (ZE) or near-zero emissions (NZE) haul trucks during construction, such as trucks with natural gas engines that meet the CARB's adopted optional NOx emission standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, require that truck operator(s)/construction contractor(s) commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks. To monitor and ensure ZE, NZE, or 2010 model year or newer trucks are used at the Proposed Project, the Lead Agency should require that truck operator(s)/construction contractor(s) maintain records of all trucks associated with the Proposed Project's construction and make these records available to the Lead Agency upon request. Alternatively, the Lead Agency should require periodic reporting and provision of written records by truck operator(s)/construction contractor(s) and conduct regular inspections of the records to the maximum extent feasible and practicable.

Technology is transforming the environmental sector and land use planning at a rapid pace. Cleaner trucks such as ZE or NZE trucks are increasingly more feasible and commercially available as technology advances. If using ZE or NZE trucks as a mitigation measure to reduce the Proposed Project's construction air quality impacts is not feasible today, cleaner trucks could become feasible in a reasonable period of time during the Proposed Project's four-and-a-half-year construction period (CEQA Guidelines Section 15364). Therefore, it is recommended that the Lead Agency develop a process with performance standards to deploy the lowest emission technologies and incentivize the use of ZE or NZE heavy-duty trucks during construction (CEQA Guidelines Section 15126.4(a)). The Lead Agency can and should develop the performance standards as follows or any other comparable standards in the Final EIR.

- Develop a minimum amount of ZE or NZE heavy-duty trucks that the Proposed Project must use during each year of construction to ensure adequate progress. Include this requirement in the Proposed Project's construction bid documents.

- Establish a construction contractor(s)/truck operator(s) selection policy that prefers construction contractor(s)/truck operator(s) who can supply ZE or NZE heavy-duty trucks at the Proposed Project. Include this policy in the Request for Proposal for selecting construction contractor(s)/truck operator(s).

- Develop a target-focused and performance-based process and timeline to review the feasibility to implement the use of ZE or NZE heavy-duty trucks during construction.

- Develop a project-specific process and criteria for periodically assessing progress in implementing the use of ZE or NZE heavy-duty trucks during construction.

Footnote 17: Technical Files for Hollywood Center Project. Excel files: "Construction Haul Truck Emissions-AQ-GHG(022520)", "Hollywood CSTN Summary (022520) – Adj Unmitigated", and "Hollywood CSTN Summary (022520) Adj Tier 4."

Response to Comment No. AG 1-7

This comment includes additional construction-related mitigation measures to further reduce the Project's NOx emissions, particularly from the overlapping construction and operational activities. As discussed in Response to Comment No. AG 1-4, with implementation of Draft EIR Mitigation Measures AQ-MM-1 and AQ-MM-2, maximum mitigated daily emissions from overlapping construction and operational activities would be reduced to below 55 pounds per day of NO_X, which would not exceed the significance threshold for either construction or operations. Because the mitigation measures already provided in the Draft EIR would reduce impacts to less than significant, no additional mitigation measures beyond those that are already described in the Draft EIR would be required under CEQA. Nonetheless, this comment and the additional emissions reduction strategies are noted.

Comment No. AG 1-8

3. Health Risk Reduction Strategies

Notwithstanding the court rulings, South Coast AQMD staff recognizes that Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. Because of South Coast AQMD's concern about the potential public health impacts of siting sensitive populations within close proximity to major sources of air pollution, such as high-volume freeways, South Coast AQMD staff recommends that the Lead Agency review and consider the following comments when making local planning and land use decisions.

Sensitive receptors are people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, daycare centers, nursing homes, elderly care facilities, hospitals, and residential dwelling units. As stated above, the Proposed Project will include, among others, construction of a maximum 1,005 residential units within 580 feet of existing U.S. Route 101[18]. In 2018, U.S. Route 101 had 226,000 annual average daily trips, 32% of which was comprised of 4- and 5-axle trucks at Los Angeles/Highland Avenue Interchange (Post Mile 7.84)[19]. Sensitive receptors living at the Proposed Project could be exposed to diesel particulate matter (DPM) emissions from diesel fueled, heavy-duty trucks passing by on U.S. Route 101. CARB has identified DPM as a toxic air contaminant based on its carcinogenic effects[20]. Future residents at the Proposed Project could be exposed to DPM emissions from the mobile sources traveling on U.S. Route 101 (e.g., diesel fueled, heavy-duty trucks).

Many strategies are available to reduce exposure, including, but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. Installation of enhanced filtration units can be verified during occupancy inspection prior to the issuance of an occupancy permit. Here, the Lead Agency requires MERV 13 filters be installed at the Proposed Project in accordance with LAMC 99.05.504.5.3 and 99.04.504.6[21].

Enhanced filtration systems have limitations. In a study that South Coast AQMD conducted to investigate filters[22], a cost burden is expected to be within the range of $120 to $240 per year to replace each filter. The initial start-up cost could substantially increase if an HVAC system needs to be installed. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the building tenants. It is typically assumed that the filters operate 100 percent of the time while sensitive receptors are indoors, and the environmental analysis does not generally account for the times when sensitive receptors have windows or doors open or are in common space areas of a project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail and disclosed

to prospective residences prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

Because of limitations, to ensure that enhanced filters are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular inspection, monitoring, and maintenance of MERV 13 filters in the Final EIR. To facilitate a good-faith effort at full disclosure and provide useful information to residents who will live at the Proposed Project, at a minimum, the Final EIR should include the following information:

- Disclose the potential health risks to residents who live in close proximity U.S. Route 101 and the reduced effectiveness of the air filtration system when windows are open and/or residents are outdoors (e.g., in the common usable open space areas);

- Identify the responsible implementing and enforcement agency such as the Lead Agency, Homeowners Association (HOA), property manager(s), and/or building operator(s)/tenant(s) to verify that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued to ensure compliance with LAMC 99.05.504.5.3 and 99.04.504.6;

- Identify the responsible implementing and enforcement agency, such as the Lead Agency, HOA, property manager(s), and/or building operator(s)/tenant(s) to ensure that enhanced filtration units are inspected and maintained regularly;

- Disclose the potential increase in energy costs for running the HVAC system to the HOA representatives, prospective residents, property manager(s), and/or building operator(s)/tenant(s);

- Provide information to the HOA representatives, prospective residents, property manager(s), and/or building operator(s)/tenant(s) on where the MERV 13 filters can be purchased;

- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units and disclose that information to the HOA representatives, prospective residents, property manager(s), and/or building operator(s)/tenant(s);

- Identify the responsible entity, such as the Lead Agency, the HOA, residents themselves, or property management, for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if the building operators/tenants and/or prospective residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form to them);

- Identify, provide, and disclose ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;

- Set City-wide, or Proposed Project-specific criteria for assessing progress in inspecting and replacing the enhanced filtration units, and maintain records to demonstrate ongoing, regular inspection, monitoring, and maintenance of MERV 13 filters; and

- Develop a City-wide, or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units, and maintain records to demonstrate the evaluation.

Footnote 18: Draft EIR. Section IV.H. Land Use and Planning. Pages IV.H-17 through IV.H-18.

Footnote 19: California Department of Transportation. 2018. Truck Traffic: Annual Average Daily Truck Traffic. Accessed at: https://dot.ca.gov/-/media/programs/traffic-operations/documents/f0017681-2016-aadt-truck-a11y.pdf

Footnote 20: California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: http://www.arb.ca.gov/regact/diesltac/diesltac.htm.

Footnote 21: Draft EIR. Appendix E-2 Freeway Health Risk Assessment. Page 8.

Footnote 22: This study evaluated filters rated MERV 13 or better. Accessed at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf. Also see 2012 Peer Review Journal article by South Coast AQMD: http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf.

Response to Comment No. AG 1-8

This comment by the South Coast AQMD staff recommends that the Lead Agency provide additional details regarding the ongoing, regular inspection, monitoring, and maintenance of MERV 13 filters in the Final EIR, as provided in the 10 bullet points listed in the comment. These recommendations are address below.

As discussed in Response to Comment No. AG 1-4, given the Project Site's proximity to a high-volume freeway (i.e., US-101), the Draft EIR discusses the Freeway HRA that was conducted for the Project on page IV.B-36 of Section IV.B, *Air Quality*, of the Draft EIR and further directs the reader to the location of the analysis in Section IV.H, *Land Use and Planning*, of the Draft EIR. The HRA analyzes potential health impacts of siting future sensitive receptors (in particular, future residents of the Project, including senior residents) in proximity of the US-101 on the Project Site. The assumptions and results of the Freeway HRA were provided on pages IV.H-25 to IV.H-27 of Section IV.H of the Draft EIR with supporting calculations provided in Appendix E-2 of the Draft EIR. As discussed on page IV.H-26 the Project's multi-family residential receptors that would have the most exposure to US-101 would be located at the northeastern corner of the West Building. The maximum modeled cancer risk at this location would be approximately 9.02 in 1 million for the 30-year residential exposure scenario. The Project's senior building receptors that would have the most exposure to US-101 would be located at the

northeastern corner of the East Senior Building. The maximum modeled cancer risk at this location would be approximately 9.83 in 1 million for the 30-year residential exposure scenario. Both scenarios are below the 10 in 1 million significance threshold. As stated in the Draft EIR, the Freeway HRA results discussed above do not account for the effect of indoor air filtration from the required installation of MERV 13 filters, which is a strategy that can reduce health risk impacts to future Project residents from freeway TAC emissions and lower indoor air concentrations of DPM and lower the cancer risks. As discussed in Section IV.H.2, *Regulatory Framework,* of the Draft EIR, the City adopted pollutant control requirement in LAMC Section 99.04.504 and Section 99.05.504, which require the installation of MERV 13 filters in residential and non-residential uses with mechanically ventilated buildings within 1,000 feet of a freeway.

With incorporation of MERV 13 indoor air filters, the maximum cancer risk from TAC emissions would be reduced to approximately 5.64 in 1 million for the multi-family residential receptors and to approximately 6.13 in 1 million for the senior building residential receptors, which would both be below the 10 in 1 million significance threshold. Therefore, the Draft EIR adequately incorporates health risk reduction strategies and impacts would be less than significant. No additional reduction strategies or measures would be required under CEQA.

The Draft EIR discusses limitations of MERV 13 filters, including that such filters are rated for filtering particulate matter. As discussed on pages IV.H-15 and IV.H-49 of the Draft EIR, per ASHRAE Standard 52.2 (2012), MERV 13 would result in a removal efficiency of 50 percent for particles from 0.3 to 1.0 micrometers (µm), 85 percent for 1.0 to 3.0 µm, and 90 percent for 3.0 to 10.0 µm. Filters inherently have no ability to filter out gases from vehicle exhaust, and the Draft EIR makes absolutely no claim to the contrary.

The Draft EIR also discusses limitations of MERV 13 filters with respect to the effect of windows being opened or closed. Pages IV.H-25 through IV.H-27 of the Draft EIR provides specific analyses for health risk impacts where it is assumed Project windows for sensitive receptors would be closed and where it is assumed windows for sensitive receptors would be opened. Given that future Project residents may individually choose to open or close windows in a manner that cannot be known, the Draft EIR provides a reasonable range of health risk impacts based on windows being closed or opened. As discussed on pages IV.H-25 through IV.H-27 of the Draft EIR, health risk impacts to future Project residents from proximity to the US-101 would not exceed the thresholds of significance in the ‘windows opened’ or ‘windows closed’ scenarios. Therefore, MERV 13 filters are not actually required for a less-than-significant impact. Nonetheless, MERV 13 filters would be installed as required by the LAMC.

The analysis of potential health risk impacts to future Project residents under the ‘windows opened’ scenario assumes no filtration of freeway DPM emissions in outdoor air. Thus, it is equivalent to an analysis of future Project residents exposed to freeway DPM emissions in outdoor air. The analysis accounted for exposures in the Project’s common usable open space areas, as well as the residential units themselves. Therefore, the Draft EIR

properly discloses potential health risk impacts to future Project residents in proximity to US-101 and the reduced effectiveness of the air filtration system on future Project residents' potential exposure to freeway DPM emissions when windows are open and/or when located in the Project's common usable open space areas.

With respect to cost burdens for filter replacement and HVAC systems, because specific filter and HVAC system models have not been identified, specific costs are not available. The information provided in the comment regarding a cost range for filter replacement of $120 to $240 per year is based on an SCAQMD pilot study dated October 2009 as cited in the comment. The cost information in the comment is incorporated herein and provided to decision makers and the public for consideration. With respect to HVAC system costs, the Project would require an HVAC system not unlike many other multi-family residential buildings throughout California. As with all electric-powered HVAC systems, there are operating costs associated with electricity demand from the local utility provider and from routine maintenance. However, the fact that there is a monetary cost associated with filter replacements and HVAC system operation and maintenance is not a unique characteristic of the Project and is not itself an impact to the environment, and therefore, does not need to be analyzed in the Draft EIR.

Further, the Project operator would conduct maintenance of the Project HVAC systems and filter replacement as part of routine Project maintenance of all other building and mechanical systems in accordance with manufacturer specifications.

Comment No. AG 1-9

4. Compliance with South Coast AQMD Rule 1166

Historically, the Proposed Project site was used to support the operations of a gasoline and automotive service station and a laundry and/or dry-cleaning business[23]. As such, the Lead Agency conducted Phase I and II Environmental Site Assessments (ESAs) and found VOCs, such as perchloroethylene and carbon tetrachloride, were above the Environmental Screening Level for residential and commercial structures[24]. Additionally, the Lead Agency found that existing structures, such as an underground storage tank, may be present on site[25].

Due to the historical site usage and the results from the ESAs, the Lead Agency has committed to mitigation measure HAZ-MM-1. This mitigation measure requires that a Soil Management Plan be prepared to include policies for management and disposal of soil, or existing structures, should contaminated soils be encountered[26].

Disturbing and excavating soils that may contain hydrocarbons or toxic air contaminants are subject to the requirements of South Coast AQMD Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil[27]. The Lead Agency should include a discussion on South Coast AQMD Rule 1166 in the Air Quality Section of the Final EIR. In addition, prior to the commencement of soil or structure removal activities, the Lead Agency should consult with South Coast AQMD's Engineering and Permitting staff to

determine whether any permits, plans, or additional compliance measures will need to be filed and approved by South Coast AQMD prior to start of such activities during the Proposed Project's construction. If a permit from South Coast AQMD is required, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Final EIR. Any assumptions used in the Air Quality Analysis in the Final EIR will be used as the basis for permit conditions and limits for the Proposed Project. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: http://www.aqmd.gov/home/permits.

Footnote 23: Draft EIR. Section IV.F Hazards and Hazardous Materials. Page IV.F-9 through IV.F-10.

Footnote 24: *Ibid.* Page IV.F-16.

Footnote 25: *Ibid.* Page IV.F-10.

Footnote 26: *Ibid.* Page IV.F-26.

Footnote 27: South Coast AQMD. Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil. Accessed at: http://www.aqmd.gov/docs/default-source/rule book/reg-xi/rule-1166.pdf.

Response to Comment No. AG 1-9

Regarding the commenter's summary of the preparation of Technical Studies and commitment to Mitigation Measures, it should be clarified that the Phase 1 ESA was not prepared by the Lead Agency, but by Citadel Environmental Services, Inc. It should also be clarified that it is the Project Applicant who has committed to and responsible for implementing the Mitigation Measure HAZ-MM-1. As discussed in this comment, Section IV.F, *Hazards and Hazardous Materials*, of the Draft EIR discloses the presence of VOCs that were found in the soils. As discussed in Response to Comment No. AG 1-4, Mitigation Measure HAZ-MM-1, described on page IV.F-26 of the Draft EIR, requires the preparation of a soil management plan to mitigate impacts related to contaminated soils, soil vapor, and USTs. As noted in this comment, the Project would be subject to the requirements of SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil). A description of SCAQMD Rule 1166 has been included as applicable regulatory information in Section IV.F, *Hazards and Hazardous Materials*, as well as in Section IV.B, *Air Quality*, and in the corrections and additions section of the Final EIR. Because the Project would implement the applicable requirements as regulatory compliance measures, no additional mitigation measures are required. This comment and the information regarding regulatory compliance with SCAQMD Rule 1166 is noted.

Comment Letter No. AG 2

Alan Lin, P.E., Project Coordinator
State of California Department of Transportation (Caltrans)
District 7, Office of Transportation Planning
100 South Main Street, MS16
Los Angeles, CA 90012
Received June 1, 2020

Comment No. AG 2-1

Attached, please find Caltrans comment letter. Let us know if the City has any question. Thank you for the opportunity to review this project.

Response to Comment No. AG 2-1

The comment introduces Caltrans' comments on the Draft EIR. Responses to the referenced letter are provided below in Response to Comment Nos. AG 2-2 to AG 2-7, below.

Comment No. AG 2-2

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. The Hollywood Center Project is a mixed-use development on an approximately 4.46-acre site (Project). The portion of the Project Site located between Ivar Avenue and Vine Street is identified as the "West Site", and the portion located between Vine Street and Argyle Avenue is identified as the "East Site". The Project Site is currently developed with a single-story building and surface parking on the West Site; the East Site is currently developed with the Capitol Records Building and Gogerty Building, both occupied by Capital *[sic]* Records (the Capitol Records Complex), and surface parking.

As part of the Project, the existing building on the West Site would be demolished, and the Capitol Records Complex would be preserved. The remainder of the Project Site would be redeveloped with 1,005 residential units comprised of 872 market-rate and 133 senior affordable units, and up to 30,176 square feet of commercial uses within four new mixed- use buildings. Overall, the Project would contain up to 1,287,150 square feet of floor area.

The residential and commercial uses would be located within four new buildings: a 35-story building on the West Site (West Building); a 46-story building on the East Site (East Building); and two 11-story senior housing buildings, one on each site (West Senior Building and East Senior Building), set aside for Extremely Low and/or Very Low Income households.

Under a proposed East Site Hotel Option, 104 residential units within the East Building would be replaced with a hotel. In total, the Project with the East Site Hotel Option would

contain 884 residential units, comprised of 768 market-rate and 116 senior affordable units, a 220-room hotel with supporting amenities, and up to 30,176 square feet of commercial uses. Overall, the Project with the East Site Hotel Option would contain up to 1,272,741 square feet of floor area.

Response to Comment No. AG 2-2

This comment is a brief summary of the Project as set forth in the Draft EIR. As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 2-3

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. CEQA Guidelines were adopted in December 2018, which implement SB 743's change to CEQA transportation analysis including use of a Vehicle Miles Traveled metric for land use projects. The CEQA Guidelines amendments are available at https://resources.ca.gov/About-Us/Legal/CEQA-Supplemental-Documents

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, future development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

We encourage the Lead Agency to integrate transportation and land use in a way that reduces Vehicle Miles Traveled (VMT) and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use. We also encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements.

Response to Comment No. AG 2-3

This comment provides background information on Caltrans and highlights their support for complete streets and pedestrian safety measures, as well as vehicle miles traveled (VMT) and greenhouse gas (GHG) reduction strategies to be considered by the City, as the Lead Agency, in their decision-making process. As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 2-4

The Project Site is located in a dense area of Hollywood served by numerous public transit lines. Existing Transit Service shows the various transit lines providing service in the Project vicinity. The Metro Red Line, five local Metro bus routes (Route 180/181, 210, 212/312, 217, and 222), a Metro Rapid bus route (Route 780), and three LADOT DASH lines (Hollywood, Beachwood Canyon, and Hollywood/Wilshire) serve the area.

There are existing and planned designated bicycle facilities in the Project Area. Wilcox Avenue, Vine Street, Selma Avenue, Argyle Avenue, and Franklyn Avenue are designated as roadways intended to share the road with bicyclists and provide shared lane markings; these roads are also known as bicycle routes. Yucca Street is designated as a bicycle-friendly roadway. The Project would provide up to 551 bicycle parking spaces (or 554 bicycle spaces under the Project with the Project with East Site Hotel Option), as well as bike lockers and showers located in the subterranean bike parking areas in dedicated areas on the respective sites. A bicycle repair facility would also be provided on the Project Site as part of the amenities to increase access for bicycle users.

The Project has committed to implement numerous Transportation Demand Management (TDM) measures that are included as part of Project Design Feature TRAF-PDF-1. The TDM Program is aimed at discouraging single-occupancy vehicle trips and would collectively serve to reduce dependence on single-occupancy vehicles. The TDM Program encourages alternative modes of transportation, such as carpooling, taking transit, walking, and biking. As part of the TDM, the Project would support strategies to encourage public transit, such as providing unbundled parking, on-site locations to purchase Metro passes, transit subsidies, a commute trip reduction program; shared mobility features (i.e., bike and car share); bicycle friendly infrastructure, education and encouragement program on available transit option; and on-site management of TDM programs. These TDM measures would collectively serve to reduce VMT per capita. Caltrans requests that the Lead Agency incorporate these TDM measures into the Project and confirm that the implementation of these measures will be enforceable over time.

The Project provides a sustainable transportation system that promotes environmental and public health. The Project's mix of uses would allow residents, employees, and visitors to make transportation choices that are more environmentally sustainable and promote public health by providing convenient access to walking, biking, and transit options in and around the Project Site. A pedestrian paseo and a proposed signalized

crossing across Argyle Avenue are intended to facilitate pedestrian connectivity and align with existing mid-block crosswalks on Vine Street and Ivar Avenue. These improvements would improve first/last mile access to nearby transit, including the Metro Red Line.

The Project would encourage the use of electric vehicles by providing parking spaces capable of supporting electric vehicle supply equipment as required in Project Design Feature GHG-PDF-1 for minimum of 30 percent of the provided parking spaces, with 10 percent of the provided spaces further improved with electric vehicle charging station. As such, the Project would support the use of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure.

As a result of the project design, the Project would generate 4.8 household VMT per capita for Project Household and Work VMT. The Project with the East Site Hotel Option would generate 4.7 household VMT per capita. Both options are below the threshold of significance of the Central APC of 6.0 household VMT per capita. Therefore, the Project would result in less than significant VMT impacts. Overall, the Project design and its features supporting multimodal transportation would not conflict with transportation policies, standards, or program in Mobility Plan 2035 adopted to protect the environmental and reduce VMT.

Response to Comment No. AG 2-4

The comment summarizes the Project's features supporting alternative modes transportation that would collectively serve to reduce VMT per capita, improve first/last mile access to nearby transit, and support the use of low and zero emission fuel sources, new mobility technologies, and supporting infrastructure. The comment acknowledges that the Project design and its features supporting multimodal transportation would not conflict with transportation policies, standards, or program in Mobility Plan 2035 adopted to protect the environmental and reduce VMT. The Project's Program will be subject to review and approval by the Los Angeles Department of City Planning and Los Angeles Department of Transportation (LADOT). The exact measures to be implemented will be determined when the Program is prepared, prior to issuance of a final Certificate of Occupancy for the Project. As a project design feature (Project Design Feature TRAF-PDF-1), the TDM components will be monitored and enforced via the Mitigation Monitoring Program (MMP), included in Chapter 4, *Mitigation Monitoring Program*, in this Final EIR.

As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 2-5

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water.

Response to Comment No. AG 2-5

This comment asserts that the Project should be designed to discharge clean run-off water. Hydrology impacts during construction and operation are evaluated in Section IV.G, *Hydrology and Water Quality*, of the Draft EIR. As analyzed therein, hydrology and water quality impacts would be less than significant. Regarding the quality of surface runoff during construction, as discussed on pages IV.G-38 through IV.G-40 of the Draft EIR, the Project would comply with National Pollutant Discharge Elimination System (NPDES) Waste Discharge requirements, including preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the Construction General Permit, as well as the City's grading regulations to control storm water pollutant discharge and, as such, would not result in significant water quality impacts related to storm water run-off during construction. In addition, as discussed on pages IV.G-41 through IV.G-45 of the Draft EIR, the Project would be required to incorporate best management practices (BMPs) and implement Low Impact Development (LID) features to capture and treat the Project Site's runoff per the applicable provisions of City's LID Ordinance.

As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 2-6

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.

Response to Comment No. AG 2-6

The comment identifies Caltrans' permit requirements for oversized construction vehicles and recommends that large-size trucks trips be limited to off-peak hours. Project contractors would obtain transportation permits for any oversized transport vehicles on State highways. Efforts would be made to limit oversized transport during off-peak hours (such as mid-day hours) to facilitate the movement of such vehicles and reduce effects on State highway traffic.

As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 2-7

Finally, the City provided a supplemental traffic analysis as Appendix N to respond to Caltrans' safety concerns to the transportation system. In reviewing this appendix, we are not satisfied that our concerns have been addressed. As such, we would like to meet with the City to discuss the details of our concerns and work toward a mutually agreeable resolution. Any improvements or modifications to the State Highway system that result from our discussion should be included as conditions of approval of the Project by the City.

Please feel free to contact Miya Edmonson at (213) 897-6536 if you have any questions regarding the above. We look forward to working with you.

Response to Comment No. AG 2-7

The comment indicates that Caltrans' concerns have not been addressed in the supplement traffic analysis that was presented for informational purposes in Appendix I to the Transportation Assessment for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As stated on page IV.L-50 of the Draft EIR, "the analyses determined that the addition of Project or the Project with the East Site Hotel Option traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters."

In response to the Caltrans letter, the City's Department of Planning met with Caltrans on July 1, 2020 to discuss their concerns regarding the EIR analysis for the Hollywood Center Project, specifically as it relates to highway safety and the supplemental traffic analysis. At that meeting, Caltrans indicated they had questions about technical assumptions used to prepare the supplemental traffic analysis. However, Caltrans did not identify any particular concerns or make any particular requests for new analysis. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

The City is committed to addressing Caltrans' safety concerns and the Los Angeles Department of Transportation (LADOT) will lead those efforts together with Caltrans. As such, the City and Caltrans mutually agreed to continue to strengthen their working relationship and shared interest in improving the public's transportation facilities and infrastructure in a manner consistent with State guidance. To that end, Caltrans recently released Interim Land Development and Intergovernmental Review (LDIGR), which indicates it "does not establish thresholds of significance for determining safety impacts under the California Environmental Quality Act (CEQA)", defers to the lead agency undertaking CEQA review "to determine its own methodology for safety impact review", and directs Caltrans' traffic safety staff to consider a project's potential influence on safety to consider factors such as, but not limited to:

- Increased presence of pedestrians and bicyclists.
- Degradation of the walking and bicycling environment and experience.
- New pedestrian and bicyclist connection desires.
- Multimodal conflict points, especially at intersections and project access locations.
- Change in traffic mix such as an increase in bicyclists or pedestrians where features such as shoulders or sidewalks may not exist or are inconsistent with facility design (sidewalks, bike and multi-user paths, multimodal roadways, etc.).
- Increased vehicular speeds.
- Transition between free flow and metered flow.
- Increased traffic volumes.
- Queuing at off-ramps resulting in slow or stopped traffic on the mainline or speed differentials between adjacent lanes.
- Queuing exceeding turn pocket length that impedes through-traffic.

On May 1, 2020, LADOT released its Interim Freeway Safety Analysis that was specifically developed to address issues such as those raised by Caltrans, including the potential that a project may result in off-ramp queuing and differential travel speeds that might cause a safety impact. LADOT's Interim Freeway Safety Analysis includes a Screening Threshold, provides guidance on which data sources to use, including Caltrans' Performance Measurement System (PeMS) data, and a Speed Differential of 30 miles per hour (mph).

Based on LADOTs Interim Freeway Safety Analysis, which is consistent with the criteria specified in Caltrans' Interim Land Development and Intergovernmental Review guide, it was determined that the Hollywood Center Project would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' previous letters regarding this Project.

Comment Letter No. AG 3

Cassie Truong, Transportation Associate
Shine Ling, AICP, Manager, Transit Oriented Communities
Los Angeles County Metropolitan Transportation Authority (Metro)
One Gateway Plaza, MS 99-22-1
Los Angeles, CA 90012-2952
Received June 1, 2020

Comment No. AG 3-1

Thank you for the opportunity to comment on the Hollywood Center Project located at 1720-1724 North Vine Street in the City of LA. Attached are Metro's comments. Please kindly reply to confirm receipt.

Please contact Shine Ling at 213.922.2671 or devreview@metro.net if you have any questions.

Response to Comment No. AG 3-1

This comment introduces the Los Angeles County Metropolitan Transportation Authority (Metro) on the Draft EIR. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 3-2 to ORG 3-11.

Comment No. AG 3-2

Dear Mindy: Attached please find Metro's comment letter on the Hollywood Center project. Please reply-all to confirm receipt.

Response to comment No. AG 3-2

The comment states that the comment letter is attached. Responses to the attached comments are addressed in Response to Comment Nos. AG 3-3 to AG 3-12, below.

Comment No. AG 3-3

Thank you for coordinating with the Los Angeles County Metropolitan Transportation Authority (Metro) regarding the proposed Hollywood Center Project (Project) located at 1720-1724 North Vine Street in the City of Los Angeles (City). Metro is committed to working with local municipalities, developers, and other stakeholders across Los Angeles County on transit-supportive developments to grow ridership, reduce driving, and promote walkable neighborhoods. Transit Oriented Communities (TOCs) are places (such as corridors or neighborhoods) that, by their design, allow people to drive less and access transit more. TOCs maximize equitable access to a multi-modal transit network as a key organizing principle of land use planning and holistic community development.

Per Metro's area of statutory responsibility pursuant to sections 15082(b) and 15086(a) of the Guidelines for Implementation of the California Environmental Quality Act (CEQA:

Cal. Code of Regulations, Title 14, Ch. 3), the purpose of this letter is to provide the City with information on potential synergies associated with transit oriented developments that should be considered in the Environmental Impact Report (EIR) for the Project.

In addition to the specific comments outlined below, Metro is providing the City and MCAF Vine LLC, 1750 North Vine LLC, 1749 North Vine Street LLC, 1770 Ivar LLC, 1722 North Argyle LLC, and 1720 North Vine LLC (Applicant) with the Metro Adjacent Development Handbook (attached), which provides an overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities, available at www.metro.net/projects/devreview/.

Response to Comment No. AG 3-3

The comment provides background information on Metro and the purpose of the agency as it pertains to transit oriented developments such as the Project. Metro also states that it is providing the City and Applicant with the Metro Adjacent Development Handbook, which provides an overview of common concerns for development adjacent to Metro right-of-way (ROW) and transit facilities. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 3-4

Project Description

The Project includes a mixed-use development 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 adjacent development and Hollywood Boulevard on the south, and bifurcated by Vine Street. Under the Project, the existing building on the West Site would be demolished and the Capitol Records Complex would be preserved, and the remainder of the Project Site would be redeveloped with 1,005 residential units, comprised 872 market-rate and 133 senior affordable units, and up to 30,176 square feet of commercial uses, within four new mixed-use buildings (West Building, East Building, West Senior Building, East Senior Building) which range in height from 11 to 46 stories.

Response to Comment No. AG 3-4

This comment provides a summary of the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. AG 3-5

Transit Supportive Planning: Recommendations and Resources

Considering the Project's proximity to the Hollywood/Vine Station, Metro would like to identify the potential synergies associated with transit-oriented development:

1. Transit Supportive Planning Toolkit: Metro strongly recommends that the Applicant review the Transit Supportive Planning Toolkit which identifies 10 elements of transit-supportive places and, applied collectively, has been shown to reduce vehicle miles traveled by establishing community-scaled density, diverse land use mix, combination of affordable housing, and infrastructure projects for pedestrians, bicyclists, and people of all ages and abilities. This resource is available at https://www.metro.net/projects/tod-toolkit.

Response to Comment No. AG 3-5

This comment recommends the Project Applicant review Metro's Transit Supportive Planning Toolkit (the Toolkit). As discussed at the referenced website, the Toolkit details specific policies and programs that can be used to promote Transit Oriented Communities (TOCs). These include a description of The Toolkit contains a number of policy and regulatory tools, research on the characteristics of transit-supportive places, analytical models to evaluate the benefits of Transit Oriented Development (TOD), among other topics. The following information is in the Toolkit:

- TOD Characteristics – A description of the 10 characteristics of transit-supportive places with research describing the benefits of each.

- Policy & Planning Tools – Over 25 specific policy, planning and regulatory tools that address the topics of land use, urban design, transportation, market and economic, and community engagement

- Environmental Analysis Tools – A description and link to analytical tools that allow communities to understand the benefits of transit-supportive places

- Economic Benefits – A description of the economic benefits of transit-supportive places.

- Outreach & Communication Best Practices – Methods for engaging the community in the decision-making process in a way that supports transit.

The comment and the Toolkit items in Comment No. AG 3-5 are not specific to and do not raise issues regarding the content or adequacy of the Draft EIR or the Project's potential environmental effects. The comment is included to provide a complete record of Metro's letter, but no further response is warranted.

Comment No. AG 3-6

2. Land Use: Metro supports development of commercial and residential properties near transit stations and understands that increasing development near stations represents a mutually beneficial opportunity to increase ridership and enhance transportation options for the users of developments. Metro encourages the City and Applicant to be mindful of the Project's proximity to the Hollywood and Vine Station, including orienting pedestrian pathways towards the station.

Response to Comment No. AG 3-6

The comment expresses general support for commercial/residential development near transit stations and encourages the City and the Applicant to orient pedestrian pathways toward the Metro B (Red) Line Hollywood/Vine Station. The Project would have a pedestrian paseo that traverses throughout the Project. The paseo would provide direct access to Argyle and Vine Street, both of which can be utilized to access the Metro B (Red) Line Hollywood/Vine Station. Also, the Project would remove existing curb-cuts along Vine Street to promote a pedestrian friendly pathway to the Metro B (Red) Line Hollywood/Vine Station. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 3-7

3. Transit Connections and Access: Metro strongly encourages the Applicant to install Project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project site and nearby destinations. The City should consider requiring the installation of such features as part of the conditions of approval for the Project, including.

    a. Walkability: The provision of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby Hollywood/Vine Station.

    b. Transfer Activity: Given the Project's proximity to the Metro Hollywood and Vine Station the Project design should consider and accommodate transfer activity between bus and (bus or rail) lines that will occur along the sidewalks and public spaces. Metro has completed the Metro Transfers Design Guide, a best practices document on transit improvements. This can be accessed online at https://www.metro.net/projects/systemwidedesign.

    c. Bicycle Use and Micromobility Devices: The provision of adequate short-term bicycle parking, such as ground-level bicycle racks, and secure, access-controlled, enclosed long-term bicycle parking for residents, employees, and guests. Bicycle parking facilities should be designed with best practices in mind, including highly visible siting, effective surveillance, ease to locate, and equipment installation with preferred spacing dimensions, so bicycle parking can be safely and conveniently accessed. Similar provisions for micro-mobility devices are also encouraged. The Applicant should also coordinate with the Metro Bike Share program for a potential Bike Share station at this development.

    d. First & Last Mile Access: The Project should address first-last mile connections to transit and is encouraged to support these connections with

wayfinding signage inclusive of all modes of transportation. For reference, please review the First Last Mile Strategic Plan, authored by Metro and the Southern California Association of Governments (SCAG), available on-line at: http://media.metro.net/docs/sustainability_path_design_guidelines.pdf

Response to Comment No. AG 3-7

The comment encourages the Applicant to install Project features that help facilitate safe and convenient connections for pedestrians, people riding bicycles, and transit users to/from the Project Site and nearby destinations and states that the City should consider requiring the installation of such features as part of the conditions of approval for the Project, including Walkability, Transfer Activity, Bicycle Use and Micromobility Devices, and First & Last Mile Access.

Walkability consists of the provision of wide sidewalks, pedestrian lighting, a continuous canopy of shade trees, enhanced crosswalks with ADA-compliant curb ramps, and other amenities along all public street frontages of the development site to improve pedestrian safety and comfort to access the nearby Metro B (Red) Line Hollywood/Vine Station. As discussed in Section IV.L, *Transportation*, of the Draft EIR and in Table IV.L-3*, Consistency of The Project with Applicable Policies and Programs of Mobility Plan 2035*, streetscape, landscape, street-level retail, and lighting improvements proposed by the Project would enhance pedestrian activity and walkability in and around the Project Site. Improvements include enhanced street trees and landscape and a paseo connecting Ivar Avenue, Vine Street, and Argyle Avenue that would offer social gathering spaces. The Project would also install a signalized crossing across Argyle Avenue to facilitate pedestrian connectivity to neighboring uses to the east of the Project Site.

With regard to transfer activity, the Applicant will implement a Transportation Demand Management (TDM) Program (Project Design Feature TRAF-PDF-1) aimed at discouraging single-occupancy vehicle trips and encouraging alternative modes of transportation, such as carpooling, taking transit, walking, and biking. The TDM Program will be subject to review and approval by the Los Angeles Department of City Planning and the Los Angeles Department of Transportation (LADOT). The exact measures to be implemented will be determined when the Program is prepared, prior to issuance of a final certificate of occupancy for the Project. As part of the TDM Program, the Project would provide bus stop upgrades to immediately adjacent Metro bus stops, which could include, but not limited to, street furniture, signage, and/or other transit-related information to facilitate transfer activity. In addition, other transit related measures as part of the TDM would provide a location on-site where Metro passes may be purchased and bus information displayed, transit subsidies (available to residents and commercial employees) up to 50 percent of the cost of a monthly pass, parking spaces for monthly lease to non-resident Metro park-and-ride users, and discounted daily parking to non-resident Metro transit pass holders.

As further discussed in Table IV.L-1 of Section IV.L of the Draft EIR, the Project would provide 551 bicycle parking spaces (consistent with the Los Angeles Municipal Code [LAMC] Section 12.21 A.16). Project Design Feature TRAF-PDF-1 requires convenient access to on-site bicycle facilities (e.g., wayfinding, etc.). Bicyclists would have the same access opportunities to the Project Site as pedestrians. Further, Vine Street and Yucca Street (east of Vine Street) are designated as Tier 2 bicycle facilities. Project development would not preclude development of bike lanes along these streets, and, thus, the Project would not conflict with the bicycle lane network envisioned in Mobility Plan 2035.

The comment asserts that the Project should address first-last mile connections to transit and encourages the Project to support these connections with wayfinding signage inclusive of all modes of transportation. Metro/SCAG's *First Last Mile Strategic Plan* sets forth the goals to expand the reach of transit through infrastructure improvements, to maximize multi-modal benefits and efficiencies, and to build on the Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS) and Countywide Sustainable Planning Policy (multi-modal, green, equitable, and smart). This is achieved primarily through infrastructure investments to extend the reach of transit and to increase ridership. The Project would provide mixed uses and a densification of the Project Site within 600 feet of the Metro B (Red) Line Hollywood/Vine Station. The Project Site area is also served by bus lines operated by LADOT's Downtown Area Shuttle (DASH). The location of the Project, Project street and sidewalk improvements, and bicycle accessibility would improve first-last mile access and encourage use of transit. Therefore, the Project would be consistent with the objectives of the First Last Mile Strategic Plan to increase transit ridership.

The Project would be consistent with the transit connection and access policies of Metro's Toolkit.

As the comment does not raise issues regarding the content or adequacy of the Draft EIR, no further response to this comment is warranted.

Comment No. AG 3-8

4. Parking: Metro encourages the incorporation of transit-oriented, pedestrian-oriented parking provision strategies such as the reduction or removal of minimum parking requirements and the exploration of shared parking opportunities. These strategies could be pursued to reduce automobile orientation in design and travel demand.

Response to Comment No. AG 3-8

This comment recommends the Project explore parking reduction strategies. Strategies set forth in the Project's TDM under Project Design Feature TRAF-PDF-1 would serve the purpose of reducing vehicle ownership and VMT in accordance with Metro's Toolkit. These include:

- Unbundle residential parking and price according to market rate;
- Unbundle commercial parking coupled with pricing workplace parking and parking cash-out; and
- Daily parking discount for Metro Commuters.

As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 3-9

5. Wayfinding: Any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus or Rail pictograms) requires review and approval by Metro Signage and Environmental Graphic Design.

Response to Comment No. AG 3-9

The comment states that any temporary or permanent wayfinding signage with content referencing Metro services or featuring the Metro brand and/or associated graphics (such as Metro Bus or Rail pictograms) must be reviewed and approved by Metro Signage and Environmental Graphic Design. As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 3-10

6. Transit Pass Programs: Metro would like to inform the Applicant of Metro's employer transit pass programs, including the Annual Transit Access Pass (A-TAP), the Employer Pass Program (E-Pass), and Small Employer Pass (SEP) Program. These programs offer efficiencies and group rates that businesses can offer employees as an incentive to utilize public transit. The A-TAP can also be used for residential projects. For more information on these programs, please visit the programs' website at https://www.metro.net/riding/eapp/.

Response to Comment No. AG 3-10

This comment provides general information on Metro's transit pass program. As discussed in Project Design Feature TRAF-PDF-1 on page IV.L-27 of the Draft EIR, the Project's TDM could include measures, such as providing transit subsidies (available to residents and commercial employees) up to 50 percent of the cost of a monthly pass and an on-site location for the purchase of Metro passes and bus information display. Project Design Feature TRAF-PDF-1 would also incentivize the use of public transit by providing parking spaces for monthly lease to non-resident Metro park-and-ride users; providing discounted daily parking to non-resident Metro transit pass holders; and upgrading the Metro bus stop immediately adjacent to the Project Site with improvements including but not limited to street furniture, signage, and/or other transit-related information.

As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 3-11

If you have any questions regarding this letter, please contact me by phone at 213-922-2671, by email at DevReview@metro.net, or by mail at the following address:

Metro Development Review
One Gateway Plaza
MS 99-22-1
Los Angeles, CA 90012-2952

Response to Comment No. AG 3-11

The comment provides contact information and is noted.

Comment No. AG 3-12

Attachment: Metro Adjacent Development Handbook: A Guide for Cities and Developers (January 2020)

Response to Comment No. AG 3-12

The remainder of the letter includes the attached Metro Adjacent Development Handbook as referenced in the comment letter. The full text of the Handbook is provided in Appendix A. The attachment does not include any comments on the Draft EIR. Thus, no responses to the attachment are warranted.

Comment Letter No. AG 4

Craig Bullock, Planning Director
Office of the Councilmember Mitch O'Farrell, 13th District
200 N. Spring Street, Rm 480
Los Angeles, CA 90012-2952
Received June 1, 2020

Comment No. AG 4-1

I hope you and your family are healthy and safe.

As I mentioned on our call, the councilmember was contacted by multiple Hollywood stakeholders regarding the Hollywood Center Project. These stakeholders are encouraging us to be supportive of the inclusion of office space to compliment the housing. Their recommendations best match Alternative 8 in the DEIR.

The inclusion of office space is appealing to the councilmember. The office vacancy rate for Hollywood is much lower than Los Angeles County as a whole (7.8% vs 14.4%) with vacancy rates near the project site incredibly lower (approximately 2%). It is very important that Hollywood continues to grow its office capacity so that we are able to retain, expand and attract users and not have them go to other parts of the City....or even worse, to other cities!

While we remain open to this possibility, the councilmember has made it clear that he won't allow for a decrease in the project's affordable housing component. Affordable housing, especially for seniors, is very much needed.

I think the Department of City Planning should review Alternative 8 and be prepared to provide the councilmember sufficient information to give it consideration. Please communicate this to the applicant as well.

Just to be clear, the councilmember is not taking a position on the project or on Alternative 8. I will just need to have sufficient information for him to make an informed decision. He will make a decision on his position after reviewing the EIR analysis for the project, as well as those for the alternatives, and after community engagement has occurred.

Please let me know if you have any questions.

Response to Comment No. AG 4-1

This comment provides a general discussion regarding the need for office uses in addition to housing, based on feedback from stakeholders in the Hollywood area, and requests that the Department of City Planning be prepared to provide sufficient information regarding Alternative 8, the Office Residential and Commercial Alternative. Additionally, the commenter indicates that the Councilmember would not support a decrease of the Project's affordable housing component.

The comment clarifies that the Councilmember refrains from taking a position on the Project or on Alternative 8 until review of the EIR analysis, including the Alternatives analysis, as well as community engagement has occurred.

In response to this request from the Council office, supplemental information for Alternative 8, including architectural plans, renderings, and visual simulations are provided in Appendix B-1, and supplemental reports prepared to address potential implications on historic resources, geology/faulting, and transportation are provided in Appendix B-2, Appendix B-3, and Appendix B-4, respectively, in this Final EIR. As documented in the supplemental reports, the analysis and conclusions included in Chapter V, *Alternatives,* of the Draft EIR for Alternative 8 would remain unchanged, and development of Alternative 8 would not result in any new or substantially more severe significant environmental impacts or new mitigation measures compared to the Project.

Comment Letter No. AG 5

Janis L. Hernandez, Senior Engineering Geologist
Timothy McCrink, Supervising Engineering Geologist
State of California Natural Resources Agency, Department of Conservation
California Geological Survey
320 W. 4th Street, Suite 850
Los Angeles, CA 90012
Received July 16, 2020

Comment No. AG 5-1

The Department of Conservation's California Geological Survey (CGS) received the April 16, 2020 Notice of Completion and Availability of Draft Environmental Impact Report (DEIR) for the "Hollywood Center" development project, located near Yucca Street, Argyle Avenue, Ivar Avenue, and Vine Street, in the Hollywood Community Plan area of Los Angeles, CA 90028. This letter conveys comments from CGS regarding geologic and seismic conditions affecting the site, including new information not addressed in the DEIR.

Response to Comment No. AG 5-1

This comment is an introduction to the CGS' comment letter. Responses are provided below in Response to Comment Nos. AG 5-2 through AG 5-23.

Comment No. AG 5-2

Under state law, including the Alquist-Priolo Earthquake Fault Zoning Map Act[1], the Seismic Hazards Mapping Act[2], and Public Resources Code section 2201, CGS provides technical information regarding earthquake faults and other hazards to local governments. This includes publishing detailed earthquake fault maps and other hazard maps and continually reviewing new seismic-hazard data to inform local decision-making. CGS apprises local governments of new seismic information since those maps were published if it is aware that a local government is considering approval of action impacted by this new information.

Footnote 1: Pub. Resources Code §§ 2621-2630

Footnote 2: Pub. Resources Code §§ 2690-2699.6.

Response to Comment No. AG 5-2

This comment provides information on CGS and the technical information that CGS provides regarding earthquake faults and other hazards. As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 5-3

Due to emerging scientific information near the project site, and the project's height, construction materials, and proximity to active faults and densely populated urban areas, on September 24, 2018, CGS submitted comments in response to the notice of preparation of the DEIR. Our comments on the notice of preparation provided information on the 2014 CGS Fault Evaluation Report 253[3] and the related Earthquake Zones of Required Investigation Map (Hollywood Quadrangle), dated November 6, 2014[4], (the 2014 Hollywood Fault Map); faulting and ground-shaking hazard information developed in 2015, after the 2014 Hollywood Fault Map; and older information that provided general geologic context such as rock formation and soil profiles not directly related to faulting.

Footnote 3: https://gmw.conservation.ca.gov/shp/EZRIM/Reports/FER/253/

Footnote 4:
https://gmw.conservation.ca.gov/SHP/EZRIM/Maps/HOLLYWOOD_EZRIM.pdf

Response to Comment No. AG 5-3

The comment provides background on the NOP letter that CGS submitted for the Project, which is provided in Appendix A of the Draft EIR.

The September 24, 2018 NOP comment letter submitted by CGS and referenced in this Draft EIR comment does not present new data, and does not acknowledge the 2015 Fault Study, provided in Appendix G-1 of the Draft EIR, where CGS was present. While the NOP comment letter acknowledges that site-specific fault investigations are vital to determining the fault hazard below a project and states "fault hazard needs to be evaluated by site specific investigation," the CGS NOP comment letter and this Draft EIR comment letter do not recognize the site specific investigations findings that were undertaken for the Project Site, including the 2015 Fault Study that was reviewed by the CGS, the 2019 Fault Study, or the 2019 Geotechnical Study. The CGS provided informal comments for the City, which were addressed in the 2015 Fault Study. Moreover, CGS staff were present during the 2015 fault trenching performed at the Project Site, which shows the CGS is familiar with these studies. The 2015 Fault Study presents an exhaustive response to the review process and was approved by the City on July 7, 2015 (Log # 87496R). Following the submittal of the final approved fault study reports, there were no further comments from the CGS, up to this point. The 2015 Fault Study, along with the 2019 Fault Study performed at the Project Site, are the most relevant technical background documents for evaluation of surface fault rupture hazard in the Draft EIR as dictated by State and City laws and regulations, including the CGS Special Publication

42[30], CGS Note 49[31], and the City of Los Angeles Department of Building and Safety Information Bulletin (Document No. P/BC 2020-129)[32].

Comment No. AG 5-4

After CGS commented on the NOP, and after the DEIR was published, the United States Geological Survey (USGS) on May 8, 2020, issued a new, peer-reviewed analysis of the Hollywood Fault zone in the immediate area of this proposal.[5] The 2020 USGS analysis analyzed multiple seismic datasets and models, all of which consistently infer near-surface fault traces of the Hollywood Fault in the same locations. Importantly, the combined data indicate that more than one near-surface fault trace of the Hollywood Fault crosses the proposed project site. Based on the project's proximity to these fault traces, as well as the proposed development's height, construction materials, and location in a densely populated area, CGS staff determined that this new information is important to convey through comment on this DEIR. CGS summarizes findings from these new studies below and assesses how the USGS study, and other studies conducted after the 2014 Hollywood Fault Map, affect the consideration of seismic risk of the proposed development.

Footnote 5: Catchings, et al., 2020, 2018 U.S. Geological Survey–California Geological Survey fault-imaging surveys across the Hollywood and Santa Monica Faults, Los Angeles County, California: U.S. Geological Survey Open-File Report 2020–1049, 42 p., https://doi.org/10.3133/ofr20201049

Response to Comment No. AG 5-4

The comment states that the CGS is responding to the Project based on the USGS-CGS 2020 report, which was issued after the CGS submitted a NOP comment letter and after the Draft EIR was published. The USGS-CGS 2020 report infers that there is more than one near-surface fault trace of the Hollywood Fault that crosses the Project Site. The City has reviewed the referenced USGS-CGS 2020 report and determined that the best way to resolve CGS' concerns is to require additional trenching in the southern part of the East Site overlapping the transect investigations that have already been performed in 2015 to further investigate the potential for an active fault trace beneath the Project Site. Accordingly, the City has included a condition of approval (discussed in Response to Comment No. AG 5-5 below) requiring the trenching investigation be performed prior to the start of construction on the Project Site. The City has concluded, however, that the USGS-CGS report does not represent new information, nor does it establish that there are active fault traces on the Project Site, or that the inferred fault trace locations in the USGS-CGS report should be presumed active. The methodology used to produce the USGS-CGS 2020 report, geophysical surveys, is useful in targeting subsurface anomalies which may infer faults, but can also infer geologic structure unrelated to

30 CGS, Special Publication 42, Earthquake Fault Zones, Revised 2018.

31 CGS, Note 49, Guidelines for Evaluating the Hazard of Surface Fault Rupture, May 2002.

32 City of Los Angeles Department of Building and Safety, Information Bulletin, Document No.: P/BC 2020-129, Surface Fault Rupture Hazard Investigations, effective January 1, 2020.

faulting. Geophysical studies, such as the guided-wave study performed in the USGS-CGS report, measure seismic energy at specific points and then model the movement of that energy through the surface of the earth in a limited surrounding area. The data set for the USGS-CGS 2020 report comes with a disclaimer regarding its accuracy due to the high level of ambient urban noise interference in Hollywood. The disclaimer is necessary to explain that geophysical studies performed in a dense urban environment can be misleading without the context of surface topography, overlying developments and stratigraphic model, particularly when the geophysics data is intended for near surface interpretations. The USGS-CGS 2020 report, read in isolation, omits critical geologic context necessary for a more complete understanding of whether there is active faulting in the area. The 2015 and 2019 Fault Studies provide that context and demonstrate that, based on extensive trenching and borings, there are no Holocene-active (i.e. active within the last 11,700 years) faults at the Project Site.

The age of activity determination is the critical factor in determining the applicability of the Alquist-Priolo Act because only recent fault rupture, within the Holocene time, is regulated and restricted from new development under the Act. One of the authors of the co-authored USGS-CGS 2020 report was witness to, and personally reviewed, several fault trenches in the local area along with several other members of the CGS, but these observations were omitted from the USGS-CGS 2020 report and CGS Letter. As previously stated, the USGS-CGS 2020 report cites two draft reports prepared for projects not adjacent to the Project Site, but does not utilize or acknowledge the multiple approved reports that were provided in the Draft EIR for the Project. The draft data from the reports utilized and cited in the USGS-CGS 2020 report do not use local data, such as the detailed mapping data maintained by LADBS that is based on trenching and boring that has been undertaken at the Project Site and surrounding properties. This subsurface data is the strongest evidence available that would inform the CGS evaluation of fault activity. In particular, and as stated in CGS Special Publication 42, CGS Note 49, and LADBS P/BC 2020-129, the USGS-CGS 2020 report does not use fault trenching, widely acknowledged as the most reliable method of evaluating the location of faults and fault traces, as well as the recency of fault movement.

Comment No. AG 5-5

1. **Fault traces depicted in CGS's 2014 Hollywood Fault Map do not appear in Appendix G-1's figures of the project site** where locations of their subsurface investigations are presented. Therefore, we attach a figure showing both the location of traces as shown on the 2014 Hollywood Fault Map and the areas of investigation reported in Appendix G-1 (**Figure 1**). (DEIR Appendix G-2 shows the location of the fault trace at a lower level of resolution.) We note below that Figure 1 reflects new information indicating the active fault, which was not cleared by either the 2014 trench or the other investigative techniques reflected in Appendix G-1.

Response to Comment No. AG 5-5

The comment states that the fault traces depicted in the 2014 Hollywood Fault Map are not shown in the figures of the Project Site used in the Draft EIR and attaches a figure showing the locations of the traces for reference. The comment conflicts with CGS' own guidelines defined by Special Publication 42, which acknowledge that fault traces for Earthquake Fault Zone (EFZ) Maps "are not mapped at a scale suitable to meet the requirement for site-specific fault investigations" (see Special Publication 42, page 12), and Note 49, which states regarding geophysical investigations "geophysical methods alone never prove the absence of a fault nor do they identify the recency of activity." (See Note 49, page 2.) In context with the projection of the Alquist-Priolo (AP) Zone fault traces, an investigation report typically presents the background data on separate figures from actual findings from the investigation. Otherwise, the figures may become confusing between what was speculated in the background regional reports versus what was actually found during the site-specific investigation. As discussed in the CGS's own Special Publication 42 the appropriate uses and limitations of the Earthquake Fault Zone Maps are as follows:[33]

> *"Earthquake Fault Zones (EFZ) are delineated to define those areas where fault investigations are required prior to building structures for human occupancy. The Earthquake Fault Zone maps include both the EFZ as well as the mapped traces of faults that are used to delineate zone boundaries. These fault traces are plotted as accurately as the sources of data permit; however, no degree of the relative potential for future surface displacement or hazard is implied for the faults shown on the EFZ maps."*
>
> *"Fault traces shown on Earthquake Fault Zone maps are not mapped at a scale suitable to meet the requirement for site-specific fault investigations, nor should the faults depicted be used as the basis for defining building setback requirements. Lead agencies must require owners/developers with projects within the EFZ to determine if a potential hazard from any fault, whether heretofore recognized or not, exists with regard to proposed structures."*

Figure 1, Site Map with AP Zone, Argyle and Yucca Strands, which is also partially presented within Figure IV.D-2 of Section IV.D, *Geology and Soils,* of the Draft EIR, and Figure 4, Hollywood Fault Segment Map, of the 2015 Fault Study, provided as Appendix G-1 of the Draft EIR, illustrate the 2014 Hollywood Fault Map fault traces with respect to the Project Site. The 2015 Fault Study was an inclusive fault study, in which the investigations extended from property line to property line, relatively perpendicular across the Alquist-Priolo Zone as accessible, as shown in Figure 8 of Appendix G-1. Appendix G-1, and the figures provided therein, represent the complete and extensive investigation of the near surface geology encountered in the area, as well as the fault inactivity during Holocene time below the Project Site.

[33] CGS, Special Publication 42, Earthquake Fault Zones, Revised 2018, p. 12.

Figure 8 of Appendix G-1 represents the full compilation of a thorough investigation to obtain real data, which includes several fault trenches, hundreds of cone penetration tests (CPT) and core borings, as well as bucket auger borings in the local area. Figure 8 updates the information in the 2014 CGS Fault Evaluation Report for Hollywood. Active strands of the Hollywood Fault were not encountered, and therefore not included. The USGS-CGS 2020 report does not utilize any of the reviewed and approved subsurface work performed immediately adjacent to the HW2 (Hollywood seismic profile 2) line of survey data, in which the lead CGS author of the USGS-CGS 2020 report participated. Instead, the authors utilized two incomplete draft fault studies, rather than the two approved reports, filed with CGS and provided in the Draft EIR, to calibrate their seismic survey. As such, the City has determined that the age determination claims in the CGS Letter do not accurately reflect the results of the USGS-CGS report, and as such does not provide "new geologic data" addressing the recency of the inferred faulting. Nonetheless, the City has decided in an abundance of caution to require the applicant to perform additional trenching on the southern portion of the East Site prior to the start of construction in order to more definitively determine whether any active fault traces are located in that area. The following condition of approval will be added to the Project entitlements requiring the additional trenching be performed prior to the commencement of construction:

> Prior to the issuance of any permit which authorizes excavation on the Project Site, the project engineering geologist (a California licensed Certified Engineering Geologist or Professional Geologist who is experienced with fault investigations, at the discretion of the Grading Division of the Los Angeles Department of Building and Safety (LADBS)) shall directly observe, by exploratory trench overlapping the transect investigation performed on the southern portion of the East Site, continuous strata of late Pleistocene age to rule out "active fault traces" (as defined by California Code Regulations, title 14, division 2, chapter 8, section 3601, subdivision (a)) on the Project Site. The trench shall be constructed such that it crosses the projected CGS 'probable fault' in the southwest portion of the East Site and shadows the specific transect CPT data point in question.
>
> LADBS' reviewing geologist, California Geological Survey (CGS) geologists, and other paleoseismic experts shall be invited to observe the trench after the trench has been secured; shored or benched; cleaned, and a string line or grid reference system is in place. Once the field exploration and geologic analysis are completed, the project engineering geologist shall prepare a Surface Fault Rupture Hazard Investigation Report to the satisfaction of LADBS, and submit the Report to the City.
>
> If the investigation performed by the project engineering geologist, as documented in the Surface Fault Rupture Hazard Investigation Report, concludes that there are no active fault traces traversing the southern portion of the East Site, no Project-related construction activity may proceed until DBS provides written approval of the Surface Fault Rupture Hazard Investigation Report to the Applicant and the Department of City Planning.
>
> If the investigation performed by the project engineering geologist, as documented in the Surface Fault Rupture Hazard Investigation Report, concludes that there are active fault traces traversing the southern portion of the East Site, construction of the Project, as proposed, shall not proceed. In compliance with CGS' and LADBS' guidance, the Surface Fault Rupture Hazard Investigation Report shall include recommendations for building

setbacks from any identified active fault trace(s), subject to LADBS review and approval. No ground disturbance or other construction activity shall take place on the Project Site until all of the following has been completed to the satisfaction of the Director of Planning:

1. Applicant shall meet with the Department of City Planning and LADBS to determine what modifications need to be made to the Project to address the existence of the active fault traces on the Project Site, including any building setbacks recommended in the Surface Fault Rupture Hazard Investigation Report approved by LADBS.
2. Applicant shall submit revised plans to the City that include the project modifications needed to address the existence of the active fault traces on the Project Site.
3. The Department of City Planning and LADBS shall determine what, if any, additional environmental review, pursuant to the California Environmental Quality Act (CEQA), is necessary to analyze the Project modifications, and complete the additional environmental review.
4. The City shall review the appropriate environmental clearance and proposed entitlements for the Project, as modified. Following this review, the City may, but is not required to, approve the modified Project and related clearances and entitlements. However, such approval is required before any ground disturbance or other construction activity may occur on the Project Site.

Comment No. AG 5-6

2. **The 2020 USGS study, and other studies that post-date CGS's 2014 Hollywood Fault Map, strongly suggest an active strand of the fault crosses the project site.** CGS considered the 2020 USGS study in light of other studies conducted after the 2014 Hollywood Fault Map. These studies are listed at the end of this letter and, for your convenience, are also available on CGS' FTP server (FTP Link: ftp://ftp.conservation.ca.gov/pub/dmg/shezp/Hollywood-Center-Recent-Fault-Studies/). These studies, conducted east of the project site, postdate the studies included as Appendix G-1 to the DEIR, and are therefore new information of importance to public safety. These studies strongly support the presence of an active southern fault strand entering the eastern Hollywood Center property in the vicinity of the alley at Argyle, south of the fault trench excavated in 2014 as described in Appendix G. Based on these studies, CGS expects to revise the Hollywood Earthquake Fault Zone Map within the next two years by extending the southern strand of the Hollywood Fault further east from where it is currently mapped.

Response to Comment No. AG 5-6

The comment states that the USGS-CGS 2020 report, and other studies referenced therein, strongly suggest an active southern fault strand that crosses the eastern side of the Project Site in the vicinity of the alley at Argyle Avenue. It is not clear from the referenced USGS-CGS 2020 report that the inferred faulting definitively projects through the alleyway at the southern portion of the Project Site. As the USGS-CGS 2020 report discusses, the data used to make these interpretations experienced significant interference from ambient urban noise, stating, "we urge extreme caution in evaluating the PGV of guided waves from such noisy data". Further, as CGS' own guidelines state,

"geophysical methods alone can only provide a range of alternative interpretation for what exists in the subsurface…." (Special Publication 42, pages 34–35.) In evaluating the data presented with less apparent interference, including the tomographic models, the inferred near surface faulting can be interpreted anywhere within a wide zone, varying on the order of at least tens of meters in near surface projection, and therefore, near surface fault interpretation using geophysical methods is highly moldable and relatively ambiguous. As previously stated, the USGS-CGS 2020 report relied on the information and data from two draft reports rather than the approved reports filed with CGS by the City and provided in the Draft EIR. Looking at this data in context with the subsurface investigation stratigraphic data presented in the 2015 Fault Study, provided as Appendix G-1 of the Draft EIR, the more likely projection of this faulting is coincident with the documented inferred fault trace, illustrated in Figure 8 of Appendix G-1, which likely trends east-west at depth, below the explored trenches and does not offset Holocene deposits (i.e., not an active fault). In other words, the anomalies identified as fault traces in the USGS-CGS 2020 report, are likely to be, if faults at all, fault traces of an inactive fault that pre-dates the Holocene period. The 2015 Fault Study's documented inactive fault has comparative stratigraphic relationships to the observations in the USGS-CGS 2020 report's tomographic profiles, including the distinctive north to south change in depositional material and moistures, from consolidated sandy old alluvium on the north to a thick layer of moist clayey mudflows to the south. However, as stated in Response to Comment No. AG 5-5, the City has determined that the most conservative approach to resolving CGS' concerns is to require additional trenching in the southern portion of the East Site prior to the start of construction.

Comment No. AG 5-7

In light of the 2020 USGS study and others referred to above regarding the seismic fault near the proposed development, CGS has assessed whether geotechnical analysis performed as part of the DEIR effectively addresses risks identified within this new information. CGS finds the following limitations in geotechnical analysis of the site given this new information:

Response to Comment No. AG 5-7

This comment is an introduction to CGS' further comments on the Draft EIR's geotechnical analysis. Responses to these further comments are provided below in Response to Comment Nos. AG 5-8 through AG 5-12. As previously stated, although the City believes the studies underlying the Draft EIR's geotechnical analysis provide substantial evidence demonstrating that there is no active fault beneath the Project Site, the City has decided to require additional trenching in the southern portion of the East Site to address CGS' concerns. In any case, the data used in the Draft EIR to assess risk is based on well-documented, thoroughly reviewed, and approved data.

Comment No. AG 5-8

3. **The fault trench excavated in 2014 did not clear the entire site of active faults.** Based upon review of the information presented in Appendix G-1 of the DEIR, the GDC trench on the east property did not completely expose the base of the Holocene- age geologic section across the north-south extent of the site and therefore cannot be considered to exclude the presence of an active fault at or near where it is depicted in CGS's 2014 Hollywood Fault Map, or in the more recent studies mentioned above.

Response to Comment No. AG 5-8

The comment states that the fault trench excavated in 2014 did not clear the entire Project Site of the active fault and therefore does not exclude the presence of an active fault. It should be noted that, though CGS sets policies and criteria for fault investigations—established through Special Publication 42, and Note 49—the Alquist-Priolo Act requires the City to decide whether or not to approve site-specific fault investigations and geologic reports. (See Pub. Resources Code Sections 2622 and 2623.) CGS "does not have direct authority to approve or disapprove geologic investigations, nor to approve or disapprove specific projects which might be built on or near faults." (*Better Alternatives for Neighborhoods v. Heyman* (1989) 212 Cal.App.3d 663, 671.) The original CGS Fault Evaluation Report was released February 14, 2014, during the ongoing fault trenching for the 2015 Fault Study, provided in Appendix G-1 of the Draft EIR, and recommended inclusion of two strands of the Hollywood Fault mapped across the Project Site (as illustrated in CGS FER 253 Plate 3). The 2015 Fault Study trenching provided evidence of no active fault, which effectively resulted in CGS moving the recommended fault strands north into Yucca Street, and south outside the southern limits of trenching. However, the comment does not address the additional transect data identified in the 2015 Fault Study, which provides additional evidence of no Holocene active faulting below the Project Site. The referenced 2014 fault trench was not the only subsurface exploration performed at the Project Site to determine fault activity below the Project Site. Fault investigations in urban environments often have to rely on interpreted methods of investigation, as detailed in the CGS's Special Publication 42, CGS Note 49, and the City of Los Angeles Department of Building and Safety Document No. P/BC 2020-129 (codified as Los Angeles Building Code Reference No. LABC 1803.5.11). In lieu of trenching, a transect of closely spaced CPTs and continuous core borings may be used to evaluate faulting evidence and recency, as discussed in CGS' regulatory and guidance documents. Several transects of closely spaced CPTs and core borings were extended to the southern perimeter of the East Site to evaluate evidence of fault activity. These transects, in context with each other and the stratigraphy evaluated in the extensive trenching, show a history of fault inactivity through the Holocene time and for at least the last 30,000 years. The use of transect interpretation is a widely used and regulatory compliant method of fault investigation when performed by Certified Engineering

Geologists and reviewed and approved by the City's regulatory officials.[34] See Response to Comment No. AG 5-5.

Comment No. AG 5-9

4. **Other fault investigation techniques used on the site are not definitive in clearing the site of active faults.** Based on review of the information presented in Appendix G-1 of the DEIR, the fault studies prepared for the proposed Hollywood Center Project, both east and west properties, primarily rely upon subsurface investigations conducted by Cone Penetration Testing (CPT) and small-diameter boreholes. While these types of investigations can provide beneficial information, they are subject to ambiguous interpretations, particularly regarding the activity of faulting because geologists cannot clearly see which stratigraphic horizons are cut by a fault. A third- party review of the geologic studies conducted for the Hollywood Center Project (see Earth Consultants International, Project No. 3425, June 3, 2015; FTP Link: ftp://ftp.conservation.ca.gov/pub/dmg/shezp/Hollywood-Center-Recent-Fault-Studies/), which was not included in Appendix G-1 of the DEIR, acknowledges the limitations of the project CPT and borehole subsurface investigations, including unresolvable errors in the re-survey efforts of these data locations.

Response to Comment No. AG 5-9

The comment states that the types of subsurface investigations used in the fault studies for the Draft EIR are beneficial, but are not definitive in clearing the Project Site of active faults. CGS' own guidance documents acknowledge that closely spaced CPTs and core borings (transect method), referenced as "other fault investigation techniques" in the comment, are commonly the sole subsurface investigation method used in urban environments to evaluate fault recency below a site. (See Special Publication, pages 33–34.) As noted above, the transect method was used exclusively in the draft reports cited by CGS. The CGS guidelines (Special Publication 42 and Note 49) and City regulations (LABC 1803.5.11 Document No. P/BC 2020-129), recommend this method as a reliable investigation tool when interpreted by a trained certified engineering geologist. Furthermore, the interpretations of transect data can be greatly enriched in context with multiple overlapping data sets and trench observations as performed at the HC Project Site. In other words, the data acquired from the CPTs and borings is tied to the observed data in the fault trenches, thus placing the data in proper time context. As also noted above, the USGS-CGS 2020 report calibrated their survey data based on the draft 2015 Ninyo and Moore report and the draft Group Delta 2015 report, both of which concluded there was no active faulting on their respective sites based on transect investigations.

[34] Notably, the two draft fault investigations cited in the USGS-CGS report and in CGS' comments on the Draft EIR relied exclusively on transect investigations of their respective sites (core borings and CPT testing) before concluding that no active faults existed on those sites. (See the draft Supplemental Fault Rupture Hazard Evaluation for the Hollywood Courthouse by Ninyo & Moore, pages 11–12, 19; draft Fault Activity Investigation for 6044 Carlos Avenue by Group Delta, pages 3, 8–9.)

The 2015 Fault Study transect interpretation performed by certified engineering geologists were also subject to peer-review from CGS and the City. The interpretations represent a thorough evaluation of an extensive data set, including hundreds of CPTs and core borings and several fault trenches at the Project Site and vicinity. The alleged "unresolvable survey error" was resolved through a second overlapping transect of CPT's and core borings, a third overlapping transect of closely spaced continuous core borings, as well as thorough analysis performed by Earth Consultants International (ECI), as referenced in the comment, all of which support the City's conclusion that no active faulting exists on the Project Site.

The expert interpretations of the transects are based on all the data compiled, and the 2015 and 2019 Fault Studies are transparent about the methods by which the data was collected and any level of error associated with those methods. When collecting data in an open field environment there is always an error factor. However, this error factor is greatly reduced by density of data and overlapping data points, as has been done for the onsite fault investigations. As stated above, the City that must decide, under the Alquist-Priolo Act, whether to approve site-specific investigations and geologic reports. The transects performed here, in context with each other and stratigraphy evaluated in the trenching, show a history of fault inactivity through the Holocene time and at least the last 30,000 years. However, as stated in Response to Comment No. AG 5-5, the City has decided to require additional fault trenching investigation of the southern portion of the East Site prior to the start of construction.

Comment No. AG 5-10

The third-party review also presents multiple possible interpretations of the locations and activity of the faults under the site (ECI, 2015, Plate 4), including an interpretation showing the distinct possibility that the southern strand of the Hollywood Fault is active beneath the project site (ECI, 2015, Plate 4, Interpretation A).

Response to Comment No. AG 5-10

The comment states that the ECI report provides multiple interpretations of the locations and activity of faults under the Project Site. In actuality, the ECI report and defined symbology of the referenced Plate 4, Interpretation A, is true evidence that shows how there is no active fault interpreted. The Interpretation A shows what they call "an artifact of data" "feature," and the following Interpretation B and C further explain why this "feature" is likely non-existent. The ECI report explains that this "feature" is based on a single point CPT data, and that the supporting continuous core boring data indicates that the stratigraphy is in fact unfaulted. The report goes on to show that this "feature" is not laterally continuous across overlapping transect data across the Project Site. Therefore, as previously stated, all data should be considered in a compiled and complete context, as evidenced in the approved 2015 and 2019 Fault Studies provided in the Draft EIR, if geologic interpretations are to be fully and adequately informed. Regardless, under the Alquist-Priolo Act, the City has discretion to weigh conflicting evidence and draw its own

conclusions from the evidence, before deciding whether or not to approve a project in an Earthquake Fault Zone. See Response to Comment No. AG 5-5.

Comment No. AG 5-11

CGS understands the project proponents report the project site is underlain by older stratigraphy, capped by Holocene age deposits (<11,700 years old). In their interpretation of boreholes and CPT's, they have postulated the faulting they have identified does not extend into the Holocene units. CGS' interpretation of the CPT and borehole data finds the fault can be drawn to extend into the Holocene units, such as Scenario A in the ECI report. These differing interpretations of fault activity along the southern strand are because only indirect data from the CPT's and boreholes are available. CGS recognizes these uncertainties can only be resolved by fault trenching, which allows direct observations of subsurface geologic relationships and the ability to sample geologic materials for chronologic dating (see Section 5.4 of CGS Special Publication 42; https://www.conservation.ca.gov/cgs/Documents/SP_042.pdf)

Response to Comment No. AG 5-11

The comment states that CGS interprets the Draft EIR's Fault Investigations data to potentially indicate that faults can extend into the Holocene units and that the uncertainties can only be resolved by fault trenching. It should be noted that the consultants who performed the technical background research and evaluation for the Draft EIR are not proponents of the Project. They are licensed professionals hired to provide technical information and make professional judgements and recommendations within the context of the current laws and regulations. Moreover, as required by the Alquist-Priolo Act, the Fault Studies were peer-reviewed by the City's Geologist. The 2015 and 2019 Fault Studies follow State and City regulations and utilized methods recommended by CGS Special Publication 42, CGS Note 49, and LADBS P/BC 2020-129 regulations and guidelines. Accordingly, the City approved the geologic reports for the Project Site and concluded that the Project could be constructed under the Alquist-Priolo Act.

As stated in Response to Comment No. AG 5-3, the referenced, inferred faulting has not been shown to be "active" through the USGS-CGS report, or CGS' comments on the Draft EIR. As previously stated, the USGS-CGS 2020 report used draft reports and data from sites not adjacent to the Project, rather than the two approved reports, filed with CGS by the City and provided in the Draft EIR. In addition, the USGS-CGS 2020 report states that its results do not indicate the recency of fault movement. See Response to Comment No. AG 5-5.

Comment No. AG 5-12

5. **Fault investigations are incompatible with construction excavation.** Appendix G-1 of the DEIR indicates that conditional approval of the geologic report was granted in July 2015. The main condition stipulated by the conditional approval is that the project engineering geologist observe basement excavations during site

construction and inform the City's Grading Division if evidence of active faulting is observed. As noted in CGS Special Publication 42 (see pages 32-33), fault trench investigations require detailed, time-intensive analyses of vertical sections of geologic materials. If fault investigations are not completed prior to final project design and approval, these practices may be compromised by typically efficient construction practices.

Response to Comment No. AG 5-12

The comment states that the fault investigations provided in the Draft EIR are not compatible with the construction excavation proposed for the Project. The review and logging of excavation walls during construction within Alquist-Priolo Zones is considered a dependable assurance practice when performed by a licensed Certified Engineering Geologist, as it is a standard stipulation for all Alquist-Priolo Earthquake Fault Zone study approvals. It should be noted that inspection and mapping of construction sites for compliance to design and geological conformity to expectation is a standard of care and practice throughout the entire industry. During typical construction kickoff meetings, the contractor is made aware of the need for excavation documentation and the contractor's responsibility to assure the Certified Engineering Geologist is present and provided opportunity to do their job. If a section of the wall is shored before the Certified Engineering Geologist has time to document, the contractor is responsible to remove that section of shoring to allow safe observation. In addition, between lifts of shoring, there can be days where there is no advancement, which gives plenty of time to evaluation and log the exposures.

Comment No. AG 5-13

In conclusion, further assessment of the southern strand of the Hollywood Fault, following, for example, best practices outlined in CGS Special Publication 42 as discussed above, is important to adequately understand seismic risks of the proposed development in light of recently available information.

Response to Comment No. AG 5-13

The comment is a conclusion to the commenter's letter and restates CGS' recommendations for best practices in understanding seismic risks for proposed developments. The best practices outlined in the CGS Special Publication 42, CGS Note 49, and LADBS P/BC 2020-129 were fully employed in the fault studies for the Project Site, as provided in Appendices G-1 and G-2 of the Draft EIR. Methods selected for investigation were considered based on these guidelines and the guidelines presented by the lead agency, the City of Los Angeles. The southern strand of the Hollywood Fault has been adequately investigated according to the standards in the Alquist-Priolo Act, CGS' guidance documents, and the City's regulations. The southern strand is shown to be inactive for at least the last 30,000 years below the Project Site. Therefore, as Project and the fault investigations have followed all State and City regulations as noted, the

Project Site should be allowed to redevelop in compliance with the current seismic design standards for new buildings within an Earthquake Fault Zone.

As stated in Response to Comment No. AG 5-5, the City has decided to require the applicant to perform additional trenching on the southern portion of the East Site prior to the start of construction to resolve CGS' concerns regarding the southern inferred fault trace in the USGS-CGS report.

Comment No. AG 5-14

Please let us know if you have any questions regarding these comments. CGS is available for consultation with the City on evaluating fault activity and other seismic hazard issues.

Response to Comment No. AG 5-14

This comment is a conclusion to the comment letter. As the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. AG 5-15

Attachments:

Figures 1 and 2

CGS Comments on the scope and content on the NOP for the Environmental Impact Report for the "Hollywood Center" project, September 24, 2018.

References cited (FTP Link: ftp://ftp.conservation.ca.gov/pub/dmg/shezp/Hollywood-Center-Recent-Fault-Studies/):

- Catchings, R.D., Hernandez, J., Goldman, M.R., Chan, J.H., Sickler, R.R., Olson, B., and Criley, C.J., 2020, 2018 U.S. Geological Survey–California Geological Survey fault-imaging surveys across the Hollywood and Santa Monica Faults, Los Angeles County, California: U.S. Geological Survey Open-File Report 2020–1049, 42 p., https://doi.org/10.3133/ofr20201049.

- City of Los Angeles Department of Building and Safety, Grading Division, 2015, Geology Report Correction Letter, Log # 88174, Soils/Geology File – 2 AP, Tract 2058, lot 26, 6044 Carlos Avenue., reference report LA-1230, dated April 28, 2015 by Group Delta.

- Earth Consultants International, Response to Request from the City of Los Angeles Reviewer, East and West Millennium Sites, Project No. 3425, Dated June 3, 2015.

- Group Delta, 2015, Fault Activity Investigation, Proposed Apartment Development, 6044 Carlos Avenue, Hollywood Area, City of Los Angeles, CA, GDC Project No. LA-1230, dated April 28, 2015.

- Ninyo & Moore Geotechnical and Environmental Sciences Consultants, 2015, Fault Rupture Hazard Evaluation, Hollywood Courthouse, 5925 Hollywood Boulevard, Los Angeles, CA, Project No. 402132006, draft report dated February 24, 2015.

- Ninyo & Moore Geotechnical and Environmental Sciences Consultants, 2015, Supplemental Fault Rupture Hazard Evaluation, Hollywood Courthouse, 5925 Hollywood Boulevard, Los Angeles, CA, Project No. 402132007, draft report dated June 15, 2015.

Response to Comment No. AG 5-15

This comment provides a list of the attachments and reports referenced within the comment letter. Figures 1 and 2 present fault trace data from the 2014 FER for Hollywood. The depicted fault trace has been further investigated at the Project Site, pursuant to State and City regulations, and was found to be inactive during at least the last 30,000 years. In context with the projection of the Earthquake Fault Zone fault traces, an investigation report typically presents the background data on separate figures from actual findings from the investigation. Otherwise the figures may become confusing between what was speculated in the background regional reports verses what was actually found during the site-specific investigation. The CGS Letter Figures 1 and 2 are also presented out of context from the reports from which the data was taken, and do not accurately depict the conclusions of the USGS-CGS report. Where the "Zone of Holocene age faults from CPT and core boings in ORANGE" are illustrated and defined is taken from incomplete fault study reports blocks away from the Project Site that do not determine "active" faulting. The green dots along Argyle Avenue are claimed to "represent locations where the Hollywood Fault has been located based on recent geophysical studied by the USGS" but the USGS-CGS report depicts two "zones" of potential faulting along Argyle Avenue east of the Project Site (see Figure 4 on page 8 of the USGS-CGS report) and does not claim to identify specific fault trace locations. Both "zones" in the USGS-CGS report are located within the northern and southern boundaries of the East Site, and would thus intersect the Project Site through the extensive trenching and transect investigations performed on the East Site. Moreover, a close comparison of the "zones" depicted in Figure 4 of the USGS-CGS report with the green dots in Figure 2 of CGS' letter reveal that CGS placed the southern green dot outside the boundaries of the southern zone of probable faulting identified in the USGS-CGS report. Additionally, the green dots are presented with more certainty as to the locations of potential fault traces than geophysics data can provide, especially considering the high level of interference from urban noise noted in the USGS-CGS report. Geophysical data is highly sensitive to urban activities and requires calibration with real subsurface stratigraphy to be meaningful for fault investigation purposes. (See Special Publication 42, pages 34–35.) As discussed above, the USGS-CGS report was not calibrated using the data from the subsurface investigation performed on the Project Site through the approved 2015 Fault Study, but instead used information from draft reports for investigations performed blocks away from the Project Site. Lastly, the "Inclined fault encountered at depth in BLUE" is not depicted

in context to the 2015 Fault Study from which it was encountered and mapped. If Figure 1 showed the 2015 Fault Study mapped fault, as shown in Figure 2 (the black dotted line), it would be evident that the referenced southern "Hollywood Fault" is coincident with a buried fault, investigated in the 2015 Fault Study to be inactive in at least the last 30,000 years.

Comment No. AG 5-16

The California Geological Survey (CGS) has received the Notice of Preparation for the draft Environmental Impact Report (EIR) for the "Hollywood Center" development project in the vicinity of Vine Street, Yucca Street, Ivar Avenue, and Argyle Avenue in the Hollywood Community Plan Area of Los Angeles, CA, 90028. This letter conveys suggestions and recommendations from the California Geological Survey concerning geologic and soils issues related to the planning area.

The California Geological Survey recommends the EIR address the following items and issues within the planning area:

Response to Comment No. AG 5-16

This comment is an introduction to the commenter's letter submitted in response to the Notice of Preparation (NOP). This comment letter was provided in Appendix A of the Draft EIR. Responses to the remainder of the comment letter are provided below in Response to Comment Nos. AG 5-17 through AG 5-23.

Comment No. AG 5-17

1) Regional and Site Specific Geology

   The EIR should include a discussion of the geologic and structural history of the area and a description of the rock types in this region and across the project site. At a minimum, the following geologic maps should be reviewed:

   Dibblee Jr., T.W., 1991, Geologic map of the Hollywood and Burbank (south ½) Quadrangles, Los Angeles County, California: Dibblee Geological Foundation, Map DF-30, 1:24,000 scale.

   Campbell, R.H., Wills, C.J., Irvine, P.J., and Swanson, B.J., 2014, Preliminary geologic map of the Los Angeles 30' x 60' Quadrangle, California, Version 2.1. California Geological Survey, available at: http://www.conservation.ca.gov/cgs/Pages/Maps-Data/preliminary_geologic_maps.aspx

   Yerkes, R.F., 1997, Preliminary geologic map of the Hollywood 7.5' quadrangle, southern California: U.S. Geological Survey, Open-File Report OF-97-255, scale 1:24,000.

Response to Comment No. AG 5-17

The comment provides a list of references that the CGS recommends the preparers of the EIR should review and analyze as part of the regional and site-specific geology analysis. The regional geology maps referenced were reviewed in preparation of the Geology and Soils report, provided in Appendix G-3, and the fault studies, provided in Appendices G-1 and G-2, of the Draft EIR. The Dibblee Jr. T.W. 1991 Geologic Map referenced is presented as Figure 4 in Appendix G-3 and as Figure 5 in Appendix G-2. An early version of the referenced Los Angeles 30'x60' Quadrangle map was presented as Figure 2 in Appendix G-1. Since then, this map has been subject to revisions and is a fluid document as new geologic data becomes available, much like the Earthquake Fault Zone maps. A current Compilation of Quaternary Surficial Deposits Map is available for viewing on the CGS online data viewer and does not appear to have any particularly significant geologic updates in context with the fault recency study. The referenced Yerkes 1997 map is a reference map used in preparation of the Los Angeles 30'x60' Quadrangle map.

Comment No. AG 5-18

2) Geologic Hazards

Numerous potential geologic hazards exist within the Hollywood Center Project planning area. Each of the hazards listed below should be addressed in the EIR.

a. Earthquake Fault Zones

CGS has completed seismic hazard zone mapping for the Hollywood 7.5-minute quadrangle and the Hollywood Center Project planning area is within a defined Alquist-Priolo Earthquake Fault Zone. Digital versions of this zone map (PDF and Shapefiles) and associated reports can be downloaded from the CGS Information Warehouse, here: http://maps.conservation.ca.gov/cgs/informationwarehouse/ or accessed as web interactive maps, here: https://spatialservices.conservation.ca.gov/arcgis/rest/services/CGS_Earthquake_Hazard_Zones.

These zones can also be viewed with a parcel base map on CGS's interactive Earthquake Hazards Zone Application, here: https://maps.conservation.ca.gov/cgs/EQZApp/app

Response to Comment No. AG 5-18

The comment provides a list of references that the CGS recommends the preparers of the EIR should review and analyze as part of the geologic hazards analysis. The seismic hazard zone mapping is an informative and useful reference to assist in the early preliminary studies of a project site to determine if there is a potential for a seismic hazard that needs to be investigated and mitigated. They are standard documents reviewed

during the background study in any fault investigation or other seismic hazard study. These maps were presented in the 2015 Fault Study, 2019 Fault Study, and the Geotechnical Investigation, provided as Appendices G-1, G-2, and G-3, respectively, of the Draft EIR. These maps show zones of regulation which require an investigation for a seismic hazard, and do not indicate the hazard is actually present. It is up to trained and licensed professionals to assess the presence of the actual hazard through site-specific investigations, such as the 2015 and 2019 Fault Studies provided for the Draft EIR. The roles are all outlined in the California Code of Regulations, Title 14, Div. 2, Section 3601 and California Public Resources Code Sections 2621–2630.

In addition, current building codes require site-specific ground motion hazard analysis to be performed during design of the Project. As such, the new buildings will be constructed to the highest level of seismic safety standards.

Comment No. AG 5-19

b. *Faulting Hazards* – Numerous earthquake faults are mapped within and nearby the Hollywood Center Project planning area. The Hollywood Fault, and its associated splays, are the closest faults to the project are and the entire project lies within an Alquist-Priolo Earthquake Fault Zone for this fault. In addition, at least one trace of the Hollywood Fault is believed to cross the southern part of the planning area, between Hollywood Blvd and Yucca Street, and is considered active. Because the Hollywood Center Project lies within the regulatory Earthquake Fault Zone, site-specific fault investigations are required before the City of Los Angeles can issue permits and, if an active fault trace is found, appropriate fault setbacks must be determined.

Response to Comment No. AG 5-19

The comment states that numerous faults are mapped near the Project Site and that site-specific fault investigations are required for the Project. The 2015 and 2019 Fault Studies, provided in Appendices G-1 and G-2 of the Draft EIR, were performed pursuant to the methods required by the CGS and the City per guidelines presented in CGS Special Publication 42, CGS Note 49, and LABC 1803.5.11 Document No. P/BC 2020-129. These fault studies included several trained professional geologists and certified engineering geologists, as well as well-known and respected paleoseismic specialists, including Dr. Thomas Rockwell and Dr. Roy Schlemon, to assist in the evaluation of faulting recency below the Project Site. As another added assurance, a third-party review was performed by a paleoseimic specialty consulting firm ECI, and is provided as Appendix E of the 2015 Fault Study.

As previously stated, the southern strand faulting that the CGS references as “considered active” has been investigated and found to have been inactive during Holocene time and further to at least 30,000 years. The referenced USGS-CGS 2020 report states that the USGS-CGS data is limited and cannot address fault recency. It should be noted that the USGS-CGS data as referenced does not address fault recency, age of stratigraphy, or

geologic context. See Response to Comments No. AG 5-5 and 5-10 for additional discussion.

Comment No. AG 5-20

At a minimum, the EIR should identify where active traces of the Hollywood fault pass through the planning area and discuss any surface rupture hazards they pose to the project. The most recent understanding of the location of the Hollywood fault is shown on the CGS interactive Data Viewer, here: https://maps.conservation.ca.gov/cgs/#datalist. From the Layer List, select "Seismic Hazards Program: Alquist-Priolo Fault Traces." Please note that these fault traces have been prepared as a regional scale (1:24,000) for the purpose of delineating the hazard zones. They should not replace site-specific geologic fault studies.

Response to Comment No. AG 5-20

The comment states that the Draft EIR should identify where active traces of the Hollywood Fault pass through the area and discuss any hazards that the fault poses to the Project. Please refer to Response to Comment No. AG 5-19. The Draft EIR depicts the presumed active traces of the Hollywood Fault, as illustrated in the Earthquake Fault Zone maps, within the figures in Appendices G-1, G-2, and G-3 of the Draft EIR. As required by law, following the Alquist-Priolo Act, CGS Special Publication 42, CGS Note 49, and LADBS P/BC 2020-129, site-specific fault investigations were performed, and the results are presented in the 2015 and 2019 Fault Studies, provided in Appendices G-1 and G-2, respectively, of the Draft EIR. These site-specific fault studies have been prepared with the assistance of a team of geologist and paleoseismic specialists who all conclude that there is no Holocene fault activity below the Project Site, meaning the presumed active faults mapped by CGS have been determined to be not active, within the meaning of the Alquist-Priolo Act. See Response to Comment No. AG 5-5.

Comment No. AG 5-21

We also recommend that the following CGS Fault Evaluation Report for the Hollywood Fault in the Hollywood 7.5-Minute Quadrangle be reviewed in the EIR: http://gmw.conservation.ca.gov/SHP/EZRIM/Reports/FER/253/FER_253_Report_20140214.pdf

Response to Comment No. AG 5-21

The comment recommends that the Draft EIR review the above-referenced CGS Fault Evaluation Report for the Hollywood Fault. The referenced CGS Fault Evaluation Report for the Hollywood Fault in the Hollywood 7.5-Minute Quadrangle was reviewed as part of the background study during the 2015 and 2019 Fault Studies. Portions of the referenced CGS report was shown in background figures for clear contextual background for the potential seismic hazard and the reasoning for the site-specific investigations performed.

Comment No. AG 5-22

c. *Ground Shaking Hazards* – The Hollywood Center Project planning area is located near many active faults capable of producing severe ground shaking during an earthquake. The EIR should include a discussion on nearby active faults and the likelihood of the planning area to experience strong ground shaking from an earthquake during the life of the project. The earthquake shaking potential for various regions in California can be viewed on the CGS interactive Data Viewer, here: https://maps.conservation.ca.gov/cgs/#datalist. From the Layer List, select "MS48: Earthquake Shaking Potential for California (revised 2016)." This map can also be downloaded as PDF, here: ftp://ftp.conservation.ca.gov/pub/dmg/pubs/ms/048/MS_048_revised_2016.pdf

In addition, the USGS Earthquake Hazards Program provides many tools and resources, here: https://earthquake.usgs.gov/hazards/

Response to Comment No. AG 5-22

This comment states that the Draft EIR should provide a discussion on the nearby active faults and the potential for strong ground shaking. As appropriate for all EIRs in the State of California, the Draft EIR, including Appendix G, addresses Ground Shaking Hazards per current regulations and includes a discussion of nearby seismic sources and the likelihood of the area around the Project Site to experience strong ground shaking from an earthquake event during the life of the Project. The Project will also be required to perform a site-specific ground motion analysis during design of the Project. As such, the new buildings will be constructed to the highest level of seismic safety standards.

The Draft EIR discusses the nearest significant active faults to the Project Site on page IV.D-17 of Section IV.D, *Geology and Soils,* of the Draft EIR. Furthermore, Figure IV.D-3 shows other significant seismically active faults near the Project Site, including the Newport-Inglewood, Verdugo, Sierra Madre, and Whittier Faults. Pages IV.D-33 and IV.D-34 of the Draft EIR provide an analysis that shows that the development of the Project would result in less-than-significant impacts relative to ground shaking.

Comment No. AG 5-23

Please let me know if you have any questions or concerns with the comments in this letter.

Response to Comment No. AG 5-23

This comment is a conclusion to the comment's NOP letter. As the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 1

George Skarpelos, President
Hollywood United Neighborhood Council
Certified Neighborhood Council #52
P.O. Box 3272
Los Angeles, CA 90078
Received April 20, 2020 (ORG 1A)
Received April 28, 2020 (ORG 1B)
Received May 10, 2020 (ORG 1C)
Received May 30, 2020 (ORG 1D)

Comment No. ORG 1A-1

Please see the attached letter from HUNC regarding the comment period for the Hollywood Center Project DEIR.

Response to Comment No. ORG 1A-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 1A-2 and ORG 1A-3.

Comment No. ORG 1A-2

This letter is in response to the release of the Hollywood Center Project Draft Environmental Impact Report (EIR) that was made on April 16, 2020.

We respectfully ask that the comment period be extended to 90 days in light of the emergency shelter in place orders that are in effect until May 15. We understand the comment period for a Draft EIR is normally 45 days. However, we are living in unprecedented times, and Neighborhood Councils are severely hampered from effectively gathering public input during the current pandemic.

Response to Comment No. ORG 1A-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. ORG 1A-3

A project of this scale will impact the extended community beyond Council Districts 13 and 4. Greater Los Angeles will be affected due to the development's proximity to crucial city transportation routes and the Hollywood Earthquake Fault Line. In addition, there are a myriad of other impacts that deserve a clear and transparent process which allows the

community to weigh in on this matter. We hope you can accommodate the community during this limited times of public interaction.

Response to Comment No. ORG 1A-3

The commenter provides a general statement that greater Los Angeles will be affected due to the Project's proximity to crucial city transportation routes and the Hollywood Earthquake Fault Line. However, the comment does not provide any specific facts, or substantial evidence to support these claims.

Nonetheless, regarding traffic, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Regarding development on a fault line, geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Regarding public participation, see Topical Response No. 1 – Public Participation and Review, as referenced in Response to Comment No. ORG 1A-2.

Comment No. ORG 1B-1

I am flabbergasted by your response and urge you to reconsider this decision.

In your letter you reference CEQA Guidelines Section 15105: "the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances." If these are not unusual circumstances then what are? If not now, when? Why have such a provision if it will not be used? These are the **most** unusual circumstances in the last 70 years!

If the city cannot accommodate the requests of the community for more time to review, to discuss and to understand the true nature of this immense project then it is clearly doing its best to minimize any public input.

I am stunned that such requests are being disregarded and the city is acting as if nothing is any different from what normally would take place. The Public Comment period for this project needs to be extended to allow for proper community input.

Response to Comment No. ORG 1B-1

This comment requests the City to reconsider their decision not to extend the Draft EIR comment period so that the community can have more time to review. See Topical Response No. 1 – Public Participation and Review, as referenced in Response to Comment No. ORG A-2.

Comment No. ORG 1C-1

Please add the attached letter from HUNC to the administrative record for this Project. Thanks.

Response to Comment No. ORG 1C-1

This comment is an introduction to an attached letter prepared on May 30, 2018 to the Governor's Office of Planning and Research regarding the Project's Environmental Leadership Development Program (ELDP) application and a request to extent the ELDP application public comment period. This is not a comment letter on the Draft EIR. The commenter requests that this letter be added to the administrative record for the Project, which it has been. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 1C-2.

Comment No. ORG 1C-2

Comment No. ORG 1C-2 is the attachment to the ORG 1C-1 comment.

Response to Comment No. ORG 1C-2

The attached letter involves comments on the ELDP application and not the Draft EIR and was submitted prior to the preparation of the Draft EIR. As such, the letter does not raise any specific issues with respect to the content and adequacy of the Draft EIR.

The attached letter makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies)

included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Regarding the size of the Project, the size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See Topical Response No. 4 – Aesthetics, above, for further discussion.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

The attached letter is provided in Appendix B of the Draft EIR, as well as Appendix A in this Final EIR. It is also included in the administrative record for this project.

Comment No. ORG 1D-1

Ms. Nguyen, Attached please find the Hollywood United Neighborhood Council's comments and response to the Hollywood Center Project DEIR.

Response to Comment No. ORG 1D-1

This introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. ORG 1D-2

The Hollywood United Neighborhood Council's (HUNC) Board of Directors at their May 28, 2020 Special Joint Board and PLUM Committee Meeting voted to approve the following comments, questions and decisions regarding the Hollywood Center Project's DEIR:

Response to Comment No. ORG 1D-2

This comment provides a summary of the remainder of the comment letter. Responses are provided below in Response to Comment Nos. ORG 1D-3 through ID-8.

Comment No. ORG 1D-3

1. We restate our dissatisfaction and concern with the blanket denial of an extension to review the DEIR in light of the pandemic and extreme size and complexity of this project. Allowing only 45 days is extraordinarily short and a denial of an extension flies in the face of most projects that come before the planning

department. The project has been in the works for many years and an extension of 30-60 days is entirely appropriate and consistent with past Planning Department practices. The denial of the extension with a boiler plate denial seems to ignore widespread community concerns and demonstrates a lack of transparency needed for these types of projects.

Response to Comment No. ORG 1D-3

The comment expresses dissatisfaction with the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. ORG 1D-4

2. DENY: Pursuant to LAMC Section 12.32 F, a Height District Change for the project Site to remove the D Limitation to allow a 7:0:1 FAR.

3. The project has requested a change from C4 to C2. Why has the request been made and what other businesses will be included by changing from C4 to C2?

4. DENY: Pursuant to LAMC Section 12.32 F & Q, a Vesting Zone Change from C4-2-SN to C2-2-SN.

5. APPROVE: Pursuant to LAMC Section 12.32 F & Q, a Vesting Zone Change from C4-2D-SN or C2-2D-SN with an Amended D limitation to allow for 5.0:1 FAR.

6. APPROVE WITH CHANGE Section 8, Anticipated Project Approvals, II Project Description – page 74 to read as follows:

Pursuant to LAMC Section 11.5.11(e) and California Government Code Section 65915(k) or the applicable Housing Incentive Program, one (1) incentive, concession, reduction or modification of zoning code requirements to provide for affordable housing cost as follows:

- A floor area bonus consistent with a C4-2D-SN or C2-2D-SN zoning with an Amended D Limitation of 5:0:1.

- The floor area of any residential balconies and terraces may be exclude for purposes of calculating the buildable floor area.

7. The project has requested a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption with 12 establishments. It appears excessive to grant such a wide MCUP.

a. What will the 12 establishments functions be? Will they be restaurants, bars, night clubs, etc.?

b. What mitigation for noise and public drunkenness will be put in place?

8. APPROVE WITH CHANGE: Pursuant to LAMC Section 12.24 W.19, a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption with 4 establishments.

9. DENY: Pursuant to LAMC Section 12.24 W.19, A Conditional Use Permit for a unified development to allow Floor Area Ratio (FAR) averaging and residential density transfer between the East and West Sites.

Response to Comment No. ORG 1D-4

This comment provides a list of the commenter's approvals and denials of, and recommended changes to the Project's requested entitlements.

With regard to bullet point Nos. 2, 3, 4, 6, and 9, the commenter recommends denial and/or modifications to the approvals listed in the Draft EIR for the Project with regard to a zone change, height district change and floor area incentives and averaging. In bullet point No. 3, the commenter also requests clarification as to why the Project requests the zone change, and in bullet point No. 5, the commenter recommends approval of a Vesting Zone Change from C4-2D-SN or C2-2D-SN with an amended "D" Limitation to allow for 5:1 FAR. However, as disclosed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Please see Topical Response No. 5 – Land Use and Planning, for a discussion of the Project's entitlement requests. As such, bullet point Nos. 2, 3, 4, 5, 6, and 9 are no longer applicable.

With regard to bullet point number 7 and 8, the functions of the 12 establishments will be a mix of commercial and/or retail uses. Since information regarding future tenants would be speculative, the Draft EIR identified all the locations within the Project Site that could contain establishments that would sell and dispense alcohol. The Project's request for a Master Conditional Use Permit for on-site and off-site alcohol consumption within 12 establishments is identified in the Draft EIR, including the list of approvals provided on page II-74 in Chapter II, *Project Description*, of the Draft EIR. Moreover, the commenter also asserts that the requested Master Conditional Use Permit appears to be excessive, without explaining why the commenter believes the request appears to be excessive. As such, no further response is warranted.

The impacts of the Project's retail, restaurant, bar, and/or commercial spaces are fully analyzed in the Draft EIR, including, but not limited to, potential noise and traffic impacts. See Section IV.I, *Noise*, Subsection 3.d, Analysis of Project Impacts, on pages IV.I-49 through IV.I-51, of the Draft EIR, which includes the noise analysis of the Project's outdoor

spaces, including the East and West Plazas where any outdoor seating may occur as part of the Project's restaurant or bar spaces.

The requested Master Conditional Use Permit would also require each individual establishment within the Project to obtain a Master Plan Approval (MPA) determination pursuant to LAMC Section 12.24.M for on-site alcohol sales in conjunction with the operation of Project's commercial uses, in order to implement and utilize the Master Conditional Use Permit. The MPA process would allow the City to review each establishment in greater detail and to tailor site-specific conditions of approval for each of the premises subject to analysis of the venue's individual mode and character of operations, including, but not limited to, hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. In addition, the Project's commercial uses with alcohol service would operate in conjunction with all applicable laws to ensure the safety of patrons, employees, and nearby residents, as well as harmony with the character of the surrounding area. Moreover, the type of detailed plans needed for an MPA are not required at this time since the tenants are unknown. As such, the Draft EIR provides the requisite information and detail to appropriately analyze the Project's potential environmental impacts.

Further, the assertions by the commenter that alcohol service within restaurants/bars and hotels naturally results in the prevalence of public drunkenness is speculative and unsubstantiated and is not treated as a potential impact on the environment under CEQA. See CEQA Guidelines Section 15131(a). CEQA defines "environment" as the *physical* conditions that exist within an area affected by a proposed project, including land, air, water, minerals, flora and fauna, noise, and objects of historic or aesthetic significance [emphasis added]. See PRC Section 21060.5; CEQA Guidelines Sections 15360 and 15358(b) (addressing what qualifies as environmental impacts under CEQA). Under these definitions, social effects that are not related to physical impacts need not be evaluated in an EIR. See CEQA Guidelines Section 15131(a) (addressing economic and social impacts under CEQA). For example, see also *Saltonstall v City of Sacramento* (2015) 234 CA4th 549, 584-587 (allegations that proposed basketball stadium would result in post-event impacts to safety by event crowds raised social issue rather than environmental issue that must be reviewed under CEQA); and also *Preserve Poway v City of Poway* (2016) 245 CA 4th 560 (change in "community character" due to new use of site is social and psychological impact, not impact on physical environment). As such, speculation about lawful use of the Project is not evidence of an issue with the content or adequacy of the Draft EIR. Therefore, no further response is warranted on this issue.

Comment No. ORG 1D-5

10. Transportation: The Hollywood Center Project due to its potential immediate and long- range impact on the traffic flow and traffic management in Hollywood, a crucial center of the Los Angeles transportation network, should prepare:

a. A comprehensive traffic study to be included that will cover all of the different neighborhoods impacted by the proposed project, from the Hollywood Dell, Hollywood Grove and the rest of the Hollywood Hills east to Western Avenue;

b. A global parking study for Hollywood and its neighborhoods that will be affected by the project that specifically documents the existing total number of parking spaces as well as the real global parking needs of the residents and businesses with a plan on how the deficit number of spaces will be reduced or mitigated altogether.

c. Secure CalTran's input, determination and recommendations on the affects and remedies for the increased traffic flow that is planned for this project for the on and off ramps of the 101 Freeway (specifically, Gower Street, Cahuenga Blvd, and Argyle Street) in light of this project and the concurrent planned project to be built opposite this project on the corner of Argyle and Yucca streets.

Response to Comment No. ORG 1D-5

The comment states that the Project should include a comprehensive traffic and parking study for Hollywood and its neighborhoods that would be affected by the Project. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above. As discussed therein, pursuant to State guidance and the subsequent City of Los Angeles Transportation Assessment Guidelines (TAG), transportation impacts for CEQA purposes were evaluated using vehicle miles of travel (VMT) as the significance metric, not intersection level of service (LOS). The TAG also requires non-CEQA analyses of intersections in the immediate vicinity of a project and of the potential for residential neighborhood intrusion, each of which was done and is presented in the TA. The non-CEQA neighborhood impact analysis included the following local residential streets in the Hollywood Hills area: Argyle Avenue north of Dix Street, Vista Del Mar Avenue north of Dix Street, and Carmen Avenue north of Franklin Avenue, and found that the Project would not create an excessive burden on these streets.

Regarding the parking study, preparation of a global parking study is not the obligation of the Project under CEQA nor City requirements. Parking itself is not a significance metric under CEQA for projects within a Transit Priority Area (TPA). As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a TPA, parking impacts would not be considered significant under CEQA.

The comment also requests that the Project secure Caltrans' input on the Project, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Caltrans prepared two letters with comments on the transportation analysis to be conducted for the Project. The analyses requested by Caltrans are presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. The Caltrans analysis is not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7 which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. ORG 1D-6

11. Earthquakes: This project's extraordinarily close proximity to the Hollywood Fault Line is a serious safety concern. The EIR should include: an investigation into the projects determination that the fault line is inactive by an independent geological source; a review that the site is engineered to comply with AB1857; an analysis of California EPA guidelines for resiliency on water and waste water vis-à-vis this project, and a thorough investigation of the acknowledged blind thrust fault which the DEIR acknowledges could cause a 6.7 magnitude quake.

Response to Comment No. ORG 1D-6

The comment requests that the Draft EIR include an investigation into the Project's determination of the inactive fault and an analysis of resiliency on water and wastewater, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-

significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with Los Angeles Municipal Code (LAMC) Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. ORG 1D-7

12. Senior housing: What safety features with the two senior housing facilities have for potential earthquake activity? A safety review and outline of the architecture and systems in the senior housing in case of said emergencies should be included.

Response to Comment No. ORG 1D-7

The comment requests information on the safety features for the senior housing facilities for potential earthquake activity. Impacts regarding the Hollywood Fault, which include the West and East Senior Buildings, were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above. In addition, as is true for any new project

development in Los Angeles, the Project's building design and construction must conform to the current seismic design provisions of the City's Building Code, which incorporates relevant provisions of the California Building Code (CBC). The Los Angeles Building Code incorporates the latest seismic design standards for structural loads and materials to accommodate maximum ground accelerations expected from known faults.

Comment No. ORG 1D-8

13. Outdoor advertising signs: What provisions is the project making to ensure that there will be a prohibition on excessive lighting or electronic billboards or neon type advertisements that face north or west to the hill communities, or east facing that adversely impact the Griffith Park Observatory?

Response to Comment No. ORG 1D-8

The comment expresses concern about the Project's potential for excessive lighting from signage on the nearby communities, but does not raise any specific issue with respect to the content and adequacy of the Draft EIR. The Project Site is located within the Hollywood Signage Supplemental Use District (HSSUD) and would be subject to its sign regulations. Aesthetics impacts, including impacts from light, were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See Topical Response No. 4 – Aesthetics, above, for further discussion. In addition, all Project signage would be compliant with the City's lighting and signage regulations included in the HSSUD and LAMC, as applicable, which would minimize light intrusion to off-site properties.

Comment Letter No. ORG 2

Alexa Illes Skarpelos, President
Hollywood Dell Civic Association
P.O. Box 93094
Hollywood, CA 90093
Received April 26, 2020 (ORG 2A)
Received June 1, 2020 (ORG 2B)

Comment No. ORG 2A-1

Please note the attached letter requesting an extension on the public comment period for the Hollywood Center Project.

Response to Comment No. ORG 2A-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 2A-2 to ORG 2A-5.

Comment No. ORG 2A-2

The Hollywood Dell Civic Association represents 1,100+ residences in Hollywood within 500 feet of the area of the proposed “Hollywood Center” development. The Hollywood Dell is located just north of Franklin Avenue and between Cahuenga Blvd. to the west and Argyle Avenue to the east. We are an active and eclectic community with a mixture of single family and multi-family dwellings, of both renters and homeowners.

Response to Comment No. ORG 2A-2

This comment provides an introduction to the commenter’s organization, the Hollywood Dell Civic Association. However, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 2A-3

As a community, we were alarmed to hear that the City had provided the minimum allowed comment period during the extraordinary period of the current COVID-19 pandemic. This virus has resulted in emergency declarations and “Safer At Home” orders that prohibit our community from gathering for neighborhood meetings and organizing discussions and in-person review of the documents.

Response to Comment No. ORG 2A-3

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment No. ORG 2A-4

The proposed project is of great concern to our community and many of our residents desire to know the full scope and reality of how it will impact our area and have concerns regarding public safety, traffic and other long-term effects.

Response to Comment No. ORG 2A-4

The commenter expresses general concerns regarding public safety, traffic and other long-term effects but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

However, regarding public safety, fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout the parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services.

Regarding fire prevention and safety, the Project would comply with the requirements of applicable OSHA, Building Code, Fire Code, other LAMC, and LAFD requirements, including: the provision of fire resistant doors, materials, walkways, stairwells, and elevator systems (including emergency and fire control elevators); installation of a fire sprinkler suppression system, smoke detectors, signage, fire alarms, building emergency communication systems, smoke control systems; implementation of an Emergency

Safety Plan; compliance with LAFD fire apparatus and personnel access requirements; and water systems and roadway improvements improved to the satisfaction of the LAFD. In addition, the LAFD recommended a variety of fire prevention and protection features, including installation of Knox Boxes, building identification, emergency access lanes, building setbacks, and a required Fire Annunciator panel or Fire Control Room. Compliance with applicable Los Angeles Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in LAMC Section 57.118, and which are required prior to the issuance of a building permit.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment No. ORG 2A-5

We ask that the City grant an extension of the public comment period to the DEIR for at least 90 days AFTER the lifting of local and state "Safer At Home" orders. This seems the reasonable and fair way to proceed given the extraordinary circumstances we are all operating under.

Response to Comment No. ORG 2A-5

This comment restates the request to extend the Draft EIR's public comment period. The commenter is referred to Response to Comment No. ORG 2A-3, which addresses the Draft EIR's public comment period.

Comment No. ORG 2B-1

Please note the attached public comments on the Draft EIR for the proposed Hollywood Center Project, submitted by the Hollywood Dell Civic Association on behalf of our neighborhood.

Response to Comment No. ORG 2B-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 2B-2 to ORG 2B-38.

Comment No. ORG 2B-2

The Hollywood Dell Civic Association (HDCA) submits the attached comments on behalf of the Hollywood Dell Neighborhood. The Hollywood Dell Neighborhood is situated in the hills just north of the Project site. The Hollywood Dell is bordered by Cahuenga Blvd. to the west, Argyle Avenue to the east, Franklin Avenue to the south and extends north to

the Hollywood Reservoir. The HDCA represents the 1,100+ households within these borders.

The Hollywood Dell community is active and civic-minded. Many of our residents have lived in this area for decades. We (pre COVID-19) have regular neighborhood meetings and take a great interest in the proposed development projects in Hollywood because they have a direct and long-term impact on our quality of life.

Given that the report is thousands of pages, and that our reasonable request for an extension of the comment period due to the very unusual circumstances of the global COVID-19 pandemic was denied, it has been quite difficult to work with our community to provide our feedback and questions on this project. The process has unfairly disadvantaged the public and we want that on the record. With the limited time allotted and the quarantine still in place, the following represents a first quick pass on some of the areas this massive DEIR covers.

It is absolutely shameful that the Planning Department has continued with this limited public comment period (45 days) during a global pandemic, despite the pleas of numerous community-members, despite the quarantine orders, which can only be described as "unusual circumstances," and despite the massive size & complexity of the EIR.

Response to Comment No. ORG 2B-2

The comment provides an introduction to the commenter's organization, the Hollywood Dell Civic Association. The comment expresses disappointment that the City did not extend the review period in light of the pandemic and the size and complexity of the Draft EIR. For additional details regarding the City's determination not to extend the Draft EIR comment period, please see Topical Response No. 1 – Public Review and Participation, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 2B-3

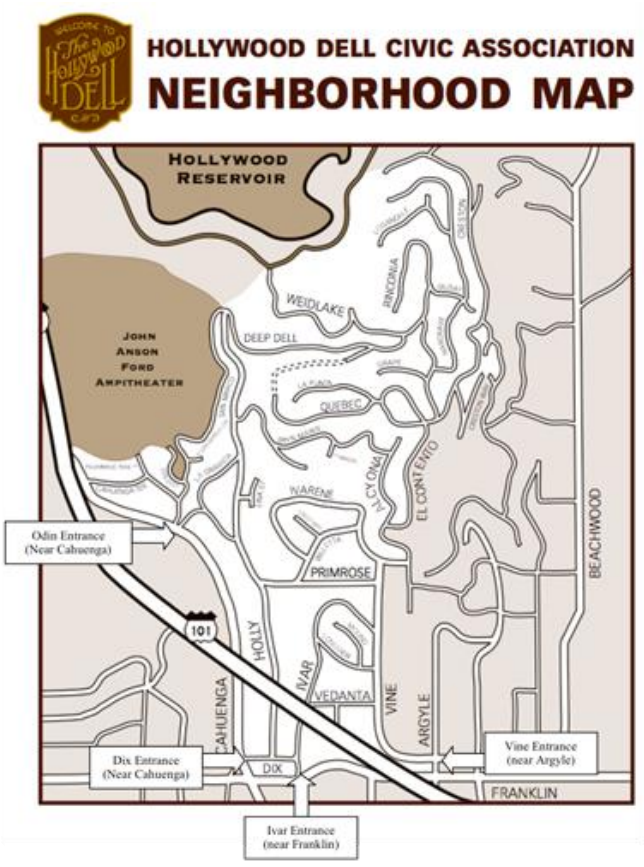
1. Because we are a hillside community, we are included in the area designated as a "Very High Fire Hazard Severity Zone" (VHFHSZ) by the Los Angeles Fire Department.

http://geohub.lacity.org/datasets/lacounty::fire-hazard-severity-zones?geometry=-118.672%2C34.073%2C-118.084%2C34.172

The VHFHSZ comprises most of the hilly and mountainous regions of the City of Los Angeles. This determination was made based on the following criteria:

- Presence of highly flammable vegetation that creates hazardous fuel supply for brush fires
- Steep hillsides mean difficult terrain for fighting fires once they start
- Intersections that create choke points for vehicle access, narrow /substandard street widths with hairpin turns that impede emergency vehicle access, and delay citizen evacuations during an emergency event.
- We have several streets in the Hollywood Dell that have “Red Flag Alert” parking restrictions

In light of the devastating brushfires in recent years, Hollywood Dell residents are very concerned with how quickly emergency teams will be able to respond to fires. How will the project impact response times to fire and associated public safety events in the area of the Project and adjacent areas?



There are few key entry points into the Hollywood Dell (see attached neighborhood map). Two of the main LAFD Fire Stations that service the Hollywood Dell are 27 & 82, both of which would have to travel through the area of the Project site to respond to emergency calls in our neighborhood.

In addition, the response times listed in the report do not effectively take into account the disruption of traffic that a project of this nature will have. The area is often seized by gridlock making sirens and alternative routes ineffective. With the advent of this enormous project, this gridlock will be exacerbated many times over. Public streets are frequently closed for construction activity, which increases the delays for emergency vehicles. We need a future forecast on response times that take into account the disruption of mobility in the area.

The project area is filled with low-rise structures rarely higher than 12 stories and often only 5 to 6 stories tall. Most of the Fire Stations in Project area are not prepared to deal with anything more than assessment Light Force. Only 2 have an engine. These stations may not be equipped or trained to deal with a fire in a high-rise proposed at the project.

What are the plans to add additional capacity and measures necessary for LAFD to respond to fire and public safety emergencies in very tall high-rise buildings? According to the report, as of March 2, 2020 the LAPD had 10,004 sworn officers for a City population of 4,029,741. That comes out to roughly 1 officer for every 400 residents.

Response to Comment No. ORG 2B-3

The comment states that properties within the boundaries of Hollywood Dell Civic Association are located within a "Very High Fire Hazard Severity Zone" (VHFHSZ). The comment also expresses concern regarding how quickly emergency teams will be able to respond to fires in the Hollywood Dell neighborhood and how the Project would impact response times to fire and associated public safety events in the Project vicinity. Regarding the concern that the key entry points into the Hollywood Dell neighborhood would be affected by activities associated with the Project, the first call station for the Hollywood Dell neighborhood is LAFD Station No. 82. LAFD Station No. 82 is designated as serving the Hollywood Hills and east Hollywood. Located at the corner of Hollywood Boulevard and Van Ness Street, the most direct route to the Hollywood Dell neighborhood would be via Van Ness Street to Franklin Avenue and to the Hollywood Dell neighborhood's Vine Street entrance. This route is located entirely to the east of I-101 and would not be substantively impacted by the Project. LAFD Station No. 76 at 3111 N. Cahuenga Boulevard would also have direct access to entry points such as Odin Street, which is located off Cahuenga Boulevard. In addition, as with the other stations serving the Project Site (see Appendix M, Public Service Correspondence, of the Draft EIR), the Hollywood Dell Neighborhood would be served by Station No. 35 at 1601 N. Hillhurst Avenue. Station No. 35 is located between the Hollywood Dell neighborhood and the Silver Lake Reservoir. With three LAFD stations located between the Project Site and the Hollywood Dell neighborhood, LAFD emergency response to the area would not be significantly affected by additional traffic generated by the Project.

The statement that the area is often seized by gridlock that makes sirens and alternative routes ineffective is not supported by fact. Furthermore, the LAFD is experienced in operating within a dense urban area, and through the use of preemptive access to travel lanes and other measures, is currently effective in the City's most congested areas.

As discussed on pages IV.K.1-11 and IV.K.1-12, in Section IV.K.1, *Fire Protection*, of the Draft EIR, response times are provided for information purposes only in the Draft EIR since the LAFD has not established response time standards for emergency response. Roadway congestion as well as weather conditions, and construction traffic along a response route can affect response time. Generally, multi-lane arterial roadways, such as the primary arteries in the Project area, allow emergency vehicles to travel at higher rates of speed and permit other traffic to maneuver out of a path of an emergency vehicle. The Hollywood Community, including the Hollywood Dell neighborhood is also served by Fire Station No. 27, located at 1327 North Cole Avenue. This station, located to the south of Sunset Boulevard and west of Cahuenga Avenue, would have access to multi-lane arterials throughout the Project area and is anticipated to maintain adequate response

times. However, because of the distance of this station from the Hollywood Dell neighborhood (more than 0.8 miles) and the greater potential for traffic congestion through downtown Hollywood and the Project Site area between the Hollywood Dell neighborhood and Fire Station No. 27, three other stations (Stations No. 82, 76, and 35), which would not have to travel through the Project area, would be available to serve the Hollywood Dell neighborhood and, as such, LAFD service to the Hollywood Dell neighborhood is expected to be adequate. Furthermore, the LAFD, in collaboration with Los Angeles Department of Transportation (LADOT), has developed a Fire Preemption System (FPS), a system that automatically turns traffic lights to green for emergency vehicles traveling along designated City streets to aid in emergency response.

The LAFD has recently taken a number of steps to improve their related systems, processes and practices, which in turn serve to reduce response times. Upgrades recently completed or pending include installation of automated vehicle locating systems on all LAFD apparatus; replacement of fire station alerting systems that control fire station dispatch audio, signal lights, and other fire station alerting hardware and software; and development of a new computer-aided dispatch system to manage fire and emergency medical service incidents from initial report to conclusion of an incident. With the implementation of measures to facilitate emergency access on the area's public streets, response times from all stations (Stations No. 27, 84, 76, 41, and 35) would be adequate under future traffic conditions.

According to the LAFD, although response time is considered to assess the adequacy of fire protection services, it is one factor among several that LAFD utilizes in considering its ability to respond to fires and life and health safety emergencies, including required fire flow, response distance from existing fire stations, and the LAFD's judgement for needs in an area. If the number of incidents in a given area increases, it is the LAFD's responsibility to assign new staff and equipment, and potentially build new or expanded facilities, as necessary, to maintain adequate levels of service. In conformance with the California Constitution Article XIII, Section 35(a)(2) and the *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833 ruling, the City has and will continue to meet its legal obligations to provide adequate public safety services, including fire protection. The Hayward ruling also concluded that "assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings" and the "need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate."

Regarding the ability of the LAFD to address fire emergencies in high-rise buildings, the City has buildings over 60 and 70 stories in height, with the LAFD having the capability of responding to fires in these buildings. The Los Angeles Municipal Code (LAMC) requires specific additional fire safety measures, including adequate fire flow for high-rise buildings. In particular, Section 57.118 of the Fire Code requires the LAFD to perform fire/life safety plan review and fire/life safety inspection for new construction. Section 57.118.1.1 of the Fire Code requires that all new high-rise buildings must include fire/life

safety reviews by the LADBS and LAFD. Section 57.408 requires the preparation of an Emergency Plan for high-rise buildings that establishes dedicated personnel and emergency procedures to assist the LAFD during an emergency incident, and establishes a drill procedure to prepare for emergency incidents. The Emergency Plan would also establish an on-site emergency assistance center and establish procedures to be followed during an emergency incident. The Emergency Plan must be submitted to the LAFD for approval prior to implementation, and must be submitted annually (and revised if required by the LAFD). Specifically, the existing experience of the LAFD and requirements of the Fire Code prepare the City to adequately address fire safety issues related to high-rise buildings.

The comment that the ratio of LAPD staff to population, based on a total City population of 4,029,741, is 2.5 officers for every 1,000 residents (or roughly 1 officer for every 400 residents) is correct and consistent with the statement in the Draft EIR page IV.K.2-5. As further discussed in the Draft EIR, pages IV.K.2-17 and IV.K.2-18, to be conservative, if the non-residential population were combined with the residential population (police service population), the Project would generate an estimated total of 3,238 people (3,147 residents plus 91 non-residents). Based on the generation factor of 15 crimes per 1,000 residents (or service population) and, without accounting for Project characteristics and/or design features and security personnel that would reduce crime, the Project could potentially result in approximately 49 additional crimes per year. This represents the potential for an approximately 1.1-percent increase in crime reports in the Hollywood Community area. The increase in population of 3,238 persons in the Hollywood Community area would reduce the officer to resident ratio from 1:852 to 1:861. If it were determined that additional officers would be needed to maintain existing service ratios, the Project contribution would be approximately four additional officers. As concluded on page IV.K.2-20 of the Draft EIR, this increase would not exceed the LAPD's capacity to serve the Project or require the provision of a new or physically altered police facilities, the construction of which would cause significant environmental impacts. With regard to cumulative impacts on police protection services, consistent with *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833 ruling and the requirements stated in the California Constitution Article XIII, Section 35(a)(2), the obligation to provide adequate fire protection service is the responsibility of the City.

Comment No. ORG 2B-4

2. In Hollywood, there are 352 sworn officers serving a population of approximately 300,000. Hollywood has approximately half of the coverage compared with the overall City figure, with 1 officer for every 852 residents. Alarming, because Hollywood is a world-class attraction for visitors and tourists are often the victims of crime in Hollywood. The significant population of visitors, including tourists, was not included in the calculations in the EIR.

Why wasn't the unique aspect of Hollywood tourism and the impact on police services addressed as part of the public safety analysis?

If it's determined that additional resources are in fact required, and given that this Project construction phase could be 7 years, by when would additional resources be expected?

Response to Comment No. ORG 2B-4

This comment expresses concern that population of visitors and tourists to the Hollywood community are not accounted for in the Draft EIR as it pertains to public safety. However, the statement that the police/resident ratio is alarming "because Hollywood is a world-class attraction for visitors and tourists are often the victims of crime in Hollywood," is not supported by fact. As discussed on page IV.K.2-9 of the Draft EIR, the police/resident ratios for "Hollywood Community Area and Citywide are 1:852 and 1:400, respectively, and the number of crimes per 1,000 residents within the Hollywood Community Area and Citywide is 15 and 32, respectively. As further shown in Table IV.K.2-2, *LAPD Hollywood Community Area Crime Statistics (2017),* on page IV.K-2-9 of the Draft EIR, crime statistics for the Hollywood Community Area from 2017 (the latest whole year for which annual crime data is available at the time of the Draft EIR NOP), shows that of 4,630 crimes in the Hollywood Community Area, most of the crimes were related to burglary from motor vehicles.

The threshold standard regarding police services is not the Project's increased demand on police services but whether the Project would increase demand to the extent that new or physically altered government facilities would be required and that the construction of such facilities would result in significant impacts.

In correspondence with the LAPD (see Appendix K.2 of the Draft EIR), the LAPD requested the provision of crime prevention features appropriate for the design of the property. It is also encouraged that the Project provide the Hollywood Area Commanding Division with a diagram of each portion of the property, including access routes with any additional information that might facilitate police response. The LAPD did not request an assessment of projected visitors to the Project Site. The Project is consistent with the LAPD's request in that it provides construction and operational Project Design Features POL-PDF-1 and POL-PDF-2, presented on pages IV.K.1-13 and IV.K.1-14 of the Draft EIR. These include 24-hour security throughout the parking structures, common areas, and ground level outdoor open space; full-time security personnel; staff training and building access and design to assist residents and visitors with access, monitored entrances, and monitoring of fire/life/safety systems; maintenance of unrestricted access to commercial/restaurant uses, publicly accessible open space areas, and the paseo during business hours, with public access (except for authorized persons) prohibited after the businesses have closed via the use of gates, signage security patrols and/or other means determined appropriate; lighting of entryways, publicly accessible areas, and common building and open space areas for security purposes; and regarding public events in the open space areas, following event completion and attendee dispersal, barricades to be placed on the stages, and regularly scheduled security patrols, as well as camera surveillance, to reduce the potential for undesirable activities within the publicly accessible open space.

The Draft EIR did not include visitors and tourists in its calculation of demand on police services. Other than an assessment of future residential population (police service population), existing officers, and existing crime rates in the affected community, as discussed in Section IV.K.2, *Police Services*, pages IV.K.2-17 through IV.K.2-20 of the Draft EIR, no parameter is provided to the EIR preparer by the LAPD to anticipate an increase in future incidents and, respectively, demand on police services. Because the number of future visitors to an area is not based on a specific unit of measure (such as persons per residential unit, or vehicle trips per square-foot of commercial floor area), the effect of the Project in drawing additional visitors to the area is not known. In addition, the behaviors of future visitors and the efficacy of the Project's security features in relation to a potential increase in crime incidents are not known. Because the LAPD would base its staffing needs on incidents and other needs within the Hollywood Community and, because such incidents have not yet occurred and cannot be specifically anticipated, the LAPD does not request that the Draft EIR speculate on future crime rates or other activities requiring police response due to visitors to the Project. The LAPD did not request an assessment of projected visitors to the Project Site for a determination of impacts on police services. The Draft EIR's impact analysis includes an assessment of permanent residential population and sets forth enforceable Project Design Features POL-PDF-1 (Security Features During Construction), and POL-PDF-2 (Security Features During Operation) to reduce demand on police services. These features are discussed in detail in Section IV.K.2, *Police Protection*, pages IV.K.2-13 and IV.K.2-14 of the Draft EIR.

The LAPD assesses its need for an increase in staffing according to the level of incidents requiring police attention and through the City's regular reviews and budgetary processes, and makes decisions to increase, reduce, or maintain service levels in specific areas through that process. The decision to increase, decrease, or maintain existing staffing and station capacity for the Hollywood Community would also be provided through that process.

However, it is the LAPD's responsibility to assign new staff and potentially build new or expanded facilities, as necessary, to maintain adequate levels of service. In conformance with the California Constitution Article XIII, Section 35(a)(2) and the *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833 ruling, the City has and will continue to meet its legal obligations to provide adequate public safety services, including fire protection. The Hayward ruling also concluded that "assuming the city continues to perform its obligations, there is no basis to conclude that the project will cause a substantial adverse effect on human beings" and the "need for additional fire protection services is not an environmental impact that CEQA requires a project proponent to mitigate."

Comment No. ORG 2B-5

According to the "*Projected Increases in Police Service Population*" estimates of non-residents are calculated as just 3 people per 1,000 square feet. Presumably, the 30,000 square feet of commercial space will generate a significantly higher number of people

interacting with the businesses and venues of the Project site. Restaurants, hotel, retail shops and other commercial operations rely on lots of people (workers, guests, customers, visitors etc.) to be profitable.

Why weren't the non-resident estimates more reflective of the volume of people who will be on the Project Site once completed and operational? Won't non-residents also potentially generate calls for service from LAPD?

Response to Comment No. ORG 2B-5

The comment questions that non-residents were not accounted for in the Draft EIR's analysis of demand on police services. As discussed in Response to Comment No. ORG 2B-4, the threshold standard regarding police services is not the Project's increased demand on police services but whether the Project would increase demand to the extent that new or physically altered government facilities would be required and that the construction of such facilities would result in significant impacts.

For the purpose of the Draft EIR, the determination of impacts relative to police services is based on factors identified in the 2006 L.A. CEQA Thresholds Guide. These include:

- The population increase resulting from the proposed project, based on the net increase of residential units or square footage of non-residential floor area;

- The demand for police services anticipated at the time of project buildout compared to the expected level of service available. Consider, as applicable, scheduled improvements to LAPD services (facilities, equipment, and officers) and the project's proportional contribution to the demand; and

- Whether the project includes security and/or design features that would reduce the demand for police services.

The police service population for the purpose of the Draft EIR is based on the Project's anticipated residential population and employee population. The origins of visitors, whether they are already residents of the City and part of the LAPD's existing service population or from outside the area is an unknown entity. However, service populations are only one factor of several in the determination of service demand.

In addition to service population, the impact to police services also considers Project security features. The Project would incorporate Project Design Features POL-PDF-1 and POL-PDF-2, discussed on pages IV.K.2-13 and IV.K-14 and summarized in Response to Comment ORG 2B-4, above, which would reduce demand on police services resulting from visitors to the area. Measures provided under POL-PDF-2, such as 24-hour security throughout the parking structures, common areas, and ground level outdoor open space; full-time security personnel; staff training and building access and design to assist residents and visitors with access; lighting of entryways, publicly accessible areas, and common building and open space areas; publicly accessible open

space areas, and the paseo during business hours, with public access (except for authorized persons) prohibited after the businesses have closed via the use of gates, signage security patrols and/or other means determined appropriate; and regarding public events in the open space areas, following event completion and attendee dispersal, barricades to be placed on the stages, and regularly scheduled security patrols, as well as camera surveillance, to reduce the potential for undesirable activities within the publicly accessible open space. In addition, the LAPD has not determined that construction of a new station would be required as a result of the increased demand on police services generated by the Project. The evaluation in the Draft EIR, based on the three factors cited above, supports the conclusion that impacts related to the requirement of additional or expanded police facilities would be less than significant. No further evaluation regarding additional demand from visitors is warranted by the comment.

Also, as discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 2B-6

The response times for calls for service for LAPD are discussed and specifically, the Project is described as having the "*potential to increase emergency vehicle response times due to travel time delays cause by the additional traffic*." That is quite an understatement. In fact, the construction and operation of the completed Project will absolutely affect response times. Police and Fire vehicles must go past this Project site to access our neighborhood during an emergency.

We question the reality of those numbers for our community. First of all, the emergency response numbers quoted are from several years ago. Where are the more current (2019) figures?

Secondly, because we have few access points into the Hollywood Dell, emergency response times for our neighborhood are likely much longer than typical. Many people in our neighborhood, and other hillside residential neighborhoods, report waiting HOURS for a non-emergency call response. More alarmingly, even a crime-in-progress can result in a wait time many times more than the 3.2 minute figure from 2017 quoted in the report.

Because of the topography of our neighborhood, the narrow and winding streets and the proximity to the Hollywood Entertainment District, AND this proposed Project, Hollywood Dell residents are very concerned about response times to calls for service in our neighborhood.

Where is the data showing response times for the residential neighborhoods just north of the project site? These should be segmented out and available for public review.

How will the response times of police and fire departments to our Hollywood Dell area be affected by this massive development in view of (1) the additional traffic generated by

resident, businesses, and Uber / Lyft rideshares surrounding the Project and (2) the displacement of existing traffic and parking from surrounding the Project to that congesting the streets of our adjacent Hollywood Dell neighborhood?

Response to Comment No. ORG 2B-6

The comment provides text from the Draft EIR and expresses disagreement with the statement, asserts that the emergency response data used in the Draft EIR is outdated, states that people in the Hollywood Dell neighborhood experience long non-emergency response times, and asks how response times of police and fire departments impact the Hollywood Dell neighborhood.

Updated data regarding crimes rates, officer/resident ratios and other data are presented in **Table 2-4,** *Population, Officer, and Crime Comparison (2019),* and **Table 2-5,** *Hollywood Community Area Crime Statistics (2019),* below. As shown in these tables, the ratio of officers per resident is still lower in the Hollywood Community, as well as the crimes per 1,000 residents compared to Citywide. As shown in Tables 2-4 and 2-5 below, the statistics are similar to the 2017 information provided in the Draft EIR, which indicated that the police/resident ratios for Hollywood Community Area and Citywide were 1:852 and 1:400, respectively. However, crimes per 1,000 population increased from 15 in 2017 to 21 in 2019, with total crimes rising from 4,630 to 6,223 in the Hollywood Community Area. Most of the crimes in 2019 were related to burglary from motor vehicles and personal/other theft. Aggravated assault rose from 11 percent of the total to 12 percent of the total in the two-year period.

TABLE 2-4
POPULATION, OFFICER, AND CRIME COMPARISON (2019)

Service Area	Square Miles	Resident Population	Sworn Officers	Officers/ Resident Ratio	Annual Reported Crimes	Crimes per 1,000 Residents
Hollywood Community Area	17.2[a]	300,000[a]	352[a]	1/852[a]	6,223[b]	21[c]
Citywide	472.9[d]	4,029,741[d]	10,033[d]	1/402[e]	120,828[d]	30[f]

[a] Michael R. Moore, Chief of Police; Darnell D. Davenport, Captain, Community Officer, Outreach and Development Division; Officer Christopher Gibson, Community Outreach and Development Division, dated October 9, 2018. Provided in Appendix M-2 of the Draft EIR.

[b] Crime data is provided for 2019 (the latest whole year for which annual crime data was available).

[c] 6,223 crimes/300,000 residents = 0.021 X 1,000 = 21 crimes per 1,000 residents

[d] LAPD, COMPSTAT Citywide Profile 12/01/19-12/28/19.

[e] 4,029,741 residents/10,033 officers = 402 residents/1 officer.

[f] 120,828 crimes/4,029,741 residents = 0.030 X 1,000 = 30 crimes per 1,000 residents.

SOURCE: ESA, 2020.

TABLE 2-5
HOLLYWOOD COMMUNITY AREA CRIME STATISTICS (2019)

	Hollywood Community Area	
Crime	**Number**	**Percent of Hollywood Community Area Crime[a]**
Homicide	4	0%
Rape	122	2%
Robbery	566	9%
Aggravated Assault	765	12%
Burglary	489	8%
Motor Vehicle Theft	417	7%
Burglary From Motor Vehicle	1,755	28%
Personal/Other Theft	2,105	34%
Total	**6,223**	**100%**

[a] Percentages are rounded.

SOURCE: LAPD, COMPSTAT Hollywood Area Profile, 12/01/19 to 12/28/19.

Section IV.K.2, *Police Protection*, of the Draft EIR does not state that the Project would have the "potential to increase emergency vehicle response times due to travel time delays cause by the additional traffic." The Draft EIR does state that "the Project would increase traffic on surrounding roadways. However, the area surrounding the Project Site includes an established street system, consisting of freeways, primary and secondary arterials, and collector and local streets, which provide regional, sub-regional, and local access and circulation within the local Project vicinity. Emergency response is routinely facilitated, particularly for high priority calls, through the use of sirens to clear a path of travel (including bypassing of signalized intersections), driving in the lanes of opposing traffic pursuant to California Vehicle Code (CVC) Section 21806 and multiple station response. In addition, because of the grid pattern of the local street system and the proximity to multiple freeways, police vehicles have multiple routes available to respond to emergency calls at the Project Site. Therefore, based on the considerations above, despite the Project increase in traffic, the Project would not significantly impair the LAPD from responding to emergencies at the Project Site or the surrounding area."

The CEQA threshold standard on page IV.K.2-11 in Section IV.K.2-11 of the Draft EIR is whether the Project would generate a demand for additional police protection services that could exceed the LAPD's capacity to serve the Project Site, and whether such demand would require the construction of new or expansion of existing facilities to preserve service ratios, response times, or other service performance standards. The issue is whether the construction of new facilities as a result of the Project would result in significant impacts on the environment.

In the evaluation of response times, page IV.K.2-24 in Section IV.K.2 of the Draft EIR is based on the correspondence with the LAPD, dated October 9, 2018, as provided in Appendix M-2 of the Draft EIR. Response times, crime rates and other LAPD data are only known at the end of the year. The current data at the time the NOP was published was for the Year 2017. The average response times for emergency calls cited in the LAPD letter was 3.2 minutes and the average response times for non-emergency calls during the same period was 24.2 minutes. The LAPD no longer uses response times in any of their metrics to determine service demand and, as such, 2017 represents the most recent data available. However, updated data regarding crimes rates, officer/resident ratios and other data are presented in Tables ORG 2-1 and ORG 2-2, in Response to Comment 2B-4, above. As shown therein, the Hollywood Community has a per capita crime rate approximately 36 percent below the Citywide rate.

Although an increase in the number of crimes has occurred in the Hollywood Community, the crimes per capita in the Hollywood Community is approximately 36 below the Citywide rate. The LAPD has not changed the ratio of officers per population in the Hollywood Community, which is substantially less than Citywide (1/852 in Hollywood compared to 1/402 Citywide). In its correspondence with the EIR preparer, presented in Appendix M-2 of the Draft EIR, the LAPD stated that the Project would have a minor effect on police services, but the LAPD did not indicate that an expansion of existing facilities associated with the Project, or the combination of related projects reviewed by the LAPD, would be required.

Regarding emergency responses, according to the discussion on page IV.24 of the Draft EIR, because of the range of factors available to the LAPD, such as priority use of the roadways, the Project would not significantly affect existing response times. The CEQA thresholds do not require a determination of the specific effects of a project on response times. As discussed on page IV.L-28, Section IV.L, *Transportation*, of the Draft EIR, Project Design Feature TRAF-PDF-1 (Construction Management Plan), would require the applicant to coordinate with the City and emergency service providers to ensure adequate access, including emergency access, to the Project Site and neighboring businesses and residences. Emergency access points will be marked accordingly in consultation with LAFD, as necessary. As further discussed on page IV.L-46 of the Draft EIR, no policy or procedural changes to an existing risk management plan, emergency response plan, or evacuation plan would be required due to Project implementation, no changes in street configuration would be necessary with the Project, and all Project driveways and the internal circulation would be subject to LAFD review to confirm adequate access. For these reasons impacts related to emergency access were determined to be less than significant without mitigation.

Section IV.K.2 of the Draft EIR discussed the effects of the Project on police protection services in making the determination that the Project would not create the need for new or physically altered police facilities, the construction of which would result in substantial adverse environmental impacts, in order to maintain acceptable service.

The comment expresses the concern that traffic congestion in the Project area would reduce police emergency services to the hillside community. LAPD emergency access is addressed in Section IV.K.2, *Police Protection*, of the Draft EIR. As discussed in Section IV.K.2, the Project would not adversely affect the provision of emergency services. As future discussed in Topical Response No. 2 – Transportation and Traffic, above, services to hillside neighborhoods would continue to be adequate. As discussed therein, emergency response to the hillside neighborhoods to the north of the US-101 take access on Franklin Avenue to the north of the US-101 (and other streets, such as Cahuenga Boulevard, located to the north of the US-101). As discussed in Topical Response No. 2, an analysis of traffic volumes for all of the analysis years and scenarios, as presented in Appendix F of the Transportation Assessment (TA) provided as Appendix N-1 of the Draft EIR, showed that the Project is not projected to add 100 or more peak hour trips to the Argyle Avenue/Franklin Avenue/US-101 on-ramp intersection nor to intersections to the east along Franklin Avenue. At these trip levels, in combination with the LAPD's priority use of the roadway, police emergency services to the Hollywood Dell neighborhood would not be impaired by the Project.

Comment No. ORG 2B-7

Under "Security Features During Operation" the report mentions training, lighting, security cameras, 24/7 security personnel and controlled access to specific private areas of the Project. It does not adequately address the publically *[sic]* accessible areas. Where is the public safety plan for those publically *[sic]* accessible spaces?

Response to Comment No. ORG 2B-7

The comment asks if there a public safety plan for the Project's publicly accessible spaces. The commenter is referred to Project Design Feature POL-PDF-2 discussed on page IV.K.2-13 and IV.K.2-14 of Section IV.K.2, *Police Protection*, which provides that the Project is to incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors, which would include visitors to the publicly-accessible open space.

The Project's security set forth under Project Design Feature POL-PDF-2 will include, but not be limited to, the following design features:

- Installing and utilizing a 24-hour security camera network throughout the underground and above-ground parking garages, the elevators, the common and amenity spaces, the lobby areas, and the rooftop and ground level outdoor open spaces. All security camera footage will be maintained for at least 30 days, and such footage will be provided to the LAPD, as needed.

- Full-time security personnel. Duties of the security personnel will include, but would not be limited to, assisting residents and visitors with Project Site access, monitoring entrances and exits of buildings, and managing and monitoring fire/life/safety systems.

- Staff training and building access/design to assist in crime prevention efforts and to reduce the demand for police protection services.

- Maintenance of unrestricted access to commercial/restaurant uses, publicly accessible open space areas, and the paseo during business hours, with public access (except for authorized persons) prohibited after the businesses have closed via the use of gates, signage security patrols and/or other means determined appropriate.

- Lighting of entryways, publicly accessible areas, and common building and open space areas associated with the housing units and hotel rooms for security purposes.

- Regarding public events in the open space areas, following event completion and attendee dispersal, barricades to be placed on the stages, and regularly scheduled security patrols, as well as camera surveillance, to reduce the potential for undesirable activities within the publicly accessible open space.

The Project Design Feature POL-PDF-2 would be incorporated into the Project as part of the enforceable Mitigation Monitoring Program (see Chapter 4 in this Final EIR). Any public safety plans, as required by the LAPD, would be provided as a standard condition at the discretion of decision-makers and subsequent to the certification of the Final EIR.

Comment No. ORG 2B-8

The 2019 Homeless Count identified 2,953 people un-housed in Council District 13. At least 30% of those have serious mental illness. Encampments in Hollywood in recent years have been an ongoing and overwhelming problem for residents and authorities. Many of these encampments have formed in and around the areas near the 101 Freeway, just a few blocks from the project site.

Recently (May 15, 2020) U.S. District Court Judge David O. Carter issued an injunction that required the City, County and homelessness officials to provide space in shelters or alternative housing for those who were currently encamped near freeway overpasses, underpasses, and ramps. Essentially, the City has been directed to move the homeless away from these Freeway areas for their own safety. LAPD has repeatedly told the community that they cannot compel someone to go to a shelter. How would the public spaces of this Project be affected by the shifting of the un-housed population away from nearby freeway underpasses?

Un-housed Residents (aka homeless) use up a lot of LAPD resources. According *[sic]* the Commanding Officer of the Hollywood Division, dealing with issues related to the homeless and the encampments in the area is a regular, and often all-consuming part of each day for Hollywood LAPD. How can nearby residential communities be assured that the private security for this Project once completed, aren't going to just push the problem into their neighborhoods?

There is no mention in the report of the massive homelessness problem in Los Angeles, and specifically in Hollywood. Yet, the homeless are undeniably part of the "environment." How would the design, construction and operation of this Project impact efforts to get the homeless off the streets? How would the Project design provide attractive and usable public green space, while discouraging encampments?

Response to Comment No. ORG 2B-8

The comment expresses concern regarding homeless issues within the City. The Project's effect on homelessness is an economic/social effect, which under CEQA Guidelines Section 15131, shall not be treated as a significant effect on the environment. Further, the issue is related to the effects of the existing environment on the Project, which is not evaluated in the Draft EIR in accordance with the *California Building Industry Association v. Bay Area Air Quality Management District* (2015) Cal.4th (Case No. S213478). This case held that the impact of existing environmental conditions on a project's future users or residents is not required in a Draft EIR. No further response is warranted.

Comment No. ORG 2B-9

Under "Security Features During Operation" the report only mentions LAPD in the context of making security footage available as needed for investigations. The inference is that the 24/7 private security planned for the Project once completed and in operation would be the primary security and enforcement on site. While private security is fine, there are some things that are more appropriately handled by LAPD. What is the plan for how LAPD will work with the Project site security personnel?

What if there are conflicts of interest that might influence enforcement by private security personnel? For instance, a resident or commercial tenant or event creating a condition that causes complaints from the surrounding community? Will private security bite the hand that feeds it? What is the plan to ensure public safety and quality of life for ALL?

Response to Comment No. ORG 2B-9

The comment expresses uncertainty about the Project's proposed security plan and provides an opinion as to what types of activities are better handled by the LAPD instead of private security. As stated on page IV.K.2-19 of the Draft EIR, Project Design Feature POL-PDF-2 would help to "offset the Project's operational demand for police protection services from LAPD." Private security is not intended to replace police services. The purpose of private security is to discourage criminal mischief and to calm or defuse situations that could lead to possible criminal behavior. If a resident, commercial tenant, site visitor or event creates a condition that causes complaints from the surrounding community and, if the condition potentially violates any laws, LAPD will be the primary responder once notified by community members or any other individuals. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 2B-10

3. Noise Sensitive Receptor Locations: "*Noise-sensitive receptors are locations where people reside or where the presence of unwanted sound could adversely affect or disrupt the types of activities associated with the land use…"*

Despite its proximity to the Project site, why was the Hollywood Dell neighborhood omitted in the noise-sensitive receptor locations? What was the rationale for excluding the hillside neighborhoods north of the Project site from consideration with regard to noise?

Generally, noise is most audible when traveling by direct line-of-sight. Line-of-sight is the straight line along which an observer has unobstructed vision. Barriers such as walls, berms, trees or buildings that break the line-of-sight between the sound source and the receiver greatly reduce noise levels by filtering or interrupting the projection.

In recent years Hollywood Dell residents have become impacted by an increase in noise levels from concerts emanating from the Hollywood Bowl. The volume had become an issue as the Hollywood Bowl sound system became more powerful. Neighbors a ½ a mile away from the Bowl were unable to ignore the din from inside their homes. In response to feedback from the community, the Hollywood Bowl management took steps to address the issue. They conducted sound tests and made significant efforts to monitor sound levels and adjust their operations to minimize the negative impacts on adjacent neighborhoods.

Over the past 10 years, south of our neighborhood, there has been a proliferation of rooftop venues at trendy boutique hotels in the Hollywood Entertainment District. The amplified music and noise from these popular hotspots has become intrusive and annoying to many hillside residents, as it flows without a break in the line-of-sight across great distance (see figure attached) *[sic]*



In January of 2010 the W Hotel Hollywood (12 stories) opened its popular rooftop pool deck at Hollywood and Argyle. In June of 2016, Mama Shelter, at Selma & Wilcox is a boutique hotel (6 stories) with a rooftop venue that projects sound into the surrounding neighborhoods. The Dream Hotel, (10 stories) which opened in July of 2017, also at the intersection of Selma & Wilcox, features an 11,000 square foot rooftop venue called the Highlight Room.

All three of these examples are south of the Project site, but within blocks. They are also significantly lower in overall height than the 46-story proposed towers of the Project, and equivalent in height to the two 11-story

structures. The sound carries, unimpeded from these rooftops to our hillside and can be heard as far as ¾ a mile away.

There are numerous outdoor spaces planned for the Project, including several "Amenity Decks/Terraces" and "Rooftop Terraces." What is the plan for making sure similar noise resulting from the operation of the completed Project doesn't have a significant negative impact on the adjacent neighborhoods? How can this be enforced? How can the sound emanating from these massive high-rises be stopped from flowing, especially from the upper floors and outdoor spaces that face the hills to the north?

Recommendations were created by the Hollywood Community-Police Advisory Board to ensure public safety and maintain a quality of life for the visitors and stakeholders within the Hollywood community.

They were in response to the proliferation of rooftop venues and the increase in noise complaints. The recommendations address hours of use, low / ambient sound and amplified sound.

Why wasn't there any reference to the Community-Police Advisory Board (CPAB) "Recommended Conditions for Unenclosed / Open Rooftop / Elevated Patio operations?"

Response to Comment No. ORG 2B-10

The comment expresses concern of potential Project noise impacts on the Hollywood Dell neighborhood and asks how the Project would address these concerns.

The Hollywood Dell neighborhood is located more than 500 feet from the north end of the Project boundary. The multi-family residential uses to the north of the Project Site, on the north side of Yucca Street, are approximately 175 feet from the Project's northern boundary (see Location 1 as labeled in Figure IV.I-3 of the Draft EIR). Between the multifamily complex and the Hollywood Dell neighborhood, there is approximately 325 feet distance, which would provide an additional 9 dBA in noise attenuation from the Project Site, compared to the noise levels that would be experienced at the multifamily complex to the north of the Project Site. In addition, US-101 is located between the Project Site and the Hollywood Dell neighborhood area. Table 4 in the Noise Technical Appendix, provided in Appendix K of the Draft EIR, shows that with all on-site operational noise sources combined, no significant noise impacts would occur at the multifamily complex on the north side of Yucca Street. This would include any stage noise from the East Site Plaza Performance Stage, which would be directed into the plaza. The East Site Plaza Performance Stage would not include a Hollywood Bowl sound system. As discussed on pages II-58 and II-59 in Chapter II, *Project Description*, of the Draft EIR, the performances would not be allowed to use an amplified sound system. The performances would primarily consist of acoustic musical performances, plays or other theatrical performances, and outdoor fitness classes. Each performance would be up to approximately one to two hours in duration and shall end by dusk. When special events occur within these spaces, set-up may begin as early as 10:30 A.M., events would start

no earlier than 11:00 A.M., and events would end at dusk. Thus, the East Site Plaza Performance Stage would generate daytime noise only and would not generate nighttime noise. The Amenity Decks (Level 2) on both the East Site and the West Site would be allowed to use ambient music speakers with prerecorded, low-level, background music. These ambient speakers would be small ceiling mounted speakers, or small wall- or planter-mounted speakers that play background music and will be directed downward or inward toward the Amenity Deck and not to off-site locations. These would not be similar to a Hollywood Bowl sound system as they would be much smaller and provide ambient music for the enjoyment of Amenity Deck customers while allowing for normal conversations.

Table IV.I-12 on page IV.I-47 of the Draft EIR shows the calculated noise levels at sensitive receivers from on-site operational noise sources, which include the East Site Plaza Performance Stage and the Amenity Decks (Level 2) on both the East Site and the West Site. As shown, the combined noise levels from the Project East Site and the West Site would result in noise impacts that would be less than 5 dBA over the ambient noise levels due to noise attenuation over distance and intervening structures at the noise-sensitive receptors. For the Hollywood Dell neighborhood, once the additional 9 dBA noise reduction is subtracted from the noise level estimated at the multi-family residential uses (see Location 1 as labeled in Figure IV.I-3 of the Draft EIR), noise at the Hollywood Dell neighborhood that is attributable to the Project Site would be approximately 35 dBA, which would be much lower than the ambient noise level in the Hollywood Dell neighborhood. As shown in Figure IV.I-1 of the Draft EIR, common outdoor noise levels for a “quiet urban” area are greater than 50 dBA during the daytime and greater than 40 dBA during the nighttime. Based on these noise levels for quiet urban areas, a 35 dBA noise level contribution from the Project Site would not result in an audible increase in community noise in the Hollywood Dell neighborhood. The presence of the US-101 between the Project Site and the Hollywood Dell neighborhood, as well as intervening buildings between the Project Site and the Hollywood Dell neighborhood area, would further reduce the noise level coming from the Project Site as the US-101 and the intervening buildings would block the line of sight. Because the Hollywood Dell neighborhood is located more than 500 feet from the north end of the Project boundary, it is not warranted to identify residences in the Hollywood Dell neighborhood as potential noise-sensitive receptors that would be impacted by the Project-related noise. Nonetheless, as discussed above, when analyzed for potential noise impacts, operational noise from the Project, including from the East Site Plaza Performance Stage and the Amenity Decks (Level 2) on both the East Site and the West Site, would not result in a s0ignificant impact to the Hollywood Dell neighborhood.

Comment No. ORG 2B-11

4. The report identifies locations near the Project that house sensitive populations (children, elderly, ill persons) and lists 9 such land uses, generally apartment buildings, schools, and hotels. But the report also identified 5 Related Projects, which are to be built in the surrounding area, all of which would or could house

sensitive populations. Collectively these 5 Related Projects include 307 additional dwelling units, 601 hotel rooms, 233,000 square feet of office/workspace and 7,000 square feet of retail.

Why does the evaluation of air quality impacts of the Project ignore the addition of the thousands of sensitive populations that would dwell or work or shop in the 5 Related Projects since you must assume these 5 Related Projects will also be built in the area?

Response to Comment No. ORG 2B-11

The comment asserts that the Draft EIR ignores the air quality impacts of five related projects in its analysis of the Project's air quality impacts; however, this is incorrect as the Draft EIR does not ignore the related projects consisting of sensitive populations surrounding the Project Site. While it is not clear which five related projects the commenter is referring to, the City listed the related projects that are currently proposed, have not yet been built, or that are currently under construction located in the Project area in Table III-1 and also presented in Figure III-1 of Chapter III, *Environmental Setting*, of the Draft EIR. Based on the size and scale of the Project analysis and related projects in the area, a two-mile radius was determined to be the appropriate area applied for the identification of related projects for the Project and Related Projects No. 1 and No. 2 are located immediately adjacent to the Project Site. Page IV.B-29 and IV.B-31 of Section IV.B, *Air Quality*, of the Draft EIR provides a list of nine air quality-sensitive land uses nearest to the Project Site that were accounted for in the air quality analysis and include both existing and future uses. Of these nine air quality-sensitive land uses, the second sensitive receptor listed (Argyle House apartments) corresponds with Related Project No. 1, which is located adjacent to the east of the Project Site (East Site). Related Project No. 2 is a proposed hotel use located to the south of the Project Site (East Site) that is not an air quality-sensitive receptor. Section IV.B, *Air Quality*, of the Draft EIR also notes that all other air quality-sensitive uses (including those related projects in the vicinity of the Project Site), are located at greater distances from the Project Site and would experience lower air pollutant impacts from potential sources of pollutants from the Project Site due to atmospheric dispersion effects. As such, other related projects in the area of the Project Site, but located further away than one or more of the nine listed air quality-receptors, were not explicitly listed as sensitive receptors, because they would be less impacted by Project localized emissions than one or more of those listed. Of the related projects, there are 10 immediately surrounding the Project Site.

The nearest air quality-sensitive receptors to the Project Site include residential land uses, the American Music and Dramatic Academy (AMDA) Vine Building and the AMDA Tower Building. Areas shaded and labeled as "Multi-family residential" or "Residential" may consist of several individual and independent residential units or buildings with a number of occupants. All other air quality-sensitive uses are located at greater distances from the Project Site and would experience lower air pollutant impacts from potential sources of pollutants from the Project Site due to atmospheric dispersion effects. While it cannot be known if the five related projects referenced in the comment would actually be

built, the air quality analysis does not ignore impacts to air quality sensitive receptors as the evaluation discloses maximum air quality impacts, which would occur at air quality-sensitive receptors directly adjacent to the Project Site. As stated on page IV.B-31 of the Draft EIR, impacts at air quality-sensitive receptors located further away, whether they are existing or future related projects, would be within the impacts disclosed in the Draft EIR.

As stated on page IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, Project construction activities have the potential to create localized air quality impacts from on-site Project construction emissions at nearby air quality-sensitive receptor locations. The localized effect from the on-site construction emissions were evaluated in accordance with the South Coast Air Quality Management District's (SCAQMD) Final Localized Significance Threshold Methodology and used the most conservative screening criteria since sensitive receptors are located adjacent to the Project Site.[35] As shown in Table IV.B-13 on page IV.B-66 of the Draft EIR, maximum localized construction emissions at air quality-sensitive receptors, including Related Project No. 1, which is located immediately adjacent to the east of the Project Site (East Site) would be below the localized screening thresholds for NO_X, CO, PM10, and PM2.5. Therefore, the Project's maximum localized construction emissions would not exceed the localized significance thresholds and impacts to air quality-sensitive receptors would be less than significant.

The localized effects from the on-site portion of the maximum daily emissions from Project operation were evaluated at the nearby sensitive receptor locations that would be potentially impacted by operation of the Project according to the SCAQMD's Final Localized Significance Threshold Methodology.[36] As with the construction analysis, operations used the most conservative screening criteria since sensitive receptors are located adjacent to the Project Site. As shown in Tables IV.B-14 through IV.B-16 on pages IV.B-67 and IV.B-68 of the Draft EIR, the maximum localized operational emissions of the Project would not exceed the localized thresholds operational emissions impacts to sensitive receptors would be less than significant. Additionally, this means that localized construction air quality impacts to sensitive receptors located further away, whether they are existing or future related projects, would be less than the impacts disclosed in the Draft EIR and also less than significant.

The City is not required to conduct a health risk assessment (HRA) for mixed-use residential and commercial projects, such as the Project. However, a quantitative construction HRA has been prepared and is included in Appendix E-1 of this Draft EIR. The HRA discloses the maximum health risk impacts, which would occur at air quality-sensitive receptors directly adjacent to the Project Site. Impacts at air quality-sensitive receptors located further away, whether they are existing uses or future related projects, would be within the impacts disclosed in the Draft EIR. As discussed on pages IV.B-70 through IV.B-72 of the Draft EIR, the maximum health risk impacts at sensitive receptors

35 SCAQMD, Final Localized Significance Threshold Methodology, June 2003 and revised July 2008.
36 SCAQMD, Final Localized Significance Threshold Methodology, June 2003 and revised July 2008.

from the Project would not exceed the significance thresholds with incorporation of Mitigation Measure AQ-MM-1. This also means that health risk impacts to sensitive receptors located further away, whether they are existing uses or future related projects, would be less than the impacts disclosed in the Draft EIR and also less than significant with incorporation of Mitigation Measure AQ-MM-1, including at Related Project No. 1, which is located immediately adjacent to the east of the Project Site (East Site).

Thus, the localized effects and health risk impacts from Project construction and operations would not exceed the localized and health risk significance thresholds established by the SCAQMD and air quality-sensitive receptors nearest to the Project Site, including at air quality-sensitive receptors located at the related projects, which may be located further away from the Project Site.

Comment No. ORG 2B-12

The report identifies haul routes for the removal of over 500,000 cubic yards of dirt as well as for the transportation of cement. This route specifies the southbound U.S. 101 on-ramp, which is within 380 feet of the Project. The DEIR assumes 192 maximum in and out bound haul trucks trips per day (24/hour), 188 maximum in and out bound cement trucks per day (23.5/hour) and 640 maximum in and out bound daily worker trips per day. Yet the traffic report for the DEIR does not provide traffic information for current or increased daily traffic on Argyle north or southbound. As local residents, we are well aware that the NB on-ramp to US 101 at Franklin and Argyle is stagnant at rush hours and take many lights in order to pass through from any side. The addition of these hundreds of additional haul/cement/worker trips per day is going to vastly increase the number of cars and trucks on NB Argyle as well as the amount of time those cars and trucks are idling trying to get up to Franklin to take the on-ramp. The planned work hours – 7 a.m. to 3 pm, Monday through Saturday, for a period of as long as 7 years of construction – poses a serious threat to the air quality of the neighborhood, especially the sensitive populations mentioned above.

What is the effect on air quality caused by the increased congestion to existing traffic and lengthier idling of cars caused by the addition of the haul/cement/worker trips of the Project?

Response to Comment No. ORG 2B-12

The comment inquires about the potential air quality impacts Project construction would have on the surrounding neighborhood caused by the addition of the haul/cement/worker trips of the Project on Argyle Avenue and the northbound on-ramp to US-101 at Franklin and Argyle. The Project construction haul routes are discussed on page II-73 in Chapter II, *Project Description*, of the Draft EIR. As discussed, there are two proposed haul routes. The first haul route would have inbound trucks heading to and from the US-101 utilizing entry and exit ramps north of the Project Site (e.g., entry ramps on Argyle Street and exit ramps to Gower Street). The second haul route option for both outbound and inbound

trips would utilize entry and exit ramps to and from the US-101 on Hollywood Boulevard and not on Franklin Avenue or Argyle Avenue.

As discussed on page IV.B-38 of Section IV.B, *Air Quality*, of the Draft EIR, Project construction activities would generate emissions from vehicle trips generated by construction workers, vendor trucks (i.e., concrete trucks), and haul trucks traveling to and from the Project Site. While the City is not required to conduct a HRA for mixed-use residential and commercial projects, such as the Project, a quantitative construction HRA has been prepared and is included in Appendix E-1 of this Draft EIR (specifically, the modeling data is provided in Section 4 of Appendix E-1). The HRA analyzed emissions from diesel-fueled construction equipment, including truck idling and moving emissions from vendor trucks (i.e., concrete trucks) and haul trucks. The modeling analysis extended over 1,300 feet (or one-quarter mile) in all directions from the Project Site. This distance includes the roads directly adjacent to the Project Site and the US-101 entry and exit ramps north of the Project Site (e.g., entry ramps on Argyle Street and exit ramps to Gower Street). While concrete trucks would not be subject to the City-approved haul route, concrete trucks were modeled on the same travel paths and US-101 entry and exit ramps as the haul trucks. This is a conservative assumption for the purposes of modeling maximum impacts as it would concentrate more trucks along the travel paths and at the US-101 entry and exit ramps resulting in higher modeled pollutant concentrations and higher potential impacts to the adjacent air quality-sensitive receptors. The results of the construction HRA are summarized on pages IV.B-70 and IV.B-71 of the Draft EIR. As discussed therein, the maximum air quality health risk impacts at sensitive receptors from the Project would not exceed the significance thresholds with incorporation of Mitigation Measure AQ-MM-1 (a risk level of less than 2 in one million with AQ-MM-1 compared to the significance threshold of 10 in one million). The modeling results, which are included in Appendix E-1 of this Draft EIR (specifically, the modeling data is provided in Section 4 of Appendix E-1), show that maximum impacts would occur at air quality-sensitive receptors directly adjacent to the Project Site. This is because construction emissions would be concentrated near the Project Site where on-site heavy-duty construction equipment, such as excavators and rubber tired loaders, would be used during construction. The air quality health risk impacts from on-site heavy-duty construction equipment substantially dominate the overall air quality health risk impacts and contribute over 90% of the maximum air quality health risk impact while mobile source trucks traveling on roadways contribute a lesser amount to the overall air quality health risk impacts. Therefore, while Project construction vendor trucks (i.e., concrete trucks) and haul trucks traveling to and from the Project Site would contribute to an incremental increase in air quality health risk impacts, the impacts at would not exceed the significance threshold and impacts would be less than significant.

The potential for the Project to cause or contribute to carbon monoxide (CO) hotspots from traffic congestion was evaluated by comparing Project intersection traffic volumes with prior emissions modeling studies conducted by the SCAQMD (see page IV.B-68). The emissions modeling studies were conducted in support of the 2003 Air Quality Management Plan (AQMP) attainment demonstration and used pre-2003 vehicle fleet

emissions factors for CO. This provides for a highly conservative analysis as vehicle emissions factors for the current vehicle fleet are much lower than the pre-2003 vehicle fleet. In other words, gasoline and diesel-fueled vehicles today generate substantially less CO emissions compared to 18 years ago. This is evidenced in the California Air Resources Board (CARB) on-road vehicle emissions model, EMFAC2017.[37] As discussed on page IV.B-69 of the Draft EIR, based on the Project's TA, the intersection of Vine Street and Sunset Boulevard would have a maximum traffic volume of approximately 78,380 annual daily traffic (ADT) under the Project buildout scenario based on future year 2027 traffic volumes and is assumed to operate at very low or idling speeds as a congested roadway intersection. The estimated corresponding traffic volume under existing conditions at the intersection of Vine Street and Sunset Boulevard is approximately 54,640 ADT. While this analysis is provided in the Project's operational impact analysis, the increase in traffic volumes based on future year 2027 plus Project buildout conditions would be higher than the Project construction volumes. Thus, the CO hotspots analysis for future year 2027 traffic volumes provides a more conservative analysis. As discussed on page IV.B-69 of the Draft EIR, CO concentrations from the Project's maximum traffic volume at the intersection identified above plus the measured background level in the Project Site area are expected to be approximately 6.8 ppm (one-hour average) and 4.3 ppm (eight-hour average) under the Project, which would not exceed the thresholds of significance. Therefore, it is also concluded that the increased traffic and idling of motor vehicles (i.e. haul/cement/construction worker) trips due to Project construction would not result in CO hotspots from traffic congestion and related air quality impacts would be less than significant.

Comment No. ORG 2B-13

The report was written prior to the COVID-19 pandemic. As a result of the pandemic it is currently known that public confidence and use of public transit is significantly reduced. People do not want to be in enclosed environments where they may be exposed to the virus.

What is the expected impact of the COVID-19 pandemic on air quality surrounding the Project in view of the fact that individuals who live/work/eat there will be less likely to take public transportation and more likely to own a vehicle or take an Uber or Lyft?

Response to Comment No. ORG 2B-13

The comment asks what the potential impacts of the COVID-19 pandemic would have on the air quality of the Project's surrounding neighborhood assuming the pandemic may result in certain changes to the use of public transit. As stated by the commenter, the Draft EIR was written prior to the COVID-19 pandemic. On March 19, 2020, Mayor Garcetti joined Los Angeles County leaders in issuing an emergency Safer at Home

[37] CARB, EMFAC2017, Emissions Rate, South Coast Air Basin, Years 2002 and 2020, Annual, Aggregated Model Years, Aggregated Speed.

order.[38] This Phase I order called on Angelenos to stay in their residences and limit all activities outside their homes beyond what is necessary for essential tasks. This included all non-essential businesses to remain closed until May 7, 2020. Beginning on May 8, 2020, the City and the County of Los Angeles implemented Stage II, which began the slow and gradual reopening of the City. On June 18, 2020, California Governor Newsom, along with the California Department of Public Health, issued orders requiring Californians to wear masks or cloth face coverings in most settings outside the home to reduce the spread of COVID-19. Since March 2020 when the Safer at Home order was issued, Metro ridership for both bus and rail lines combined decreased by approximately 67 percent from January 2020.[39] However, recent data suggest ridership is making a gradual increase since the City's re-opening, demonstrating an increase of approximately 17 percent in ridership in May 2020 from April 2020.

The Project may be operational as early as 2024 with buildout of either the West Site or the East Site. It is not possible at this time to predict with accuracy what the status of the COVID-19 virus will be in 2024, which represents the earliest year in which either the West Site or the East of the Project would be in operation. Furthermore, the comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. CEQA does not require analysis of speculative conditions related to the potential for diminished use of public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on air quality, particularly from the public's likelihood of avoiding public transit during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. ORG 2B-14

In calculating the vehicle miles anticipated to be traveled by residents/workers at the Project, have the use of Uber and Lyft type of services been figured into the VMT?

Response to Comment No. ORG 2B-14

The comment asks whether the use of ridesharing services have been accounted for in the estimates of Project VMT. The Project would generate new VMT whether someone

[38] City of Los Angeles, COVID-19: Keeping Los Angeles Safe, https://corona-virus.la/SaferLA, accessed July 27, 2020.

[39] Metro, Interactive Estimated Ridership Stats, http://isotp.metro.net/MetroRidership/Index.aspx, accessed July 27, 2020.

drives their own car or hails a ride. The significance thresholds developed by the City for VMT impacts were developed based on the City travel demand forecasting model, which itself is based on the Southern California Association of Government's (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Plan (2016 RTP/SCS) regional travel demand model. Although the City and SCAG travel demand models are both state-of-the-practice models, as of the time of their development, such models have not yet been calibrated to explicitly account for transportation network company (TNC), such as Uber and Lyft, trips as a separate travel mode due to insufficient research. TNC trips are, however, captured in the traffic counts used to calibrate the models. In order to provide consistent results and an "apples to apples" comparison of Project VMT to the VMT significance thresholds, TNC trips similarly are not included as a separate travel mode in the VMT Calculator estimates. TNC trips were accounted for in the trip generation estimates utilized for the circulation analysis in the non-CEQA section of the TA (see Tables 7 and 8 in Appendix N-1).

Comment No. ORG 2B-15

Further, how can it be concluded in a real world that on average 1500 individuals living at these apartments would travel under 5 miles a day, given that the distances to work downtown, in Santa Monica, or the valley are well over 5 miles? Assuming that such individuals are going to be using public transportation, how is that conclusion affected by the COVID-19 pandemic, and people's changed views of public transportation? And ultimately, isn't the estimate of the effect of the Project on air quality going to be negatively increased as a result?

Response to Comment No. ORG 2B-15

The comment questions the Draft EIR's transportation analysis and again asks about the COVID-19 pandemic effects on the Project's air quality impacts. The comment misinterprets the conclusion of the VMT analysis. The VMT analysis concluded that the Project's average daily household vehicle miles traveled per resident (4.8) is less than 15 percent of the area average per resident of 6.0 daily household VMT per capita. Rather, the trips and trip lengths included in the calculation are an average across all types of trips generated by residents, such as commute trips, school trips, shopping trips, etc., across a 24-hour period. While commute trips tend to be longer distance, other trips generated by the residential component tend to be shorter. Furthermore, although some commute trips would certainly be to locations, such as the San Fernando Valley or Santa Monica, there are numerous employment destinations within five miles of the Project Site, such as Hollywood, West Hollywood, Beverly Hills, Studio City, Melrose, Fairfax, Miracle Mile, Koreatown, and portions of Glendale and Burbank, and the large employment cluster in downtown Los Angeles is just beyond five miles from the Project Site and conveniently accessible via transit. Appendix D to the TA contains the VMT calculator outputs.

The analysis reflects the use of transit by employees and residents in the area to travel to/from the Hollywood area. While the COVID-19 pandemic has resulted in reductions in

transit use, it has also shifted commute patterns as a result of individuals working less or working from home. The long-term effects on travel behavior of COVID-19 are not currently known and would be speculative to estimate at this point in time.

Also, with respect to COVID-19 and the effect on air quality due to the Project's operational transportation-related emissions refer to the discussion in Response to Comment No. ORG 2B-13.

Comment No. ORG 2B-16

The report focuses on diesel exhaust as the only significant cause of Toxic Air Contaminants (TACs) and then only during construction. It is such a concern that mitigation surrounding the use of diesel equipment during construction is required. However, why doesn't the report evaluate the source of other TACs caused by the significantly increased traffic on Argyle – and other surrounding streets – caused by the hundreds of haul/cement/worker trips anticipated by the Project and their interference with the already-crowded traffic on such surrounding street? What is the effect on air quality in terms of TACs due to the excessive haul/cement/worker trips?

Response to Comment No. ORG 2B-16

This comment asserts that the Draft EIR's analysis of the Project construction impacts on air quality did not include Toxic Air Contaminants (TACs) sources from haul trucks and cement trucks and asks for clarification on the Project's construction impacts on air quality. The TAC emissions from haul trucks and cement trucks were included in the Project's construction HRA, the results of which were discussed on pages IV.B-70 and IV.B-71 in Section IV.B, *Air Quality*, of the Draft EIR with modeling files and calculations included in Appendix E of the Draft EIR. Worker vehicles, which are overwhelmingly gasoline-fueled passenger vehicles and other light-duty vehicles, would only pose a substantial heath risk if worker trips would approach 100,000 vehicle trips per day as evidenced in the CARB Air Quality and Land Use Handbook, which recommends consideration of health risks from urban roads with 100,000 vehicles or more.[40] Even on construction days with estimated peak worker trips of 1,280 trips (which is provided in Section 2 of Appendix E of the Draft EIR), the volume of worker traffic would be two orders of magnitude less than the CARB Air Quality and Land Use Handbook guidance, and, thus, these primarily gasoline-fueled passenger and light-duty vehicles would constitute an incrementally negligible contribution to the health risks. The health risk assessment modeled all haul and cement trucks as diesel-fueled vehicles that would emit diesel particulate matter (DPM), which the State has identified as a TAC emission, as stated on page IV.B-9 of the Draft EIR. The results of the HRA, which are provided in Section 4 of Appendix E of the Draft EIR, indicate that with implementation of Mitigation Measure AQ-MM-1, impacts would be less than significant, inclusive of TAC emissions from haul and cement trucks.

[40] CARB, California Environmental Protection Agency, California Air Resources Board, Air Quality and Land Use Handbook, April 2005.

Unlike emissions from on-site heavy-duty construction equipment, which would generate localized emissions on the Project Site, haul and cement truck emissions occur on both the local and regional scales. Localized haul and cement truck emissions occur when the trucks are traveling on roadways in the vicinity of the Project Site and when idling on or near the Project Site during the loading or off-loading of materials. Regional haul and cement truck emissions occur when the trucks are traveling on the regional roadway or freeway network. These regional emissions would at times occur many miles away from the Project Site and would be diffused over a large geographical area. In other words, regional truck emissions would not be concentrated in a single area and would not substantially contribute to elevated localized concentrations at a single receptor location. Thus, TAC emissions from haul and cement trucks contribute less to health risk impacts when compared to TAC emissions from on-site heavy-duty diesel-fueled construction equipment.

Comment No. ORG 2B-17

5. The report indicates the Land Use Element of the City's General Plan is comprised of 35 Community Plans and states the "*City's Community Plans are intended to provide an official guide for future development and propose approximate locations and dimensions of land use at the community level*." Furthermore, the report acknowledges the Project is located within the Hollywood Community Plan area and the 1988 Hollywood Community Plan is still in effect. However, the report professes that:

"The Project or the Project with the East Side Hotel Option would not induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). Therefore, the Project would result in less than significant impacts related to induced (sic) substantial unplanned population growth."

without including analysis of the impact from the Project or the Project with the East Side Hotel Option on population and housing growth within in the Hollywood Community Plan area. Rather, in an effort to support the opinion quoted above, the report relies on analyses based on population, housing, and employment growth estimates for the entire City of Los Angeles, not population, housing, and employment growth estimates for the Hollywood Community Plan area.

Why does the evaluation of population growth rely on growth estimates for the entire City of Los Angeles and what analyses have been done to support the opinion quoted above based on growth estimates for the Hollywood Community Plan area?

The report includes discussion of the cumulative impacts of the Project or the Project with the East Side Hotel Option and Appendix L of the report includes a "calculation of the cumulative number of housing units, population, and employees attributable to" the 123 projects located in the City of Los Angeles and the 27 projects located in the City of West Hollywood listed in Table III-1 of Chapter III of the report. As noted by the report, the

Project is located within the Hollywood Community Plan area and the 1988 Hollywood Community Plan is still in effect. However, the report professes that:

> "*…the Project's or the Project with the East Side Hotel Option's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on population and housing would be less than significant."*

without including analysis of the cumulative impact from the Project or the Project with the East Side Hotel Option and other projects listed in Table III-I of Chapter III of the report located in the Hollywood Community Plan area on population and housing within in the Hollywood Community Plan area. Rather, in an effort to support the opinion quoted above, the report relies on analyses based on population, housing, and employment growth estimates for the entire City of Los Angeles, not population, housing, and employment growth estimates for the Hollywood Community Plan area.

Why does the evaluation of the cumulative impacts on population and housing rely on growth estimates for the entire City of Los Angeles and what analyses have been done to support the opinion quoted above based on growth estimates for the Hollywood Community Plan area?

Response to Comment No. ORG 2B-17

This comment requests additional clarification on the Draft EIR's analysis of the Project's impacts related to population and housing. As discussed on page IV.J-1 of Section IV.J, *Population and Housing*, of the Draft EIR, the Project Site is located within the jurisdiction of SCAG, a Joint Powers Agency established under California Government Code Section 6502 et seq. SCAG's mandated responsibilities include developing plans and policies with respect to the region's population. Specifically, SCAG is responsible for preparing the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and Regional Housing Needs Assessment (RHNA), in coordination with other State and local agencies.

As discussed on page IV.J-2 of the Draft EIR, projections in the SCAG 2016-2040 RTP/SCS serve as the bases for demographic estimates in the analysis of Project consistency with growth projections. The findings regarding growth in the region are consistent with the methodologies prescribed by SCAG and reflect SCAG goals and procedures. SCAG data is periodically updated to reflect changes in development activity and planning at the local jurisdiction level (e.g. general plan and zoning changes).

CEQA's population threshold (a) is whether a project would induce substantial unplanned population growth in an area, either directly or indirectly. As discussed on page IV.J-11 of the Draft EIR, because the 1988 Hollywood Community Plan did not provide growth projections beyond 2010, the growth projections provided for the Hollywood Community Plan area do not reflect current conditions or future projections. Therefore, the 2016-2040 RTP/SCS is the most recently adopted regional plan that provides population, housing, and employment projections for the City for the period between 2012 and 2040.

Therefore, for the purpose of the Project's analysis, population and housing projections based on the 2016-2040 RTP/SCS for the City are analyzed with the Project growth to determine impacts.

The Draft EIR would be consistent with the requirements of the CEQA threshold with respect to the evaluation of population and housing (the evaluation of employment is not required under current CEQA Guidelines). Also, as discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 2B-18

The report acknowledges the Project is located within the Hollywood Community Plan area and the 1988 Hollywood Community Plan is still in effect. Furthermore, the report states that key provisions relating to population and housing of the Hollywood Community Plan regarding preferred development in the Project vicinity include:

> *Objective 3: To make provision[s] for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.*
>
> *Objective 4a: To promote economic well being and public convenience through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.*

The report, however, does not identify Objective 7 of the Hollywood Community Plan as a key provision relating to population and housing. Objective 7 states:

> *Objective 7: To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.*

The section on Population and Housing of the report also does not include the proposed residential density categories and their capacities pursuant to the Hollywood Community Plan. Under the Hollywood Community Plan the proposed dwelling units per gross acre for high-density residential areas is 60+ - 80.

What is the proposed number of dwelling units per gross acre (as defined in the Hollywood Community Plan) of the Project or the Project with the East Side Hotel Option? It appears the Project proposes approximately 200 dwelling units per gross acre (as defined in the Hollywood Community Plan). How is this proposal consistent with the 60+ - 80 range identified for high-density residential areas in the Hollywood Community Plan? What is the impact on population growth within the Hollywood Community Plan are of substantially increasing the density for high-density residential areas in the Hollywood Community Plan

area? The Project increases the number of dwelling units per gross acre by proposing two towers with heights substantially higher than existing developments. What is the impact of the Projects *[sic]* proposed increase in density on Objective 7 of the Hollywood Community Plan, i.e., "*to promote the preservation of views…for the enjoyment of both local residents and persons throughout the Los Angeles region*" pursuant to the Objective of the Hollywood Community Plan?

Response to Comment No. ORG 2B-18

The comment asserts that the Project's residential density and tall buildings would conflict with Objective 7 of the Hollywood Community Plan. As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted. Objective 7 was evaluated in the Section IV.A, *Aesthetics*, of the Draft EIR with respect to visual resources. Objective 7 is a regulation governing scenic quality and, as evaluated on page IV.A-59 of the Draft EIR, the Project would also not conflict with Objective 7, which encourages preservation of open space.[41] Note, however, that impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under Public Resources Code (PRC) Section 21099(d)(1), and are provided in the Draft EIR for informational purposes only.

Objective 7 relates to views of and from the City's open space areas for the enjoyment of both local residents and persons throughout the Los Angeles region, and is not associated with any effects on population or housing. Regarding Objective 7, Figure IV.A-18 of the Draft EIR shows that the Project would be sufficiently distant from public view and open space areas in the vicinity of Mulholland Drive, a City of Los Angeles Scenic Parkway, that it would not block the scenic vista, consisting of the Hollywood Bowl, the Hollywood Community, the Downtown Los Angeles skyline, and the overall Los Angeles Basin from this public open space view location.

The Project would be visible from open space, such as the Mulholland Drive Scenic Parkway at the Jerome C. Daniel/Hollywood Bowl overlook and some hillside neighborhoods. However, it would not fill a large percentage of the view field, block distant or horizon views, or change the character of the Community's open space in these areas, which is located primarily within the Hollywood Hills To the south of the Project Site, the broader views of the hillside open space is generally blocked by development because of the flatter terrain, and most views of the hillsides are available through the open street corridors, such as Vine Street and Argyle Avenue. The East and West Buildings would maintain setbacks from the Vine Street and Argyle Avenue, and would not block any significant existing views of the Hollywood Hills through these north/south-trending streets. Finally, the Project would not adversely impact views or change the natural

41 City of Los Angeles Department of City Planning, Hollywood Community Plan, December 13, 1988, p. HO-1.

character and topography of mountainous parts of the Hollywood Community and would not conflict with the objective of the Community Plan to provide enjoyment of open space by both local residents and persons throughout the Los Angeles region.

The purpose of the population and housing analysis under CEQA is to determine whether a project would (a) induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or (b) displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The comment incorrectly states that the Hollywood Community Plan imposes an 80-dwelling unit per acre residential density on the Project Site. As noted in the comment, the 80 dwelling unit per acre residential density applies to areas designated with a "High" residential land use designation. See page HO-3 of the Community Plan. The Project Site is located within a "Regional Center Commercial" land use designation, as identified on the Community Plan's Land Use Map, and not a "High" residential land use designation. For mixed-use projects with combined residential and commercial uses within a C4 zone in a Regional Center, such as the Project Site, Los Angeles Municipal Code Section 12.22 A.18(a)[42] allows R5 uses and densities of one unit for every 200 square feet of lot area. This would result in a density of approximately 217 units per acre. In regard to density and consistency with planned development in Hollywood, see Topical Response No. 5 – Land Use and Planning, above. As discussed in Topical Response No. 5, the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans, along with related land use and planning impacts, were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 2B-19

The report states "*[w]hile HQTAs account for only three percent of the total land area in SCAG's region, HQTAs are expected to accommodate 46 percent and 55 percent of future household and employment growth, respectively, between 2012 and 2040*." The report frequently refers to the expectation that HQTAs will accommodate a significant portion of population and employment growth in the Population and Housing section of the report. However, these expectations were developed prior to the COVID-19 pandemic. As a result of the pandemic it is currently known that public confidence and use of public transit is significantly reduced. People do not want to be in enclosed environments where they may be exposed to the virus. Furthermore, people may become less willing to reside in high-density developments.

[42] Developments combining residential and commercial uses located within a C4 Zone provided that such lot is located within an area designated as Regional Center Commercial by the adopted community plan, are permitted the R5 Zone density of 1 unit per 200 square feet of lot area.

What is the expected impact of the COVID-19 pandemic on population and employment growth in HQTAs?

Response to Comment No. ORG 2B-19

The comment restates earlier concerns about the impacts of COVID-19 with regard to the Project and with respect to population and housing. See Response to Comment No. ORG 2B-13 and ORG 2B-15 regarding concerns about COVID-19's impact on the Project. As stated therein, CEQA does not require analysis of speculative conditions. Therefore, forecasting the impact of COVID-19 on population and employment growth in High Quality Transit Areas (HQTAs), particularly from transportation behaviors surrounding future Project operations, is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. ORG 2B-20

The report professes that:

> *"…the Project's or Project with the East Side Hotel Option's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on population and housing would be less than significant."*

However, the report also acknowledges that the "*West and East Buildings would have a substantially greater height and intensity than existing development in the area*" and the Project would "*boost residential densities, significantly increasing housing opportunities in the Hollywood Community Plan area*." However, the analysis in the Population and Housing section of the report does not appear to include discussion or analysis of the expected cumulative impact on population and housing in the Hollywood Community Plan area of boosting residential densities consistent with densities proposed by the Project.

What is the expected cumulative impact on population and housing for the Hollywood Community Plan area resulting from the boost in residential densities proposed by the Project?

Response to Comment No. ORG 2B-20

The comment requests clarification of the Project's potential cumulative impacts on population and housing for the Hollywood Community Plan area. With regard to the Project's potential cumulative impacts on population and housing, see Section IV.J, *Population and Housing,* Subsection 3.e, Cumulative Impacts, under of the Draft EIR.

The Hollywood Community Plan's housing projections only extended to 2010 and would not be applicable, as discussed in Response to Comment No. ORG 2B-17. The

evaluation of the General Plan Framework Element (Framework Element) Policy 3.2.4, contained in Appendix J of the Draft EIR, includes the statement quoted in the document. As discussed in Topical Response No. 5 – Land Use and Planning, above, an important policy cited on page 1 of the Framework Element is to concentrate new growth in districts to protect established residential communities. The Project is located in an area that targeted for high-density growth on the Framework Element Land Use Diagram and a district that has been evolving into an increasingly mixed-use area. The General Plan Framework Policy 4.1.1, contained in Appendix J, requires sufficient land use and density to accommodate an adequate supply of housing within each City sub-region to meet the twenty-year projections of housing needs in accordance with SCAG RHNA. SCAG prepares the RHNA mandated by State law so that local jurisdictions can use this information during their periodic update of the General Plan Housing Element. The growth represented by the Project would be within SCAG's 20-year projections under the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS). The Project is also located within a designated Transit Priority Area (TPA), the policies of which encourage higher densities in proximity to transit. The Project would be consistent regional and City policies with respect to growth and density of development.

The evaluation of cumulative population and housing is based on related projects' data provided by the City of Los Angeles, and shown in Table IV.J-8, *Total Cumulative Development*, on page IV.J-22 of the Draft EIR, and Table IV.J-90, *Cumulative Population, Housing, and Employment Impacts*. The analysis determined that total cumulative increases would not exceed SCAG's RTP/SCS or RHNA projections, and, thus, no significant environmental impacts would occur. Further, the details of related projects described in the Draft EIR are based on existing filed applications at the time the established baseline, or when Notice of Preparation was published. In many cases, related projects already represent the highest densities and uses permitted by the related projects' locations and zoning, or are related to non-residential uses, such as hotels, enlarging restaurants, adding to the capacities of existing schools, development of storage units, or other non-residential uses. As such, the Draft EIR adequately addressed the cumulative impacts of the Project in conjunction with related projects with respect to population and housing. Also, as discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 2B-21

In Table LU-2, the report opines the Project presents "No Conflict" with Objective 7 of the Hollywood Community Plan. Objective 7 states:

> *Objective 7: To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.*

However, in supporting this opinion, the report does not address the impact of the West and East Buildings, which the report acknowledges "*would have a substantially greater height and intensity than existing development in the area*," on view of local residents or persons throughout the Los Angeles region. Towers which are of substantially great height and intensity than any existing or other currently proposed development in the Hollywood Community Plan area will certainly have an impact of the views of local residents or persons throughout the Los Angeles region.

What is the impact on views of the Hollywood Hills from existing developments south of the Project and views of the area south of the Hollywood Hills from existing residential areas located in the Hollywood Hills? Would the impact on views of the Hollywood Hills from existing developments south of the Project and of views of the area south of the Hollywood Hills from existing from existing residential areas located in the Hollywood Hills be mitigated by reducing the height and intensity of the West and East Buildings to levels consistent with existing development in the area and proposed densities described in the Hollywood Community Plan?

Would the impact on views of the Hollywood Hills from existing Developments south of the Project and of views of the area south of the Hollywood Hills from existing residential areas located in the Hollywood Hills be mitigated by reducing the height and intensity of the West and East Buildings to levels consistent with existing development in the area and proposed densities described in the Hollywood Community Plan?

Response to Comment No. ORG 2B-21

This comment asserts that the Project and other projects within Hollywood would have a potential impact on the views of local residents or persons throughout the Los Angeles region with respect to Hollywood Community Plan Objective 7, which encourages the preservation of open space for the enjoyment of both local residents and persons throughout the Los Angeles region. See also Topical Response No. 4 – Aesthetics, above. Note that impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under PRC Section 21099(d)(1), and Section IV.A, Aesthetics, in the Draft EIR was provided for informational purposes only.

Hollywood Community Plan Objective 7 relates to preserving private and public open space and for both local residents and people throughout the region. This can include use of open space and views of the hills from throughout the area. However, the Objective does not specify that it applies to views from personal residences and private properties. The Project would be visible from open space, such as the Mulholland Drive Scenic Parkway at the Jerome C. Daniel/Hollywood Bowl overlook and some hillside neighborhoods. As discussed under Response to Comment No. ORG 2B-18, above, and illustrated in Figure IV.A-18 of the Draft EIR, the Project would be sufficiently distant from public view and open space areas in the vicinity of Mulholland Drive, a City of Los Angeles Scenic Parkway, that it would not block the scenic vista, consisting of the Hollywood Bowl,

the Hollywood Community, the Downtown Los Angeles skyline, and the overall Los Angeles Basin from this public open space view location. As shown in the Section IV.A, *Aesthetics*, Figure IV.A-7, *Key View 1 - Existing and Simulated Views of the Project Site from Quebec Drive*, Figure IV.A-8, Key View 2 - *Existing and Simulated Views of the Project Site from Argyle Avenue near Holly Mont Drive*, and Figure IV.A-16, *Key View 10 - Existing and Simulated Views of the Project Site from the Hollywood Heights Neighborhood*, of the Draft EIR, the Project would be visible from the area's hillside neighborhoods. However, from these hillside neighborhoods, it would not fill a large percentage of the view field, block distant or horizon views, or change the character of the Community's open space, which is located primarily within the Hollywood Hills. To the south of the Project Site, the broader views of the hillside open space is generally blocked by development, and most views of the hillsides are available through the open street corridors, such as Vine Street and Argyle Avenue. The East and West Buildings would maintain setbacks from the Vine Street and Argyle Avenue, and would not block any significant existing views of the Hollywood Hills through these north/south-trending streets. The Project would not adversely impact views or change the natural character and topography of mountainous parts of the Hollywood Community and would not conflict with the objective of the Community Plan to provide enjoyment of open space by both local residents and persons throughout the Los Angeles region.

By stating "both local residents and visitors," public views are implied, since both local residents and visitors would have the same views of open space from public view locations. CEQA does not provide protections to private views, and, as such, the evaluation on page IV.A-58 in Section IV.A, *Aesthetics*, of the Draft EIR goes into great detail to identify the impacts of the East and West Buildings relative to public view locations. Based on the information provided in Section IV.A, *Aesthetics*, of the Draft EIR, the Project would not conflict with the requirements of Objective 7. In addition, as discussed in Topical Response No. 4 – Aesthetics, above, under PRC Section 21099(d)(1), impacts related to scenic views and regulations that govern scenic resources shall not be considered significant effects on the environment and the discussions in the Draft EIR are provided for information purposes only.

Comment No. ORG 2B-22

6. According to the report:

"Artificial light is associated with the evening and nighttime hours, and sources may include streetlights, illuminated signage, vehicle headlights, and other point sources. Uses, such as residences and hotels, are considered light-sensitive since they are typically occupied by persons who have an expectation of darkness and privacy during evening hours and who can be disturbed by bright light sources."





Recent developments in lighting technology have resulted in a new source of intrusion in our neighborhoods. Newly built homes with an abundance of floor-to-ceiling windows and LED lighting, resemble "light boxes" that create significant glare. These more intense, commercial-style lighting effects, result in light that travels a significant distance, creating a negative impact on neighbors as far as 700+ feet away. The Hollywood Dell Civic Association has received numerous complaints from residents about this type of lighting.





There are several examples in the Hollywood Dell (see 4 photos above). These single-family residences have elaborate lighting systems that are often left on 24 hours a day.

Those who live within the sight line of the Project have very real concerns about light pollution. Commercial signage, and other exterior lighting as well as the interior lighting from the 1000+ units planned will have a massive visual impact from our neighborhood's perspective. The presumption of the report that "*uses such as residences and hotels are considered light-sensitive since they are typically occupied by persons who have an expectation of darkness and privacy during evening hours*" does not address the

concerns of those OUTSIDE the Project site. The assumption that all residents will have their curtains closed for "*privacy during evening hours*" is not a reality in practice. If that were the case, the houses in my neighborhood would not bother anyone with their interior lighting at night.

Why hasn't the light pollution impact on the surrounding community of the Project site been included with this EIR?

Once completed, fully lit, with lighted exterior signage and with the majority of the residences lit from inside without their curtains closed, how bright will this Project site be, when viewed from our hillside neighborhood to the north? What is the ability of the City of LA to monitor the impact of the Project site lighting once completed? What laws or ordinances apply?

According to the report:

"Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light from highly polished surfaces, such as window glass or reflective materials, and to a lesser degree, from broad expanses of light –colored surfaces. Glare can also be produced during evening and nighttime hours by artificial light directed toward a light sensitive land use. Activities, such as driving, and land uses such as parks and residences, are considered glare sensitive as the presence of glare could interfere with vision and/or result in an irritant to these activities/uses."





After Disney Hall was completed in 2003, occupants in nearby DTLA buildings began to complain that the reflection of the sunlight increased heat inside their buildings. When the sun hit the stainless steel concert hall surface it reflected into nearby condominiums raising the temperature as much as 15 degrees.

Strong reflection from a large building can cause heat damage. Large expanses of windows that act like mirrors can focus and concentrate light and create "hot spots." The sidewalks near Disney Hall had "hot spots" that measured up to 140 degrees F.

https://www.latimes.com/archives/la-xpm-2004-feb-21-me-disney21-story.html

Why hasn't the impact of a massive amount of reflection and heat on the neighborhoods in the hillside immediately north from this Project site been considered in the report? Why isn't the increased heat from this Project considered a potential significant environmental impact?

The DEIR (and the public and City) need detail photometric studies in a revised and recirculated DIER *[sic]*. The lack of them is a further failure of this DEIR. Those studies must analyze the impacts from light and glare to be able to advise mitigation measures and ensure that the project's light / glare impacts will be reduced to less than significant levels.

Response to Comment No. ORG 2B-22

This comment expresses concern about potential light/glare into the homes of the Hollywood Dell neighborhood residents and alleges that the Draft EIR does not analyze the Project's light/glare impacts. In regard to aesthetics impacts, see Topical Response No. 4 – Aesthetics, above. As discussed in Topical Response No. 4, the Project's aesthetics impacts were fully analyzed for informational purposes in the Draft EIR's Section IV.A, *Aesthetics*. As explained therein, impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under PRC Section 21099(d)(1). However, the comparison of the Project to the highly-reflective Disney or unarticulated walls of high rise buildings, to adjacent uses in the comment, is misleading and not supported by evidence.

For example, the hillside area described as "immediately to the north" are located approximately 0.5 miles to the north of the Project Site. The immediacy of the Project would be similar to that represented in the simulation from Bonair Place at Whitley Terrace (as shown in Figure IV.A-15, Key View 9 - *Existing and Simulated Views of the Project Site from Bonair Place at Whitley Terrace*, in the Draft EIR). This view location is approximately 0.45 miles from the Project Site and quite different in immediacy than the example graphics in the comment.

Nevertheless, since the Project is not subject to CEQA evaluation with respect to light and glare (the discussion was provided in the Draft EIR for informational purposes only), the Draft EIR did not fail in meeting CEQA requirements. PRC 21099(d)(1) provides that all light and glare impacts shall not be considered significant impacts, and, as such, no mitigation measures or further analysis is required.

Comment No. ORG 2B-23

7. According to the report: *"The nearest public park, Selma Park at 6567 is located approximately 0.35 miles southwest of the Project site*." This is incorrect (actually .42 miles). The Department of Recreation and Parks (RAP) has been operating and maintaining the Franklin Ivar Park at 6351 Franklin Avenue since July 1, 2018.

The Board of Recreation and Park Commissioner's Board Report Dated July 17, 2019 (No. 19-139) states:

"SMMC, a state agency, is the sole owner of real property commonly referred to as the Franklin-Ivar Park (Park), a .75 acre passive park located at 6351 Franklin Avenue in the community of Hollywood, which opened to the public in 2017. SMMC had previously requested that RAP operate the Park on its behalf. This request was approved by the Board on June 11, 2018 (Report No. 18-148)."

Franklin Ivar Park is just a two blocks (.20 miles) from the Project site. It will certainly be the primary park utilized, during construction and by the Project's residents once the Project is completed. Why wasn't the Franklin Ivar Park included in the Project Analysis?

What is the potential impact on the Franklin Ivar Park caused by the temporary construction activities? What is the impact on the Franklin Ivar Park that would be generated by the long-term operation of the Project?

According to the report, "*Policy I – states that the desires of the local residents should be considered in the planning of recreational facilities*." Local residents have met with the representatives of this project on numerous occasions and discussed neighborhood mitigations relating to park and recreation services, yet there's been no commitment by the applicant to address any of them.

Why doesn't the Development Agreement include a specific designation of some, or all of the Quimby Fee payment by the Project for the use of the Franklin Ivar Park, the nearest park to the Project? Quimby Fees could be utilized by the Franklin Ivar Park to improve lighting and security; purchase children's play equipment and shade structures, and fund Phase II of the Franklin Ivar Park plan. As the closest existing park to the Project site it should receive the bulk of the Quimby Fees from the Project to maintain and improve the park experience for the Hollywood community.

According to the report: "*The Project's entitlement applications, including its Vesting Tentative Map application, were deemed complete on April 10, 2018, subsequent to the Park Fee Ordinance becoming effective. As such, the Project is subject to the park fee provisions of the Park Fee Ordinance*." Also noted in the report: "On April 5, 2017, the RAP Board of Commissioners approved payment of in-lieu fees for the Project via a recommendation to the Advisory Agency."

How can the RAP Board of Commissioners approve payment in-lieu fees for the Project (April 5, 2017) before the Vesting Tentative Map is complete (April 10, 2018)? We would like an explanation. We would also like copies of the documents supporting this approval.

Will the RAP Board of Commissioners approve a new payment of in-lieu fees based on the Park Fee Ordinance in effect at the time the Vesting Tentative Map was completed?

Where is the Park Fee Calculation Application required for this project? We would like a copy.

According to the report: *"The commercial, retail and potential hotel uses are not considered to generate additional demand to park and recreational facilities*."

How many people are expected to be on site at the commercial, retail or hotel properties on a daily basis? Why are these additional people (visitors and workers) not considered to generate additional demand to nearby parks and recreational facilities, especially those as close as the Franklin Ivar Park?

Considering the COVID-19 impacts, and the desire for safe outdoor recreation, how will the increased demand for park and outdoor recreation be addressed by the Project?

Response to Comment No. ORG 2B-23

The comment poses several questions regarding the Draft EIR's analysis and impacts related to parks and recreational facilities, including the analysis and impacts related to the Franklin Ivar Park, requests clarification on the Project's compliance with the City's Park Fee Ordinance, and requests clarification on how COVID-19 would impact the increased demand for park and outdoor recreational facilities. The Draft EIR is correct regarding the distance of Selma Park from the Project Site. As stated on page IV.K.4-12 in Section IV.K.4, *Parks and Recreation*, of the Draft EIR, Selma Park is located approximately 0.35 miles southwest of the Project Site. This distance is measured from the mid-block of Ivar Avenue, which is the west edge of the Project Site.

As a Mountains Recreation and Conservation Authority (MRCA) park, Franklin Ivar Park was not listed in the City's Department of Recreation and Parks (RAP) data base. In addition, it was also not mentioned in any community and agency responses to the Notice of Preparation.

However, because of its proximity to the Project Site it would likely be visited by Project residents. As with Selma Park, Franklin Ivar Park has tables that may draw some construction workers during their lunch periods. As described on page IV.K.4-25 of the Draft EIR, construction workers are temporary employees with high turnover associated with the various phases of construction, and the use of the off-site park would be rare and short-term. Because Franklin Ivar Park has neither on-site or adjacent parking, and it is not highly likely that construction workers would want to walk the 0.2 miles to find a table or seat to have lunch. The Franklin Ivar Park does not provide any active recreational facilities that would draw construction workers before or after work. As such, it is reasonably expected that construction workers would not use the park to the extent that it would result in the accelerated deterioration of the park.

Regarding the effect of construction activities on access to the Franklin Ivar Park, Project Design Feature PDF-TRAF-2 (the Construction Traffic Management Plan) would ensure

that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.

The CEQA threshold standard regarding impacts on parks and recreational facilities is whether an increase in the use of existing neighborhood and regional parks or other recreational facilities would occur that would cause or accelerate substantial physical deterioration. Franklin Ivar Park is a 0.75-acre passive park offering an art plaza, stage, seating, gardens, and landscaping. The Project provides for 0.779 acres of public open space, art plaza, paseo, stage, seating, gardens, and landscaping. The Project would also include space for outdoor seating or dining for the public. For residents, the Project would provide two on-site swimming pools, poolside clubhouse, fitness room, screening room, children's playroom, game room, and multi-purpose recreation room. These would all serve to reduce impacts on neighborhood parks. Because Franklin Ivar Park does not have on-street or off-street parking, residents would walk or ride bicycles to the park. However, Franklin Ivar Park would not provide facilities not already enjoyed in the Project's public open space and private recreational facilities, as well as not having any dining options. As such, it is not anticipated that it would be heavily used by Project residents to the extent that it would cause or accelerate substantial physical deterioration.

The comment that Franklin Ivar Park "will certainly be the primary park utilized," is not supported by substantial evidence since Franklin Ivar Park would provide similar recreational facilities (such as stage and landscaped gardens) and slightly less public open space than at the Project Site. In addition, Franklin Ivar Park does not provide a children's playground or any of the on-site recreational facilities available to the Project's residents. As such, this park would not draw families to the same extent as Selma Park or Yucca Park, the latter of which has both a playground and outdoor fitness equipment. Both of these parks, located approximately 0.35 and 0.38 miles from the Project Site, respectively, are also within easy walking or cycling distance from the Project Site. The addition of Franklin Ivar Park to the list of parks described in the Draft EIR would not change the evaluation or conclusion of the Draft EIR that the Project would have a less than significant impact with respect to parks and recreational facilities.

The commenter inquires if the Development Agreement designates some, or all, of the Quimby Fee payment by the Project for Franklin Ivar Park. While a Development Agreement is anticipated for the Project, no draft documents or details of the agreement are currently available.

Regarding dedicating Quimby Fees to the Franklin Ivar Park, the Applicant cannot choose the recipients of the City's required Dwelling Unit Construction Tax and Quimby fees, which are distributed at the City's discretion pursuant to State law. The requirement for such fees is indicated at the completion of the developer's initial application with the City. Such fees are pending with final determination of fees occurring with the approval of the Vesting Tentative Tract Map. This would occur subsequent to the certification of Final EIR and Project approval. The filing of the application is also the beginning of the CEQA process, at which time the Notice of Intent and the Initial Study were prepared.

The Board Report to which the commenter referenced was for an Early Consultation, which pursuant to LAMC Section 12.33 D.1, requires the Applicant to meet with RAP and the Department of City Planning prior to submitting a tract map application with the City. Per LAMC Section 12.33 D.1, "[t]he purpose of this early consultation is to discuss whether the City requires land dedication for the project and/or to discuss credit available to the applicant, if any". Pursuant to LAMC Section 12.33 D, "All new residential dwelling units […] shall be required to dedicate land, pay a fee, or provide a combination of land dedication and fee payment for the purpose of acquiring, expanding and improving park and recreational facilities for new residents." The RAP submitted a letter dated August 5, 2018 to the Department of City Planning, recommending that the Project dedicate land to the City, or provide a combination of land dedication and fee payment, in order to fulfill the Project's requirements under provisions of LAMC Section 12.33. This recommendation is incorporated as a Condition of Approval for the Vesting Tentative Tract Map (VTTM). Should the VTTM be approved, its approval would be contingent upon compliance with the Condition of Approval prior to the recordation of the map.

The Project's Park Fee Calculation Application is public record and would be available from the City. However, the final fees will depend on the scope of development approved by the City upon approval of the Project.

For the purpose of the EIR analysis, commercial and other retail uses are not considered to generate demand on parks since Dwelling Unit Construction Tax and Quimby fees are based on residential units and increases in residential population. In addition, the City of Los Angeles Public Recreation Plan and RAP's 2009 Citywide Community Needs Assessment calculate demand on parks according to residential/parkland ratios. The RAP considers demand on parks according to new residential population to the City, not on total daytime population within a geographic area. In many cases, employees and visitors are already residents of the City (or will be residents of the City) and, as such, are already considered in the RAP's existing and future demand calculations.

With regard to COVID-19 impacts, see Response to Comment No. ORG 2B-13. As stated therein, CEQA does not require analysis of speculative conditions. Therefore, forecasting the impact of COVID-19 on park facilities use is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. ORG 2B-24

8. Water supply line breaks have been occurring over recent years across Los Angeles. Many parts of the water supply system have been in place for decades. About one-fifth of the City's water pipes were installed before 1931, when the population and water needs were a fraction of what they are today. Many may be beyond their useful life or in need of long deferred maintenance to extend their life.

> As recent as January 26, 2020, there was a water main break in Hollywood on Highland Blvd. As a result, a sinkhole formed, at least 21 businesses were impacted and roads were shut down. Hollywood Hills West, Mid-City and Hollywood account for the largest number of leaks in the city since 2010.

What is the increased potential for water supply line breaks over the next 20 years (2020 - 2040) given the water supply system is already antiquated and continues to age?

Response to Comment No. ORG 2B-24

This comment expresses concern with system line breaks on water supply lines over the next 20 years (2020-2040). The concern of CEQA, as stated on page IV.N.2-20 of Section IV.N.2, *Water Supply*, in the Draft EIR is whether the Project would require or result in the relocation or construction of new or expanded water facilities, the construction of which would cause significant environmental effects; or have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years. The consideration under CEQA is whether new water supplies or infrastructure routing (the construction of which would result in significant impacts) would be required, resulting in in environmental impacts. As discussed on page IV.N.2-24 of the Draft EIR, the Project would not result in the relocation or construction of new or expanded water facilities, including the Project's fire flow requirements. It is understood that service facilities age and need replacement over time. However, the routine repair or replacement of older facilities would not be a CEQA impact resulting from the Project and is not addressed in the Draft EIR. The comment does not raise any issues as to the adequacy or content of the Draft EIR, and, as such, no further response is warranted.

Comment No. ORG 2B-25

Currently there are six water lines located in the vicinity of the Project site based on the Utility Technical Report prepared for the project. The report states: "*The Project would only require new connections from existing facilities and would not be required to construct new distribution lines*." The Project's water consumption once operational is projected to be 282,946 gallons per day (before required ordinances water savings) and 182,667 gallons per day (after required ordinances water savings plus voluntary water savings) as found in the Water Supply Assessment-Hollywood Center Project dated December 11, 2018. In addition, there are fire flow demands which have a much greater instantaneous impact on infrastructure and are important for analyzing capacity.

When were each of the existing six water lines first installed? What is the current age of each of the existing six water lines? What is the remaining useful life of each of the existing six water lines?

Response to Comment No. ORG 2B-25

This comment requests clarification on the age and current condition existing water lines in the vicinity of the Project Site. As discussed in on page IV.N.2-20 in Section IV.N.2,

Water Supply, of the Draft EIR, the CEQA thresholds of significance consider whether the Project would: (a) require or result in the relocation or construction of new or expanded water facilities. In order to address these thresholds, the CEQA analysis is concerned with the sizing, location, and adequacy of the existing water supply system to serve the Project. As discussed on page IV.N.2-21 of the Draft EIR, the LADWP performed a hydraulic analysis of the water system to determine if adequate fire flow (maximum water demand) is available to the Project Site. Based on the results in the Information of Fire Flow Availability Request (IFFAR) in Exhibit 2 of the Utility Technical Report, provided in Appendix P 1 of the Draft EIR, LADWP determined that it could meet the Project's fire hydrant flow needs with existing infrastructure. Because the current system would be adequate to meet the Project's maximum water demand, the age and condition of each water line (known to be currently functional) is not a CEQA issue and is not required to be evaluated in the Draft EIR. No further CEQA evaluation beyond that provided in the Draft EIR is required. It would be the responsibility of the City, and not an individual property owner, to maintain the City's infrastructure. The comment does not raise any issues as to the adequacy or content of the Draft EIR, and, as such, no further response is warranted.

Comment No. ORG 2B-26

Have there been any line breaks or other water supply issues from each of the existing six water lines in the past 10 years? What volume of water, in gallons per day do these existing six water lines currently provide to the surrounding geographic properties that rely on their water supply from these six lines?

Response to Comment No. ORG 2B-26

This comment requests clarification on the history of six existing water lines in the vicinity of the Project Site and the capacity of said six water lines. Existing conditions in the surrounding system is determined by the Los Angeles Department of Water and Power (LADWP) according to the existing static pressure in the water lines, and not the existing age or condition of these lines or the volume of water required by existing other users on the water lines. Such information is not available from the LADWP or pertinent to the determination of available capacity to serve the Project Site, as required by CEQA.

Because LADWP determined that existing static pressure (ratio of water volume/pipe diameter) was adequate to serve the Project Site, it is not the duty of the Draft EIR to evaluate any other condition or existing volumes in the area's water lines.

Comment No. ORG 2B-27

The geographic context for the cumulative impact analyses on the existing water infrastructure for the Project site includes 150 related projects. The estimated cumulative water demand of the 150 Related Projects is 9,524,310 gallons per day. This estimate is also cited in the report as "likely conservative" as the estimates do not account for code-required conservation or applicant conservation commitments. It is noted though that the Project with East Site Hotel Option water demand is included in the estimated cumulative

water demand as water demand net of required ordinances water savings and voluntary savings at 182,896 gallons per day. The gross water demand for the Project is 282,946 gallons per day, according to the Water Supply Assessment – Hollywood Center Project dated December 11, 2018.

The average water demand for each Related Project would be estimated at 63,495 gallons per day (assuming the estimated cumulative water demand of the 150 Related Projects of 9,524,310 gallons per day which is conservative, assumed to be gross water demand, is divided by the 150 Related Projects). How does the Project rank in order by gross water demand gallons per day among the 150 Related Projects if the Project's gross water demand is 282,946 gallons per day (which is observed to be 4.5 times the average water demand for the 150 Related Projects)?

Response to Comment No. ORG 2B-27

This comment asks how the Project ranks in comparison the related projects with regard to water demand. The Project can be compared to the relative scale and water demand of each related projects in Table IV.N.2-4, *Estimated Cumulative Water Supply*, in Section IV.N.2, *Water Supply*, of the Draft EIR. CEQA does not require a comparative ranking of the Project to related projects and, thus, this comment is not pertinent to the content or adequacy of the Draft EIR. However, CEQA does require an evaluation of whether the Project's contribution to an impact is cumulatively considerable. As discussed on pages IV.N.2-36 and IV.N.2-37 of the Draft EIR, as with the Project, related projects would be required to comply with the CALGreen Code, City's Green Building Code, the LAMC water saving measures, and with SB 610 where applicable. In addition, LADWP expects to have a reliable supply of up to 675,700 afy of water in 2040, which would service the water demand generated by the Project and related projects. The Project and related Project's would not exceed anticipated supplies and, thus, the Project's contribution to cumulative impacts would not be cumulatively considerable. Because this comment does not comment on or present any evidence with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 2B-28

If the Project is one of the top water demand projects on the existing water infrastructure, and LADWP, together with the City's Department of Public Works, in ongoing evaluations determines the facilities are inadequate and infrastructure system improvements are needed, then what actions is the Project applicant likely required to implement during construction to improve the existing water supply infrastructure?

Response to Comment No. ORG 2B-28

The commenter asks what action the Project would be required to implement during construction in the event that existing water facilities are determined to be inadequate. The LADWP determined that existing supplies are adequate to serve the Project. In addition, it would be the responsibility of the City, and not an individual property owner,

to maintain the City's infrastructure, including the upgrading of the LADWP's water supply infrastructure.

Comment No. ORG 2B-29

The future water supply includes a number of risks:

a) The reliability of each water source identified in the LADWP Water Supply Table

b) Ongoing disputes over the water supply sources

c) Negative impact from the pattern of multiple dry-year conditions and drought (which have occurred in recent years)

d) The potential for service interruptions caused by natural disaster (given that the proposed Project sits on an earthquake fault line)

e) A service area reliability assessment for future water supply that is dependent on new water conservation as a supply source that has not yet been achieved (according to the Water Supply Assessment – Hollywood Center Project dated December 11, 2018).

If one or several of the risks above to the future water supply occurred (knowing that (a) through (c) have occurred in the past 7 years) during the 7-year construction phase, what risk mitigation steps will the Hollywood Center Project have in place to mitigate the risk(s)?

If one or several of the risks above to the future water supply occurred after the construction phase and the project is occupied, what risk mitigation steps will the Hollywood Center Project have in place to mitigate the risk(s)?

Response to Comment No. ORG 2B-29

The commenter asks how the Project would address the occurrence of certain hypothetical "risks" with regard to water supply demand. The "risks" outlined in the comment are speculative and are not supported by LADWP's Urban Water Management Plan (UWMP). Under the current UWMP, LADWP expects to have a reliable supply of up to 675,700 acre-feet of water in 2040, while anticipating multi-dry year water conditions during the planning period. As further discussed in the UWMP, LADWP expects to maintain a reliable water supply through conservation, increased recycled water use (including both non-potable and potable reuse), increasing City sources of water, and reducing purchases from the MWD. Between 2015 and 2040, the City's local water supplies are planned to increase from 14 percent to 49 percent of total water supply usage in dry years, and to 47 percent in average years. The City's imported supplies are expected to decrease significantly from 86 percent to 51 percent of water supply use in dry years, and to 53 percent in average years. Please refer to page IV.n.2-2 and IV.N.2-7 and IV.N.2-8 for a more complete discussion of the UWMP.

The responsibility of mitigating water supply shortages above current LADWP conservation measures is the responsibility of LADWP, currently pursuant to Ordinance No. 181,288. This ordinance establishes varied water consumption limitations arranged by phase, whereby the level of restriction for each phase is tied to the level of water conservation required and each successive phase creates additional restrictions on water use to address increasingly severe water shortage emergencies and may include additional conservation requirements. It is not a requirement of CEQA that the Draft EIR speculate regarding such future measures and water supply conditions.

Comment No. ORG 2B-30

The Hollywood Center Project net water demand is estimated to be a maximum of 205 AF annually (or, 182,677 gallons per day) including water conservation, required by water conservation ordinances in the approximate amount of 105 AFY (or, 93,701 gallons per day) and additional voluntary conservation measures in the approximate amount of 7 AFY (or, 6,568 gallons per day) according to the Water Supply Assessment – Hollywood Center Project dated December 11, 2018. The gross water demand before any water conservation (required by ordinances or voluntary) is project to be 282,946 gallons per day (or, 317 AFY – as we calculate) based on the Table in the Water Supply Assessment – Hollywood Center Project dated December 11, 2018. In a letter dated October 10, 2018, Mario Palumbo, Vice President - Hollywood Center Project states the Project has an applicant is *[sic]* committed to "*implement the following water conservation measures that are in addition to those required by codes and ordinances for the entire Project*." His letter lists 13 measures from high efficiency toilets to landscaping design. For the 13 measures listed in the letter, the water savings have been provided based on LADWP estimates to achieve the additional voluntary water conservation savings of 7 AFY (or, 6,568 gallons per day). The October 10, 2018 letter also commits to comply with the City of Los Angeles Low Impact Development Ordinances by implementing a "*Capture and Reuse System through cisterns to treat LID volume*."

What are (a) the list of required ordinances water savings measures in design, development and code that the Project will develop as required by codes and ordinances for the entire Project, and (b) how much will each measure achieve in AFY and gallons per day toward the aggregate required water conservation savings of 105 AFY (or, 93,701 gallons per day)?

Response to Comment No. ORG 2B-30

The commenter requests information on the Project's water conservation measures and how these measures would impact the Project's water demand. Please refer to pages IV.N.2-11 through IV.N.2-13 of the Draft EIR for a complete list of water conservation ordinances that are applicable to the Project. The water conservation ordinances, including the Los Angeles Green Building Code, provide a range of options for the reduction of water demand. The successful implementation of a combination of provided options must be demonstrated to the City and LADWP based on an established baseline according to the final building design. The Project must demonstrate a reduction

compared to the established baseline demand. A discussion of the specific reduction measures, which would be based on the final building design and approved plans, and how each measure would result in precise reductions is not required by CEQA or to be discussed in the Draft EIR.

As outlined on pages IV.N.2-27 and IV.N.2-28, Table IV.N.2-3, *Estimated Project Water Demand*, in Section IV.N.2 of the Draft EIR, the implementation of City's Ordinance No. 184,248 would reduce the Project's water demand by approximately 97,936 gallons per day (gpd), or 109.78 AFY. As further shown in Table IV.N.2-2, the Project's committed reduction (Project Design Feature WS-PDF-1) would reduce demand by 6,474 gpd (7.25 AFY), for a total estimated reduction of 117.03 AFY. These reductions would be required and enforceable under both the City's regulations and the Project Design Feature WS-PDF-1.

Comment No. ORG 2B-31

How much water savings will be achieved in AFY and gallons per day by implementing the capture and reuse system through cisterns to treat LID volume committed to by the Project applicant in the letter dated October 10, 2018?

Response to Comment No. ORG 2B-31

The comment requests information on the Project's potential water savings by implement the capture and reuse system. As shown in Table IV.N.2-3 of the Draft EIR, the Project's 23,844 square feet of landscaping would result in 2,227 gpd in water demand. Regulations requiring restrictions on the use of sprinklers to cooler times of the day, and use of drip irrigation in lieu of sprinklers, and other measures would reduce estimated demand to 1,227 gpd. As discussed on pages IV.G-15 and IV.G-16 in Section IV.G, *Hydrology and Water Quality*, of the Draft EIR, the capture and re-use of surface water runoff is a LID option that would be implemented by the Project. However, because of the uncertainty of rainfall patterns and amounts, the capture and reuse of water was not used as a factor in estimating the gpd demand for landscape irrigation. Although capture and reuse would reduce water demand, because it is not reflected in the Project's estimated water demand in Table IV.N.2-3 as a demand reduction measure, the analysis of gpd reductions due to rainfall capture and re-use is not required in the EIR.

Comment No. ORG 2B-32

Will the lease agreements for tenants (market-rate and senior affordable dwelling units as well as all commercial tenants) state that the Tenant is responsible for their own water bill?

Response to Comment No. ORG 2B-32

The comment asks whether the lease agreements for the Project tenants would state that the tenant is responsible for their own water bill. The determination of whether future Project tenants will be responsible for their own water bills will be determined at the time

of Project operation and is beyond the purview of CEQA. The comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 2B-33

What language will be included in the lease agreements to require all tenants (dwelling units and commercial) adhere to water conservation ordinances to achieve the annual water savings of approximately 105 AFY that has been projected into the total net water demand for the Project referred to in the Water Supply Assessment – Hollywood Center Project dated December 11, 2018?

Response to Comment No. ORG 2B-33

This comment asks a question regarding lease language but does not raise a substantive issue on the content or adequacy of the Draft EIR, and, thus, no further response is warranted.

Comment No. ORG 2B-34

In 2015 the LADWP installed the Hollywood Temporary Corrosion Control Station in the Hollywood Dell at the point where Holly Drive, San Marco Drive and Deep Dell Place converge below the reservoir. The Station is comprised of two 12,000-gallon storage tanks that house ZINC ORTHOPHOSPHATE (ZOP). ZOP an additive to the water supply, and is used to coat the inside of aging water pipes to inhibit corrosion and leaching of metals like lead, copper and iron into our drinking water. Because the LADWP is a public entity, and this is a public utility facility, no Environmental Impact Report was required before this facility was installed. At the time, our neighborhood held a community meeting and we were told that there would be 4 – 14 deliveries per month to refill the storage tanks with ZOP. The chemical delivery trucks have a capacity of 1,500 – 2,000 gallons. We were also informed that the amount of deliveries would vary with water usage. (8.64) Where is the analysis of the impact on the Corrosion Control Station by the Project? How many additional delivery trucks will be lumbering through our residential neighborhood to accommodate the additional water usage generated by the Project?

Response to Comment No. ORG 2B-34

This comment raises concerns regarding the Project's impacts on the Corrosion Control Station and potential impacts of delivery truck trips on nearby residential neighborhoods. The Corrosion Control Station is not a subject of the Draft EIR and potential effects on this facility is not further discussed here. However, as described in the comment, with the Project, chemicals would need to be added more frequently and the Project would have the potential to increase truck trips on the area's local streets. Because the Project represents a small part of the LADWP service area for this facility, truck traffic would increase, at most, by a few truck trips per month. At present, the Hollywood Temporary Corrosion Control Station generates approximately four to fourteen truck deliveries per month. If the Project were to increase this by 50 percent (much higher than anticipated

since the Project would not represent a 50 percent increase in the area's water use), truck traffic would increase to six to twenty-one truck trips per month. This would be less than one truck trip per day.

This number of vehicle trips would not exceed the City's threshold standard for local streets, in which impacts are based on a certain number of new trips per day. Even assuming a passenger car equivalent (PCE) of 1.5 trips per truck, resulting in a representative eight to twenty-four vehicle trips per month, the number of additional vehicles would not meet the minimum standard that would be considered an environmental impact. The minimum impact threshold standard for low-traveled local streets having 1 to 999 vehicle trips per day would be an additional 120 vehicle trips per day. For more highly traveled local streets, the daily number of additional vehicle trips would be higher before it would be deemed an environmental impact.

Because the Project would not increase LADWP delivery truck trips to the minimum threshold standard, no further evaluation of this issue in the Draft EIR would be required.

Comment No. ORG 2B-35

9. According to the report the existing wastewater infrastructure around the Project consists of 3 pipes:

    - A 12-inch vitrified clay pipe (VCP) within Yucca, between Ivar and Argyle that flows westward
    - An 8-inch vitrified clay pipe (VCP) within Ivar Avenue, between Yucca and Hollywood Boulevard that flows southward
    - A 12-inch vitrified clay pipe (VCP) within Ivar Avenue, between Yucca and Hollywood Boulevard that flows southward

The completed Project will have 1,104 units (combination of residential and hotel), retail spaces, office units, restaurants and lounge areas, a health spa and swimming pools. There are additional potential wastewater creators that are as yet undetermined *[sic]* as the report omits the possibility and/or probability that lessees might include restaurants, gyms, laundries, etc. – all high water use establishments. Yet, the determination of the report was that "*impacts would be less than significant*" and that there would be no requirement of new or expanded water or water treatment facilities. No mitigation measures are recommended.

Even if the sewage treatment plant can take on the additional capacity from the Project without mitigations, why isn't the added burden to the infrastructure that carries the wastewater to the treatment facility considered in the report? What is the distance to the treatment facility?

Within the report the estimates of sewer usage are based exclusively on dry (non-rainy) days. Yet, the report also states that on wet days, the volume of wastewater can double! Why weren't calculations made based on the wet weather conditions?

Vitrified Clay Pipe (VCP) has a typical lifespan of 50 – 60 years. Vitrified Clay Pipe is also known to snap under extreme pressure. Older VCP is also susceptible to root intrusion and leaks. What is the age and condition of the existing pipes? (9.69) Where are the oldest / weakest points that the wastewater must travel to get to the treatment facility? Los Angeles is due for a major earthquake, and this Project is located near a known fault. (9.70) How can we be assured that the existing pipes carrying the wastewater can withstand the new higher burden from the Project and the potential impact from a significant earthquake event?

Response to Comment No. ORG 2B-35

This comment requests additional information and clarification regarding three existing wastewater pipes in the vicinity of the Project Site and expresses concern about the current condition of these pipes without providing any facts to support these concerns or to support an inference that the Project would cause a significant impact to these pipes or wastewater treatment facilities. The Los Angeles Bureau of Sanitation (LASAN) Wastewater Engineering Division, pursuant to LAMC Section 64.15, evaluated the available wastewater infrastructure capacity for the future development of the Project. LASAN's approach consisted of the study of a worst-case scenario based on estimated peak demands occurring simultaneously on the existing wastewater conveyance system. This included a combination of flow gauging data and computed results from the City's hydrodynamic model to project current and future impacts due to additional sewer discharge.

The data used in the Draft EIR report are based on the findings of the LASAN preliminary analysis. The Sewer Capacity Availability Report (SCAR), contained in Exhibit 4 of the Utility Infrastructure Technical Report, indicated that no sewer system improvements are necessary. Based on the SCAR, LASAN approved the Project to discharge up to 322,067 gpd of wastewater. Because the SCAR has a short validity period, prior to sewer connection permits, the availability of capacity would be further confirmed. This does not include any water conservation commitments or other reduction measures applicable to the Project.

Page IV.N.1-14, Table IV.N.1-2, *Wastewater Generation During Project Operation*, in Section IV.N.1, *Wastewater*, of the Draft EIR shows that the Project would generate approximately 311,680 gpd. This estimate does not account for reductions in wastewater generation that would result from required compliance with applicable LAMC or voluntary conservation measures, as presented in WS-PDF-1 in Section IV.N.2, *Water Supply*, of the Draft EIR.

As shown in Table IV.N.1-2, the total amount of maximum Project wastewater would be approximately 311,680 gpd. This includes a maximum condition of 126,727 gpd if all the

Project's swimming pools were drained on the same day. Daily wastewater generation for the swimming pools would typically be less than approximately 500 gallons per day. Based on the more moderate condition (no concurrent swimming pool drainage), the Project would generate approximately 185,453 gpd, still not including water conservation measures. Because the available design capacity of the sewer lines serving the Project Site, as determined by LASAN, is 322,067 gpd, is greater than the Project's most extreme drainage of 311,680 gpd, the existing system would have adequate capacity to convey the Project's wastewater. It is also noted that the design capacity is not the complete filling of a line.

LASAN's determination of capacity applies to the entire conveyance system to the treatment facility and takes into consideration maximum existing conditions, such as wet days. LASAN's evaluation of the design capacity of the pipeline also takes into consideration pipeline composition and accounts for any potential extreme pressures on pipes that would not be sustainable. It is also noted that LASAN provides regular maintenance of public pipelines, including maintenance for roots and leaks. Systems upgrades are provided on an as needed basis, in consideration of the age of pipes. Information on the "oldest / weakest points" between the Project Site and the treatment facility is not relevant to the wastewater analysis in the Draft EIR. The Project's wastewater flow, within the design parameters of a pipeline, would not weaken the wastewater infrastructure or make it more susceptible during an earthquake. However, any pipeline within in looser soils in proximity to an epicenter would be susceptible to potential damage.

Also, as discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 2B-36

10. It is publically *[sic]* known that the developers of the earlier version of the Project (The Millennium Hollywood Project) also built the Millennium Towers in San Francisco, which were found to have sunk and started to lean. Substantial litigation is still pending there, including a case filed by the City of San Francisco at great cost to the taxpayers. Has the DEIR confirmed that the geological report for the Project was not done by the same experts for the San Francisco Millennium? How does the DEIR assure the public that the massive towers of the Project will not result in geological errors and expose the City and its taxpayers to significant litigation costs?

Response to Comment No. ORG 2B-36

This comment requests confirmation that the geologist who prepared the Project's geological report for the Draft EIR are not the same geologist as another unrelated project in another city. The Project's geotechnical consultants, Feffer Geological Consulting and geologic consultants, Group Delta, have a primarily based in Southern California and did

not prepare the geotechnical or geological report for the San Francisco Millennium Towers in San Francisco. The assurance that the developer and the public can rely on the Project's geology studies rests in the professionalism and experience of the consultant, in the abilities of the reviewing engineers and geologists in the City's Department of Building and Safety, and in the more current and stringent regulations in the City of Los Angeles Building Code.

While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. ORG 2B-37

11. Residents of the Hollywood Dell Neighborhood live adjacent to the 101 Freeway and its noise. In 2013 the California Department of Transportation studied the noise level from 2025 Ivar Avenue, approximately 500 feet from the Project location. The Department of Transportation determined that the decibel level from the freeway exceeded acceptable levels and a sound wall was needed to mitigate. Does the DEIR evaluate the freeway noise impact on neighboring communities caused by the haul routes, cement and construction trucks and increases in traffic caused by the Project? How will the Hollywood Center builders mitigate this additional noise and pollution by those vehicles, during and after construction?

Response to Comment No. ORG 2B-37

This comment requests information regarding the methodology used to assess the Project's potential noise impacts on neighboring communities. Table 3 in the Noise Technical Appendix, provided in Appendix K of the Draft EIR, shows that with the exception of the segment along Yucca Street between Argyle Avenue and N. Gower Street, construction traffic would not result in any significant noise impact. No receivers on the north side of the US-101 would be exposed to significant construction or operational noise impacts from the Project. Additionally, it is acknowledged that the Hollywood Freeway (US-101) located approximately 380 feet north of the East Site's northernmost boundary contributes to ambient noise levels, which was considered in the Project's impact analysis.

The commenter is also referred to Topical Response No. 7 – Noise and Vibration, above. As discussed in Topical Response No. 7, the Project's noise and vibration impacts were fully analyzed in the Draft EIR's Section IV.I, *Noise*, based on Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both provided in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's

construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary; and that during Project operation, noise and vibration impacts would be less than significant.

In addition, regarding air pollution, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Comment No. ORG 2B-38

12. The Hollywood Dell Neighborhood is already impacted by traffic jams around the 101 freeway entrance ramps located near the Franklin Avenue and Argyle intersection. Cars back up in all directions around this critical intersection and essentially block residents of the Hollywood Dell from accessing our neighborhood as they sit through numerous lights. The Project site is just a block away from this critical intersection, and during construction the trucks that will be coming and going from the Project will be adding to this congestion. Alternate routes to the west, using Cahuenga Boulevard, will also impact already heavily traveled surface streets and obstruct access to the few other entry points into the Hollywood Dell (Cahuenga at Dix, Cahuenga at Odin, and Cahuenga at Cahuenga Terrace). And, our experience has been that often the public streets around major construction such as this Project will be closed frequently to traffic, pushing congestion into the surrounding area. Once the Project is complete, the added vehicle traffic from the occupants of the Project would be another burden on these highly congested, gridlocked streets. Why isn't there a traffic study of these very significant impacts in the DEIR?

Response to Comment No. ORG 2B-38

The comment reflects observations of an existing congested conditions at the intersection of Franklin Street and Argyle Avenue, impacting access to residents north of Franklin Street.

A TA is provided in Appendix N-1 to the Draft EIR. The TA examines the circulation conditions without and with the Project under existing conditions, under the Project buildout year (2027), and the Project horizon year (2040). Additionally, Appendix I contains a quantitative construction analysis, which is not required by the TAG[43], and

[43] The TAG requires assessment of potential construction effects against a series of qualitative criteria. Quantitative analysis of construction effects on intersection operations is not required by the TAG.

displays the estimated changes in intersection operations arising from the highest level of estimated construction activity for the Project. Construction impacts are temporary and not considered significant; therefore, this analysis is provided for informational purposes.

It should be noted that construction haul trucks would not travel through the Franklin Street/Argyle Avenue intersection. As shown in Figure 9 in the TA in Appendix N-1 to the Draft EIR, there are two proposed haul route options, neither of which passes through the Franklin Street/Argyle Avenue intersection. The first outbound haul route option would include travel along Ivar Avenue to Yucca Street from the West Site or Vine Street to Yucca Street from the East Site. Outbound trucks would then travel east on Yucca Street, north on Argyle Avenue, and enter the US-101 southbound on-ramp just north of Yucca Street. Inbound trucks heading north on US-101 would take the Gower Street off-ramp, head south on Gower Street, west on Yucca Street, and south on Vine Street for the West Site or south on Ivar Street for the East Site.

The second haul route option for outbound trips would include travel south along Ivar Avenue to Hollywood Boulevard from the West Site or south along Vine Street to Hollywood Boulevard from the East Site. Outbound trucks would then travel east on Hollywood Boulevard and enter the US-101 southbound on-ramp. Inbound trucks heading north on the US-101 would take the Hollywood Boulevard off-ramp, head west on Hollywood Boulevard, and north on Ivar Street for the West Site or north on Vine Street for the East Site. Therefore, the TA fully provides analysis of the Project's potential construction impacts on the streets listed by the commenter, and impacts were found to be less than significant.

Comment Letter No. ORG 3

David Gadd, President
Argyle Civic Association
P.O. Box 1935
Hollywood, CA 90078
Received April 27, 2020

Comment No. ORG 3-1

Re: Objection to 45-Day Comment Period for Hollywood Center Project Draft Environmental Impact Report ("DEIR"); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

April 27, 2020

The Argyle Civic Association (ACA) is a non-profit neighborhood group representing residents of Argyle Avenue and surrounding and intersecting streets in Hollywood. This is the exact demographic that will be most affected by the Hollywood Center project.

Response to Comment No. ORG 3-1

This comment provides an introduction to the commenter's organization, the Argyle Civic Association (ACA). As the comment does not raise any specific issue regarding Draft EIR, no further response is warranted.

Comment No. ORG 3-2

ACA has an active interest in participating in the current Hollywood Center DEIR comment process, but we find it impossible to do so in the 45-day comment period imposed by the City.

We strongly object to the City providing only the minimum allowed comment period during the unprecedented economic, social and public health upheaval resulting from the COVID-19 pandemic. *The minimum 45 days for the public to comment is entirely inappropriate under current circumstances.*

The commencement of the DEIR comment period should be set to a date after the lifting of local and state stay-at-home orders. Given the enormity of the materials to review and comment on, we suggest a minimum comment period of 120 days.

Response to Comment No. ORG 3-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details

regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment No. ORG 3-3

Attachment: The letter attached to the email (Comment No. ORG 3-1) is a repeat of the same comments from the email.

Response to Comment No. ORG 3-3

See Response to Comment Nos. ORG 3-1 and ORG 3-2.

Comment Letter No. ORG 4

Amy Gustincic, President
Los Feliz Improvement Association
P.O. Box 29395
Los Angeles, CA 90029
Received April 28, 2020

Comment No. ORG 4-1

Please see attached letter.

Thank you.

Response to Comment No. ORG 4-1

This comment is an introduction to an attached letter, but does not raise any specific issue regarding Draft EIR. Responses to the referenced letter are provided below in Response to Comment No. ORG 4-2.

Comment No. ORG 4-2

Re: Objection to 45-day Comment Period for Hollywood Center Project Draft Environmental Impact Report ("DEIR"); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Ms. Nguyen:

LFIA, the advocacy group for all residents of Los Feliz, objects to the City providing only the minimum allowed comment period for the Hollywood Center Project Draft DEIR. LFIA has an interest in this project and would very much like to participate in the comment process, but will be challenged to do so on the constrained timeline.

In normal times, a 45-day comment period for a project as large as this would be difficult given the thousands of pages of technical documents just released, but as we are all also dealing with the COVID-19 pandemic it will be almost impossible.

The pandemic is also limiting members of the public and other governmental agencies from having adequate time and access to documents to be able to review and comment on the DEIR.

The DEIR comment period should start after the lifting of local and state stay-at-home orders and should last for at least 90 days.

It is incumbent upon the City, now more than ever, to ensure that the public and relevant governmental agencies are able to fairly participate in this process.

Response to Comment No. ORG 4-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment Letter No. ORG 5

Holly Purcell, President
The Oaks Homeowners Association
P.O. Box 29155
Los Angeles, CA 90029
Received April 28, 2020 (ORG 5A)
Received June 1, 2020 (ORG 5B)

Comment No. ORG 5A-1

RE: Case Number ENV-2018-2116-EIR, Hollywood Center

Please see attached letter from Oaks Homeowners.

Response to Comment No. ORG 5A-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment No. ORG 5A-2.

Comment No. ORG 5A-2

Our organization would like to thoroughly review the DEIR and participate with comments in a meaningful manner. However, it will not be possible within the 45-day comment period currently allowed by the City. Public safety and the immediate welfare of residents take priority over all other matters. COVID-related activities with which we are now engaged include food collection, heightened outreach, and senior assistance.

From the public's perspective, there is nothing urgent about moving this project forward with only limited community participation. Even the Planning Department's certified receipt notification to our PO Box sat unread for the first third of the 45-day comment period, as we now go to the Post Office only every two weeks.

Like so many other stakeholders, we are requesting that a 90-day DEIR comment period commence only after local and state stay-at-home orders are lifted.

Response to Comment No. ORG 5A-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. ORG 5B-1

Please enter two attached documents into the record for ENV-2018-2116-EIR, Hollywood Center Project.

Please confirm timely receipt.

Response to Comment No. ORG 5B-1

This comment is an introduction to an attached letter. Both the attachments have been added to the public record, Responses to the referenced letter are provided below in Response to Comment Nos. ORG 5B-2 through 5B-8.

Comment No. ORG 5B-2

Our homeowners association represents approximately 800 owners of single family residences in The Oaks, a hillside community north of Franklin Avenue, east of Beachwood Canyon and west of Fern Dell. Bronson Avenue and Canyon Drive, which intersect with Franklin Avenue, both represent main ingress/egress routes to and from our neighborhood.

Response to Comment No. ORG 5B-2

The comment is an introduction to the commenting organization, the Oaks Homeowners Association. However, as the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 5B-3

Over the past two decades traffic volumes and congestion along Franklin Avenue have been steadily increasing. In normal times, i.e. prior to the coronavirus outbreak, westbound traffic along Franklin is jammed every weekday during afternoon rush hour, creating major gridlock in all directions at the Franklin/Bronson and Franklin/Canyon intersections - one of the reasons why we have proposed the installation of a traffic signal at Franklin & Canyon.

The congestion and traffic jams are primarily caused by great numbers of vehicles heading west toward the onramp of the northbound Hollywood Freeway (US-101) and by the very limited capacity of that metered onramp. This congestion is compounded by the poor configuration and inadequate design of the Franklin/Argyle intersection adjacent to the onramp (vehicles approaching Argyle from the west on Franklin have to make a u-turn at that intersection in order to access the freeway onramp).

LADOT is quite aware of these problems and has tried, for years, to work with CalTrans on potential mitigation options. In fact, former City Councilmember Tom LaBonge (CD4), during his term in office, proposed adding a lane to Franklin Avenue (between Argyle and Vista del Mar Avenues) for westbound traffic heading to that onramp. But none of those plans ever advanced beyond a preliminary phase.

Instead, two more high-rises were erected immediately south of the Franklin/Argyle intersection (Argyle House at 1755 Argyle and Kimpton Everly at 1800 Argyle). Both have added even more vehicular traffic to the already overburdened Franklin/Argyle intersection.

Response to Comment No. ORG 5B-3

This comment is introductory in nature and provides commentary on the existing traffic conditions in the area. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 5B-4

Despite all these facts, the Traffic Assessment for the proposed Hollywood Center Project did not cover the Franklin/Argyle intersection for potential impacts. We have asked KOA, a well-respected transportation consulting firm, to prepare a Technical Memorandum to comment on this omission. Please find their conclusions enclosed with this letter.

Response to Comment No. ORG 5B-4

Responses to comments in the Technical Memorandum from KOA referred to in this comment are provided in Response to Comment Nos. IND 81-74 to IND 81-78.

As described in Response to Comment No. IND 8I-76, the study area for the site access and circulation analysis was determined based on City guidelines (i.e., the City's recently adopted Transportation Analysis Guidelines [TAG]) and in consultation with the Los Angeles Department of Transportation (LADOT). The section describing the scope of analysis states the following:

Study locations should be determined in consultation with LADOT and should include:

- *All primary project driveways*
- *At a minimum, intersections at either end of the block(s) on which the project is located or up to 600 feet from the primary project driveway(s), whichever is closer*
- *Unsignalized intersections that are adjacent to the project or that are expected to be integral to the project's site access and circulation plan*
- *All signalized intersection in proximity to the project to where 100 or more net new peak hour trips would be added by the project*

Applying the criteria above resulted in the identification of the nine intersections discussed and analyzed in the main body of the Transportation Assessment (TA) contained in Appendix N-1 of the Draft EIR. Appendix C of the TA presents analysis volumes for all of the analysis years and scenarios. As shown in Appendix C of the TA, the Project is not projected to add 100 or more peak hour trips to the Argyle Avenue/Franklin Street intersection and analysis of that location was, therefore, not required.

Comment No. ORG 5B-5

CalTrans *[sic]* was strongly opposed to a previous project, known as The Millennium, which was proposed by the same developer and for the same site as the current Hollywood Center Project. Since then, no design changes have been implemented to the Franklin/Argyle intersection or the adjacent onramp to the northbound US-101 Freeway. Remarkably, CalTrans *[sic]* has, to this day, voiced no concerns about the new Hollywood Center Project.

We have reached out to CalTrans *[sic]* seeking comment but, due to the Stay-at-Hone *[sic]* Order and the short time remaining to meet the deadline for comments on the DEIR, our consultant has not been able to initiate an in-depth dialogue with CalTrans *[sic]* about what made them change their stance regarding the new project which is of similar scope and size as the former Millennium.

Response to Comment No. ORG 5B-5

The comment references the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also makes reference to Caltrans' opposition to the Millennium Hollywood Project. It should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's TAG, adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Finally, the comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to the Hollywood Freeway (US-101) and its on- and off-ramps.

Comment No. ORG 5B-6

The Hollywood Center, if built as proposed, would likely have disastrous consequences for traffic at Franklin & Argyle, with collateral negative impacts on nearby residential neighborhoods north of the Franklin Corridor, such as ours. Instead of undertaking an honest attempt to mitigate these problems, we see an effort by the developer and his consultants to avoid any critical traffic issues by choosing and adjusting metrics and threshold standards so that they appear most advantageous to their project.

Response to Comment No. ORG 5B-6

The Project has conducted a transportation analysis and includes a 1,399-page TA in Appendix N-1 that is comprehensive and consistent with State and City guidelines and provides substantial documentation and evidence that support the defensibility of the transportation analysis. The analysis metrics used to determine significant impacts were not chosen or adjusted by the Project team but developed by government agencies pursuant to State laws, such as CEQA and Senate Bill (SB) 743, and implemented and applied across projects analyzed within the City.

As described in the Response to Comment No. IND 8I-76, the study area for the site access and circulation analysis was determined based on City guidelines and in consultation with LADOT. Therefore, no further response is warranted.

Comment No. ORG 5B-7

Please make sure this letter and the attached document (Technical Memorandum) are entered into the public record for this project.

Response to Comment No. ORG 5B-7

The comment requests that this letter and the attached Technical Memorandum be entered into the public record. Both the comment and attachment have been added to the public record, and the full content of the Technical Memorandum is provided in Appendix A in this Final EIR. However, as the comment does not raise any issues regarding the content or adequacy of the Draft EIR, and no further response is warranted.

Comment No. ORG 5B-8

Attachment: KOA, Review of Hollywood Center Draft EIR Traffic Assessment, June 1, 2020.

Response to Comment No. ORG 5B-8

Responses to this attachment are provided in Response to Comment Nos. 8I-74 to 8I-78.

Comment Letter No. ORG 6

Ron Miller, Executive Secretary
Los Angeles / Orange Counties Building and Construction Trades Council
1626 Beverly Boulevard
Los Angeles, CA 90026
Received April 29, 2020

Comment No. ORG 6-1

This comment is an email that includes the attachment provided in Comment No. ORG 6-2.

Response to Comment No. ORG 6-1

As no text is provided in this email, no further response is warranted.

Comment No. ORG 6-2

On behalf of over 100,000 skilled and trained men & women in the building trades, I am writing to you today in support of Hollywood Center, the game-changing project around the Capitol Records Building in Hollywood. Simply put, this project promises to be transformative on many levels, the most important from our perspective being the number of jobs that will be created. Now more than ever, jobs are vital to our communities and our economy, and we must take into consideration the positive impact these jobs will have on Los Angeles' hard-working residents.

Los Angeles residents need the jobs that Hollywood Center will create. This is not just another project – this development goes above and beyond, creating not just investment and jobs, but interest in Los Angeles like no project before it. This project is estimated to have over a $1 billion impact locally. That number cannot be overstated. In these times of uncertainty, it is vital that we continue to work towards the creation of economic investment and opportunity without sacrificing vision, sustainability, cutting-edge design, and building longevity. That is exactly what this project brings.

But it is not only the jobs that make this project such a game changer. Hollywood Center includes much-needed very low- and extremely low-income affordable housing set aside expressly for older adults. In fact, these units, over 130 of them, constitute the largest provision of privately financed senior affordable units in the City's history.

In addition, it will be GHG net neutral, making it one of the greenest projects in the history of Southern California. We stand in support of Hollywood Center for the reasons outlined above, and hope that you'll join us in moving Los Angeles forward with game-changing projects just like this one.

Response to Comment No. ORG 6-2

The comment expresses support for the Project. However, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 7

Mihail “Kyle” Naumovski, Outreach Chair
Hollywood Hills West Neighborhood Council
Received April 30, 2020 (ORG 7A)
Received May 21, 2020 (ORG 7B)

Comment No. ORG 7A-1

As the Outreach Chair of HHWNC I urge you to help all outreach board members of all affected NCs to this project to better inform the public we serve on the need for action to comment on this project – A shareable social media article would be great with major points emphasized and links to files.

Response to Comment No. ORG 7A-1

This comment encourages the City to provide a shareable social media article to encourage comments on the Project. The City has provided noticing and distribution of the Draft EIR to meet CEQA requirements. However, providing a shareable social media article is not a CEQA requirement or a typical City practice conducted for projects. Please refer to Topical Response No 1, Public Review and Participation, for additional details on the City’s efforts to notice the Draft EIR. As the comment does not raise any specific issues with respect to the adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 7A-2

Now, please add my comment to this project:

As a resident of Hollywood Hills West I am excited about any development that comes our way and improves the lives of multigenerational stakeholders in the local and grander area, however this Hollywood Center Project as proposed is the exact opposite of what this area needs or wants because:

1. I DON’T want another 200 unit Hotel – I live here and I need affordable housing, homeless shelters, hospitals, elder care homes, and affordable colleges.

2. I DON’T know how safe the high rise buildings are when built on the intersection of two fault lines – Maybe a more transparent project name used should have been:

Hollywood PossibleDisaster *[sic]* **Epicenter Project** – at least that way the public may see the urgency to submit a comment on time before June 1st 2020 in midst of pandemic lockdown.

3. I DON’T know why a NO several years ago may mean YES Now when No significant changes have been made since then to this plan as to the use of the new project.

End of comment.

Response to Comment No. ORG 7A-2

The commenter expresses opposition to the hotel uses and of the need affordable housing, homeless shelters, hospitals, elder care homes, and affordable colleges. It should be noted that, as discussed in Chapter 1, *Introduction,* in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Additionally, the Project would provide senior affordable housing as part of the Project. The other uses the commenter is supportive of, but not provided by the Project, are noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

The commenter also expresses concern about the Project Site's location relative to an earthquake fault (the Hollywood Fault). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. ORG 7B-1

Please see the attached letter from Hollywood Hills West Neighborhood Council President Anastasia Mann.

Response to Comment No. ORG 7B -1

The introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. ORG 7B-2

The Hollywood Hills West Neighborhood Council (HHWNC) is one of the certified neighborhood councils in the City of Los Angeles. The Hollywood Center Project's 4.46 acre site in Hollywood is just to the East of HHWNC's area.

At a meeting of HHWNC's Board on May 20, 2020, HHWNC's Board voted (20 to 0 with 1 recusal) to recommend and request that the City of Los Angeles' elected officials and the City's Planning Director extend the public comment deadline on the Hollywood Center

Project's DEIR for at least 75 days beyond the current June 1, 2020 deadline. The public comment deadline should not be set any earlier than August 15, 2020.

On behalf of the Hollywood Hills West Neighborhood Council, the above information is respectfully submitted.

Response to Comment No. ORG 7B-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment Letter No. ORG 8

Catherine Palmer, Board Administrator
Bel Air-Beverly Crest Neighborhood Council
Municipal Building
1645 Corinth Avenue, Room 103-4
Los Angeles, CA 90025
Received May 6, 2020

Comment No. ORG 8-1

On May 1, 2020, the Bel Air Beverly Crest Neighborhood Council held a Brown-Act publicly-noticed virtual tele-conferencing board meeting, and, with a quorum of 23, voted unanimously to formally request an extension of the minimal 45-day public comment period on the huge Hollywood Center project (AKA Millennium Hollywood project). The BABCNC would like a 120-day extension that begins after the Stay at Home order is lifted.

Response to Comment No. ORG 8-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment Letter No. ORG 9

David Gajda
Cahuenga Corridor Coalition
DWG International LLC & Hollywood Media Center LLC
1604 N. Cahuenga, 6350 Hollywood Boulevard, 6356 Hollywood Boulevard, 1611 El Centro
Received May 11, 2020

Comment No. ORG 9-1

I am writing today to support the proposed Hollywood Center project. After reviewing the proposal and its Draft Environmental Impact Report, I'm convinced that this project will be a benefit to the city of Los Angeles and Hollywood. The developers have addressed affordable housing component, carbon footprint, and historic preservation factors.

We are long time businessmen within Hollywood having been part of the Hollywood Chamber of commerce for over 25 years. Hollywood needs to continue to evolve and we feel this project will help Hollywood continue to prosper for the next 25 years.

The over $1 billion in economic investment for Hollywood represents one of the largest private investments for the area. Thousands of prevailing wage jobs will be created, both during construction and once the project opens. Especially now, investment in our community is vital to creating jobs. And with unemployment increasing at historically high rates, these jobs are sorely needed. It was recently reported that less than half of Los Angeles County residents currently have jobs, with that number continuing to grow. Hollywood Center's positive impacts on job creation will make a meaningful difference for thousands of Angelenos currently out of work.

Response to Comment No. ORG 9-1

The comment expresses support for the Project and is noted. However, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 9-2

This comment is an attached letter to Comment No. ORG 9-1, which is a duplicate of the letter provided in the email (same comment as ORG 9-1).

Response to Comment No. ORG 9-2

Refer to Response to Comment No. ORG 9-1.

Comment Letter No. ORG 10

Anne Friedrich, President
Menorah Housing Foundation
10991 W. Pico Boulevard
Los Angeles, CA 90064
Received May 11, 2020

Comment No. ORG 10-1

Please see attached.

Response to Comment No. ORG 10-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 10-2.

Comment No. ORG 10-2

Los Angeles faces a severe housing shortage. While the impact can be felt by all age groups and all income levels, the situation is even more daunting for older adults, especially those facing economic challenges.

For the last decade or more, housing production in the state has been insufficient to meet demand. Simultaneously, aging of the region's population has led to an increase in the number of older adults in need of housing assistance. In the Los Angeles metropolitan area, research shows that many older adults are among the most cost-burdened residents in the nation. Those who are rent-burdened may be just one catastrophic expense away from losing their homes.

For more than forty years, Menorah Housing Foundation (MHF), a local non-profit affordable housing provider, has been developing and managing safe, well-maintained, quality apartments affordable to very low-income older adults. MHF currently offers a diverse population of approximately 1,500 existing residents, all age 62 and older, accessible, affordable apartments with an array of services.

Hollywood Center proposes a thoughtful way to add new, much needed affordable senior housing to the City's housing stock. The project seeks to provide more than 800 market-rate residential units along with more than 130 units dedicated for extremely low and very-low-income older adults. If approved, the project will include a significant number of affordable senior apartments within a private development.

Increasing the City's supply of housing while setting aside affordable units for older adults within mixed-use projects, is something to be encouraged. For this reason, we are proud to be partners in the Hollywood Center development and strongly support it. We hope the City will do the same. Thank you for your consideration.

Response to Comment No. ORG 10-2

The comment expresses support for the Project and is noted. However, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 11

Fred Rosenthal, President
Ametron Audio/Video
1546 N. Argyle Avenue
Hollywood, CA 90028
Received May 12, 2020

Comment No. ORG 11-1

Please see attached letter of support for the above-referenced project.

Response to Comment No. ORG 11-1

This comment is an introduction to an attached letter and provides support for the Project. However, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. A response to the referenced letter is provided below in Response to Comment No. ORG 11-2.

Comment No. ORG 11-2

My family has owned and operated Ametron for nearly 70 years. Our current location is two blocks from the Capitol Records site, offering all corners of the entertainment industry the electronics, apparatuses, and facilities they need to successfully operate. Ametron prides itself on diversification (consumer sales, service, parts, and rentals) all in one store, and stocks many products that no other store in the country has. We do this to cater to the unique entertainment business that exists no where *[sic]* else other than Los Angeles, with its origins starting in Hollywood.

The Capitol Records building is the iconic structure of Hollywood, and I commend these developers for preserving and enhancing it in their proposal. As we cater to the music industry a great deal, it's a relief to me to know that the Capitol Records building is being incorporated into this proposal.

I also commend this project for bringing a new vision to Hollywood, planning not just for the Hollywood of tomorrow but the Hollywood of the decades of years to come. This project looks forward and will be a catalyst for positive evolution throughout the entire neighborhood. The history is celebrated while the future is emphasized – this is our industry's history and I am glad to see it thriving into the future.

We have long dedicated ourselves to the Hollywood community, and we are happy to see that dedication continue at the Capitol Records site. Of note: I am happy to see the large number of apartments planned in the proposal. The original proposal back 10 years ago had an office component. Hollywood is struggling for additional office space with all the entertainment companies wanting to locate here. It would be great if this and other Hollywood projects could provide new office space for these firms wanting to locate here.

Thank you for your work on this project. It has my support.

Response to Comment No. ORG 11-2

The comment expresses support for the Project and is noted. However, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 12

Zachary Warma
Downtown Women's Center
442 S. San Pedro Street
Los Angeles, CA 90013
Received May 13, 2020

Comment No. ORG 12-1

Please find attached a letter of support for the proposed Hollywood Center Project and its commitment to increasing affordable senior housing in Hollywood.

Response to Comment No. ORG 12-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 12-2.

Comment No. ORG 12-2

On behalf of Downtown Women's Center, I write today to express my support for the proposed Hollywood Center Project and its commitment to increasing affordable senior housing in Hollywood.

In providing 133 units of affordable housing for seniors, this project addresses one of the city's most urgent needs – affordable housing for older Angelenos. Average monthly income from Social Security alone puts most seniors dangerously close to the federal individual poverty level. Even the maximum benefit – which is very difficult to obtain – results in an annual income that is far below the cost of comfortable living in cities such as Los Angeles.

According to the January 29, 2020 HCIDLA report to the Mayor and City Council, there are 368,290 SSI and SSDI recipients over the age of 65 in Los Angeles. In 2018, 40% of older adult homeowners and 62% of older adult renters spent 30% or more of their monthly gross income on housing, qualifying them as rent-burdened. From 2012 to 2017, average rents in the county increased at three times the rate of the cost of-living adjustments to SSI, and twice the rate of median household income for seniors. That in the city of Los Angeles there are 125,000 very low-income seniors yet only 7,800 affordable units available for older Angelenos drives home the point that the city must prioritize the development of affordable senior housing.

In addition, we trust the reputation of Menorah Housing Foundation – who have long held up all housing regulations – and that they have gone through all appropriate review processes to create a much-needed housing solution.

As our local population continues to age, it is imperative that we build housing to the benefit of all Angelenos. Thank you.

Response to Comment No. ORG 12-2

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 13

Richard Adkins, President
Hollywood Heritage, Inc.
P.O. Box 2586
Hollywood, CA 90078
Received May 15, 2020 (ORG 13A)
Received June 1, 2020 (ORG 13B)

Comment No. ORG 13A-1

Please see the attached letter from Hollywood Heritage in support of the request from Hollywood United Neighborhood Council and other concerned parties to extend the deadline for public comment on the Draft EIR for the 6220 W Yucca Project and the Hollywood Center Project to August 1st, 2020.

These projects, individually and cumulatively, will significantly alter the historic infrastructure of Hollywood and in particular the Vista del Mar/ Carlos Historic District. In light of the coronavirus pandemic and the ensuing measures to protect the wellbeing of Angelenos, it is crucial for residents to have sufficient time to evaluate the potential impacts of new development on their community.

We strongly urge you to extend the public comment deadline to August 1st. Thank you for your work to support a democratic planning process.

Response to Comment No. ORG 13A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. ORG 13A-2

Hollywood Heritage is writing in support of the request from the Hollywood United Neighborhood Council and other concerned parties to extend the deadline for public comment on the Draft EIR for the Hollywood Center Project and 6220 W Yucca Project to August 1st, 2020.

Response to Comment No. ORG 13A-2

The comment requests that the City extend the Project's 47-day public review period. Refer to Response to Comment No. ORG 13A-1.

Comment No. ORG 13A-3

These projects, individually and cumulatively, will significantly alter the historic infrastructure of Hollywood and in particular the Vista del Mar/ Carlos Historic District. In light of the coronavirus pandemic and the ensuing measures to protect the wellbeing of Angelenos, it is crucial for residents to have sufficient time to evaluate the potential impacts of new development on their community.

Response to Comment No. ORG 13A-3

The comment expresses concern that the Project would alter the historic infrastructure of Hollywood and the Vista del Mar/Carlos Historic District. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C of the Draft EIR analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Complex, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

The commenter also expresses concern for residents having sufficient time to evaluate the Draft EIR. See Response to Comment No. ORG 13A-1.

Comment No. ORG 13A-4

As Co-Director of the Frank G. Wells Environmental Law Clinic at UCLA Sean Hecht described in his letter to Mayor Garcetti, City Attorney Feuer, and Planning Director Bertoni on March 23rd, 2020, the "Safer At Home" orders have dramatically altered public participation in the planning process. This includes restricted access to paper documents, logistical barriers to communication between and coordination of community groups and the innumerable ways coronavirus has forced residents to reprioritize their actions to meet basic needs. These challenges disproportionately impact our most vulnerable communities. Given these circumstances, additional time is needed to respond to projects of this magnitude.

We therefore strongly urge you to extend the public comment deadline to August 1st. Thank you for your work to support a democratic planning process.

Response to Comment No. ORG 13A-4

The comment asserts that the "Safer At Home" orders due to COVID-19 have altered public participation in the planning process. A public review period of 47 days, began on April 16, 2020 and ended on June 1, 2020, which provided a review period that met requirements pursuant to CEQA Guidelines Section 15105(a). Therefore, the public circulation period for the Draft EIR complied with the minimum 45 days required by CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State Clearinghouse for public review by State agencies. Furthermore, there is no requirement under CEQA that in person meetings (i.e., community groups) occur in order to provide comments. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. For details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. No further response is warranted.

Comment No. ORG 13B-1

Hi Mindy: Thank you for recognizing our need last Monday to delay sending this response to you for the Hollywood Center.

The protests have continued this week past our boarded up Preservation Resource Center on Hollywood Boulevard, and we are constantly watching and fortunate to have no damage.

I hope you can come see our work and museum sometime in the future.

Please confirm that this EIR response is accepted ? Thanks again!

Lindsay – please file and circulate to your list.

Response to Comment No. ORG 13B-1

Responses to the referenced letter are provided below in Response to Comment Nos. ORG 13B-2 to ORG 13B-128.

Comment No. ORG 13B-2

Hollywood Heritage has a keen interest in the future of Hollywood by celebrating its past and its heritage. Our organization for 35 years has promoted the recognition and protection of Hollywood's world- renowned landmarks. While the movie stars, film production, and even the movie museum were allowed to move away, central Hollywood's unique places and character are hanging on, waiting for the kind of government attention that made historic Pasadena and Santa Monica such great successes.

Response to Comment No. ORG 13B-2

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-3

We are responding to the Draft EIR with detailed comments. Yet again, a developer simply asks for huge grants of entitlements (worth $57 million from the taxpayers--conservatively)—to build over double what is allowed by zoning, an extra 721,000 or 889,000 square feet of project (multiple Century City Towers!) over the 565,900 sf allowed, with minimized affordable housing, zero commensurate and legally-required public benefits, and zero mention in 13,000 pages of what is allowed!

Yet again Hollywood's authenticity, ambience, diversity, and potential are being progressively buried, outshouted, drained, and abandoned in favor new *[sic]* and new, big and big. Our organization responded to the NOP noting that the EIR should address the announced "preservation" of the Capitol Records Building. It wasn't. The pretense of "environmental leadership" clothes this new carbon-guzzling construction, while the Project actually violates the existing city plans specifically put in place for environmental mitigation. The Project is insupportable as designed. Community members decry the excessive attention-getting excessive height for good reason. This "Hollywood Center" project is the opposite of a Center! The center was and is historic Hollywood Boulevard.

This DEIR does not reveal the full picture of adverse effects. Omission of plans, facts, etc *[sic]* must trigger EIR recirculation. The public purpose of an EIR is neutered here-- as issues are pulled apart and explained away, the most obvious problems can't be found.

Response to Comment No. ORG 13B-3

The commenter provides a general statement as an introduction to more specific comments asserting the Project is too big, does not conform with plans and regulations, that the Draft EIR does not evaluate conformance with plans and regulations, that preservation of the Capitol Records Building was not addressed in the Draft EIR, and that the Draft EIR does not provide a full picture of adverse effects and should be recirculated.

With regard to the assertion that the Draft EIR does not disclose facts regarding what is allowed to be developed on the Project Site, see Chapter II, *Project Description*, Section II.5, Land Use and Zoning Designations, of the Draft EIR, which addressed the Project Site's existing zoning and development standards, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which addressed compliance with plans and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H of the Draft EIR, the Project would not conflict with relevant plans, policies, or regulations related to the Project's land uses adopted for the purpose of avoiding or mitigating a significant environmental effect; therefore, impacts relating to this issue would

be less than significant. See also Topical Response No. 5 – Land Use and Planning, above, which addresses the Project's requested entitlements.

Regarding the assertion that the Project would minimize affordable housing, see page II-16 and II-17, in Chapter II, *Project Description*, of the Draft EIR, and the evaluation of housing provided in Section IV.J, *Population and Housing*, of the Draft EIR. The Project does not eliminate any housing; rather, it would provide 1,005 residential housing units comprised of 872 market-rate and 133 senior affordable housing units, and would help attain City and regional goals and policies to meet its housing obligation under SCAG's RHNA and Objective 4.2 of the Housing Chapter, while providing housing in proximity to transit. Also see below Response to Comment No. ORG 13B-25 and 26.

With regard to the assertion that preservation of the Capitol Records Building was not addressed in the Draft EIR, as requested in Hollywood Heritage's comments on the EIR Notice of Preparation, see Response to Comment No. ORG 13B-39, which further describes the steps taken by the Project to protect the architectural and historical heritage of the Capitol Records Building. See also the substantial analysis of potentially significant effects on the Capitol Records Building that was provided in Chapter II, *Project Description*, and in Section IV.C, *Cultural Resources*, of the Draft EIR, with supplemental information provided in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR.

Based on the above, and as further described in the individual responses to more specific comments on these issues presented below, the Draft EIR fully disclosed the Project's impacts, and no substantial evidence has been provided that would require substantial revision and recirculation of the Draft EIR.

Comment No. ORG 13B-4

By its conclusion, the only environmental effects this DEIR recognizes are construction noise and vibration. And when that construction vibration will damage neighboring historic landmarks? Falsely claimed "unavoidable"!

What happens to "unavoidable impacts?" The City Council is asked to adopt a Statement of Overriding Consideration—to wave real damage away. Our City Council should NOT even consider this—even if tenants or owners have been dealt with privately. There is no overriding public purpose in this Project that could not be served by a project ½ the size, with the developer purchasing added land and producing housing if they wish to build it all. Damage to historic buildings isn't just a private property concern—it is shared heritage, faced with extinction.

Response to Comment No. ORG 13B-4

The comment asserts that the only environmental effects the Draft EIR recognizes are those associated with noise and vibration. The Draft EIR provided a comprehensive evaluation of environmental effects associated with more than 21 topics as evidenced in

Chapter IV, *Environmental Impact Analysis*, of the Draft EIR. With regard to the assertion that construction vibration impacts are falsely characterized as unavoidable, see the historical resources and noise evaluations provided in Section IV.C, *Cultural Resources*, and Section IV.I, *Noise*, of the Draft EIR, which made it clear that vibration impacts on the Capitol Records Complex would be less than significant after mitigation, and that for other historical resources not located on the Project Site, vibration impacts could be mitigated to less-than-significant levels but were conservatively considered significant and unavoidable because implementation of the mitigation measures would require the consent of other property owners who may not agree to allow implementation of the measures. Thus, these impacts are not "unavoidable" in the sense that they are technically infeasible; rather, the only potential impediment is the possible refusal of private property owners to allow them to be implemented. Also, see Response to Comment No. ORG 13B-40 provided below and Topical Response No. 6 – Historical Resources, above. The stated opinions regarding adoption of a Statement of Overriding Considerations are noted.

Comment No. ORG 13B-5

The true picture is that this outsize gift to this developer is unwanted, unwarranted, unneeded, and is a powerful unstated significant adverse effect on genuine Hollywood. Our comments on the DEIR fall into 6 categories, which are detailed in chapters following.

Response to Comment No. ORG 13B-5

The comment expresses opposition to the Project and introduces more specific comments which are responded to below.

Comment No. ORG 13B-6

1. **Land Use doubling and zone change unjustified, urban design and land use process flawed, adverse effects missed**; (See Attachment #1) The size of the developer's "ask" has no justification: an attention- getting, view-blocking pair of towers 2x to 2 ½ times the height allowed, and building size over 2x what zoning allows. It includes deeding public land to the developer as well! This developer asks for what equals at least a $57 million "gift" from us. (That's $300/sf for the land this developer doesn't have to buy to build their project; instead they just "ask" to build more than 2x the amount of buildings on the land they already own). This huge "ask" is disclosed nowhere. Interestingly, it was raised in Sacramento and called "taxpayer financing".

Response to Comment No. ORG 13B-6

This comment reflects the commenter's opinion that there is no justification for the requested land use approvals, that the Project's buildings would interfere with views, and that the requested land use approvals would result in a public gift to the Applicant without presenting any facts related to adequacy of the Draft EIR.

The comment raises issues related to the size and scale of the Project relative to development standards that presently exist under current zoning (such development restrictions would be altered by the Project's proposed entitlements). Such issues are not environmental issues under CEQA but rather address the City's authority to approve development projects under applicable State and City laws. As such issues are beyond the scope of this EIR, no further response is required.

Nonetheless, in regard to view-blocking, see Topical Response No. 4 – Aesthetics, above, and Section IV.A, *Aesthetics,* of the Draft EIR, which analyzes potential impacts to views. As discussed therein, the Project would not have a significant impact on public views of the Capitol Records Building or views across the Project Site. However, the Project is a mixed-use project on an infill site within a Transit Priority Area (TPA), and, therefore, pursuant to Public Resources Code (PRC) Section 21099(d)(1) and Zoning Information (ZI) File No. 2452, the aesthetic impacts on the environment, other than those related to historical resources, as a matter of law, are considered not significant impacts on the environment. As discussed in Topical Response No. 4, the Project's aesthetics impacts were fully analyzed for informational purposes in the Draft EIR's Section IV.A, which demonstrated that the Project would result in no aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character, and light and glare.

With regard to density and zoning, see Topical Response No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which analyzes the land use entitlements. As discussed in Topical Response No. 5, the Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzed whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

The land use consistency analysis appropriately focused, pursuant to CEQA, on General Plan and other applicable plan and rule provisions related to mitigating or avoiding environmental effects and not on other policy considerations the City would address outside the CEQA context in evaluating the Project's entitlement approval requests. The Project's land use and planning impacts were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR. Also, with regard to the addition of property to the Project Site, see Draft EIR Chapter II, *Project Description,* pages II-74 and II-75, which specifically stated that the Applicant is requesting the merger of an alley to add 1,313 square feet to the Project Site and portions along the sidewalk of Yucca Street and both sides of Vine Street to add 5,163 square feet to the Project Site and, therefore, disclosed the requested merger of land. See also Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, which clarifies that the proposed sidewalk merger also includes portions of the sidewalk along Argyle Avenue.

As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

A response to the comment's referenced Attachment #1 is provided below in Response to Comment No. ORG 13B-71.

Comment No. ORG 13B-7

- Conflicts with existing land use plans: The DEIR omits necessary background and calculations that clarify the multiple land use plan conflicts of the proposed Project with existing laws, including the Redevelopment Plan. Some "goals" are reviewed at length from some City plans, to wrongly conclude there is no conflict. But CEQA requires full discussion of conflicts of the Project with all zoning and Plans, especially those adopted for the purpose of avoiding mitigating environmental effect. Thus the DEIR is deceptive, noncompliant with CEQA, and incomplete. See Attachment #1 and #3.

Response to Comment No. ORG 13B-7

This comment reflects the commenter's opinion that the Draft EIR omits necessary background and calculations to clarify the Project's potential conflicts with certain land use plans, without presenting any substantial evidence related to the adequacy of the Draft EIR.

With regard to consistency with applicable existing land use plans, see Topical Response No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which analyzed the land use entitlements. As discussed in Topical Response No. 5, the Project's land use and planning impacts were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR. See also, Response to Comment No. ORG 13B-24 provided below.

As this comment does not identify which provisions of particular plans that the commenter believes are not properly analyzed in the Draft EIR, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-8

- Change height district "D" Condition to double development size: The proposed Project is correctly stated to be entitled to an FAR of 3, (new buildings are allowed to be 3x the land area owned). The "ask" is to wipe out the "D" (development limitation) placed by the zoning Ordinance to allow the doubling to 6.73:1 FAR, or higher. Total square footage in the "ask" is 1,401,453 sf. (Table II-1 omits explaining the jump from 1,287,150 sf to 1,401,453, curiously omitting the fact that there are already built buildings on this land-- Capitol Records and Gogerty. This Table implies the "ask" is all for new buildings.) "D" conditions were imposed overtly for environmental mitigation--to synch development to sustainable levels in Hollywood.

Response to Comment No. ORG 13B-8

This comment reflects the commenter's opposition to the requested land use entitlements related to zoning, FAR, and "D" Limitations. Specifically, the commenter asks for clarification regarding the total square footages presented and that the existing floor area of the existing buildings on-site to remain were omitted in Table 11-1 of the Draft EIR. The total floor area for the Project is 1,287,150 square feet; and the total floor area of the Project, including existing buildings on-site, is 1,401,453 square feet. As shown in Table II-1, *Proposed Development Program,* the table provides a visual presentation of the facts contained in the discussion of the proposed new buildings and includes a note that the FAR is based on the total floor area (1,401,453 square feet) divided by the total Project Site lot area (200,971 square feet). Rather than misrepresent the FAR, this note explains the calculation of the FAR that appropriately includes the entire floor area of the Capitol Records Complex buildings plus the proposed buildings. Total FAR would be 6.973:1.

Chapter II, *Project Description,* of the Draft EIR clearly states that the Project Site includes the Capitol Records and Gogerty Buildings (Capitol Records Complex) (Draft EIR page II-1); that the East Site contains the Capitol Records Complex, which includes the 13-story Capitol Records Building and ancillary studio recording uses and the two-story Gogerty Building, all of which total approximately 114,303 square feet of existing floor area (Draft EIR page II-9); that the new development on the East Site would be built around the Capitol Records Complex (Draft EIR, page II-14); and that the total square footage of the development on the East Site includes the new buildings and the Capitol Records Complex (Draft EIR, page II-29). As such, the Draft EIR adequately described and considered existing buildings on the Project Site.

Regarding the "D" Limitation, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law is a State-mandated program that allows the Project to be eligible to receive certain development incentives (modifications of City development standards) by providing the requisite percentage of affordable housing. Accordingly, the State Density Bonus Law supersedes any other conflicting State laws as well as any local laws, as necessary, to allow for the development of affordable housing.

The commenter asserts that the existing on-site "D" Limitation was imposed as a mitigation measure for the 1988 Hollywood Community Plan (HCP). However, the HCP does not identify the "D" limitation as a CEQA mitigation measure, nor does it identify the specific environmental effect that those restrictions purport to mitigate. On the other hand, the LAMC is clear that "D" Limitations are zoning classifications. As such, these "D" Limitations are within the scope of the City's policing powers to remove or make changes to them without making any additional CEQA findings.

The Draft EIR adequately analyzed the potential impacts to the environment resulting from the Project, inclusive of the increase in FAR. The "D" Limitation was described throughout the Draft EIR in Chapter II, *Project Description*, pages II-10, II-11, II-17, II-74,

and in Section IV.H, *Land Use and Planning*, pages IV.H-10 and IV-H-23, as part of the existing zoning regulation that applies to the Project Site and was recognized as the existing regulatory condition and land use baseline in that regard. However, pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. In addition, both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing.

The commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which discusses the updated requested entitlements required to obtain the necessary FAR increase to develop the Project related to the inclusion of affordable housing. As explained therein, the Applicant is no longer pursuing the removal of the "D" Limitation and is, instead, pursuing approval of a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25.

As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-9

- Affordable housing sleight of hand—no calculations etc:*[sic]* Scattered oblique references to affordable housing are deceptive: An undercounting of the Project size is relegated to a tiny footnote. *[sic]* opaquely referencing an affordable housing incentive on page II-50: "incentive requested under LAMC Sec 11.5.11(e)." On top of that huge grant-for-free, the developer also puts forth a project density exceeding the legal limit of 6:1 FAR, and suggests this is OK due to an affordable housing incentive. Measure JJJ is mentioned somewhere. The DEIR Table showing 1,401,453 sf of building omits 168,320 sf of proposed balconies. The accuracy of these statements are not substantiated in the DEIR, failing to clarify, or to accurately tabulate, affordability calculations or programs, or disclose the promises if made in Sacramento. See Attachment #1.

Response to Comment No. ORG 13B-9

This comment reflects the commenter's opposition to the Project by asserting that the Draft EIR does not identify the requested entitlements regarding affordable housing and generally challenges the Project's qualification for the affordable housing development incentives pertaining to balcony floor area, without presenting substantial evidence that the analysis in the Draft EIR is inadequate.

Topical Response No. 5 – Land Use and Planning, above, addresses the Project's updated requested entitlements, including the affordable housing FAR increase incentives and waivers necessary to develop the Project. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus

Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program that allows the Project, with the requisite percentage of affordable housing, to be eligible to receive certain development incentives. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. As such, the Project is no longer subject to Measure JJJ and its affordable housing development incentives. The modified entitlements have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. ORG 13B-10

- Master CUP 12 liquor licenses: 12 liquor licenses inside and right outside 30,000 sf is not customarily where Hollywood Heritage focuses. But this jumps off the page as "something's wrong here!" The Project Description omits all the floor plans and other exhibits required for an EIR accompanying a Master CUP application.

Response to Comment No. ORG 13B-10

The comment implies that the Project Description is inadequate because it did not include exhibits required for a Master Conditional Use Permit application. However, any required exhibits are included in the application for the Conditional Use Permit pursuant to LAMC Section 12.24 W.1 which is part of the case file for Case No. CPC-2018-2114-ZCJ-HD-CU-MCUP-SPR and are not required in the Draft EIR. Pursuant to CEQA Guidelines Section 15124, the project description should "not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The project description is only required to contain: (a) the location and boundaries on a detailed and regional map; (b) as statement of the project objectives; (c) a general description of the project's technical, economic, and environmental characteristics; and (d) a statement briefly describing the intended uses of the EIR, including a list of permits and other approvals required to implement the project. Chapter I, *Introduction,* and Chapter II, *Project Description,* of the Draft EIR contains all the above-required information.

Additionally, Chapter II includes numerous floor plans (See Figures II-8 to II-9, II-14 to II-15, and II-21 to II-22 of the Draft EIR, which shows the locations of restaurants and commercials areas that could be used for retail or restaurants, and provides details on an alcohol storage area (see e.g., Figure II-17, *Amenity Deck (Level 2), East Site*, of the Draft EIR). Therefore, the Draft EIR provides sufficient information for determination of the location of potential commercial uses, which would be subject to the Master CUP Conditional Use Permit, as required under CEQA.

The commenter is also referred to Response to Comment No. IND 8I-19, which addresses the Project's requested Master Conditional Use Permit entitlement for alcohol service.

Comment No. ORG 13B-11

- Zone Change mystery, to less restrictive zone: The Zone Change proposed by the Project from the C4 zone (intended to limit less desirable raucous uses like pool halls) to the LESS restrictive C2 zone is mysterious and unexplained. The purpose may be to allow outdoor dining and thus drinking? Unintended consequence: the change ALSO reduces by half the housing units allowed by zoning. The DEIR has no explanation or needed calculations disclosing this, or showing the residential calculations that result from the Zone Change.

Response to Comment No. ORG 13B-11

The Project Applicant has revised the original Zone Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. See Topical Response No. 5 – Land Use and Planning, above, for a discussion of the Project's updated list of discretionary approvals requested by the Project. The revised proposed entitlements have also been listed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. ORG 13B-12

- No code-required public benefits: This 200% + density "ask" can only be considered under the current Community Plan and the recently-transferred Redevelopment Plan if the project provides specific public benefits. (See Attachment #3.). This Project offers no such benefits.

Response to Comment No. ORG 13B-12

The comment asserts that the Project requests for over a 200-percent density increase, which can only be considered under the Hollywood Community Plan and the Hollywood Redevelopment Plan if public benefits are required.

However, the Project does not request any additional density above what is otherwise permitted on the Project Site, in conjunction with the proposed sidewalk and alley mergers proposed under the Vesting Tentative Tract Map.

With regard to Attachment #3, which includes a list of Hollywood Redevelopment Plan items the commenter believes are not discussed in the Draft EIR, the commenter is referred to Response to Comment No. ORG 13B-123, which more thoroughly addresses the issues raised in Attachment #3.

Moreover, Attachment #3 does not provide any specific public benefits but rather refers to an excerpt from the CRA/LA website, which the commenter uses to assert that any "value of increment derived from the additional density to be reflected in additional community benefits." The commenter does provide a list of objectives or findings, which the commenter believes must be made to support the requested 6:1 FAR. Nonetheless, the Project provides public benefits and meets the objectives consistent with those shown

in Attachment #3, such as providing needed housing, including senior affordable housing in a TPA, thereby furthering the State's and City's housing and GHG emission reduction goals. More specifically, the provision of the publicly-accessible paseo between Argyle Avenue and Ivar Street, landscaped plazas within the Project Site, additional mid-block street crossings at Argyle Avenue and Vine Street, an outdoor stage available for public use, and closer access to the Capitol Records Building would be available for the enjoyment of the surrounding community, as well as visitors to the area. In addition, in accordance with the City of Los Angeles 2035 Mobility Plan, the paseo and street crossings would enhance public access to the Metro B (Red) Line Hollywood/Vine Station. These are specific Project features that would serve as a public benefit.

As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-13

- Signage: All information on signage is omitted.

Response to Comment No. ORG 13B-13

The commenter states that all information regarding signage is omitted from the Draft EIR. The Project does not include a signage program; however, the type of signage anticipated by the Project is discussed in Chapter II, *Project Description,* of the Draft EIR, and in relation to the requirements of the Hollywood Signage Supplemental Use District (HSSUD) and LAMC Section 14.4.4 E regarding illuminated signage in Section IV.A, *Aesthetics*, of the Draft EIR. Page II-67 of Chapter II, *Project Description*, described the Project's signage as follows:

> *Project signage would include building identification, wayfinding, and security markings. Commercial and residential signage would be similar to other signage in the Project vicinity, and no off-site signage is proposed. All proposed signage would conform to the size, type, and placement requirements of LAMC Article 4.4 and Ordinance No. 181,340, the Hollywood Signage Supplemental Use District.[15] Pedestrian and publicly accessible areas would be well-lit for security. Project lighting would also include ground level commercial lighting, common and private open area lighting, interior and outdoor lighting from commercial and residential areas, and accent lighting. Light fixtures would share a consistent design aesthetic and would be configured to minimize light pollution. Additionally, light fixtures on the Project Site would be shielded and directed toward the areas to be lit and away from any adjacent sensitive areas, such as residential uses…*

In addition, page IV.A-58 of Section IV.A, *Aesthetics,* of the Draft EIR, discusses the consistency of the Project with the HSSUD and LAMC Section 14.4.4 E. Pages IV.A-60 to IV.A-63 evaluate the light and glare impacts of the Project. Although the Project would comply with regulations that govern scenic quality, such as the HSSUD and LAMC Section 14.4.4 E, light and glare impacts and impacts related to conflicts with regulations governing scenic quality are considered not significant under PRC Section 21099(d)(1)

and were provided in the Draft EIR for informational purposes only. See also Section IV.H, *Land Use and Planning,* page IV.H-10, of the Draft EIR, which discussed the location of the Project Site within the boundaries of the adopted HSSUD.

Comment No. ORG 13B-14

- Exceeds Community Plan top density: The proposed development intensity exceeds the stated cap in both the Hollywood Community Plan (HCP) (80 DU/gross acre) and the Redevelopment Plan (HRP) 130 DU/acre, triggering a General Plan Amendment requirement. The DEIR omits all needed calculations to determine this. City Planning's calculations may differ from Hollywood Heritage's in this letter, we look forward to seeing them before the FEIR.

Response to Comment No. ORG 13B-14

The commenter identifies a potential discrepancy regarding the calculation of the Project's residential density as identified in the Hollywood Community Plan and the Hollywood Redevelopment Plan. The comment states that the Hollywood Community Plan's 80 DU/acre residential density applies to the Project Site. The 80 DU/acre residential density applies to areas designated with a "High" residential land use designation. See page HO-3 of the Community Plan. The Project Site is located within a "Regional Center Commercial" land use designation, as identified on the Community Plan's Land Use Map, and not a "High" residential land use designation. See the Community Plan Land Use Map (https://planning.lacity.org/plans-policies/community-plan-area/hollywood). As such, the 80 DU/acre residential density does not apply to the Project Site.

The comment also states that the Redevelopment Plan's 130 DU/acre residential density applies to the Project Site. The 130 DU/acre residential density only applies to "[a]reas shown on the [Redevelopment Plan Land Use] map as Residential," and more specifically to areas designated as "Very High" residential. See Redevelopment Plan Section 505 and the Redevelopment Plan Land Use Map. The Project Site is located within a "Regional Commercial" land use designation, and more generally a "Commercial" area, and not within a "Residential" area. See Exhibit A.1, Redevelopment Plan Land Use Map (https://planning.lacity.org/plans-policies/overlays/hollywood). As such, the 130 DU/acre density limit does not apply to the Project Site.

In regard to density of planned development in Hollywood, see Topical Response No. 5 – Land Use and Planning, above. As discussed in Topical Response No. 5, the Project would be consistent with the allowable densities under the existing Redevelopment Plan designations and allowances of the LAMC. Applicable policies adopted to reduce or mitigate environmental impacts were analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-15

- Hollywood Boulevard Urban Design Plan: The Hollywood Community Plan text requires that projects meet the objectives of the Hollywood Boulevard Urban Design Plan, which was a part of the Hollywood Redevelopment Plan Sec 506.2.1. One of these is "ensure that new development is sympathetic to and complements the existing scale of development". Two of the other 5 objectives address the pedestrian experience. The project fails.

Response to Comment No. ORG 13B-15

The comment states that the Project fails to meet the objectives of the Hollywood Boulevard Urban Design Plan, relate to complementing the existing scale of development, and the pedestrian experience. However, the comment does not present any specific facts regarding how specifically the Project fails to meet the referenced objectives. Nonetheless, see Section IV.H, *Land Use and Planning,* pages IV.H-12 and IV.H.13, of the Draft EIR, which discussed the Hollywood Redevelopment Plan and its goals, including encouraging economic development, expanding housing for all income groups, meeting social needs of area residents, providing urban design guidelines, and preserving historically significant structures, and pages IV.H-21 through IV.H-23 of the Draft EIR, which discussed the Project's impact with the Hollywood Redevelopment Plan and concluded that the Project would be consistent and not conflict with the Redevelopment Plan. See also Appendix J, Table LU-4, *Consistency of the Project with Applicable Sections of the Hollywood Redevelopment Plan*, of the Draft EIR, which detailed the analysis regarding the Project's consistency with the Redevelopment Plan, concluding that the Project would not conflict with Section 506.2.1 of the Redevelopment Plan.

With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce certain former CRA/LA obligations, including applicability of the Hollywood Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

As discussed in Response to Comment No. 8I-43, there is no adopted Hollywood Urban Design Plan. A draft version of the Plan was developed in 1993, but it was never formally adopted by the former Redevelopment Agency, its successor agency, or the City. Following the dissolution of the Redevelopment Agency in 2012 under State law AB1x26, the State appointed CRA/LA, a Designated Local Authority, as the successor agency to the former City Redevelopment Agency. Following the failure of the former Redevelopment Agency to adopt the 1993 draft or any iteration of that draft, CRA/LA developed a separate, new draft Hollywood Boulevard District and Franklin Avenue Design District plan in 2011. However, CRA/LA also never formally adopted the 2011 plan. In November 2019, pursuant to City Ordinance No. 186,325, in accordance with Health and Safety Code Section 34173(i), land use authority under the City's existing

redevelopment plans, including the Redevelopment Plan, was transferred to the City. Since then, the City has not developed and adopted a Hollywood Boulevard Urban Design Plan. Accordingly, as no such plan was ever adopted, no such plan is in effect. Thus, no such plan applies to the Project.

In addition, as discussed in Section IV.A, *Aesthetics*, of the Draft EIR, pursuant to PRC Section 20199 et. seq. (which codifies Senate Bill [SB] 743) and the City of Los Angeles Zoning Information (ZI) No. 2452, because the Project meets SB 743 criteria as a mixed-use infill project within a transit priority area, its aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character, and light and glare as outlined in the CEQA Guidelines Appendix G, are not considered significant impacts on the environment.

In regard to consistency with planned development in Hollywood, see Topical Response No. 5 – Land Use and Planning, above. As discussed in Topical Response No. 5, the Project would be consistent with the allowable densities under the existing Redevelopment Plan designations and allowances of the LAMC. Applicable policies adopted to reduce or mitigate environmental impacts were analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 13B-16

- Parking: While SB 743 does allow the DEIR to omit considerations of parking within ½ mile of a transit stop, that exemption does not apply when historic buildings are involved. It also was not exempt under the VTT. We will address parking under "Redevelopment" (our Section 3).

Response to Comment No. ORG 13B-16

This comment expresses the commenter's interpretation of Senate Bill (SB) 743 as it applies to historic buildings and asserts that the Draft EIR is not consistent with the commenter's interpretation of SB 743. However, the comment does not reflect the actual language of the law. SB 743, which has been codified in PRC Section 21099(d)(1), provides that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The comment is apparently referring to subsection (2)(B), which is related to aesthetic (not parking) impacts on historical or cultural resources. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-17

- Population and housing: While Hollywood Heritage only could glance at this Chapter in the DEIR, we note numbers did not coincide with numbers being used to justify the Hollywood Community Plan Update, and the impacts of this project appear to be measured against the City as a whole. By Hollywood Heritage's

calculations all of the housing needed under the HCPU in the year 2040 is already built or entitled.

Response to Comment No. ORG 13B-17

The commenter asserts that all the housing needs in Hollywood until 2040 are already built or entitled but does not provide any calculations or evidence to support this conclusory statement. Population growth and the projected need for additional housing through 2040 in the Draft EIR are based on the projections produced by the Southern California Association of Governments (SCAG). As stated on page IV.J-1, in Section IV.J, *Population and Housing*, of the Draft EIR, "SCAG's mandated responsibilities include developing plans and policies with respect to the region's population growth, transportation programs, air quality, housing, and economic development. Specifically, SCAG is responsible for preparing the Regional Transportation Plan (RTP) and Regional Housing Needs Assessment (RHNA), in coordination with other State and local agencies. These documents include population, employment, and housing projections for the region and its 13 subregions. The Project Site is located within the Los Angeles subregion."

The Draft EIR compared the projected increase in housing proposed for the Project against SCAG's projected housing growth in the region, which notably envisions the most growth to occur within High Quality Transit Areas such as the Project Site. The Draft EIR concluded that the Project would provide housing for significantly less than one percent of such expected growth. (Draft EIR, at p. IV-J.14-16.) The Draft EIR also included a cumulative impacts analysis of the expected growth from the Project combined with identified related projects, concluding that their collective increase in population and housing are well within SCAG's growth projections. (Draft EIR, at p. IV-J.21-24.) This substantial evidence supports the conclusion that the Project is consistent with anticipated housing growth.

Comment No. ORG 13B-18

- Cumulative Impacts: Must be evacuated *[sic]*

Response to Comment No. ORG 13B-18

Regarding the evaluation of cumulative impacts, see above Response to Comment No. ORG 13B-17.

Comment No. ORG 13B-19

The DEIR must be partially or fully re-circulated, and it and the FEIR must address accurately and transparently the following:

- *Land Use Plans conflict—DEIR must be recirculated: The DEIR Land Use text concludes that land use proposals which conflict with current land use plans need not be considered unless those land use plans were implemented to mitigate environmental effect. They were. FEIR must show specifics, and conclude that this*

Project indeed conflicts with adopted Land Use Plans, including the Community Plan, zoning, the Redevelopment Plan, the Urban Design Plan, etc, [sic] and the conflict is a significant adverse effect. The Mitigation is to either bring the project into compliance or significantly reduce it to a size that is justifiable.

Response to Comment No. ORG 13B-19

The comment makes a general assertion that the Draft EIR conflicts with various land use plans, that such conflicts constitute a significant effect, and that the Draft EIR must, therefore, be recirculated. However, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies, and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H of the Draft EIR, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect; therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above, and more specific responses to similar comments provided below.

Comment No. ORG 13B-20

- *Change of "D" Condition: FEIR must recognize significant adverse effect. The "D" conditions which this Project seeks to remove "D" conditions implemented to mitigate environmental effect, as evidenced in multiple documents accompanying Council adoption. The preparer's o [sic] the DEIR may not be aware, of the history, but they do cite the current law that requires this.*

Response to Comment No. ORG 13B-20

The comment states that the Final EIR must consider the potential significant effect of removing the "D" Limitation, which the comment asserts was implemented to mitigate environmental effects. In regard to the "D" Limitation as a mitigation measure, the commenter asserts that the existing on-site "D" Limitation was imposed as a mitigation measure for the 1988 HCP. However, the HCP does not identify the "D" limitation as a CEQA mitigation measure, nor does it identify the specific environmental effect that those restrictions purport to mitigate. On the other hand, the LAMC is clear that "D" Limitations are zoning classifications. As such, these "D" Limitations are within the scope of the City's policing powers to remove or make changes to them without making any additional CEQA findings.

Regarding the comment that the Final EIR must include a discussion of potential significant effects of removing the "D" Limitation, the Draft EIR adequately analyzed the potential impacts resulting from the Project, inclusive of the increase in FAR. The "D" Limitation was described throughout the EIR (including, without limitation, Chapter II, *Project Description,* pages II-10 through II-11, and Section IV.H, *Land Use and Planning,* pages IV.H-10 and IV.H-23 of the Draft EIR) as part of the existing zoning regulation that apply to the Project Site and was recognized as the existing regulatory condition and land

use baseline in that regard. However, pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. In addition, both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing.

The Project Applicant has revised the original Zone Change and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. See Topical Response No. 5 – Land Use and Planning, above, for a discussion of the updated list of discretionary approvals requested by the Project, as well as a detailed discussion of the proposed Density Bonus Compliance Review. The revised proposed entitlements are also listed in Topical Response No. 5 and in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-21

- *Zone Change-disclose fully or conclude significant adverse effect: FEIR must describe the justification and effects for change from more restrictive C4 to less restrictive C2 uses—such as allowing outdoor and rooftop bars (if that is the reason); acknowledge any adverse environmental impact; and put forth Project Design Features to restrict amplified noise and increase public safety- or whatever the actual effects are. This EIR is assumed to b [sic] accompanying the liquor license application, so vagueness must be eliminated [sic]*

Response to Comment No. ORG 13B-21

This comment asserts that the Draft EIR is vague and must discuss the potential environmental impacts of the Project's requested Zone Change and that the Final EIR must implement Project Design Features regarding amplified noise and public safety but does not provide any facts substantiating a claim of potential adverse environmental effects. The commenter is referred to Response to Comment No. IND 8I-20, addressing the environmental impact of the requested zone change. Note, however, that the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The Density Bonus Compliance Review, related to the inclusion of Very Low Income residential units, would allow for the same FAR and uses as under the prior entitlement request. Topical Response No. 5 – Land Use and Planning, above, discusses the proposed revision in proposed entitlements and the function of the Density Bonus Compliance Review in detail.

Regarding amplified noise, Project Design Feature NOI-PDF-3 for Outdoor Performance Sound Restrictions will not allow operation of an amplified sound system in the outdoor plaza areas for performances, including the East Site Level 1 Performance Stage. The

City's Noise Ordinance also restricts noise levels above specific limits, with which the Project would comply. As this comment does not present any facts with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-22

- *General Plan Amendment add to entitlements: The FEIR must accurately disclose the computations comparing existing zoning and the proposed Project. The requested Height District Change triggers a General Plan Amendment or a reduction in density request. See also section in this letter on Redevelopment Plan [sic]*

Response to Comment No. ORG 13B-22

The comment asserts that the proposed Height District Change requires a General Plan Amendment or reduction in density, and must be disclosed in the Final EIR. However, the comment does not provide any facts to support this claim, or explain how the commenter has come to this conclusion. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, the Project Applicant has revised the original Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. See Topical Response No. 5 – Land Use and Planning, above, for a discussion of the Project's updated list of discretionary approvals requested by the Project. These revisions have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. With regard to the Project Site's existing zoning and development standards, see Chapter II, *Project Description*, Section II.5, Land Use and Zoning Designations, of the Draft EIR.

As discussed in Section IV.A, *Aesthetics*, of the Draft EIR and in Topical Response No. 4 – Aesthetics, above, consistency with surrounding uses related to building height is not a CEQA issue for a project located within a TPA. Consistency with comparative building scale is not a CEQA issue for projects located within an urban area. As discussed in Section IV.H, *Land Use and Planning*, of the Draft EIR, the Project would be a residential and commercial mix of uses and, as such, consistent with surrounding land uses. The concern of zoning densities, per se, are also not a CEQA subject. However, the Project, which is located within a commercial zone and designated Regional Center, would be consistent with the allowable densities under the existing Redevelopment Plan designations and allowances of the LAMC.

Comment No. ORG 13B-23

- *<u>Project Description completed in FEIR</u> to include renderings, floor plans, VTT, etc [sic] which are currently missing. Again, this EIR accompanies an application for 12 liquor licences [sic] - decision-makers shouldn't have to dig into a Cultural Resources appendix to find the floor plans.*

Response to Comment No. ORG 13B-23

The comment asserts that the Project Description in the Draft EIR did not include renderings, floor plans, and other relevant information. Chapter II, *Project Description*, of the Draft EIR provides a detailed presentation of the Project on pages II-1 through II-76, including 24 plans and renderings. In addition, as stated by the commenter, further detail regarding the Project is provided in other portions of the Draft EIR. Additionally, a Table of Contents for the Draft EIR includes a specific listing of figures, including those that depict the Project and where they can be found, on page iv through vi.

Finally, additional renderings or a copy of the filed, and publicly available, Vesting Tentative Tract Map are not required in the Draft EIR. Any required exhibits to the subdivision request are included in the application for the Vested Tentative Map No. 82152 pursuant to LAMC Section 17.15, which is part of the case file for Case No. VTT-82152, and are not required in the Draft EIR. Pursuant to CEQA Guidelines Section 15124, the project description should "not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The project description is only required to contain: (a) the location and boundaries on a detailed and regional map; (b) as statement of the project objectives; (c) a general description of the project's technical, economic, and environmental characteristics; and (d) a statement briefly describing the intended uses of the EIR, including a list of permits and other approvals required to implement the project. Chapter I, *Introduction*, and Chapter II, *Project Description*, of the Draft EIR, contain all the above-required information.

Comment No. ORG 13B-24

- *<u>Land Use Technical Appendix deceptive, revise and recirculate</u>--matrix must be corrected to show items of non-conformance with Plans, as opposed to showing "conformance" with "purposes"— cherry-picked from the full list, subjective and unsubstantiated.*

Response to Comment No. ORG 13B-24

The comment asserts that the Land Use Technical Appendix does not show non-conformance with plans, and must therefore be revised and recirculated. CEQA does not require a lead agency to establish that a project achieves perfect conformity with each and every component of such applicable plans, which often serve a variety of different and sometimes competing interests (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378.)

Rather, a Project must generally be compatible with plans' relevant applicable objectives, policies, goals, use restrictions and requirements related to environmental issues. (Id.) Moreover, under the CEQA Guidelines Appendix G threshold adopted by the City with respect to Land Use inconsistency, it is only where an alleged inconsistency results in a significant impact on the physical environment that a requirement to mitigate the effect would apply.

The Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzed whether the Project would cause a significant environmental impact due to a conflict with land use regulations in Section IV.H, *Land Use and Planning*, of the Draft EIR, with supporting information included in Appendix J of the Draft EIR. More specifically, over the course of 30 pages of detailed analysis, the Draft EIR examined the Project's consistency with applicable policies and objectives of local plans, including the General Plan Framework Element, the Hollywood Community Plan (the Land Use Element of the General Plan for the Hollywood Area), the Hollywood Redevelopment Project and Plan, the Los Angeles Municipal Code, the 2010 Bicycle Plan, the 2035 Mobility Plan, and ZI No. 2427 regarding Health Risk Assessments for Freeway Adjacent Properties. (Id.) It also analyzed the Project's consistency with the 2016-2040 RTP/SCS. (Id.) The Draft EIR concluded that the Project does not generally conflict with the relevant identified land use plans, policies, or regulations, as analyzed. In the absence of such a conflict and in accordance with and contingent upon required findings that must be made, the Draft EIR appropriately concluded no significant impact would occur. The comment provides no basis and no substantial evidence to suggest this analysis is inadequate or improper. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. ORG 13B-25

- *<u>Calculations:</u> Many critical calculations are missing from the DEIR as note [sic] above—such as square footage shown as "built" and parking of existing Capitol Records Building and Gogerty Building; FAR numbers including residential balconies, and explicit tabulation of use of affordable housing incentives; deeding of public land to the private developer; etc.*

Response to Comment No. ORG 13B-25

The comment asserts that the Draft EIR does not include critical information regarding floor area, parking, affordable housing incentives, an "explicit tabulation of the use of the affordable housing incentives," and the merger of a portion of an alley.

With regard to the Project's floor area calculation, the total floor area for the Project is 1,287,150 square feet; and the total floor area of the Project, including existing buildings on-site, is 1,401,453 square feet. As shown in Table II-1, *Proposed Development Program,* the table provides a visual presentation of the facts contained in the discussion of the proposed new buildings and includes a note that the FAR is based on the total floor area (1,401,453 square feet) divided by the total Project Site lot area (200,971 square feet). Rather than misrepresent the FAR, this note explains the calculation of the FAR

that appropriately includes the entire floor area of the Capitol Records Complex buildings plus the proposed buildings.

Furthermore, Chapter II, *Project Description,* of the Draft EIR, which clearly states that the Project Site includes the Capitol Records and Gogerty Buildings (Capitol Records Complex), (Draft EIR page II-1); the East Site contains the Capitol Records Complex, which includes the 13-story Capitol Records Building and ancillary studio recording uses and the two-story Gogerty Building, all of which total approximately 114,303 square feet of existing floor area (Draft EIR page II-9); the new development on the East Site would be built around the Capitol Records Complex (Draft EIR, page II-14); and the total square footage of the development on the East Site includes the new buildings and the Capitol Records Complex (Draft EIR, page II-29). As such, the Draft EIR adequately described and considered existing buildings on the Project Site.

Under the Density Bonus Compliance Review, the Applicant is seeking the following incentives and waivers: (a) an On-Menu Incentive to permit a 35-percent increase in the maximum allowable floor area ratio (FAR) from 2:1 to 2.7:1 (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032); and from 3:1 to 4.05:1 FAR (for the balance of the Project Site); (b) an Off-Menu Incentive to allow FAR and density averaging for a Housing Development Project located on non-contiguous lots; (c) a Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site; and (d) a Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable. Under the Density Bonus Compliance Review, the floor area would be the same as for the Project described above and in the Draft EIR.

With regard to the Project's requested entitlements, including the requested affordable housing FAR incentives and waivers, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program, which requires local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. The modified entitlements have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

With regard to the existing parking of the Capitol Records building, see Chapter II, *Project Description*, Section II.1, *Introduction*, of the Draft EIR which provides that: "Under the Project, the Capitol Records Complex [i.e., Capitol Records Building and Gogerty Building] would be preserved, although portions of its supporting parking area, along with

some existing surface parking adjacent to the Capitol Records Complex, would be reconfigured and relocated to a dedicated portion of the Project parking garage proposed on the East Site. [see Footnote 2 regarding obtaining Capitol Records consent for conversion of a portion of the parking lot.] With the exception of 22 surface parking spaces that would remain adjacent to the Capitol Records Building on the East Site, the remaining surface parking on the Project Site would be removed in order to develop the Project's proposed mix of land uses." Chapter II, *Project Description*, Section II.7(a), *Project Overview*, of the Draft EIR also explains that: "The southeastern portion of the existing surface parking adjacent to the Capitol Records Complex contains 97 vehicle parking spaces, which would be retained and relocated." This section also explains that: "The 97 spaces reserved for the Capitol Records Complex are based on an existing Certificate of Occupancy for Capitol Records and is defined by the amount of parking that the City requires."

With regard to the "explicit tabulation of the use of the affordable housing incentives," the commenter is also referred to Topical Response No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which analyzed the land use entitlements, including the affordable housing incentives.

With regard to the merger of the alley into to the Project Site, see Response to Comment No. ORG 13B-6; and see Draft EIR Chapter II, *Project Description,* pages II-74 and II-75, which specifically stated that the Applicant is requesting the merger of a portion of the existing alley from Argyle Avenue to add 1,313 square feet to the Project Site and portions along the sidewalk of Yucca Street and both sides of Vine Street to add 5,163 square feet to the Project Site. As such, the requested merger of land was adequately disclosed. See also Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, which clarifies that the proposed sidewalk merger also includes portions of the sidewalk along Argyle Avenue.

Comment No. ORG 13B-26

- *<u>Calculations to support statements about Affordable Housing:</u> The DEIR does not report the "Senior Housing" consistently and mentions state bills in passing, without serious review or calculation of quantities required for different categories of low income prescribed by law. To utilize State incentives, specific legislation must be referenced and items such as prevailing wage or % of low income units—is disclosed transparently.*

Response to Comment No. ORG 13B-26

This comment asserts that the Draft EIR does not properly identify the Project's affordable housing component in exchange for the requested development incentives pursuant to legislation. However, the comment does not provide any facts, or identify the referenced legislation, to which it refers. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, the Project Applicant has revised the Zone Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. See Topical Response No. 5 – Land Use and Planning, above, for a discussion of the Project's updated list of discretionary approvals and the Project's affordable housing obligation under California Government Code Section 65915 and LAMC Section 12.22 A.25. As explained therein, intended to promote the development of affordable housing, the State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program, which allows local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. The proposed Density Bonus Compliance Review and the revised entitlement request are described in detail in Topical Response No. 5 – Land Use and Planning, above. The revised list of entitlements is provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. ORG 13B-27

- *Population and Housing- cumulative analysis using consistent metrics: The FEIR should measure cumulative effects of the Project in the Hollywood Community Plan area, using metrics consistent with 1988 Community Plan documents and metrics and if they want the HPCU, assessing the cumulative impacts with both built and entitled projects.*

Response to Comment No. ORG 13B-27

The comment asserts that the Final EIR should measure cumulative impacts of the Project in the Hollywood Community Plan area using metrics consistent with the 1988 Community Plan, and if desired, metrics consistent with the draft Hollywood Community Plan Update, which has not yet been adopted by the City. As presented in Section IV.J, *Population and Housing*, and as stated in the above Response to Comment No. ORG 13B-17, the Draft EIR appropriately assessed cumulative impacts in accordance with regional plans and City methodology. The analysis provided is based on the most recent available information. To rely on metrics from 1988 Community Plan documents would not provide a meaningful up-to-date analysis. As stated on page IV.J-11 in Section IV.J of the Draft EIR, because the 1998 Hollywood Community Plan did not provide growth projections beyond 2010, the growth projections for the Hollywood Community Plan area do not reflect current conditions or future projections. Therefore, the 2016-2040 RTP/SCS is the most recently adopted regional plan that provides population, housing, and employment projections for the City of Los Angeles for the period between 2012 and 2040. Therefore, for the Project's analysis of population, housing, and employment was appropriately based on the 2016-2040 RTP/SCS for the City.

Comment No. ORG 13B-28

- *<u>Hollywood Boulevard Urban Design Plan- significant adverse effect</u> FEIR must include evaluation of the objectives and specifics of the 1993 Plan, as expected in the Hollywood Community Plan. As the project is not sympathetic to and complementing the existing scale of development, this should be explicitly recognized as a significant adverse effect or a significant re-design undertaken.*

Response to Comment No. ORG 13B-28

The comment does not present any specific facts regarding the allegation that the Project fails to meet the objectives of the Hollywood Boulevard Urban Design Plan. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted. The commenter is referred to Response to Comment Nos. ORG 13B-15 and 13B-24, addressing the same comment previously raised.

With regard to the applicability of the Hollywood Boulevard Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

To the extent this comment is concerned with aesthetics impacts, see Topical Response No. 4 – Aesthetics, above. As discussed in Topical Response No. 4, the Project's aesthetics impacts were fully analyzed for informational purposes in the Draft EIR's Section IV.A, *Aesthetics,* and Chapter V, *Alternatives*, of the Draft EIR. As discussed therein, the Project would result in no aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character, and light and glare, pursuant to SB 743, PRC Section 21099 et. seq., and City of Los Angeles ZI File No. 2452, which states that projects meeting SB 743 criteria are exempted from a determination of significant impacts on aesthetic resources (scenic vistas, scenic resources, aesthetic character, and light and glare) as outlined in the CEQA Guidelines Appendix G.

Also, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which discusses the Project's density and uses relative to potential conflicts with applicable local and regional plans.

Comment No. ORG 13B-29

- *<u>Haul Route:</u> As this EIR provides environmental clearance for the haul route, then the truck trips must be calculated (appears to be 60,000) and hauling's effects on traffic, noise etc [sic] evaluated.*

Response to Comment No. ORG 13B-29

The comment suggests that truck trips and effects on traffic, noise, and other unidentified issues were not evaluated in the Draft EIR in association with approval of a haul route. However, construction noise associated with hauling was evaluated on page IV.I-44

through IV.I-46 in Section IV.I, *Noise,* of the Draft EIR. Regarding construction effects on traffic, see the Project Design Feature TRAF-PDF-2, Construction Traffic Management Plan on pages IV.L-28 and IV.L-29 in Section IV.L, *Transportation,* of the Draft EIR, which addressed management of hauling activities. In addition, see page IV.L-46 of the Draft EIR, which addressed construction traffic and emergency access. Furthermore, see Section IV.B, *Air Quality*, of the Draft EIR, which addressed construction air quality impacts, including impacts associated haul truck trips. As such, the proposed haul route was properly analyzed in the Draft EIR.

Comment No. ORG 13B-30

- *Alley and sidewalk merger; FEIR must clearly map the areas intended for these mergers to grant public property to this private developer, creating $2 -$3 million of value for the developer with no public benefit. Unclear how these dovetail with Fire Dept requirements at alley, [sic]*

Response to Comment No. ORG 13B-30

This comment asserts that the Final EIR must identify the areas to be merged into the Project Site and raises potential fire code concerns. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, Chapter II, *Project Description*, Section II.8, *Anticipated Project Approvals* of the Draft EIR provided that the Project requests "the merger of an alley to add 1,313 square feet to the Project Site and portions along the sidewalk of Yucca Street and both sides of Vine Street to add 5,163 square feet to the Project Site" pursuant to LAMC Section 17.15. See also Table II-1, *Proposed Development Program* of the Draft EIR identifying the merger request. Moreover, Figure II-12, *Conceptual Plot Plan, East Site* of the Draft EIR also identified the portion of alley to be merged in the Project Site. It should also be noted that public alleys and streets are generally not owned in fee by the City which only holds an easement to such properties with the underlying fee interest belonging to the adjacent property owners. As for fire department access to the Project Site, see pages IV.K.1-12, 15, 17 and 18 of Section IV.K.1, *Fire Protection,* regarding access during construction and operation of the Project.

See also Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, which clarifies that the proposed sidewalk merger also includes portions of the sidewalk along Argyle Avenue.

Comment No. ORG 13B-31

- *Signage: No signage permits for the Project addresses can be issued unless the signage complies with all City and Hollywood sign ordinances and has no environmental effect such as illumination. Or the DEIR must be recirculated or in the absence of data a significant adverse effect must be assumed.*

Response to Comment No. ORG 13B-31

The comment states that signage permits cannot be granted for the Project unless it complies with the applicable signage regulations. Page II-67 of Chapter II, *Project Description*, states that Project signage would include building identification, wayfinding, and security markings. Commercial and residential signage would be similar to other signage in the Project vicinity, and no off-site signage is proposed. All proposed signage would conform to the size, type, and placement requirements of the HSSUD. As discussed on page IV.A-58 of Section IV.A, *Aesthetics*, of the Draft EIR, the Project would be consistent with the requirements of LAMC Article 4.4 and Ordinance No. 181,340 (the HSSUD) and LAMC Section 14.4.4 E regarding illuminated signage. Pages IV.A-60 to IV.A-63 evaluate the light and glare impacts of the Project. Although the Project would comply with regulations that govern scenic quality, such as the HSSUD and LAMC Section 14.4.4 E, light and glare impacts and impacts related to conflicts with regulations governing scenic quality are considered not significant under PRC Section 21099(d)(1) and were provided in the Draft EIR for informational purposes only.

However, as the comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-32

2. **Cultural Resources- resources well-identified; impacts not fully identified; failure to fully mitigate** (See Attachment #2): The City of Los Angeles General Plan Conservation Element recognizes the historic significance of all the national, state, and locally listed historic buildings and districts, and recognizes the CRA-identified historic resources as well. In Hollywood for the last 30+ years, the Community Redevelopment Agency (CRA) has been responsible for identifying and planning for historic resources, and supporting them through proper planning. Much of the discussion of the Project effect on historic resources is thus found in the following section #3 on Redevelopment Plan conformance.

Response to Comment No. ORG 13B-32

This comment provides a general statement about the City's General Plan Conservation Element and that over the last 30+ years that the Community Redevelopment Agency has been responsible for identifying and planning for historic resources. However, this comment does not comment on the content or adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, the Project's impacts to historical resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR, based on a Historical Resources Technical Report, provided in Appendix F of the Draft EIR. More specifically, the General Plan Conservation Element was discussed on page IV.C-8 and IV.C-9, and the methodology and sources consulted to identify historic resources potentially impacted by the Project were discussed and identified on page IV.C-49 and IV.C-50, in Section IV.C, *Cultural Resources*, of the Draft EIR. Regarding the various sources relied on to identify historic resources, note that

the CRA Historic Resources Survey for the Hollywood Redevelopment Project Area—published in 2010—was consulted, as stated on page IV.C-50. Finally, the Historical Resources Technical Report included in Appendix F, page 8, of the Draft EIR described the sources consulted in order to identify historic resources in great detail included the following: historic permits for properties within the area of investigation; digital and archival Sanborn Map Company fire insurance maps; Los Angeles County Tax Assessor Records; historic photographs and aerial photos; previous environmental evaluations within the Project Site; California State Historical Resources Inventory (HRI) for Los Angeles County; Department of Parks and Recreation Historical Resources Inventory Forms; SurveyLA Historic Context and Survey Findings; and a California Historic Resources Information System (CHRIS) Records Review. Responses to specific comments regarding Redevelopment Plan conformance are provided below under applicable comments.

Comment No. ORG 13B-33

Capitol and Gogerty: The DEIR declares that the Capitol Records Building and Gogerty Building – the two on-site identified historic resources -- will be preserved, on pages ES-22, and IV.C-51. The land these buildings sit on is used for the Project development request. The DEIR does not address how this preservation will be carried out. Due to the lack of specificity, a new mitigation measure will be required. (See also Attachment #2)

Response to Comment No. ORG 13B-33

While the commenter states that the Project would preserve the Capitol Records Building and Gogerty Building (the Capitol Records Complex) but that the Draft EIR does not address how retention and protection of the buildings would be carried out and that a new mitigation measure is required. However, the fact that the Project would preserve both the Capitol Records Building and Gogerty Building is abundantly clear and reflected throughout the Draft EIR. Most notably, see Project Objectives 1 through 4 on page II-13 in Chapter II, *Project Description*, of the Draft EIR, which identified various characteristics of the Project that serve to preserve the buildings. Also, see Figure II-5, Conceptual Site Plan on page II-18 and the other plans for the Project in Chapter II, *Project Description*, that all reflected preservation of the Capitol Records Complex. In addition, see the discussion of Design and Architecture on pages II-51 and II-52 that described how the Project has been designed to be compatible with the Capitol Records Complex. Accordingly, as the Project would preserve the Capitol Records Complex, it would not have a significant impact, and, therefore, no new mitigation beyond that provided in the Draft EIR is required under CEQA.

Comment No. ORG 13B-34

Vibration damage not just monitored- must be prevented: The project is both adjacent to and nearby a world- renowned collection of highly significant landmarks—likely one of the densest collection of landmark buildings in the City. The DEIR states that the construction vibration effects on these landmarks (such as Capitol Records and Pantages Theatre)

are “unavoidable” on page ES-4. This is unacceptable: cannot be accepted in a Statement of Overriding Consideration. The necessary proactive effort must be made—investigating the archaic materials, foundations, and susceptibility of nearby structures before project foundation design to avoid damage, not just measure it as it happens. Mitigation Measures must show in the FEIR that genuinely and effectively mitigate.

Response to Comment No. ORG 13B-34

The comment cites the Executive Summary of the Draft EIR and states that vibration effects on landmark buildings, such as the Capitol Records Building and the Pantages Theatre, are unavoidable. However, a full reading of the Executive Summary and the historical resources and noise evaluations provided in Section IV.C, *Cultural Resources*, and Section IV.I, *Noise*, of the Draft EIR, makes it clear that vibration impacts on the Capitol Records Building would be less than significant after mitigation, and that for other historical resources not located on the Project Site, vibration impacts could be mitigated to less-than-significant levels but were conservatively considered significant and unavoidable because implementation of the mitigation measures would require the consent of other property owners who may not agree to allow implementation of the measures. Thus, these impacts are not “unavoidable” in the sense that they are technically infeasible; rather, the only potential impediment is the possible refusal of private property owners to allow them to be implemented. Also, see Response to Comment No. ORG 13B-40 provided below, and Topical Response No. 6 – Historical Resources, above. Regarding mitigation measures and the need for investigations of nearby structures prior to construction, see Response to Comment No. ORG 13B-40 below.

Comment No. ORG 13B-35

Significant effects—see Attachment #3 (Cultural Resources): Hollywood Heritage has made detailed reviews of each on-site and off-site historic building and the Project’s effect on them. We show added Mitigation Measures and accurate analysis which must be done or the Project design be changed to deal comprehensively with historic Hollywood. Hollywood Heritage has 3D modeled the proposed buildings within the surroundings and can provide evidence supporting our conclusions.

Response to Comment No. ORG 13B-35

The comment is noted. It should be noted that the attachment provided to the comment that focuses on Cultural Resources is Attachment #2, not Attachment #3. Detailed responses to Attachment #2 are provided below beginning with Response to Comment No. ORG 13B-74.

Comment No. ORG 13B-36

The FEIR must correct accurately and transparently the following:

- *<u>Walk of Fame:</u> We agree that any repairs or new work should follow the Walk of Fame guidelines in MM1. In Attachment #2 we suggest a minor language edit.*

Response to Comment No. ORG 13B-36

The comment requests clarification to Mitigation Measure CUL-MM-1, as it relates to any repair or new work on the Hollywood Walk of Fame. The commenter is referred to Response to Comment No. ORG 13B-117 below, regarding changes to mitigation language for the Hollywood Walk of Fame.

Comment No. ORG 13B-37

- *<u>Preservation Plan:</u> FEIR must clarify how the project will preserve the Capitol Records and Gogerty Buildings by means of an Historic Structures Report with a Treatment Plan—aka a Preservation Plan. A commitment for a fund to achieve the elements of the Preservation Plan over time is a way to show verifiable public benefit to fend off obsolescence and deterioration.*

Response to Comment No. ORG 13B-37

This comment asserts that the Final EIR should clarify how the Project will preserve the Capitol Records and Gogerty Buildings. As indicated above in Response to Comment No. ORG 13B-33, the Project would retain and protect the Capitol Records Building and Gogerty Building. As no alterations to these buildings are proposed, preparation of a Historic Structures Report with a Treatment Plan is not warranted.

Comment No. ORG 13B-38

- *<u>Add a "Q" Condition-- Preservation and removal of development rights:</u> A "Q" condition is the way the City can memorialize the commitment for preservation and non- demolition of Capitol and Gogerty. This "Q" condition or similar control (as included in Palladium) so that the "buildable floor area ratio" on those specific land parcels is reduced to zero; transferring development rights off of the land parcels with these 2 historic buildings is a first formal step. Evidence of the intent to preserve must have an accurate distinction between "built" floor area and "buildable" Land Use Tables, and preferably also a facade easement donation. If the demolition or significant alteration of the HCM # is applied for at any time frame after this EIR process, this would be a case of piecemealing. (CUL MM#6)*

Response to Comment No. ORG 13B-38

The comment expresses the commenter's opinion that a "Q" condition should be added to the Project. As previously stated in Response to Comment No. ORG 13B-33 and Response to Comment No. ORG 13B-37, no alterations are proposed to the Capitol Records Building, or to the Gogerty Building, as part of the Project. Moreover, since there were no significant impacts identified with respect to the Capitol Records Complex, the addition of a "Q" Condition or additional mitigation measures would not be warranted. Regarding the comment that the Final EIR must state that if demolition or significant

alteration of the Capitol Records Complex (an HCM) is applied for after the EIR process, it would be a case of CEQA piece-mealing, no such demolition or alterations are foreseeable, and CEQA does not require evaluation of such speculative circumstances.

Comment No. ORG 13B-39

- *Preservation: The DEIR is silent about potentially significant adverse effects on the Capitol Records Building itself. Either a significant adverse effect must be concluded, or the DEIR re-circulated to provide missing information.*

Response to Comment No. ORG 13B-39

This comment asserts that the Draft EIR did not discuss the potential effects on the Capitol Records Building. Substantial analysis regarding potentially significant effects on the Capitol Records Building was provided in Section IV.C, *Cultural Resources*, of the Draft EIR, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR. More specifically, see the analysis of the Capitol Records Building provided on pages IV.C-51 through IV.C-53, pages IV.C-57 through IV.C-60, and pages IV.C-88 through 93, in Section IV.C. In addition, also see the analysis provided on pages 112 through 115, pages 139 through 143, and pages 147 through 149, in Appendix F of the Draft EIR. Furthermore, see pages IV.I-77 through IV.I-87, in Section IV.I, *Noise*, of the Draft EIR where potential impacts on the Capitol Records Building and other structures associated with noise and vibration effects were addressed, including Mitigation Measure NOI-MM-4, presented on pages IV.I-84 through IV.I-86. Furthermore, see the analysis of aesthetics related to the Capitol Records Building on pages IV.A-54 through IV.A-57, in Section IV.A, *Aesthetics*, of the Draft EIR. As evidenced by the extensive analysis of potential effects on the Capitol Records Building provided in multiple sections of the Draft EIR, the document was not silent about such effects, and there is no basis for recirculation of the Draft EIR.

Comment No. ORG 13B-40

- *Vibration and settling effects are unsupportable as "unavoidable"- Recirculate DEIR and FEIR to change MM #2 and ADD MM #3: FEIR must correct the ridiculous statement that direct effects of construction (vibration, settling, etc [sic]) on Capitol Records, the Avalon, maybe AMDA, and Pantages Theater can be monitored, but if they happen are unavoidable. These effects incorrectly calculated in the DEIR, are significant adverse effects, and are avoidable. MM2 for excavation and shoring must be corrected to remove the "unavoidable" conclusion, and MM3 be added requiring up-front investigations and analysis, new metrics, and project, foundation, and/or shoring design which will NOT cause damaging vibration or settling to nearby buildings. (See Attachment #2 for MM text)*

Response to Comment No. ORG 13B-40

This comment asserts that the Draft EIR's historical impact analysis is incorrect and provides suggested edits to the Project's mitigation measures, which the commenter

requests to be included in the Final EIR. The Project's impacts to historical resources, including potential construction effects related to vibration, were fully analyzed in Section IV.C, *Cultural Resources*, of this Draft EIR, based on a Historical Resources Technical Report, as provided in Appendix F of the Draft EIR. Vibration effects on historical and non-historical buildings were also addressed in Section IV.I, *Noise*, of the Draft EIR. The commenter's assertion that the Draft EIR states that the effects of construction vibration and settlement can be monitored but if impacts occur would be "unavoidable" is ridiculous and unsupportable due to calculations and the approach to construction and mitigation, is not based on fact. As stated in the Draft EIR, the mitigation provided to address construction related effects on historical resources would reduce impacts on the Capitol Records Complex to less-than-significant levels, and the only reason the findings for construction related effects on off-site historical resources are different and considered "unavoidable" is because implementation of the mitigation measures would require the consent of other property owners who may not agree to allow implementation of the measures. Thus, these impacts are not "unavoidable" in the sense that they are technically infeasible; rather, the only potential impediment is the possible refusal of private property owners to allow them to be implemented. Mitigation Measure NOI-MM-4 does include provisions to minimize structural damage impacts from Project construction by requiring monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. Mitigation Measure NOI-MM-4 requires that, prior to the start of construction, investigations of each vibration-sensitive receptor would be conducted of both historic and non-historic buildings to document the physical condition of those buildings' readily visible features. Vibration monitoring systems shall be placed at receptor building façades (with the permission of property owners) or other appropriate locations to measure and document vibration velocities during construction activity. The vibration monitoring systems shall be preset to transmit notifications and warnings (via text, email, etc.) prior to the vibration threshold being reached and lays out the steps to be taken should the warning and/or regulatory vibration thresholds be reached. Steps include making feasible adjustments to construction activities in the vicinity of the receptor, such as staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques (see bullet d. of Mitigation Measure NOI-MM-4). If the established threshold levels are triggered, the vibration monitoring program would also require visual inspection of the subject building for any damage, and requires the results of the inspection to be documented. Conducting visual inspections if the regulatory vibration threshold is reached would ensure that any visual signs of damage are logged and can be addressed. Should Project construction result in damage to vibration-sensitive receptor buildings (historic or non-historic structures), Mitigation Measure NOI-MM-4 requires that repairs be conducted, which would require consent from other property owners, which may or may not happen. See the discussion of Level of Significance After Mitigation provided on page IV.C-83 in Section IV.C, *Cultural Resources*, of the Draft EIR, and the discussion of

Level of Significance After Mitigation provided on page IV.I-86 and IV.I-87, in Section IV.I, *Noise*, of the Draft EIR.

Regarding the statement that vibration calculations were incorrect, the Draft EIR evaluated vibration impacts pursuant to the Federal Transportation Administration (FTA) procedures and FTA-published vibration velocities for construction equipment operations (see page IV.I-36 in Section IV.I, *Noise*, of the Draft EIR). As discussed on page IV.I-36, the FTA building category for vibration-sensitive receptors were determined based on their building type. The commenter suggests that analysis using new metrics be conducted. As stated above, the Draft EIR analyzed construction vibration pursuant to FTA procedures and velocities, which is standard industry practice. The FTA provides vibration criteria for analyzing potential building damage impacts to different building categories including reinforced-concrete, steel, or timber; engineered concrete and masonry (no plaster); non-engineered timber and masonry buildings; and buildings extremely susceptible to vibration damage. As stated on page IV.I-8 of the Draft EIR, there are no adopted vibration standards or regulations adopted by any agency that are applicable to evaluating vibration impacts from land use development projects such as the Project. However, the FTA criteria are commonly used to evaluate potential structural damage to buildings by building category from construction activities. As stated on page IV.I-32 of the Draft EIR, the City has determined to use the criteria from the FTA's published Transit Noise and Vibration Impact Assessment Manual, which provides technical guidance for conducting noise and vibration environmental analyses. As such, the City's determination to use the FTA's criteria provides for appropriate metrics to evaluate the Project's impacts from vibration. Moreover, the commenter does not suggest an alternative, widely accepted methodology or metric. The commenter also suggests requiring up-front investigations and analysis, and requiring project, foundation, and/or shoring designs that will not cause damaging vibration or settling to nearby buildings, should be implemented. Mitigation Measure NOI-MM-4 (see page IV.I-84 of the Draft EIR) requires that structural vibration monitoring be performed during Project construction. Prior to the start of construction, "up-front" investigations of each vibration-sensitive receptor would be conducted (historic and non-historic buildings) to document the physical condition of those buildings' readily-visible features. The Applicant is also required to prepare and implement a vibration monitoring program during site demolition and grading/excavation. Vibration monitoring systems would be placed at receptor building façades (with the permission of property owners) to measure and document vibration velocities during construction activity. The vibration monitoring systems would be present to send warnings prior to the vibration threshold being reached. The mitigation measure lays out the steps to be taken should the warning and/or regulatory vibration thresholds are reached. Steps include making feasible adjustments to construction activities in the vicinity of the receptor. The purpose of the vibration monitoring program is to minimize structural damage impacts that could result from Project construction. Should Project construction result in damage to vibration-sensitive receptor buildings, Mitigation Measure NOI-MM-4 requires that repairs to historic buildings be conducted pursuant to the Secretary of the Interior's standards. Therefore, the Draft EIR correctly

and adequately analyzed and proposed feasible mitigation regarding potential structural vibration impacts.

Comment No. ORG 13B-41

- *<u>Significant adverse effect on Capitol Records Building:</u> The DEIR too narrowly assesses effects on the Capitol Records Building. Limiting discussion to views is insufficient. The new buildings are on the Capitol Records site, and are an incompatible addition. The project height is a significant adverse impact on the Capitol Records setting. The designers did try to angle the 3x overheight [sic] buildings around Capitol Records, but the effect is still significant and adverse- the sheer over-height, and the odd angle blocking of the round tower rather than respecting it. (See Attachment #2 for analysis).*

Response to Comment No. ORG 13B-41

The comment states that the Draft EIR too narrowly assessed effects on the Capitol Records Building and limited the discussion to views. However, as presented in Section IV.C, *Cultural Resources*, of the Draft EIR, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR, in addition to addressing visual access, the analysis was comprehensive and addressed potential physical impacts to the building by examining change to its integrity in terms of location, design, materials and workmanship. The analysis further assessed potential for indirect impacts associated with the design of new construction, including building height and form and setting (see pages IV.C-57 through page IV.C-60 in Section IV.C, *Cultural Resources*). Note the following points discussed therein:

> "… the Project architecture has been purposely designed to respond to the architectural character of the Capitol Records Building…"
>
> "…the curving façades of the East and West Buildings facing the Capitol Records Building recall the cylindrical form of the Capitol Records Building. Furthermore, the curving façades would be articulated with serrated balconies, a design feature inspired by the signature sunshades of the Capitol Records Building."
>
> "A paseo and grade-level public plaza would create a 'buffer zone' between the East Site new development and the Capitol Records Building so that visual prominence of the building along Vine Street would be maintained (see Figure II-5, *Conceptual Site Plan*, in Chapter II, *Project Description*, of this Draft EIR)."
>
> "Overall, the bulk and mass of the both the East Building and the West Building would be reduced at Vine Street and much of the massing that comprises the towers of the two buildings would be placed away from the Capitol Records Building."
>
> "Because the Project would construct a 46-story East Building and up to an 11-story East Senior Building immediately south and east of the Capitol Records Building (as well as similar development on the West Site), thereby adding considerable height

and mass to an area currently occupied by surface parking, the immediate surroundings of the Capitol Records Building would be altered. Setting features important to the Capitol Records Building, however, are limited to the building parcel, as well as the configuration of street and sidewalk fronting the building's west-facing façade. These important aspects of the historical setting of the Capitol Records Building would remain intact, including the public right-of-way along Vine Street."

"The larger setting is not critical to understanding the historic significance of the Capitol Records Building because it is not intrinsic to the building's architectural design, and it is through the building's architectural design that the building's architectural significance and important associations with the music recording industry are conveyed."

"… the Project has been designed with generous setbacks and building forms … so that the unique massing, form, and architecture of the Capitol Records Building continues to be a prominent feature of the Hollywood skyline."

Based on the above and the additional information provided in the Draft EIR analysis, while the Draft EIR acknowledged and assessed the height differential between new construction and the Capitol Records Building and a number of factors other than views/visual access, the analysis concluded that indirect impacts on the Capitol Records Building would be less than significant as the building would continue to convey its historic significance and maintain its eligibility for listing as a historical resource. The building's National Register eligibility, its status as a resource listed on the California Register, and its designation as a Los Angeles Historic-Cultural Monument would not be threatened.

Furthermore, the analysis addressed potential indirect impacts due to construction vibration on page IV.C-59 and in Section IV.I, *Noise*, of the Draft EIR. Also, see related responses to Attachment #2 below, beginning with Response to Comment No. ORG 13B-74.

Comment No. ORG 13B-42

- *Effects on nearby landmarks and the National Register District; FEIR must accurately identify that the new Project is incompatible with the nearby District. The effect is significant and adverse, as the Project affects integrity—it is not compatible with the form, plan, style, workmanship, feeling and association of buildings or the collection of these nationally important buildings. Preservation Brief #14 and similar analyses look to building height as a predominant determinant of new building compatibility. On this metric alone the Project fails.*

Response to Comment No. ORG 13B-42

The comment asserts that the Project is incompatible with the nearby District— and, presumably, this is a reference to the Hollywood Boulevard Commercial and Entertainment District—and that the Project's effect on the District is significant and

adverse as it affects integrity and is not compatible with the form, plan, style, workmanship, feeling and association of buildings or the collection of these nationally important buildings.

Because of the Project's proximity to the Hollywood Boulevard Commercial and Entertainment District, potential impacts were evaluated in Section IV.C, *Cultural Resources*, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR. As shown in Figure IV.C-1 on page IV.C-14, in Section IV.C, *Cultural Resources*, of the Draft EIR, and as shown in Figure C, on page 111 of the Historical Resources Technical Report included in Appendix F of the Draft EIR, the Project Site is not located within a designated or identified historic district. However, the potential for indirect impacts on the Hollywood Boulevard Commercial and Entertainment District—including effects associated with building heights and integrity— were fully evaluated in the Draft EIR. See pages IV.C-71, and pages IVC-77 through IVC-79 in Section IV.C, *Cultural Resources*, of the Draft EIR, and pages 122 through 125, in Appendix F, of the Draft EIR. The analyses provided therein stated, in part, that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also stated that features important to the significance of the District are largely contained within and are best experienced within the District and that new construction associated with the Project would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced.

Regarding the comment that impacts on the District are significant and adverse because the Project affects integrity and is not compatible with the form, plan, style, workmanship, feeling and association of buildings or the collection of buildings in the District, these issues were fully addressed on page IVC-77 through IVC-79, which stated that despite substantial new construction located immediately to the north of the District, all but one of the seven aspects of integrity would be unaffected by the Project. As defined by the National Park Service, the federal agency charged with maintaining the National Register and developing the practical standards and guidance to implement preservation policy at the national level, the seven aspects of integrity that are necessary for a historic resource to fully convey its significance are as follows: location, setting, design, materials, workmanship, feeling, and association. The Project would not affect the integrity of *location, design, materials, or workmanship* for the District or any of its component contributing buildings. These resources would remain intact in their current locations and would not be materially altered by new construction associated with the Project. Therefore, integrity of *feeling* would also remain unaffected because all the existing physical elements that characterize the Hollywood Boulevard Commercial and Entertainment District and contributing buildings would remain and continue to convey their historic significance. Because all the important physical characteristics of the Hollywood Boulevard Commercial and Entertainment District would remain, they would

continue to reflect their important associations with the commercial development of Hollywood prior to World War II; therefore, integrity of *association* would also remain unaffected by the Project. Therefore, *setting* was identified in the Draft EIR as the only aspect of integrity with the potential to be affected by the Project. However, in regard to changes to the *setting* of the District, the analysis also states that such alterations would not materially impair the District in a manner where it would no longer be able to convey its historic significance. Setting features important to the District include the following: the configuration of streets and sidewalks fronting the District buildings, the pattern of tightly spaced buildings defining a linear commercial corridor, and the public circulation space delineated by a uniform building street wall. Since setting features are largely contained within the District and its immediate setting would not be altered, new background skyline elements would not adversely affect the setting of the District such that its listing on the National Register would be threatened. Moreover, the area surrounding the Hollywood Boulevard Commercial and Entertainment District is already characterized by juxtapositions between building heights. Furthermore, the Project has been designed to maintain a clear separation at the ground level between the District boundary and new construction on the Project Site so that the distinctive urban form of the District would be maintained and the individual contributing buildings that border the new construction would continue to be understood as contributors.

Regarding National Park Service Preservation Brief 14, which was referenced in the comment, the brief is entitled “New Exterior Additions to Historic Buildings: Preservation Concerns. The brief is specifically focused on exterior additions to historic resources and is not focused on the circumstances associated with the Hollywood Center Project as no additions to historic buildings are proposed.

Comment No. ORG 13B-43

- *Sidewalk level/pedestrian experience: FEIR must evaluate the setting of the Walk of Fame and the Hollywood Urban Design District (as as [sic] noted under “Redevelopment Attachment #3). The Project Description shows no plans, renderings, etc [sic] to show how pedestrian activity is reinforced with proper, usable, and attractive “eyes on the street”, active ground level uses, absence of podiums and blank walls, absence of wind tunnels, etc. This is critical for understanding whether this project supports or detracts from historic Hollywood’s “main street” renaissance. Metrics are many, but DEIR employs none of them.*

Response to Comment No. ORG 13B-43

The comment asserts that the Draft EIR and Project Description did not evaluate the setting of the Hollywood Walk of Fame and the Hollywood Urban Design District and suggests there were no plans, renderings and other information to show how pedestrian activity would be reinforced. As reflected in Chapter II, *Project Description*, of the Draft EIR, the Project would enhance the Hollywood Walk of Fame along Vine Street with adjacent Project landscaping, streetlights, paving, and provision of a paseo and plaza near the northern terminus of the Hollywood Walk of Fame. The Project would also

eliminate driveway access from Vine Street, including the removal of five existing curb cuts. These changes would increase public access to the resource and help restore continuity to the Hollywood Walk of Fame, while also reducing vehicle/pedestrian conflicts. The Project Description also included plans and renderings that reflected these characteristics of the Project. Among other figures in the Project Description see: Figure II-5, Conceptual Site Plan; Figure II-6, Conceptual Site Plan, West Site; Figure II-7, Conceptual Site Plan, East Site; Figure II-16, Publicly Accessible Open Space; and, Figure II-29, Project Site Bicycle Parking.

The setting of the Hollywood Walk of Fame, and potential Project effects were also addressed in Chapter III, *Environmental Setting* (see page II-2), and in Section IV.A, *Aesthetics* (see page IV.A-12, pages IV.A-14 through IV.A-19, page IV.A-28, page IV.A-30, and pages IV.A-54 through IV.A-57, of the Draft EIR.

In addition, in regard to effects on the setting of the Hollywood Walk of Fame as a historical resource, see pages IV.C-63 and IV.C-64 of Section IV.C, *Cultural Resources*, which included an analysis specifically focused on changes to the setting of the Hollywood Walk of Fame. As stated therein:

> *The setting of the portion of the Hollywood Walk of Fame that is adjacent to the Project Site would change with the construction of the new buildings and associated plazas and landscaped areas. However, the larger setting of the Hollywood Walk of Fame would remain largely unaffected as the character of its setting is largely defined by buildings, landscaped planters, fencing, and parking lots on one side, and an asphalt roadway on the other. This setting would remain essentially unchanged with the Project, with the exception of the removal of five existing curb cuts. Although elimination of these curb cuts would alter the current setting of the Hollywood Walk of Fame, these changes would improve and help restore continuity to the Hollywood Walk of Fame as a continuous element oriented towards pedestrians, by reducing vehicle conflicts and interference with pedestrian activity at these junctures. Therefore, the Hollywood Walk of Fame would retain its integrity of setting after construction of the Project and would continue to convey its historical significance as a decorative sidewalk oriented towards pedestrian circulation.*

Regarding the statement that the Final EIR must evaluate the Hollywood Urban Design District, while a “draft” version of the plan was developed in 1993, it was never formally adopted by the former Redevelopment Agency. Following the dissolution of the Redevelopment Agency in 2012 under State law AB1x26, the State appointed CRA/LA, a Designated Local Authority, as the successor agency to the former City Redevelopment Agency. Following the failure of the former Redevelopment Agency to adopt the draft 1992 plan or any other plan, CRA/LA developed a separate, new draft Hollywood Boulevard District and Franklin Avenue Design District plan in 2011. However, CRA/LA also never formally adopted the 2011 plan. In November 2019, pursuant to City Ordinance 186,325, in accordance with Health and Safety Code Section 34173(i), land use authority under the City’s existing redevelopment plans, including the Redevelopment Plan, was

transferred to the City. The City has not developed and adopted a Hollywood Boulevard Urban Design Plan. Accordingly, as no such plan was adopted, no such plan is in effect. Thus, no such plan applies to the Project.

Comment No. ORG 13B-44

- *CUL Mitigation Measure: As the design does not appear to be developed, as noted under Redevelopment Plan, a Mitigation Measure must be added for design guidelines for first 45' in height of buildings and pedestrian-related uses to be followed (See MM#5 in Attachment #2)*

Response to Comment No. ORG 13B-44

The suggests that a mitigation measure be added to limit the first 45 feet of buildings to pedestrian-related uses. As indicated above in Response to Comment Nos. ORG 13B-41 and ORG 13B-43, and in Chapter II, *Project Description*, of the Draft EIR, there is substantial evidence that the design of the Project was developed to facilitate pedestrian-related uses. No substantial evidence has been provided that indicates a new mitigation measure is warranted. Furthermore, there does not appear to be a MM#5 in Attachment #2 to this comment letter, as indicated in the comment. Therefore, no further response is warranted.

Comment No. ORG 13B-45

3. **Redevelopment Plan obligations in force- must be itemized, evaluated, and added:** (See Attachment #3) the transfer of all land use responsibilities for this Project site from the Community Redevelopment Agency's successor Designated Local Authority to the City of Los Angeles as Ordinance 186,325, was effective 11/11/19, and incorporated into the City Zoning Code as Sec 11.5.14. "Whenever the Redevelopment Regulations conflict with provisions contained in Chapter 1 of this Code or any other relevant City ordinances, the Redevelopment Regulations shall supersede those provisions, unless the applicable Redevelopment Regulations specifically provide otherwise or are amended."

Response to Comment No. ORG 13B-45

The comment asserts that the Draft EIR should itemize the City's responsibility as they relate to the transfer of land use authority from the CRA/LA to the City. In November 2019, pursuant to City Ordinance No. 186,325, in accordance with Health and Safety Code Section 34173(i), land use authority under the City's existing redevelopment plans, including the Redevelopment Plan, was transferred from CRA/LA, the State-appointed successor agency to the City's former Redevelopment Agency, to the City. This ordinance was purely procedural, transferring regulatory authority of a plan from one agency to another – it does not relate to, affect, or otherwise regard in any manner the environmental impacts of the Project. The Redevelopment Plan transfer ordinance is, thus, not a CEQA issue, and neither is the consistency of the Project with its general, non-environmental provisions. Moreover, an analysis of the consistency of the Project with the relevant

sections of the Redevelopment Plan is provided on pages IV.H-21 through IV.H-23, in Section IV.H, *Land Use and Planning,* of the Draft EIR. Table LU-4, showing side-by-side comparisons of the Project with applicable policies of the Redevelopment Plan, is provided in Appendix J, Land Use Plans and Policies, of the Draft EIR. This analysis concluded based on substantial evidence that the Project would not conflict with relevant provisions of the plan.

Comment No. ORG 13B-46

- All required analysis missing from DEIR: This DEIR is out of date- referring to redevelopment planning responsibilities on page IV A-6 as still being "administered by the CRA/LA." The Land Use section must address the specifics of the Redevelopment Plan—not just the "goals" as cursorily and irresponsibly covered in the Appendix.

Response to Comment No. ORG 13B-46

The comment asserts that the land use analysis must address the specifics of the Hollywood Redevelopment Plan, not just the Redevelopment Plan's goals and identifies a typographical error in the Draft EIR regarding land use authority for the City's existing redevelopment plans. In response, page IV.A-6 in Section IV.A, *Aesthetics*, of the Draft EIR has been revised. Please see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. As to the issue with the Hollywood Redevelopment, note that page IV.H-12, Section IV.H, *Land Use and Planning*, of the Draft EIR stated that the State passed additional legislation related to redevelopment (Assembly Bill [AB] 1484), which allows a city to request that all land use related plans and functions of the former redevelopment agency be transferred to the jurisdiction that authorized the creation of the redevelopment agency. Pursuant to that legislation, in August 2014, the Planning and Land Use Management (PLUM) Committee of the Los Angeles City Council directed the City Attorney to prepare an ordinance that would transfer existing administrative and discretionary land use review of development projects in Redevelopment Plan areas to the Department of City Planning for continued implementation of the redevelopment programs and to seamlessly permit development to take place in those areas. On September 30, 2019, under authority granted in the Redevelopment Dissolution statutes, the Los Angeles City Council and Mayor approved a resolution and accompanying Ordinance No. 186,325 to transfer from the CRA/LA to the City of Los Angeles all responsibility for land use related plans and functions in the City's remaining Redevelopment Project Areas. Because the agency authority is clarified in the Draft EIR, no further action in relation to the Draft EIR is warranted.

The required analysis of the Hollywood Development Plan is provided on pages IV.H-21 to IV.H-23 in Section IV.H, *Land Use and Planning*, in the Draft EIR, with supporting documentation provided in Appendix J of the Draft EIR. Table LU-4, *Consistency of the Project with the Applicable Sections of the Hollywood Redevelopment Plan*, in Appendix J included a consistency analysis with not only the goals provided in Section 300 (Goals of the Redevelopment Plan), but with other applicable sections of the Redevelopment

Plan as well. As demonstrated therein, the Project would not conflict with the applicable components of the Redevelopment Plan which were adopted for the purpose of avoiding or mitigating an environmental effect, with impacts being less than significant.

Comment No. ORG 13B-47

- Density: The Redevelopment Plan category of "Regional Center" has been consistently misinterpreted in the last decade of City Planning approvals to automatically allow 6:1 FAR throughout central Hollywood. This site, in fact, was one of the only locations identified in zoning D conditions (3:1 FAR) and in the Redevelopment Plan of potential 4.5:1 FAR.

Response to Comment No. ORG 13B-47

This comment states that the Redevelopment Plan category of "Regional Center" has been misinterpreted in past City Planning approvals but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

With regard to the Project's consistency with the applicable land use plans and the Project's modified list of requested entitlements, including the affordable housing FAR increase incentives and waivers necessary to develop the Project, see Topical Response No. 5 – Land Use and Planning, above. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program, which requires local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing.

The Draft EIR identifies the Project Site's existing zoning and the "D" Limitation throughout, which restricts most of the Project Site to a 3:1 FAR and one parcel to a 2:1 FAR (including, without limitation, Chapter II, *Project Description,* pages II-10 through II-11, and Section IV.H, *Land Use and Planning,* pages IV.H-10 and IV.H-23 of the Draft EIR). However, as noted above, the State Density Bonus Law mandates that local governments shall grant certain development incentives to projects that provide the requisite percentage of affordable housing. Accordingly, the State Density Bonus Law supersedes any local ordinances, including the "D" Limitations pursuant to Ordinance No. 165,659, and pursuant to a City of Los Angeles Department of City Planning memorandum, dated April 4, 2019, and the Hollywood Redevelopment Plan, including any development limitations contained therein.

As further discussed in Topical Response No. 5 – Land Use and Planning, above, with implementation of the State Density Bonus Law and requested Density Bonus Incentives and Waiver of Development Standards, the Project would not be inconsistent with the existing Redevelopment Plan designations, and FAR under the "D" Limitation. Applicable policies adopted to reduce or mitigate environmental impacts were analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 13B-48

- 6:1 FAR: The Redevelopment Plan readopted in 2003/5 required that IF a project sought a 6:1 FAR, it must provide public benefits --to historic buildings or others (see discussion in Attachment #3). The Project fails to meet the needed findings or objectives.

Response to Comment No. ORG 13B-48

The comment states that the Redevelopment Plan requires a project with a 6:1 FAR to provide public benefits "to historic buildings or others" and that the Project fails to meet such findings or objectives. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

With regard to Attachment #3, see Response to Comment No. ORG 13B-123.

Comment No. ORG 13B-49

- Over 6;1 *[sic]* FAR and over 130 DU/acre: The Redevelopment Plan area has no mechanism for over 6:1 FAR or over 130 DU/acre (In fact the increase to 6:1 can ONLY be granted if it does NOT exceed 6:1 *[sic]*.

Response to Comment No. ORG 13B-49

The comment asserts that the Redevelopment Plan has no mechanism to allow an FAR over 6:1 or a density over 130 DU/acre but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. See Topical Response No. 5 – Land Use and Planning, above, for a discussion of the Project's updated list of discretionary approvals requested by the Project. These revisions have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. With regard to the 130 DU/acre density limit, see Response to Comment No. ORG 13B-14, which addresses how the 130 DU/acre density limit does not apply to the Project Site.

Comment No. ORG 13B-50

- Relationship to Zoning: The Redevelopment Plan re-adopted in 2003/5 required conformance with Zoning.

Response to Comment No. ORG 13B-50

This comment makes a general statement that the Redevelopment Plan requires conformance with zoning but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the Project's consistency with the applicable land use plans, see Topical Response No. 5 – Land Use and Planning, above. As discussed in Topical Response No. 5, the Project would be consistent with the allowable densities under the existing Redevelopment Plan designations and allowances of the LAMC. Applicable policies adopted to reduce or mitigate environmental impacts were analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 13B-51

- Transportation and Parking: Section 518 of the Redevelopment Plan places a "moratorium" on all development when approved projects reach a 2:1 FAR in the Regional Center. (See Attachment #3)

Response to Comment No. ORG 13B-51

This comment makes a general statement that Section 518 of the Redevelopment Plan places a moratorium on all development when approved projects reach a 2:1 FAR in the Regional Center but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, regarding a moratorium being required by Section 518 of the Redevelopment Plan, Section 518 does not include or imply that a moratorium is to be applied on all development or for certain projects within the Regional Center. Instead, Section 518 states that the former CRA/LA should develop a circulation plan for presentation to the City for a potential ordinance. It does not indicate that development cannot proceed until such a plan is submitted or that a project that does not have a significant transportation impact is required to comply with any of the provisions of such a plan.

With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

With regard to Attachment #3, see Response to Comment No. ORG 13B-123.

Comment No. ORG 13B-52

- Street level Project information missing: The Project illustrations studiously avoid showing the design intent at the street-front level. It appears that the project might have made some good moves, and some which are quite antithetic to City and Hollywood urban design principles. The Project Description is lacking.

Response to Comment No. ORG 13B-52

This comment asserts that the Project illustrations do not show enough design details at the street-front level, and, as a result, the Draft EIR Project Description is lacking. However, the comment does not provide any substantial evidence regarding potential environmental impacts. However, see the discussion on page II-13 of Chapter II, *Project Description,* of the Draft EIR, regarding the Project's effects on the pedestrian experience and activity at the ground level, and which states in part that the Project would protect the architectural and historical heritage of the Capitol Records Complex and activate Hollywood Boulevard, Vine Street, and surrounding streets through connected, publicly available landscaped open space, including a paseo with shopping, seating, open air dining, and art installations, and plazas accommodating performances and community focused events. See also the numerous illustrations included in the Project Description, including information regarding street front uses, provided in Figure II-6 through Figure II-18. In addition, the discussion of public open space on pages II-58 and II-59 indicate the Project's open space amenities at ground level would be designed to maintain a visual connection with the street fronts and public paseo while helping to activate the plazas by drawing in pedestrian activity. The wide, landscaped paseo is proposed for pedestrian use and would extend east–west through the Project Site, connecting Ivar Avenue to Vine Street and Vine Street to Argyle Avenue. The paseo would function as a public open space amenity at the terminus of the Hollywood Walk of Fame. Along the paseo, residential lobbies and commercial spaces would add pedestrian interest and support outdoor uses. For additional detail on information provided in the Draft EIR regarding street front/ground level uses, also see Response to Comment No. ORG 13B-110 below.

Comment No. ORG 13B-53

- Urban Design Plan 1993 specifics: To conform to mandated actions, a Hollywood Boulevard Urban Design Plan was first adopted in 1993, reflecting the Agency's conformance and commitment to D conditions in zoning, and remains the best "snapshot" of urban design controls needed to support Hollywood's urban sustainability. On this site an increase ONLY from FAR 3 to FAR 1.5 was allowed, if 20% affordable housing AND preservation or other benefits were provided. Heights in this area were limited to a bonus of 70 feet over a base of 150 ft—a total of 225 ft.

Response to Comment No. ORG 13B-53

This comment makes a general statement about the history of the Redevelopment Plan and the 1993 Hollywood Boulevard Urban Design Plan, and asserts that only certain FAR

increases are allowed if affordable housing and preservation, or other benefits, are provided, and that the maximum height is limited to lower than what the Project proposes. However, the comment does not present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the applicability of the 1993 Urban Design Plan, see Response to Comment Nos. ORG 8I-43 and ORG 13B-15. With regard to Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, including applicability of the Hollywood Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, and IND 8I-34. With regard to the applicability of the Redevelopment Plan's limitations on FAR in light of the State Density Bonus Law request, see Response to Comment No. ORG 13B-47, above.

With regard to the Project's affordable housing obligations and development incentives, see Topical Response No. 5 – Land Use and Planning, above, for a discussion of the Project's updated list of discretionary approvals requested by the Project. These revisions have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. ORG 13B-54

- Urban Design Plan strictures must be implemented: The Redevelopment Plan on adoption in 1986, and as re-adopted amended in 2003/5, included Sec. 506.2.11, specifically requiring projects in this area to comply with a Hollywood Boulevard Urban Design Plan. This was well-understood- *[sic]* intended to specifically and openly ameliorate the crudeness of the standard "Regional Center Commercial" redevelopment planning category (vs. "Neighborhood Commercial", the next least dense option).

Response to Comment No. ORG 13B-54

This comment makes a general statement about the history of the Redevelopment Plan but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the 1993 Urban Design Plan, see Response to Comment Nos. ORG 8I-43 and ORG 13B-15. With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, including applicability of the Hollywood Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, and IND 8I-34.

Comment No. ORG 13B-55

DEIR must be recirculated. The serious omission from the DEIR of the City's Hollywood Redevelopment Plan responsibilities hides substantial facts. Citing "goals" for the Plan and opining that the goals are met is inadequate. FEIR must accurately and transparently *[sic]* the following:

Response to Comment No. ORG 13B-55

This comment asserts that the Draft EIR does not address Redevelopment Plan responsibilities. However, this comment does not provide any facts, or comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted. Nonetheless, see Response to Comment No. IND 8I-13, which identifies when recirculation of a Draft EIR is warranted under CEQA. With regard to the applicability of Hollywood Redevelopment Plan provisions and the City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, IND 8I-43, and ORG 13B-45, which address the City's responsibilities under the Hollywood Redevelopment Plan.

Comment No. ORG 13B-56

- *Case Processing: This DEIR cannot be used [sic] "clear" compliance with the Redevelopment Plan! First the conflicts must be identified and the adverse effects assessed. The "ask" for unjustified density and growth has not yet been granted, and cannot, as findings can't be made. Even if City Planning decides to try to make all these findings and approve, disclosure must be done first and openly under CEQA. FEIR also to identify City Planning procedures required for case processing for the regulations of the Redevelopment Plan per Sec 11.5.14 of the Zoning Code. (Ord 186,235)*

Response to Comment No. ORG 13B-56

This comment asserts that the Draft EIR cannot be used to clear compliance with provisions of the Redevelopment Plan and that the Draft EIR must disclose the findings needed under the Redevelopment Plan. However, the comment does not provide any facts or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

This comment also asserts that the Final EIR must identify the City Planning procedures for case processing of projects within the Redevelopment Plan area. The commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which addresses the Project's updated requested entitlements The Project Applicant has revised the request for the proposed Zone and Height District Change to allow, under a Measure JJJ concession pursuant to LAMC Section 11.5.11(e), a floor area ratio (FAR) increase up to 7:1, as presented in Chapter II, *Project Description*, of the Draft EIR, to a Density Bonus Compliance Review pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. Pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. The Project's updated list of entitlements includes removal of the CUP for a Unified Development and, instead, requests approval of a

Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, with an Off-Menu Incentive to allow FAR and density averaging across the Project Site.

Comment No. ORG 13B-57

- *New Mitigation Measure or project re-design including disclosure of streetfront levels:: [sic] Unless the FEIR and consultation with Hollywood Heritage produces clear information on building design at the street level, storefronts, signage, uses at the sidewalk., [sic] AND a compliant street-front design and building redesign, Mitigation Measure LU MM 2 must be added, assuming a significant adverse effect and requiring future design review for conformance with the Hollywood Urban Design Plan of 1993 or some other consensual metric such as Downtown Design Guidelines, HPOZ commercial guidelines, etc.. [sic]*

Response to Comment No. ORG 13B-57

This comment requests that the Final EIR include a mitigation measure requiring a Project design to conform with the Hollywood Urban Design Plan of 1993 or some other consensual metric to the satisfaction of the commenter if the Project design is not to the commenter's satisfaction. However, the comment does not address or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the 1993 Urban Design Plan, see Response to Comment Nos. ORG 8I-43 and 13B-15, and with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, including applicability of the Hollywood Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, and IND 8I-34.

With regard to aesthetics impacts, see Topical Response No. 4 – Aesthetics. As discussed in Topical Response No. 4, the Project is a mixed-use project on an infill site within a Transit Priority Area pursuant to PRC Section 21099(d)(1) and ZI File No. 2452 and that aesthetic impacts on the environment, other than those related to historical resources, are not considered significant. Nevertheless, the Project's aesthetics impacts were fully analyzed for informational purposes in the Draft EIR's Section IV.A, *Aesthetics*. In addition, regarding Project information on street level design characteristics, see Response to Comment No. ORG 13B-110 below.

Comment No. ORG 13B-58

- *Re-design Urban Design at street level: FEIR must include The Project's overwhelming non-conformance with the Urban Design Plan must be corrected through project re-design. [sic] and more than words about the experience of the project along the 4 major streets. Hollywood Heritage requests to review the proposed street level design development prior to inclusion in the FEIR.*

Response to Comment No. ORG 13B-58

This comment expresses the commenter's opinion that the Project must be redesigned subject to the commenter's review, asserts that the Final EIR must include the Project's non-conformance with the Urban Design Plan, and requests the right to review any proposed street level design development prior to inclusion in the Final EIR but does not provide any substantive facts or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the 1993 Urban Design Plan, see Response to Comment Nos. ORG 8I-43 and 13B-15, and with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, including applicability of the Hollywood Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, and IND 8I-34. With regard to the street level design development, see Response to Comment No. ORG 13B-52. It is further noted, that CEQA does not require the evaluation of aesthetic or visual character impacts, such as a project's streetfront design, for projects located within a TPA.

Comment No. ORG 13B-59

- *Urban Design: Affordable Housing: FEIR and project re-design must reflect minimum 20% affordable units as required by the Urban Design Plan, as well as a reduction of overall project size to a 4.5 FAR.*

Response to Comment No. ORG 13B-59

This comment asserts that the Final EIR and the Project design must reflect a minimum of 20 percent affordable housing as required by the Urban Design Plan, as well as a reduction of overall Project Site to a 4.5:1 FAR but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the 1993 Urban Design Plan, see Response to Comment Nos. 9I-43 and ORG No. 13B-15, and with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, including applicability of the Hollywood Urban Design Plan, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, and IND 8I-34.

Additionally, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The Density Bonus Compliance Review, which would allow the same FAR as under the formerly proposed Zone and Height District Change, is discussed in detail in Topical Response No. 5 – Land Use and Planning, above. These revisions have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. With regard to the allowable FAR, see Response to Comments ORG 13B-8 and ORG 13B-47, which explain that under the State

Density Bonus Law the Project would be permitted the requested FAR to allow for the development of affordable housing.

Comment No. ORG 13B-60

- *<u>Public Benefits if 6:1 FAR approved:</u> FEIR must cite process, calculations, and required findings for a 6:1 FAR "ask". Hollywood Heritage believes it is insupportable. Project must prove the absence of transportation/traffic effects as required by the Redevelopment Plan, and provide commitment to public benefits accruing to historic buildings—through a transfer of development rights-- or other public benefit mechanism.*

Response to Comment No. ORG 13B-60

This comment states that the Final EIR must cite process, calculations, and required findings for a 6:1 FAR, and prove the absence of transportation/traffic effects, and provide commitment to public benefits accruing to historic buildings through a transfer of development rights. However, the FAR requested for this Project is based on the State Density Bonus Law, which is controlling. See Response No. 5 – Land Use and Planning, above, regarding the Project's modified entitlements and requested affordable housing incentives. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

As discussed in Section IV.H, *Land Use and Planning,* pages IV.H-21 through IV.H-25, of the Draft EIR, the Project would not conflict with the applicable policies of the Hollywood Redevelopment Plan or LAMC. However, the interpretation of zoning regulations is administrative in character and is not a CEQA subject addressed in the Draft EIR. Nonetheless, the whole of the Draft EIR does evaluate the impacts resulting from the change in entitlement and which constitutes the defined Project.

With regard to the comment's assertion that the Project must prove the absence of transportation/traffic effects as required by the Redevelopment Plan, Section 518 of the Redevelopment Plan requires that for "all developments expected to have significant circulation impacts, the Agency shall cause these traffic related impacts to be analyzed in the traffic study" and that "[t]he Agency shall impose appropriate requirements as a condition of approval of each such development based on the traffic mitigation measures identified in the traffic study." The City, which has assumed the land use function of the CRA/LA, has complied with Section 518 since the Draft EIR has analyzed the potential traffic-related impacts of the Project. See Section IV.L, *Transportation,* of the Draft EIR. Although the Draft EIR determined that the Project would not have significant transportation impacts in accordance with the City's current applicable significance criteria, the City is requiring that the Project implement transportation-related measures,

including the Project's TDM Program and various transportation corrective measures listed in the LADOT's letter contained in Appendix N-2 of the Draft EIR. Also see Topical Response No. 2 – Transportation and Traffic, above. As discussed in Topical Response No. 2, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein and in Chapter V, *Alternatives*, of the Draft EIR, the Project would result in less-than-significant transportation/traffic-related impacts.

Comment No. ORG 13B-61

- *Reduce, Redesign, or Redevelopment Plan Amendment: FEIR must provide tabular analysis of project residential density. If exceeding 130 du/acre maximum; Project must be redesigned or process a Redevelopment Plan Amendment.*

Response to Comment No. ORG 13B-61

This comment asserts that the Final EIR must provide a tabular analysis of the Project's residential density and that the Project must be redesigned or a Redevelopment Plan Amendment must be requested if the density exceeds 130 DU/acre. However, this comment does not provide any facts to support these claims or present any evidence with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Nonetheless, with the regard to the 130 DU/acre density limit, the commenter is referred to Response to Comment No. ORG 13B-14.

Comment No. ORG 13B-62

- *Traffic: City must perform and complete the traffic studies and mitigations necessitated by Sec 506.2.3 and others of the Redevelopment Plan, or prove that the regional Center FAR entitled or built to date has not hit 2:1 FAR.*

Response to Comment No. ORG 13B-62

This comment makes a general comment about the City's responsibilities under the Redevelopment Plan, but does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

Comment No. ORG 13B-63

- *<u>Parking:</u> FEIR to define what "up to 1,521 spaces" means and how calculated; to clarify the parking requirement of Capitol and Gogerty Buildings and how and where accommodated; and clarify the use of former parking lots and whether existing buildings such as AMDA are affected by the loss of parking. Under the Redevelopment Plan (and the VTT) all parking replaced by the Project.*

Response to Comment No. ORG 13B-63

This comment requests the Final EIR identify and explain the Project's parking program, including treatment of the parking spaces for the existing uses to remain. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to parking during construction, refer to Response to Comment No. IND 8I-21. With regard to the treatment of the parking spaces of the Capitol Records Complex, see Response to Comment No. ORG 13B-25. As explained in Response to Comment No. ORG 13B-25, Chapter II, *Project Description*, Section II.1, *Introduction,* of the Draft EIR provides that: "Under the Project, the Capitol Records Complex [i.e., Capitol Records Building and Gogerty Building] would be preserved, although portions of its supporting parking area, along with some existing surface parking adjacent to the Capitol Records Complex, would be reconfigured and relocated to a dedicated portion of the Project parking garage proposed on the East Site. [see Footnote 2 regarding obtaining Capitol Records consent for conversion of a portion of the parking lot.] With the exception of 22 surface parking spaces that would remain adjacent to the Capitol Records Building on the East Site, the remaining surface parking on the Project Site would be removed in order to develop the Project's proposed mix of land uses." Chapter II, *Project Description*, Section II.7(a), *Project Overview*, of the Draft EIR also explains that: "The southeastern portion of the existing surface parking adjacent to the Capitol Records Complex contains 97 vehicle parking spaces, which would be retained and relocated." This section also explains that: "The 97 spaces reserved for the Capitol Records Complex are based on an existing Certificate of Occupancy for Capitol Records and is defined by the amount of parking that the City requires."

See the table below for calculations on how parking for the Project was calculated.

HOLLYWOOD CENTER PROJECT
VEHICLE PARKING SPACES REQUIRED BY LOS ANGELES MUNICIPAL CODE

Land Use	LAMC-Required Vehicle Parking Ratio [a][b]	West Site		East Site		Total Vehicle Spaces
		Size	Vehicle Spaces	Size	Vehicle Spaces	
Residential	1-BR: 1 space per unit	195 1-BR units	195	175 1-BR units	175	
	2-BR: 1.5 space per unit	198 2-BR units	297	172 2-BR units	258	
	3-BR: 2 spaces per unit	56 3-BR units	112	76 3-BR units	152	
	Residential Subtotal	*449 units*	*604*	*423 units*	*585*	*1,189*
Senior	0.5 spaces per unit [c]	68 units	34	65 units	33	67
Retail/Restaurant	2 spaces per ksf	12.691 ksf	25	17.485 ksf	35	60
Project Total			*663*		*653*	*1,316*
Capitol Records			174		23	197
Total Required			*837*		*676*	*1,513*
Total Provided			*837*		*684*	*1,521*
Extra Spaces			0		8	8
Provided % of Total Required						100.5%

Notes:
[a] Source: City of Los Angeles Municipal Code, Section 12.21 A.4, unless otherwise noted.
[b] Project Site is located in the Hollywood Redevelopment Project Area. Per LAMC 12.21 A.4(x), parking rate of 2 spaces per 1,000 sf of commercial space applies.
[c] 0.5 spaces per du for Low or Very Low Income senior citizen units, per Parking Option 2 in LAMC 12.22 A.25.

Moreover, the commenter's assertion that the Redevelopment Plan requires replacement of parking spaces is not a private developer obligation, but rather an obligation of the City. See Section 518.2 of the Redevelopment Plan ("Whenever parking spaces which are in active use within the Regional Center Commercial Designation are removed from the market through Agency action as a part of the Project, ***the Agency*** shall develop or construct, or cause to be developed or constructed, an equal number of replacement parking spaces within the Project and within reasonable proximity to users subject to the findings and provisions of the Ordinance prepared pursuant to Section 518.1 of this Plan, as it may be adopted by the City Council. The Agency shall use its best effort to

expeditiously provide such replacement parking, and in any event will do so ***within four years of its' removal***" [emphasis added]).

With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

Comment No. ORG 13B-64

4. **Aesthetics:** The immediate reaction of everyone to this project is "too tall". The Project design attempted to reduce its outsized impact by angling buildings, undergrounding parking, and closing driveways.

   But it remains what a Hollywood project should NOT be—two immensely, hugely out of scale tall and oddly angled lozenge towers on top of clunky podiums, relating to nothing, dwarfing the entire area in height, blocking views to and from the hills, and dwarfing 2 "senior" buildings which are as tall as Hollywood's tallest. The sidewalk development appears anti-Hollywood-- no building line, and a mix of deep plazas to building lobbies, restaurants or stores, trash rooms, major auto and truck entrances, and _____. Some stores are interior, on a strange walkway shaped to follow the lots the developer purchased, and likely a wind tunnel. It's just like dated urban renewal bad dream from the 1960's *[sic]*.

   The aesthetic effects of the towers (blocking views to and from hills, etc *[sic]*) are said by the DEIR to be neutered by SB 743. However, OPR's website on SB 743 shows that the DEIR has mis-stated the exemption for considering aesthetics and parking. It says "Notably, the exemption for aesthetic impacts does not include impacts to historic or cultural resources. Local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process."

Response to Comment No. ORG 13B-64

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. Aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. As discussed in Section IV.A, pursuant to PRC Section 20199 et. seq. (which codifies SB 743) and the City of Los Angeles ZI File No. 2452, because the Project meets SB 743 criteria as a mixed-use infill project within a transit priority area, its aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character, and light and glare as outlined in the CEQA Guidelines Appendix G, are not considered significant impacts on the environment. See also Topical Response No. 4 – Aesthetics, above. Although the aesthetics analysis provided in the Draft EIR is informational and not required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A, where the analysis supported by multiple visual simulations indicated that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline, and that the proposed

buildings would comprise a small portion of the view fields and would not substantially diminish broad scenic views from the hills.

With regard to the assertion that the Draft EIR misstated the exemption for aesthetics and parking as the exemption does not apply to historic/cultural resources, see PRC Section 21099. As stated on page IV.A-1 of Section IV.A, *Aesthetics,* of the Draft EIR, "…Pursuant to PRC Section 21099, aesthetic impacts do not include impacts to historic or cultural resources. Such impacts are evaluated pursuant to CEQA in Section IV.C, *Cultural Resources*, of this Draft EIR." Regarding the statement that local governments retain their ability to regulate a project's transportation, aesthetics, and parking impacts outside of the CEQA process, this comment reflects current City practice.

Comment No. ORG 13B-65

Hollywood Heritage has great concerns also about shade and shadow, glare, signage, electronic signage, etc *[sic]* effects, which have not been evaluated in the DEIR. We believe this analysis should be included, and have prepared the modeling.

Response to Comment No. ORG 13B-65

The comment states that shade and shadow, glare, signage, electronic signage effects have not been and should be included in the EIR. Regarding shade and shadow, such effects are not required for evaluation under CEQA and are not addressed by the City's thresholds of significance, which are based on Appendix G of the CEQA Guidelines. Regarding effects associated with glare and signage, these issues were addressed in the Draft EIR, as presented on pages IV.A-57 through IV.A-63, in Section IV.A, *Aesthetics*, for informational purposes only. More specifically, regarding signage, as stated on page IV.A-61 of the Draft EIR, commercial signs for ground level restaurant and retail uses would be similar to other signage in the Project vicinity, and no off-site signage is proposed. All proposed signage would conform to the size, type, and placement requirements of the Hollywood Signage Supplement Use District, would be coordinated with the architectural elements of the new buildings, and complement and protect the character-defining features of the historic Capitol Records Building. Furthermore, in regard to electronic signage, all signs would comply with LAMC Section 14.4.4 E, which requires that no sign shall be arranged and illuminated in a manner that will produce a light intensity of greater than three foot-candles above ambient lighting, as measured at the property line of the nearest residentially zoned property. Regarding glare, as stated on page IV.A-62 of the Draft EIR, Project Design Feature AES-PDF-3 requires the use of rated, low-reflectivity building materials, with final glazing choices and trim materials evaluated for glare prior to the issuance of a building permit therefore ensuring daytime glare from building façades would not adversely affect daytime views in the area. Regarding nighttime glare, all exterior lights at street level would be shielded and directed toward the surface being illuminated, and, as provided in Project Design Feature AES-PDF-4, architectural lighting and building security lighting along public streets and within the paseo would be placed to prevent direct visibility of the light source from residential

uses to the north, east, and west of the Project Site. Accordingly, the Project would not adversely affect daytime or nighttime views in the area due to increases in light or glare.

Comment No. ORG 13B-66

The EIR should be recirculated to evaluate these issues, and FEIR must correct accurately and transparently:

- *Project redesign- The project has a substantial adverse effect on a scenic vista (obstruction of views). -Evaluation of aesthetic effect on historic resources, such as obstruction of views must be performed, and the adverse effects revealed. What HRG did [sic]*

Response to Comment No. ORG 13B-66

The comment asserts that the Draft EIR should be recirculated as aesthetic effects on historic resources, such as obstruction of views, must be performed and the adverse effects revealed. However, this comment is incorrect and does not provide any substantial evidence to support its concerns and, therefore, does not comment on the or present any evidence with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted. Nonetheless, visual effects related to historic resources are evaluated throughout much of the impact analysis provided in Section IV.C, *Cultural Resources*, of the Draft EIR, with a focused discussion of Project effects on views provided beginning on page IV.C-72 in Table IV.C-5, Summary of View Analysis for Identified Historical Resources in Project Vicinity. Furthermore, see the informational analysis of effects on views provided in Section IV.A, *Aesthetics,* of the Draft EIR, and see Topical Response No. 4 – Aesthetics, above. See also Response to Comment No. IND 8I-13, which identifies when recirculation of a Draft EIR is warranted under CEQA.

Comment No. ORG 13B-67

- *Shade and Shadow Recirculate or mitigate AES MM1: Significant adverse effect of shade and shadow on historic resources (see Cultural Resources section) must be assumed, or a shade and shadow study conducted and the project redesign to eliminate significant effects included in a recirculated DEIR.*

Response to Comment No. ORG 13B-67

The comment asserts that shade and shadow on historical resources must be assumed or a study conducted to eliminate significant effects without providing any explanation of such effects and how they would represent a significant impact under CEQA, and pursuant to what specific threshold. As noted above, shade/shadow effects are not required for evaluation under CEQA and are not addressed by the City's thresholds of significance, which are based on Appendix G of the CEQA Guidelines. Accordingly, there is no basis for a mitigation measure or recirculation of the Draft EIR. See also Response to Comment No. IND 8I-13, which identifies when recirculation of a Draft EIR is warranted under CEQA.

Comment No. ORG 13B-68

- *<u>Analysis and correction of potential adverse effects AES MM2:</u> Materials and glare, and nighttime illumination adversely affecting views, especially any illuminated signage, must be disclosed and evaluated in a recirculated EIR, or assumed to be a significant adverse effect on historic buildings.*

Response to Comment No. ORG 13B-68

The comment asserts that additional information relating to materials, glare, and nighttime illumination effects on historic buildings must be evaluated in the EIR. As previously indicated above in Response to Comment No. ORG 13B-65, effects on glare and lighting were evaluated in the Draft EIR, and there is no basis for assuming a new significant adverse effect on historic buildings, as stated above in Response to Comment No. ORG 13B-67. See also Response to Comment No. IND 8I-13, which identifies when recirculation of a Draft EIR is warranted under CEQA. As the comment presents no facts supporting a contention that the content or analysis in the Draft EIR is inadequate, no further response is warranted.

Comment No. ORG 13B-69

5. **<u>ELDP and Streamlining:</u>** The Project developers have an agreement dated 8/16/2018 as an "Environmental Leadership Development Project" to use provisions of AB 900 of 2011, as amended by SB 743 (2013) and SB 734 (2016) and AB 246-– to avoid or shorten the time for lawsuits. "Streamlining" under SB 375 means special processing benefits for the developer under CEQA, and is made possible by a commitment by the developer to meet specific requirements.

   The City must approve this project before January 1, 2021.

   What are those ELDP commitments, and how do the Project Description, all the DEIR Chapters involved, and the DEIR Project Design Conditions enforce compliance? The DEIR is silent --unless conditions are included in some of the 13,000 pages we hadn't the opportunity to review in the streamlined 45 days.

   The FEIR should transparently describe these state-granted benefits; the dates the ELDP was granted; whether the developer is now in compliance with their requirements and deadlines; and clarify where in the EIR the conformance with the developer's requirements is ensured.

   DEIR must be recirculated. FEIR should transparently disclose developer responsibilities [sic]

   - *<u>ELDP MM1:</u> Condition the Project with specific Project Design Features to implement the promises to the State, and require that the Certificate of Occupancy is withheld if the Project does not successfully complete the promised measures. (This is needed because the "Environmental Leadership"*

legislation offers protection from CEQA lawsuits early on, but the Project's conformance with the developer's promises happens during construction and operation.)

- *Prevailing Wage Rates are a project condition. FEIR should name public agency that will monitor wage rates and create a Project Design Feature*

- *Energy Conservation—LEED Gold certification: EC MM1 or Project Design Feature-- Project must achieve LEED Gold certification for all 4 buildings prior to Certificate of Occupancy. The FEIR must remove all the "wiggle language" contained in the DEIR. FEIR must require unequivocal commitment to the State to achieve certification: "the applicant shall submit a binding commitment to delay operating the project until it receives LEED Gold Certification or better. If, upon completion of construction, LEED Gold Certification or better is delayed as a result of the certification process rather than a project deficiency, the applicant may petition the Governor to approve project operation pending completion of the certification process." Due to the proponent's delays, the current LEED version (not the 2014 version cited) must be required.*

- *Transportation- 15% improvement: Project transportation/traffic measures must ensure 15% improvement in transportation efficiency. All promised mitigations in TDM Program (Table 3 promised to State) must be formally incorporated in the Project with formal process for implementation and monitoring, and responsible agency. The "internal capture" analysis should be revisited, as residents simply can't eat and drink as much as calculated.*

- *Greenhouse Gases- Project Design Feature: Project must have zero increase in greenhouse gas emissions. "The GHG Emissions Offset Approach for the Hollywood Center Project / LEED Measures, dated May 2018, submitted to the State, showed that the Project failed this requirement and chooses to purchase carbon offsets. The DEIR must have an analysis including construction GHG emissions and the same 30 year lifespan as required by the State, and a monitoring program and responsible agency.*

Response to Comment No. ORG 13B-69

The comment states numerous concerns regarding the Project's eligibility as an Environmental Leadership Development Program (ELDP) project, including how the EIR will enforce compliance with ELDP requirements, whether the developer is now in compliance with requirements, where in the EIR the developer's conformance with requirements is ensured, and indicates without providing substantial evidence that the concerns and questions raised require recirculation of the Draft EIR. Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR addressed the Project's estimated GHG emissions and the consistency of the Project with applicable regulations, plans, and policies set forth by the State of California, South Coast Air Quality Management District (SCAQMD), Southern California Association of Governments (SCAG), and the City of Los

Angeles to reduce GHG emissions. Appendix B of the Draft EIR contains the ELDP Application and Certifications documentation, which includes the Greenhouse Gas Emissions Offset Approach and LEED Measures, ELDP Traffic Memorandum, Economic and Fiscal Impact Report, Labor Agreement Letter of Commitment, GHG Methodology and Documentation, and the Applicant's Acknowledgement of Obligations under Public Resources Code Section 21183.

Design Features

The Project would achieve the United States Green Building Council (USGBC) LEED Gold Certification and be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los Angeles Green Building Code. Pages IV.E-41 – IV.E-42 in Section IV.E, of the Draft EIR lists the Project Design Features related to greenhouse gas emission that would be implemented as part of the Project. Those features include the following:

> **GHG-PDF-1: Green Building Features.** The Project will achieve the USGBC LEED Gold Certification and will be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los Angeles Green Building Code. A summary of key green building and LEED measures are provided below:
>
> - The Project will incorporate heat island reduction strategies for 50 percent of the Project Site hardscapes or provide 100 percent structured parking and incorporate heat island reduction strategies for the Project roof areas.
> - The Project will promote alternatives to conventionally fueled automobiles by designating a minimum of 8 percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles and shall pre-wire, or install conduit and panel capacity for a minimum of 30 percent of the Code-required parking spaces, with 10 percent of the Code-required spaces further improved with electric vehicle charging stations.
> - The Project will optimize building energy performance with a 20 percent reduction from the LEED Version 4 (v4) baseline consistent with LEED requirements (equivalent to approximately 11.6 percent reduction from the 2016 Title 24 standards).[44,45,46]

[44] United States Department of Energy, ANSI/ASHRAE/IES Standard 90.1-2013 Determination of Energy Savings: Quantitative Analysis, 2014.

[45] Energy Star, The Difference Between Source and Site Energy, https://www.energystar.gov/buildings/facility-owners-and-managers/existing-buildings/use-portfolio-manager/understand-metrics/difference, accessed August 25, 2020.

[46] The Project's building energy optimization credit through GHG-PDF-1 represents a larger reduction than compliance with the 2019 Title 24 Standards, where electricity would be reduced by approximately 2 percent and natural gas would be reduced by approximately 5 percent as compared to 2016 Title 24 Standards. Therefore, the Project would be consistent with and better than the 2019 Title 24 Standards through GHG-PDF-1. Refer to: California Energy Commission, Impact Analysis, 2019 Update to the California Energy Efficiency Standards for Residential and Non-Residential Buildings, Section 1.2 (Non-Residential), Table 19 (Multi-Family without PV), June 10, 2018, accessed August 25, 2020.

- The Project will reduce water consumption by 40 percent for indoor water and 100 percent for outdoor water from the LEED v4 usage baseline. The reductions would be achieved through potential strategies such as the installation of water efficient fixtures that exceed applicable standards and water efficient landscaping.[47]

In addition, as discussed on pages IV.E-83 and IV.E-84 in Section IV.E of the Draft EIR, the Project would achieve a net zero increase in site GHG emissions through Project-based or community-based program measures that would reduce GHG emissions. These measures include the following:

- Seek opportunities for installing solar photovoltaic panels on Project building rooftops based on available physical roof space taking into account space dedicated for rooftop amenities, open space/landscaping, decks/pool areas, and space required for rooftop equipment, such as heating, ventilation, and air conditioning units.
- Purchase certified green-power from the local utility provider to offset Project-related GHG emissions from electricity demand.
- Coordinating with property owners in the City of Los Angeles or in other cities or communities in California for the installation of rooftop solar photovoltaic panels in accordance with State and local permitting standards on existing buildings, parking structures, carports, or other facilities.
- Seek opportunities for offsetting GHG emissions from existing sources in the City of Los Angeles or in other cities or communities in California or elsewhere. Examples include coordinating with local transportation agencies and property owners and establishing electric vehicle supply equipment (EVSE) at park-and-ride lots or other appropriate locations, coordinating with local transportation agencies and school districts and replacing diesel- or gasoline-fueled buses with less-polluting technologies such as compressed natural gas, electric, hybrid-electric, fuel cell, or other commercially available technologies, implementing methane capture and destruction programs at dairy farms, or other GHG emissions offset programs.
- Seek opportunities for planting new drought-tolerant, high-carbon sequestering, and/or native trees of appropriate size and type at off-site locations such as parks in the City of Los Angeles or in other cities or communities in California or elsewhere, that would result in a net sequestration of CO_2 emissions.
- Purchase carbon credits from a reputable carbon market. Priority should be given to those credits generated within the City of Los Angeles, and in

[47] Project water demand values were taken from LADWP's Water Supply Assessment – Hollywood Center Project, November 2018, that incorporate water reductions and savings due to City of Los Angeles Ordinance No. 180,822 and No. 184,248 that go beyond the LEED usage baseline. Therefore, as a conservative assessment, additional reductions due to LEED commitments were not incorporated into Project water use demand for GHG emissions modeling.

decreasing preference, credits generated within the region, in-state, and out-of-state.

With regard to LEED Certification, as discussed on page II-68 of the Draft EIR, the Project has been designed to meet the standards for LEED Gold Certification through proven and effective design strategies. Sustainable elements have been built into the Project design, and, therefore, mitigation requiring implementation beyond those identified in the Draft EIR would not be required.

As referenced above, Project Design Features require that the Project meet the performance standards of LEED Version 4. According to the USGBC, LEED Version 4 is the current rating system.[48]

TDM Program

As discussed on pages IV.E-56 through IV.E-59 of the Draft EIR, the land use characteristics of the Project would be consistent with and would not conflict with those shown in the California Air Pollution Control Officers Association (CAPCOA) guidance document to reduce vehicle trips compared to Statewide and Air Basin averages. Detailed vehicle miles traveled (VMT) reduction calculations are provided in Appendix E of the Draft EIR. Based on the results of these calculations, the Project would achieve an approximately 35-percent reduction in VMT from the land use characteristics discussed below. However, total VMT reduction taken due to the land use characteristics and the Project's Transportation Demand Management (TDM) Program was conservatively limited to 30 percent because, while the reductions from the land use characteristics and TDM Program combined would result in VMT reductions greater than 30 percent based on CAPCOA guidance methodologies, the CAPCOA guidance document recommends using a maximum of 30-percent reductions due to Land Use/Location Transportation measures for compact/infill locations. For the purposes of this assessment, while the Project Site generally meets the definition of an urban setting, which typically achieves more than a 30-percent reduction in VMT, a maximum of 30-percent reduction in VMT is conservatively assumed in this analysis.

As discussed on pages 26 and 27 of the Greenhouse Gas Emissions Methodology and Documentation for the Hollywood Center Project (Appendix B, Exhibit 7, of the Draft EIR), the Project is considered an urban infill project with access to public transit, including frequent and comprehensive transit services provided by the nearby Metro B (Red) Line. Project characteristics that would result in reductions in trip generation include the mixed-use nature of design and proximity to transit. The TDM program was quantified by Fehr and Peers in Appendix H of the TA contained in Appendix N-1 of the Draft EIR. The TDM package has been incorporated into the Project as Project Design Feature TRAF-PDF-1 (see pages IV.L-26 – IV.L-28 of the Draft EIR), which includes measures for parking, transit, commute trip reductions, shared mobility, bicycle infrastructure, site design,

[48] U.S. Green Building Council, LEED Rating System, https://www.usgbc.org/leed, accessed August 25, 2020.

education and encouragement, and management. The management component includes on-site TDM program coordination and administrative support, user surveys, and a provision to join the future Hollywood Transportation Management Organization (TMO).

Offsets

As discussed on page IV.E-84 of the Draft EIR, the acquisition of carbon credits as part of the Project-based or community-based GHG reduction program will serve to ensure that all projected additional GHG emissions are offset. If acquiring carbon credits, the Applicant or its successor shall enter into one or more contracts to purchase carbon credits from a qualified GHG emissions broker (to be selected from an accredited registry), which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in an amount sufficient to achieve a net zero increase in site GHG emissions. Consistent with SCAQMD's definition of the "life of the project" for CEQA GHG purposes, provided in SCAQMD's Governing Board Agenda Item 31, December 5, 2008, the Project would be required to offset emissions over a 30-year lifetime. The SCAQMD recommends that offsets should have a 30-year project life, should be real, quantifiable, verifiable, and surplus and will be considered in the following prioritized manner: (1) project design feature/on-site reduction measures; (2) off-site within the neighborhood; (3) off-site within the SCAQMD jurisdiction; (4) off-site within the State; (5) off-site out-of-State. The Project would obtain offsets following this prioritization.

With regard to the analysis of construction emissions, Table IV.E-6 of the Draft EIR summarized the annual construction GHG emissions resulting from construction of the Project. In addition, the amortized total (30-year) was included. As shown in Tables 19 and 20 (pages 43 and 44) of the Greenhouse Gas Emissions Methodology and Documentation for the Hollywood Center Project (Appendix B, Exhibit 7, of the Draft EIR), both construction and operational emissions have been accounted for when calculating the amount of offsets required to achieve net zero emissions.

Enforcement

All design features and mitigation measures included in the Draft EIR would be implemented as Conditions of Approval pursuant to standard City procedure. Appendix B Exhibit 3 of the Draft EIR includes a summary of the GHG offsets approach. As discussed, the Applicant has committed to no net increase in construction and operation-related GHG emissions. The Applicant proposes to meet the requirement set forth in California Public Resources Code Section 21183(c), which requires that the Project demonstrate that it will not result in net additional emissions of GHG, through the implementation of GHG-reducing Project Design Features and/or acquisition of voluntary carbon credits sufficient to offset all projected additional emissions, in the following manner:

1. No later than six (6) months after the issuance of a Temporary Certificate of Occupancy for the Project, the Applicant shall commit to providing to the lead agency, the City of Los Angeles, a calculation of the net additional emissions

resulting from the construction of the Project, to be calculated in accordance with the methodology agreed upon by CARB in connection with the AB 900 certification of the Project. The Applicant shall provide courtesy copies of the calculations to CARB and the Governor's Office promptly following transmittal of the calculations to the City of Los Angeles. The Applicant shall enter into one or more contracts for the implementation of GHG-reducing Project Design Features and/or purchase voluntary carbon credits from a recognized and reputable carbon registry in an amount sufficient to offset the Construction Emissions. The Applicant shall provide courtesy copies of any such contracts to CARB and the Governor's Office promptly following the execution of such contracts.

2. Prior to issuance of any Certificate of Occupancy for the Project, the Applicant or its successor shall commit to entering into one or more contracts to purchase carbon credits from a recognized and reputable carbon registry (to be selected from an accredited registry), which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in an amount sufficient to offset the Operational Emissions attributable to the Project, and shall be calculated on a net present value basis for a 30-year useful life.

   Prior to execution of the contract(s), the Applicant and its consultant shall calculate the Operational Emissions, in accordance with the methodology described in the Applicant's "Application for Environmental Leadership Development Project," (Appendix B of the Draft EIR) specifically the "Greenhouse Gas Emissions Methodology and Documentation" (Appendix B, Exhibit 7 of the Draft EIR).

   Once the City has had an opportunity to review and approve the methodology and associated calculations, the Project Applicant shall provide copies of the calculation methodology to the CARB and Governor's Office of Planning and Research (OPR), which is then subject to a determination signed by the Executive Officer of CARB pursuant to the procedures set forth in Section of OPR's Guidelines. The City will issue a Certificate of Occupancy upon receipt of the following: (1) a fully executed copy of the carbon offset purchase agreement(s); (2) a final CARB Determination that the Project will not result in any net additional GHG emissions; and (3) a copy of OPR's Certification Letter for the Project.

Moreover, see Response to Comment No. IND 8I-26, which provides that Exhibit 8 of Appendix B of the Draft EIR includes the signed Project Applicant's acknowledgement of the ELDP obligations under PRC Section 21183 with the City (Acknowledgment). The Acknowledgment provides that the Project Applicant agrees, amongst other obligations, that all mitigation measures required pursuant to CEQA to certify the Project will be conditions of approval, and those conditions will be fully enforceable by the City, or another agency designated by the City, and those mitigation measures will be monitored and enforced by the City for the life of the obligation.

Public Review Period

With regard to the amount of time provided for public review of the Draft EIR, the commenter incorrectly claims that the 45-day public review period for the Draft EIR is "streamlined". Pursuant to CEQA Guidelines Section 21090(a), the public review prior for a Draft EIR submitted to the State Clearinghouse for review shall be no less than 45 days. Therefore, the 45-day public review period is not a result of streamlining and meets the public review requirements of the CEQA Guidelines.

Comment No. ORG 13B-70

6. **Environmentally Superior Alternative – stay with what is allowed by zoning, and redesign to make it compatible with authentic Hollywood:** Alternative 2 in the DEIR is the environmentally superior alternative.

   According to CEQA Section 15126.6(e)(2) of the State CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR and that if the "no project" alternative is the environmentally superior alternative, the EIR shall identify another environmentally superior alternative among the remaining alternatives.

   - Looking at the alternatives, if Alternative 2 included the Senior Housing shown in Alternative 3 you would have 125 units with heights conforming to existing zoning and elimination of the venue for outside performance. That would be environmentally superior.

   - Significant adverse effects are known now and were known since the NOP. Simply because SB 743 claims (erroneously) to relieve this EIR from including aesthetics as an adverse effect, in evaluating the environmentally superior Alternative, the FEIR must consider aesthetics, and it will play a major part in the superior alternative.

   - Although the DEIR chose to use VMT to neutralize stated traffic impacts, the reality of the degradation of traffic movement and the threats to the freeway onramps and backed up traffic should be calculated for an environmentally superior alternative.

Response to Comment No. ORG 13B-70

The comment cites CEQA requirements related to evaluation of alternatives and identification of an environmentally superior alternative, and states a preference for Alternative 2, with some modifications to include senior housing. As discussed on pages V-316 and V-317 in Chapter V, *Alternatives*, of the Draft EIR, Alternative 2 would result in the fewest environmental impacts of the eight alternatives (although noise and vibration impacts would remain significant and unavoidable) and, as such, was determined to be the Environmentally Superior Alternative. However, the factors that reduce the feasibility

of Alternative 2 would be primarily economic and are not a subject appropriate to, or provided in, the Draft EIR.

The comment suggests that Alternative 2 would be the environmentally superior alternative if it contained senior housing, while also reducing the total number of dwelling units and building height. The Draft EIR did determine that Alternative 2 would be the environmentally superior alternative (see Draft EIR page V-317) because it would reduce the Project's environmental impacts as identified by CEQA. Also, please refer to Table V-15, *Comparison of Impacts Associated with the Project and the Alternatives*, on pages V-318 through V-327 of the Draft EIR. As provided in CEQA Guidelines Appendix G, the type of residential uses occupying the Project Site would not be pertinent to the determination of environmental impacts identified by CEQA and would not be pertinent to the determination of the environmentally superior alternative. Also, because the Project is located within a TPA, the building height would not be pertinent to the determination of the environmentally superior alternative. However, because Alternative 2 would be the least intensive development (have the least floor area) of the Project Site, it would be the lowest in building height.

The comment claims that SB 743 erroneously relieves the EIR from evaluating aesthetic impacts is not correct or based on fact. Please refer to Section IV.A, *Aesthetics*, of the Draft EIR, pages IV.A-1, IV.A-3 and IV-A-4, and IV.A-24 through IV.A-24, for a complete discussion of the evaluation of aesthetic impacts within a TPA under SB 743 and PRC Section 21009(d)(1). As discussed therein, and in Topical Response No. 4 – Aesthetics, above, impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under PRC Section 21099(d)(1). The discussion in Section IV.A, *Aesthetics*, of the Draft EIR is provided for information purposes only. Because the aesthetic impacts are not significant impacts on the environment, aesthetic issues, such as building height, would not play a part in determining the environmentally superior alternative.

The comment suggests the Draft EIR chose to use VMT to neutralize stated traffic impacts and suggests that further analysis should have been provided of traffic movement and effects on freeway ramps. However, current CEQA and City Transportation Assessment Guidelines are consistent with current CEQA Guidelines Section 15064.3(c), which states that the provisions of Section 15064.3 shall apply Statewide beginning on July 1, 2020, but that a lead agency may elect to be governed by its provisions immediately upon adoption. The City adopted VMT as part of its CEQA Transportation Thresholds as a criterion to determine transportation impacts, pursuant to SB 743 and the recent changes to CEQA Guidelines Section 15064.3. In this regard, the comment suggests that the determination of an environmentally superior alternative should be based on total vehicle trips generated rather than per capita VMT, although this is not required under CEQA. Although not required under CEQA, as described in Topical Response No. 2 – Transportation and Traffic, above, traditional circulation analysis related to intersection level of service analysis was conducted for non-CEQA purposes to comply with LADOT

TAG requirements; however, they no longer serve as the basis for determining significant impacts related to transportation pursuant to CEQA, and are only included in Appendix N-1 of the Draft EIR for informational purposes. Although freeway analyses for the Project were not required for CEQA per the City's TAG, the analyses were presented for informational purposes in Appendix I of the TA. As shown in Appendix I of the TA, the analyses found that various segments of the freeway do operate under congested conditions. However, the analysis determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline, on-ramps, or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and associated intersections. Furthermore. the inclusion of the analysis of intersection and freeway ramp service levels is not required under CEQA to determine the environmentally superior alternative.

Comment No. ORG 13B-71a

Attachment #1

LAND USE –DENSITY DOUBLING UNJUSTIFIED; CASE PROCESSING INCSUFFIECIENT [*sic]*

The Vine Street corridor --especially at this project's location-- has been planned by both City Planning and the Redevelopment Agency over 30 years as an appropriate location for denser new construction.

Both jurisdictions in the last 10 years have granted dozens of unplanned discretionary approvals -- approving projects at 6:1 FAR across Hollywood, and projects at 200% to 500% of what was planned and evaluated to mitigate environmental effect. Thus the distinctiveness of this site's original intended higher density is diminished. The severe adverse environmental impact is evident from those prior approvals already, so at the density planned for this site the Project would already be an adverse environmental effect.

Response to Comment No. ORG 13B-71a

This comment makes a general statement about the Vine Street corridor and the history of development in this area over the last 30 years. As this comment does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 13B-71b

Case Processing: This DEIR applies to the following discretionary actions under consideration for the project:

				Comments and processing flaws
1	Vesting Zone Change	LAMC Section 12.32 F & Q,	from C4-2-SN to C2-2-SN.	Reduces sf of land area per unit by half; Allows uses prohibited in C4 zone- outdoor dining, etc *[sic]*
2	Height District Change *	LAMC Section 12.32 F	Remove existing zoning D Limitation of 3:1 FAR to 7.0:1 FAR.	"D" conditions imposed to reduce cumulative environmental effect Findings required can't be made
3	Floor Area Bonus for "affordable housing" **	LAMC Sec 11.5.11(e) + CGC 65915(k) or an Applicable Housing Incentive Program	SB 1818--35 percent bonus in units for providing 10% affordable units- is that what is being discussed?--proposes 1 incentive, concession, reduction, or modification of zoning code: -	Affordable housing component unclear--3 incentive requests?? 6:1 FAR base to increase to 7:1 FAR AND see #11 below AND Smaller affordable units than required****
4	Master Conditional Use Permit	LAMC Sec 12.24 W.1	for the sale or dispensing of alcoholic beverages for on-site and off-site consumption within 12 establishments.	12 liquor licences *[sic]* Extent of outdoor service must be clarified and illustrated, especially for hotel, and noise evaluated in the noise section and strict limitations put on outdoor amplified sound
5	Conditional Use Permit	LAMC Sec 12.24 W.19	a for a unified development to allow Floor Area Ratio (FAR) averaging and residential density transfer between the East and the West Sites.	Environmental findings? Unified development is causing a traffic light mid-block at Vine Street, which will inevitably reduce Vine Street access to freeway etc *[sic]*
6	Site Plan Review	LAMC Sec 16.05		On-site site plan review is covered where in the DEIR?
7	Vesting Tentative Tract Map No. 82152	LAMC Section 17.15	to allow the merger of 16 existing lots and the subsequent re-subdivision of a 4.613-acre site into three (3) ground lots and 35 airspace lots for a total of 38.	Only issue of interest to Hollywood Heritage is the property lines proposed for Capitol Records and Gogerty, and whether these maintain fire safety code-compliant setbacks.
8	Merger of an alley and public sidewalk into the private property		giving 1,313 sf of public land to developer, and giving 5,163 sf of public sidewalk on Yucca Street and both sides of Vine Street to add to the Project Site- (See page II-15 for alley)	value of the land at the average of $300/sf is a $1,942,800 gift to the developer. Owing to the doubling of allowable FAR requested in this case, this is a $3.88 million "gift" to the developer
9	Haul Route		export of 542,300 cubic yards of soil; and the removal of 16 street trees.	60,255 truckloads/trips low boy 9 CY Will a separate Haul Route hearing be conducted?
10	Development Agreement	CAC Sections 65864 through 65869.5	A binding agreement between the Applicant and the City of Los Angeles (anticipated to extend through 2040)	Must include and comply with all conditions that would have been a CRA OPA—all conditions cited in HRP Sec 506

11	Missing Affordable Housing Incentives **	SB 1818, and others	Project footnotes say that 168,320 sf of balconies on the residential project are omitted from FAR calculations due to an affordable housing incentive	Clarify the bonus incentives in the FEIR and show calculations justifying use of applicable incentive programs. Match promises made to State May 2018.
12	Missing Redevelopment Plan Processing	Ordinance 186,235	All information currently missing	City established processing requirements for Redevelopment Plan Variations, Design Review etc *[sic]*
13	Missing signage program		All information currently missing.	If any signs proposed, that section of EIR must be circulated now.
14	Missing General Plan Amendment	Hollywood Community Plan density limits	All information currently missing	

*Per CPC 86-831:

The Permanent [Q] Qualified Conditions and D Conditions imposed by this action are necessary: to protect the best interests of, and to ensure a development more compatible with, the surrounding property; to secure an appropriate development in harmony with the General Plan; and to prevent or mitigate the potential adverse environmental effects on the recommended change.

**LAMC 11.5.11 (e) Developer Incentives. In addition to the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section shall also be entitled to three incentives or concessions specified in California Government Code Section 65915(k) or the applicable Affordable Housing Incentive Program.

***DEIR re Measure JJJ: "By complying with Measure JJJ and setting aside at least 11 percent of the total residential units for Extremely Low and/or Very Low Income households, the Project would be eligible for an 8.1:1 FAR. The Applicant requests up to a 7:1 FAR. c) Transit Priority Area the City of Los Angeles Department of City Planning, Zoning"

****A development modification to allow a greater number of smaller affordable units with less bedrooms to accommodate Senior Affordable Housing units in lieu of providing the requisite number of Restricted Affordable Units;

Response to Comment No. ORG 13B-71b

This comment provides a table with the Project's requested entitlements and includes questions about the requested entitlements. As this comment does not comment on or present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, with regard to table item #1, the Project Applicant has revised the Zone Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Topical Response No. 5 – Land Use and Planning, above, discusses the Project's updated list of proposed discretionary approvals requested and the Density Bonus Compliance Review. The proposed updated entitlements are also listed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR. Moreover, the comment references the residential density for the Project Site as 400 square feet per unit. However, pursuant to LAMC Section 12.22 A.18, developments combining residential and commercial uses located on any lot in the C4 Zone, provided that such lot is located within an area designated as Regional Center Commercial by the adopted community plan, are permitted the R5 Zone density of 1 unit per 200 square feet of lot area.

With regard to table item #2, the commenter asserts that the Project Site's "D" Limitation was imposed to reduce cumulative environmental effect. See Response to Comment No. ORG 13B-8, which explains that the "D" Limitation is not an environmental mitigation measure. As discussed, therein, the HCP does not identify the "D" limitation as a CEQA mitigation measure, nor does it identify the specific environmental effect that those restrictions purport to mitigate. On the other hand, the LAMC is clear that "D" Limitations are zoning classifications. As such, these "D" Limitations are within the scope of the City's policing powers to remove or make changes to them without making any additional CEQA findings.

The Draft EIR adequately analyzed the potential impacts to the environment resulting from the Project, inclusive of the increase in FAR. The "D" Limitation was described throughout the EIR in Chapter II, *Project Description*, pages II-10, II-11, II-17, II-74, and in Section IV.H, *Land Use and Planning*, pages IV.H-10 and IV-H-23 as part of the existing zoning regulation that applies to the Project Site and was recognized as the existing regulatory condition and land use baseline in that regard. However, pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. In addition, both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing.

With regard to table item #3, the commenter asks for clarification regarding the affordable housing component and the related concessions. The Project Applicant has revised the Zone Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. See Topical Response No. 5 – Land Use and Planning, above, for a discussion of the Project's updated list of proposed discretionary approvals and the Density Bonus Compliance Review. The revised proposed entitlements are also listed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR. Under the Density Bonus Compliance Review, the Applicant is seeking the following incentives and waivers in exchange for

setting aside at least 11 percent of the Project's base density for Very Low Income households: (a) an On-Menu Incentive to permit a 35-percent increase in the maximum allowable floor area ratio (FAR) from 2:1 to 2.7:1 (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032); and from 3:1 to 4.05:1 FAR (for the balance of the Project Site); (b) an Off-Menu Incentive to allow FAR and density averaging for a Housing Development Project located on non-contiguous lots; (c) a Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site; and (d) a Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable.

With regard to table item #4, the commenter is referred to Response to Comment No. IND 8I-19, which addresses the Project's Master Conditional Use Permit for alcohol service entitlement request.

With regard to table item #5, the comment asks why no environmental findings, including a discussion of freeway access, were made for the proposed Conditional Use Permit for a Unified Development. The commenter is referred to Topical Response No. 5 – Land Use and Planning, above, regarding the Project's revised land use entitlements, which include revising the Conditional Use Permit for a Unified Development request to a Density Bonus Compliance Review Off-Menu Incentive request to allow FAR and density averaging for a Housing Development Project located on non-contiguous lots. The comment does not provide any substantive facts or citation as to whether or not such findings are required for inclusion in the Draft EIR. The evaluation of freeway impacts is not required for CEQA per the City's TAG. However, as discussed in Topical Response No. 2 – Transportation and Traffic, above, Appendix I of the TA evaluated these effects and showed that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing. An overview of the supplemental analysis of on-ramp impacts was also provided on pages IV.L-49 and IV.L-50, in Section IV.L, *Transportation*, of the Draft EIR.

The commenter also asserts that the Unified Development entitlement would cause traffic issues resulting from the addition of a traffic light mid-block at Vine Street. However, the comment does not provide any substantive facts to support this claim. As noted above and explained in Topical Response No. 5 – Land Use and Planning, the above, Unified Development entitlement has been revised to a Density Bonus Compliance Review Off-Menu Incentive request to allow FAR and density averaging for a Housing Development Project located on non-contiguous lots. In regard to traffic, see Topical Response No. 2 – Transportation and Traffic, above, for a discussion of the Project's impacts on traffic, including the addition of a traffic light mid-block at Vine Street. As discussed in Topical Response No. 2, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a TA approved by the LADOT and prepared pursuant to the City's TAG adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, even with inclusion of the traffic light mid-block

at Vine Street, the Project would result in less-than-significant transportation/traffic related impacts.

With regard to table item #6, the comment inquires about where the Site Plan Review entitlement is discussed in the Draft EIR. The commenter is referred to Chapter II, *Project Description*, Section II.8, *Anticipated Project Approvals,* of the Draft EIR, which lists the Project's requested entitlements, including a Site Plan Review entitlement pursuant to LAMC Section 16.05.

With regard to table item #7, the comment states that the only issue they have with regard to the Project's requested Vesting Tentative Tract (VTT) Map request is whether the property lines proposed for Capitol Records and Gogerty buildings would maintain fire safety code-compliant setbacks. As this comment does not provide any additional facts and does not comment on or present any evidence with respect to the content or adequacy of the Draft EIR; as such, no further response is warranted. Nonetheless, if the Project is approved, it would be required to be built in compliance with applicable California and local Fire codes. See Section IV.K.1, *Fire Protection,* pages IV.K-12, 15, 17 and 18, of the Draft EIR, regarding LAFD access to the Project Site during construction and operation of the Project.

With regard to table item #8, the comment compares the Project's requested merger of public alleys and street to a monetary gift to the developer. The commenter is referred to Response to Comment No. ORG 13B-30, which provides that public alleys and streets are generally not owned in fee by the City which only holds an easement to such properties with the underlying fee interest belonging to the adjacent property owners. Additionally, the value of removing easement restrictions is not a matter for consideration in an EIR as it does not relate to a physical environmental impact.

With regard to table item #9, the commenter asks whether a separate haul route hearing will be conducted. The haul route request is part of the Project's requested entitlements identified in Chapter II, *Project Description*, Section II.8, *Anticipated Project Approvals,* of the Draft EIR Pursuant to LAMC Section 17.13, any VTT map which requires the import and/or export of more than 1,000 cubic yards of earth, shall be acted on by the Deputy Advisory Agency. As such, a public hearing for the haul route shall be held in conjunction with the required public hearing for the VTT map.

With regard to table item #10, the commenter asserts that Project's requested Development Agreement must include and comply with all conditions that would have been in a CRA OPA. As mentioned on page II-11, Chapter II, *Project Description*, of the Draft EIR, the "D" Limitation restricts the FAR with the provision that these could be exceeded as long as the CRA/LA Board finds that the project is consistent with the redevelopment plan, that the developer entered into OPA with the CRA/LA Board, and the Project is approved by the City Planning Commission, or City Council on appeal. Under the listed proposed entitlements in Chapter II of the Draft EIR, and in the proposed entitlements listed in Topical Response No. 5 – Land Use and Planning, above, the

Applicant would enter into a Development Agreement with the City of Los Angeles pursuant to California Government Code Sections 65864 through 65869.5, which would be equivalent to the prior enforcement powers of an OPA. The State Density Bonus Law mandates that local governments shall grant certain development incentives to projects that provide the requisite percentage of affordable housing. Accordingly, the State Density Bonus Law supersedes any local ordinances, including the "D" Limitations pursuant to Ordinance No. 165,659, and pursuant to a City of Los Angeles Department of City Planning memorandum, dated April 4, 2019, and the Hollywood Redevelopment Plan, including any development limitations contained therein, as permitted under California State Density Bonus Law (State Density Bonus Law), and codified in Government Code Sections 65915 *et seq*.

With regard to table item #11, the comment requests clarification of how the bonus incentives are justified. The commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which addresses the proposed Density Bonus Compliance Review and the revised entitlement requests in detail. As explained therein, the Project would provide 133 senior affordable housing units reserved as affordable for Very Low Income households (or approximately 13.2 percent), in excess of the 11 percent for Very Low Income households required to qualify for both the requested affordable housing incentives and 35 percent density bonus under California Government Code Section 65915 and LAMC Section 12.22 A.25.

With regard to table item #12, which comments on Redevelopment Plan processes missing from the Draft EIR, the commenter is referred to Response to Comment No. ORG 13B-56 and Topical Response No. 5 – Land Use and Planning, above, which addresses the Project's updated list of entitlements.

With regard to table item #13, which comments that the Project is missing a signage program, the commenter is referred to Response to Comment No. ORG 13B-13, which explains that the Project does not propose a signage program. As a primarily residential use, signage would be located mostly at street level. In addition, the Project is located within the HSSUD and must comply with the sign restrictions and limitations of that zone. See also, Section IV.H, *Land Use and Planning,* page IV.H-10, which discussed the location of the Project Site within the boundaries of the adopted HSSUD which promotes the continuing contribution of signage to the distinctive aesthetic of Hollywood Boulevard.

With regard to table item #14, the comment claims that information regarding a General Plan Amendment is missing. The commenter is referred to Response to Comment No. 13B-14, Response to Comment No. 13B-22, and Topical Response No. 5 – Land Use and Planning, above, which explains why a General Plan Amendment entitlement is not required.

Comment No. ORG 13B-72a

Applicable Plans: The Land Use and Planning Chapter of the EIR cherry-picks City's planning documents, describing the following: City of Los Angeles General Plan and cites Conservation Element); General Plan Framework; Hollywood Community Plan says Regional Center can use C2 or C4- to a MAXIMUM of 6:1 FAR.

Current Land Area and Development Allowable by Zoning:

				Allowable	Proposed
EAST	1720-24 Vine	APN 5546-030-034	9,180 sf	27,540	
	1730 Vine (parking lot)	APN5546-030-034	22,893.6	68,679	
	1740-50 Vine-Capitol	APN5546-030-028	43,323 sf	129,969	
	1760-68 Gogerty	APN5546-030-028	8,749.1	26,247	
	1770 Vine Gogerty	APN5546-030-032	3,189.3	6,378.6 ~~9,568~~	
	FR (no address)Gogerty	APN 5546-030-031	1,619	4,857	
	1733-741 Argyle	APN 5549-030-033	26,370	79,110	
		TOTAL	**115,324 sf 2.648 acres**	**339,158 sf**	**608,354 sf**
	Per Page 11-14	Pre Dedication	115,866 sf		(5.27 FAR) Per DEIR
	Per page 11-14	Post Dedication	117,179 sf		
WEST	1745-49 Vine	APN 5546-004-020	9,800 sf		
	1751 Vine	APN 5546-004-020	3,811.4		
	No address	APN 5546-004-020	7,985.9		
	1753 Vine	APN 5546-004-020	5,807.9		
	No address??	APN 5546-004-021	5,810		
	1746-48 N Ivar	APN 5546-004-006	8,766		
	1754 N. Ivar?	APN 5546-004-006	9491.2		
	1760-64 N. Ivar	APN 5546-031-005	11,651.4		
	No address (1766)	APN 5546-004-006	1,778.7		
	6334 Yucca (1770 N. Vine)	APN 5546-004-029	7,256.6		
	Sliver- no address	APN 5546-004-032	848.6		
	6230-24 Yucca	APN 5546-004-026	2,572.5		
		TOTAL	**75,580 sf 1.735 acres**	**226,740 sf**	**609,927 sf**
	Per page II-14	Pre-dedication	78,629 sf		(8.06 FAR) Per DEIR
	Per page II-14	Post dedication	83,792 sf		
BOTH		**TOTAL**	**190,904 sf 4.38 acres**	**565,898 sf**	**1,218,281 sf (6.38 FAR)**
	Per page II-14	Pre-dedication	194,495 sf		???
	Per page II-14	Post dedication	200,971 sf		

Sources: LA City ZIMAS for lot areas; Developer Pre-dedication and post dedication project figures from DEIR

Residential uses (884 residential housing units, comprised of 768 market-rate and 116 senior affordable housing units), for a total of approximately 1,112,287 square feet; • Hotel use (a 220 *[sic]*

Response to Comment No. ORG 13B-72a

This comment states that the Draft EIR's Land Use and Planning Chapter cherry-picks City's planning documents and provides a table with the Project Site's assessor parcel numbers, lot area, and the commenter's own calculation of the allowable floor area. However, the comment does not comment on or present any evidence with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Under the CEQA Guidelines, Appendix G threshold adopted by the City with respect to Land Use inconsistency, it is only where an alleged inconsistency results in a significant environmental impact that a requirement to mitigate the effect would apply. Section IV.H, *Land Use and Planning*, of the Draft EIR, consistent with Appendix G of the CEQA Guidelines, analyzes whether the Project would cause a significant environmental impact due to a conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The Draft EIR concludes that the Project does not conflict with the relevant identified land use plans, policies, or regulations, as analyzed. In the absence of such a conflict and in accordance with and contingent upon required findings that must be made, the Draft EIR appropriately concludes that impacts would be less than significant.

The Draft EIR land use consistency analysis appropriately focuses, pursuant to CEQA, on General Plan, and other plan and rule provisions, related to mitigating or avoiding environmental effects, and not on other policy considerations that the City would address outside the CEQA context in evaluating the Project's entitlement approval requests. Thus, the commenter's assertion of "cherry-picking" certain policies, plans, goals and objectives misrepresents the appropriate scope of analysis in an EIR. Further, as the commenter does not identify any specific applicable plans, policies or goals that have a purpose of avoiding or mitigating an environmental effect with which the Project conflicts, or a conflict that would result in a significant environmental impact that the City failed to analyze, no further response is required.

Comment No. ORG 13B-72b

Proposed Development

	Allowable SF	Proposed SF-	Allowed SF/DU and DU/acre per code	Market rate DU proposed
East Site				
• Commercial	17,485 sf	17,485 sf		
• Capitol	105,071 sf	105,071 sf		
• Gogerty	19,726 sf	19,726 sf		
Comm. Subtotal	142,282 sf	142,282 sf		@ 3:1 =1.08 acres of land area used
• Residential	196,876 sf	529,092 sf or 423 DU	C4=400 sf/lot area = 71 DU **80 DU/acre**	423 DU / .655 ac **669 DU/acre**
Total	339,158 sf	734,374 sf		
Not allowed by zoning		**395,216 sf**		

**If resi.balconies counted		+90,200 sf		
West Site				
• Commercial	12,691 sf	12,691 sf		
• Residential	214,049 sf	534,947 sf		verify429 or 449 DU
Total	226,740 sf	547,638 sf		
Not allowed by zoning		**320,898 sf**		
TOTAL				872 or 884 DU
Allowable vs proposed sf	565,898 sf	1,287,150 sf		
TOTAL not allowed by zoning		**721,252 sf**		
**If resi.balconies counted		+78,120 sf		

*per Assessor

Response to Comment No. ORG 13B-72b

This comment provides a table with the commenter's own calculation of the allowable floor area and residential density. However, this comment does not comment on present any evidence with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Nonetheless, the comment references the residential density for the Project Site as 400 square foot per unit. However, pursuant to LAMC Section 12.22 A.18, developments combining residential and commercial uses located within any lot in the C4 Zone, provided that such lot is located within an area designated as Regional Center Commercial by the adopted community plan, are permitted the R5 Zone density of 1 unit per 200 square feet of lot area.

Comment No. ORG 13B-73

Affordable Housing – Recirculated *[sic]* DEIR to show what law or laws are being used for incentives, and calculations for compliance

Residential	Allowable SF	Low/XXX Housing	Allowable SB 1818 SF- 1.35 or 35% bonus	Proposed project affordable	Proposed Senior "extremely low and/or very low income"
East					
	339,158 sf	??? 10% = 45,786 sf	457,863 sf	*Extremely Low @ 5%=21 units	62,289 sf
		11% = 37,307 sf		*Low @ 6%= 25 units	
		20% = 67,831 sf		*Or total 15% at Lower Income= 63	68 DU
West					
	226,740 sf	??? 10% 30,609 sf	306,099 sf	Extremely Low @ 5%=21 units	61,777 sf
		11% = 24,941 sf		Low @ 6%= 25 units	65 DU
Total		20% = 45,348 sf	763,962 sf	Or total 15% at Lower Income=63	

* **Sec 11.5.11** LAMC If the General Plan amendment, zone change or height district change results in a residential density increase greater than 35%, then the Project shall

provide no less than 5% of the total units at rents affordable to Extremely Low Income households, and either 6% of the total units at rents affordable to Very Low Income households or 15% of the total units at rents affordable to Lower Income households, inclusive of any Replacement Units; or *[sic]*

Response to Comment No. ORG 13B-73

This comment states that the Draft EIR should be recirculated to identify what laws are being used to qualify for the affordable housing incentives. However, as this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted. Nonetheless, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which discusses the Project's updated requested entitlements. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program, which requires local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. As such, the Project is no longer subject to Measure JJJ and its affordable housing development incentives. The modified entitlements have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The Applicant is seeking the following incentives and waivers in exchange for setting aside at least 11 percent of the Project's base permitted density for Very Low Income households: (a) an On-Menu Incentive to permit a 35-percent increase in the maximum allowable floor area ratio (FAR) from 2:1 to 2.7:1 (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032); and from 3:1 to 4.05:1 FAR (for the balance of the Project Site); (b) an Off-Menu Incentive to allow FAR and density averaging for a Housing Development Project located on non-contiguous lots; (c) a Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site; and (d) a Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the floor area, as applicable. The Project's proposed FAR area would remain unchanged.

See also Response to Comment No. IND 8I-13, which addresses what qualifies for recirculation of a Draft EIR under CEQA.

This comment also provides a table with the commenter's own affordable housing calculations. However, as this comment also does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted. Nonetheless, with regard to the Project's requested entitlements, see Topical Response

No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which analyzed the land use entitlements.

Comment No. ORG 13B-74

ATTACHMENT #2 CULTURAL RESOURCES

FAILURE TO AVOID AVOIDABLE IMPACTS AND SHOW PRESERVATION

Recognized Resources: The DEIR comprehensively identifies historic resources in the project's vicinity, utilizing the State's CHRIS data for resources within ¼ mile of the project, and a 2010 version of the CRA's Hollywood Redevelopment Area Survey known as the "Chattel Survey". The DEIR Appendix provides extensive historical background a d *[sic]* descriptions of buildings both in Chapter IV and the Appendix

Within a ¼ mile radius of the DEIR identified an unusually dense number of historic resources, reflecting the extreme sensitivity of the site with regard to "historic Hollywood". Figure IV.C-1 illustrates the cultural resources. Two affected are missing.

- 1750 N. Vine: Capitol Records—HCM #857- and eligible for listing in the National Register
- 6272-6284 Yucca: Gogerty Building –
- Segments of the Hollywood Walk of Fame
- 3 historic districts and 22 (25???) other individual recognized historical resources:
    - Listed on the National Register: Hollywood Boulevard Commercial and Entertainment Historic District, National Register-listed at the highest level of significance; Halifax Apartments (6376 Yucca St); Guaranty Building (6331 Hollywood); Missing from DEIR—Hollywood Tower (Franklin Ave)
    - Eligible for listing in the National Register: Vista del Mar/Carlos District; Fonda/Music Box 6122 Hollywood Blvd; Yucca/Vine Tower (AMDA) 6305 Yucca; Art Deco Storefronts 6316-24 Yucca;
    - Listed as a Cultural Heritage Monument and as a contributor to National Register District: Pantages Theatre HCM #193 6233 Hollywood Blvd; Hollywood Equitable Building 6253 Hollywood HCM #1088; Broadway Building (6300 Hollywood) HCM #664; Taft Building (1680 Vine St) HCM #666; Hollywood Walk of Fame HCM #194;
    - Contributor to National Register Historic District: Avalon 1735 Vine; Hollywood Knickerbocker Hotel (1714 Ivar); Guaranty Building (6331 Hollywood); Regal Shoe (6439 Hollywood); Security Trust and Savings (6381 Hollywood); Julian Medical/Owl Drug (6380 Hollywood); Palmer

Building (6360 Hollywood); Leeds (6350 Hollywood); Regency Building (6324 Hollywood); Vine Theater (6321-6323 Hollywood Blvd);

- Appears Individually Eligible for Listing in California Register: Hollywood North Multifamily Residential Historic District; St. Stevens Episcopal Church etc *[sic]*

Response to Comment No. ORG 13B-74

The comment restates information provided in Section IV.C, *Cultural Resources,* of the Draft EIR, and in Appendix F of the Draft EIR; and indicates that Figure IV.C-1, is missing two resources. However, the comment only identifies one missing resource, the Hollywood Tower, on Franklin Avenue. While this comment is noted, the resource is located northeast of the Project Site across the Hollywood Freeway (US-101) and is separated and obscured from the Project Site by the freeway and other intervening development. Accordingly, the Project would not have an indirect or visual effect on the Hollywood Tower, and its presence does not change the analysis or findings in the Draft EIR.

Comment No. ORG 13B-75

DEIR says project includes "preservation", but provides no evidence: On Page II-3, the Project Description states: "Under the Project, the Capitol Records Complex would be preserved, although portions of its supporting parking area, along with some existing surface parking adjacent to the Capitol Records Complex, would be reconfigured and relocated to a dedicated portion of the Project parking garage proposed on the East Site."

On Page II-11 the Project Description states "Redevelop the Project Site, with a mixed-use development that protects the architectural and historical heritage of the Capitol Records Complex " *[sic]*

The Cultural Resources Section does not describe how the Project protects the architectural and historical heritage of Capitol Records, other than saying it will be in the same location, and may lose some open space. A Project Design Feature should be required which includes a Preservation Plan for the Building; documentation of its current condition; and treatment of deteriorating or inadequate systems, especially seismic safety.

Response to Comment No. ORG 13B-75

The comment cites excerpts from Chapter II, *Project Description*, of the Draft EIR, and asserts that there is no evidence that the Capitol Records Building would be preserved. The comment further states that Section IV.C, *Cultural Resources*, of the Draft EIR does not describe how the Project protects the Capitol Records Building. As previously stated above in Response to Comment No. ORG 13B-33, the Project Description provides substantial evidence that the Capitol Records Building would be preserved; and in Response to Comments No. ORG 13B-37 and ORG 13B-39, that substantial evidence

that a full analysis of impacts to the Capitol Records Building was provided in Section IV.C, *Cultural Resources*, of the Draft EIR, and in Appendix F of the Draft EIR, and that there are no impacts that warrant preparation of a Preservation Plan for the building.

Comment No. ORG 13B-76

DEIR Assesses Impacts: The DEIR Cultural Resources section only assesses impacts which would cause a building to lose its historic status, as opposed to assessing all damaging impacts happening to historic buildings. In this DEIR, CEQA (a State statute) is narrowly interpreted according to City of LA CEQA thresholds to ask whether the Project demolishes historic resources, or alters them not in accordance with the Secretary of the Interior Standards. But the effect is measured no *[sic]* on damage to the building, but is measured "material" impairment of the historic "significance of the resource"—its historic status.

- As this Project is only NEW construction-- 1,300,000 sf of it-- the Project obviously does not add on to, alter, or demolish the surrounding or on-site historic resources.

- The DEIR's lengthy analysis shows that the entirety of 12 story *[sic]* nearby large historic buildings, a very large historic District, and a very long Walk of Fame remain in their original location, and aren't changed. Thus no adverse impact.

- Impacts acknowledged are:

    - Noise/Vibration impacts: Impacts noted in the separate section are included in this Hollywood Heritage letter as a part of the Cultural Resources discussions-- see following the Table below.

    - Impacts to the Walk of Fame are acknowledged in the DEIR

As discussed further below, Hollywood Heritage disagrees with the narrow limitation requiring impacts to not count unless they cause large swaths of Hollywood to lose its historic significance and status. Significant impacts can and do occur that reduce integrity, cause direct damage, or adversely impact landmarks which contribute to the District.

Response to Comment No. ORG 13B-76

The comment asserts that Section IV.C, *Cultural Resources*, of the Draft EIR only assessed impacts that would cause a building to lose its historic status, as opposed to assessing all damaging impacts happening to historic buildings. However, while it is true, as further described below, that the threshold used for determining the significance of impacts on historical resources is focused on whether material impairment to a resource would occur, and whether a resource would no longer qualify for listing, the evaluation provided in the Draft EIR is comprehensive and identifies and assesses numerous adverse impacts before reaching a determination of whether the impacts would be significant.

While the comment characterizes the evaluation in the Draft EIR as too narrow regarding what should constitute an impact on historical resources, the thresholds of significance used by the City are in accordance with CEQA requirements. The analysis of impacts to historical resources under CEQA focuses on whether a project would create a "substantial adverse change in the significance of an historical resource," which, in turn, constitutes a significant impact on the environment. (PRC Section 21084.1; CEQA Guidelines Section 15064.5(b).) CEQA Guidelines Section 15064.5(b) defines a "substantial adverse change" as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." This section further states that, "the significance of an historical resource is materially impaired when a project [d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, the California Register of Historical Resources…or a local register of historical resources."

Further, the comment does not provide substantial evidence of any substantial adverse change to any historical resource as defined by CEQA, or any legally accepted alternative definition of a significant impact on historical resources under CEQA beyond that identified in the Draft EIR. The Draft EIR correctly identifies and fully analyzes, under CEQA, the Project's potential to create a "substantial adverse change in the significance of" each of the historical resources it identifies.

Regarding impacts to the District, see above Response to Comment No. ORG 13B-42.

Comment No. ORG 13B-77

DEIR Impacts Inadequately Acknowledged: The Los Angeles CEQA thresholds are outdated, and CEQA must always be interpreted broadly. The whole point of CEQA is to "see" effects and ameliorate them before they happen.

A more up-to-date understanding of CEQA and historic buildings recognizes that if the building is materially impaired, either its features or its function, or if it's *[sic]* setting is impaired, it does not have to lose its significance and listing in order register a significant adverse effect. The up-to-date thinking recognizes that great progress has been made in Preservation Brief #14 analyzing the effect of building additions and infill in historic districts, but a huge Project such as this— unless it is literally treated as an addition to Capitol Records—must look "behind the curtain":

This is a serious issue, unnecessarily hurried due to the deadline. Projects can be damaging – causing an historic building's loss of access or exits; loss of use or economic viability; falling into eternal shadow; losing its performance of its function (such as recording at Capitol Records); losing skyline prominence because of a newly constructed project--without causing a building or District to lose its entire historic significance.

Response to Comment No. ORG 13B-77

The comment contends that the analysis related to impacts to historical resources was inadequate. However, the comment does not provide substantial evidence of any substantial adverse change to any historical resource as defined by CEQA, or any legally accepted alternative definition of a significant impact on historical resources under CEQA beyond that identified in the Draft EIR. The Draft EIR correctly identifies and fully analyzes, under CEQA, the Project's potential to create a "substantial adverse change in the significance of" each of the historical resources it identifies. See also Response to Comment No. ORG 13B-76, regarding thresholds of significance used to assess historic resources and the scope of the analysis.

The comment also states that projects can be damaging due to a historic building's loss of access or exits; loss of use or economic viability; falling into eternal shadow; losing performance of its function (such as recording at Capitol Records); and, losing skyline prominence. However, no evidence is provided that such damage would occur under the Project. As analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project would not cause the loss of access or exits to the Capitol Records Building or the Gogerty Building, and the Capitol Records Building would remain a prominent feature of the Hollywood skyline. As indicated on pages IV.C-59 and IV.C-60, in Section IV.C of the Draft EIR, setting features important to the Capitol Records Building are limited to the building parcel, as well as the configuration of street and sidewalk fronting the building's west-facing façade, and these important aspects of the historical setting of the Capitol Records Building would remain intact, including the public entrance and primary façade of the building, which would continue to face the sidewalk and street as has been the case since its original construction. Furthermore, no facts or evidence are provided that the economic viability or function of the Capitol Records Building, including its recording studio function, would be compromised. Furthermore, no evidence is provided that buildings would be shaded permanently or how that would materially impair the significance of a resource. See Response to Comment Nos. ORG 13B-65 and ORG 13B-67, regarding shadow effects. See Response to Comment No. ORG 13B-42, regarding Preservation Brief 14.

Comment No. ORG 13B-78

Noise and Vibration Impacts Improperly Identified and Mitigated: The DEIR states that "Building damage is not a factor for most projects, with the occasional exception of blasting and pile-driving during construction or when construction is immediately adjacent to a fragile historic resource." (IV.1-7). As the Project is immediately adjacent and nearby a dense collection of historic resources, and has the Capitol Records Building on its site, noise and vibration must be thoroughly considered. MOI *[sic]* MM #1 does prohibit pile driving, and should prohibit blasting.

Response to Comment No. ORG 13B-78

The comment asserts that the Draft EIR did not thoroughly consider impacts on historical resources due to noise and vibration. However, noise and vibration were fully evaluated in Section IV.C, *Cultural Resources,* of the Draft EIR, with supporting information provided in Appendix F of the Draft EIR, and in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study included in Appendix K of the Draft EIR.

Noise and vibration effects on the Capitol Records Complex were evaluated on pages IV.C-59 through IV.C-61, in Section IV.C, *Cultural Resources*, of the Draft EIR. Although the potential for damage to the Capitol Records Building and the Gogerty Building is considered a significant impact due to construction-related vibration and settlement, indirect impacts on these resources would be temporary and less than significant with implementation of mitigation measures during construction, as provided on pages IV.C-81 through IV.C-83.

Noise and vibration and other indirect effects on historical resources adjacent to the Project Site were also evaluated on pages IV.C-63 through IV.C-80. As indicated in the analysis, the potential for damage during construction, including vibration or settlement effects, to The Hollywood Walk of Fame, the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront is considered a significant impact. As discussed on page IV.C-83, the mitigation provided on pages IV.C-81 through IV.C-83 of the Draft EIR would reduce significant impacts through implementation of Mitigation Measure CUL-MM-2 and Mitigation Measure NOI-MM-4 to a less-than-significant level on the Capitol Records Building, Gogerty Building, and the Hollywood Walk of Fame, and would provide similar protections to the other buildings subject to potential structural damage from vibration and settlement. Mitigation Measure CUL-MM-2 and Mitigation Measure NOI-MM-4, presented in Section IV.I, *Noise*, of the Draft EIR, require the consent of other property owners to accept offered noise mitigation measures. As there is no guarantee that consent to accept offered mitigation measures will be provided, it was conservatively concluded that structural vibration and settlement impacts on certain historical resources adjacent to the Project Site would remain significant and unavoidable.

The comment also references Mitigation Measure NOI-MM-1 and states that it should prohibit blasting. As discussed on page IV.I-74, in Section IV.I, *Noise*, of the Draft EIR, Mitigation Measure NOI-MM-1 requires certain types of noise and vibration construction equipment to be located at least 100 feet away from off-site noise-sensitive land uses or use natural or man-made barriers to screen noise. Further, Mitigation Measure NOI-MM-2 prohibits impact pile driving. Blasting would not be required for construction of the Project since the existing site is largely comprised of surface parking lots and no major demolition is proposed. Additionally, Project Design Feature NOI-PDF-1, discussed on page IV.I-36 states the Project would not require or allow impact pile driving or blasting during construction.

While no change regarding impact pile driving or blasting is required in Mitigation Measure NOI-MM-1, this Mitigation Measure has been clarified to include more details on its implementation, specifically to clarify how the noise impacts would be reduced. Mitigation Measure NOI-MM-2 has also been clarified to include more details regarding how the noise impacts would be reduced. The additional clarifications to Mitigation Measures NOI-MM-1 and NOI-MM-2 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, and are shown in double-underlined text below.

> **NOI-MM-1: Setback Distances and Boundary Noise Curtains.** Noise and vibration construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) 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. Even with natural and/or manmade barriers, in no case shall fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas be within 40 feet from the property line of off-site historic buildings. If manmade barriers are to be used, the contractor shall be required to use temporary construction noise barriers, such as sound deadening blankets or curtains, with a height up to 20 feet above ground that shall achieve a performance standard of a minimum 12-dBA insertion loss along the Project Site's boundary where significantly impacted noise-sensitive land uses are within 500 feet of the Project Site. The temporary construction noise barriers shall be installed on or around the Project Site perimeter and/or along soldier piles that shall be drilled and cast in place during shoring activities. Open access points or gates leading to street frontages, including along Ivar Avenue, Vine Street, and Argyle Avenue, shall be permissible to allow for adequate and safe worker, vehicle, and equipment access to the construction area. The temporary construction noise barriers installed on or around the soldier piles shall remain in-place during ground disturbance activities until exterior vertical building construction commences, when the use of on-site noise-generating heavy-duty construction equipment is prevalent.
>
> **NOI-MM-2: Equipment Noise Shielding, Mufflers, and Stationary Curtains.** The Project contractor shall use power construction equipment with ~~state-of-the-art~~ factory-installed noise shielding and muffling devices. In addition, no impact pile driving shall be utilized; augured, or drilled piles are permitted. Flexible sound control curtains that achieve a performance standard of a minimum 12-dBA insertion loss with appropriate open access points or gates to allow for adequate and safe worker, vehicle, and equipment access shall be placed around all drilling apparatuses, drill rigs, stationary concrete pumps, stationary generators, and jackhammers when in use.

Comment No. ORG 13B-79

Vibration impacts: Construction-related vibration impacts are most severe for nearby historic buildings, due to their archaic construction, which is misunderstood by the EIR preparers.

- The DEIR reports that the Federal Transit Administration (FTA) has adopted vibration criteria that are commonly used to evaluate potential structural damage to buildings from construction activities. Historic structures are considered a Category IV under these criteria, the most susceptible to damage from construction related vibration. "Project construction activities that cause groundborne vibration levels to exceed the potential structural damage threshold of 0.12-in/sec PPV at the nearest off-site buildings of Building Category IV, Buildings extremely susceptible to building damage." (IV.I-33)

- However, in the DEIR analysis Category 1 and 3 are incorrectly used for many historic buildings to evaluate potential damage. When this is being corrected in the FEIR, a structural engineer familiar with archaic materials and historic construction methods must be consulted: for example IF the Capitol Records building is a concrete structure built in the 1950's it is enormously susceptible to damage; the Hollywood and Vine Tower concrete exterior is known to have experienced cracking and spalling and is vulnerable; the Gogerty building is not a concrete structure but a shored concrete façade.

- Table IV.I-17 of the DEIR, "estimates that vibration levels at the buildings adjacent to the north and south of the West Site and East Site construction areas would be up to 3.379 inch/second PPV, which would exceed…the 0.12 inch/second PPV significance threshold (FTA Category IV, Buildings extremely susceptible to building damage) at the Avalon Hollywood and the Pantages Theatre, and at Capitol Records and Gogerty as historic buildings. The estimated vibration levels from construction activities at both the West Site and East Site would exceed the significance threshold, as applicable to adjacent historic buildings, of 0.12 inch/second PPV significance threshold (FTA Category IV, Buildings extremely susceptible to building damage) at the Art Deco Building Storefront on the West Site and the Pantages Theatre and Avalon Hollywood on the East Site." (IV.I-78)

- The conclusion being, "**Nonetheless, on-site vibration impacts, pursuant to the significance criteria for building damage, during construction of the Project…would be potentially significant**." (IV.I-78) This potential for building damage encompasses nearly every major historic resource adjacent to the project site.

- The DEIR states, The FTA has also adopted vibration criteria associated with the potential for human annoyance from groundborne vibration for the following three land- use categories: Category 1 – High Sensitivity, Category 2 – Residential, and Category 3 – Institutional, as shown in Table IV.I-2, Groundborne Vibration Impact

> Criteria for General Assessment…The FTA uses a screening distance of 100 feet for highly vibration-sensitive buildings (e.g., historic buildings, hospitals with vibration sensitive equipment, Category 1) and 50 feet for residential uses (Category 2).[16] (IV.1-8)

Response to Comment No. ORG 13B-79

The commenter asserts that construction-related vibration impacts on nearby historic buildings was not properly analyzed. As discussed above in Response to Comment No. ORG 13B-40, the Draft EIR evaluates vibration impacts pursuant to FTA procedures and FTA-published vibration velocities for construction equipment operations (see also page IV.I-36, in Section IV.I, *Noise*, of the Draft EIR). Specifically, the commenter claims that incorrect building categories were used for many historic buildings to evaluate building damage. As discussed on page IV.I-36 in Section IV.I of the Draft EIR, the FTA building categories were determined based on FTA methodology for vibration-sensitive receptors based on their building type and the damage potential of building materials, not simply the age, construction methods, or historical context of the structure. For example, the Capitol Records Building and Gogerty Building are constructed of reinforced concrete with no plaster. Plaster is a material that is susceptible to vibration damage. Thus, these buildings are considered Category I. Therefore, building categories of vibration-sensitive structures have been properly categorized in the Draft EIR. Further, implementation of a vibration monitoring program would ensure that potential damage to adjacent structures would be avoided, and/or repaired in the event that Project construction results in cosmetic damage. See also Response to Comment No. ORG 13B-40 for a discussion of the vibration monitoring program.

With regard to the concern raised about the potentially significant on-site vibration impacts, as discussed on page IV.I-86 in Section IV.I of the Draft EIR, the conclusion of "significant and unavoidable" impacts was based on the reasoning that Mitigation Measure NOI-MM-4 requires the consent of other property owners. The impact conclusion of "significant and unavoidable" was determined conservatively in the event consent of other property owners is not granted, and not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts. Mitigation Measure NOI-MM-4 was included to reduce potential vibration impacts and prevent potential structural damages in a proactive manner. The purpose of the vibration monitoring program is to minimize structural damage impacts that could result from Project construction by establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. As stated in Response to Comment No. ORG 35-6, the vibration monitoring systems will be preset to send warnings prior to the vibration threshold being reached and lays out the steps to be taken should the warning and/or regulatory vibration thresholds are reached. If the established threshold levels are triggered, the vibration monitoring program would provide

real-time notification to the contractor to implement feasible steps to reduce the vibration level from construction activities to avoid or minimize damage from construction activities to the subject building, requires visual inspection of the subject building for any damage, and requires the results of the inspection to be documented. If damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), as documented by the required inspections pursuant to Mitigation Measure NOI-MM-4, the implementation of appropriate repairs would correct the building damage impact.

Comment No. ORG 13B-80

Noise impacts: Construction-related noise impacts are especially important for historic buildings in the Project vicinity because of use as recording studios, theaters, and other performance venues.

Response to Comment No. ORG 13B-80

The commenter expresses concern with construction-related noise impacts on existing uses of historic buildings where recording studios, theaters, and other performance venues are present.

In response to the concerns raised in the comment about theaters and other performance venues, Mitigation Measures NOI-MM-1 has been enhanced to include additional feasible restrictions to reduce potential construction noise and vibration near the Pantages Theatre with the inclusion of the 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 13B-78 above for the revisions to Mitigation Measure NOI-MM-1).

Furthermore, as discussed on page IV.I-75 of the Draft EIR, Mitigation Measure NOI-MM-3 requires that a construction liaison inform receptors 1, 3, and 5 through 13, as shown in Figure IV.I-3 of the Draft EIR, when peak noise and vibration activities are scheduled. In response to the concerns raised in this comment about theaters and other performance venues, Mitigation Measure NOI-MM-3 has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, and as indicated in double-underlined text below to require coordination with the Pantages Theatre:

> **NOI-MM-3: Construction Liaison.** A construction liaison shall be provided to inform nearby receptors 1, 3, and 5 through 13 when peak noise and vibration activities are scheduled to occur. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to these receptor properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. The construction liaison shall coordinate with the owner/operator of the Pantages Theatre

to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

As such, construction-related noise impacts to historic buildings with recording studios, theaters, and other performance venues have been considered, and feasible mitigation measures have been provided.

Regarding the on-site Capitol Records Complex, as stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease between the Applicant and Capitol Records that can be extended until 2026, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As the Capitol Records Building's underground recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. Further, the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Therefore, the on-site Capitol Records Complex does not need to be analyzed as a sensitive receptor.

Comment No. ORG 13B-81

Effects on Historic Buildings- This tabular analysis is a "first pass" and done by volunteers. It should be completed by knowledgeable engineers, etc *[sic]* as DEIR preparers, added to the EIR and recirculated, and the Project re-designed, or a significant adverse effect acknowledged for all buildings.

Response to Comment No. ORG 13B-81

The comment requests additional analysis of Project impacts on historic buildings and suggests without providing any substantial evidence that significant adverse effects need to be acknowledged for all buildings or the EIR should be recirculated and the Project re-designed. Noise and vibration impacts were fully evaluated by environmental experts in historical resources, noise, and vibration, and the results of the analyses are fully documented in Section IV.C, *Cultural Resources,* of the Draft EIR, with supporting information provided in Appendix F of the Draft EIR, and in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study included in Appendix K of the Draft EIR. See also, Response to Comment No. ORG 13B-80 and Topical Response No. 6 – Historical Resources, above.

Comment No. ORG 13B-82

Shade and shadow. Note that adverse shade and shadow effects on historic buildings have been modeled and calculated to derive this Table, using City standard as shown in our CUL MM7. The Project re-design or the Mitigation Measure may fall under "Aesthetics", but the comments on historic buildings are gathered here because this is Hollywood Heritage's comprehensive "look" at adverse effects.

Response to Comment No. ORG 13B-82

The comment refers to modeling that was prepared by the commenter regarding shade and shadow effects on historic buildings. However, the modeling itself is not provided, nor is a basis or threshold for determining there would be a significant impact on historic buildings. See also above Response to Comment Nos. ORG 13B-65 and ORG 13B-67 regarding analysis of shade and shadow effects.

Comment No. ORG 13B-83

	DEIR conclusion	**Hollywood Heritage comments**
Capital *[sic]* Records	Integrity: Retains integrity in all categories—integrity of location, design, materials, and workmanship including setting. Says" New construction has appropriate set - backs, grade level open space, tower massing and separate to maintain important close-in views from Vine Street north of Hollywood Boulevard, and larger views looking north up Vine Street from Hollywood Boulevard and from the Hollywood Freeway"	**Disagrees: Project alters integrity of location and setting** Analysis solely about views …. Historic compatibility analysis isn't well-developed for modern buildings, but the first-ever tower in Hollywood after World War II—meant to be seen in-the-round
	Setting: "larger setting is not critical to understanding the historic significance of the Capitol Records Building because it is not intrinsic to the building's architectural design" (p. 108-112) "Setting features…are largely contained on the building parcel, as well as the configuration of the street and sidewalk fronting the building's west-facing façade"(p 59- HRG Appendix)	**Disagrees: Setting adversely affected:** New construction dwarfs Capitol Records Building. If it is surrounded by buildings roughly equal to its height—which is the requirement of the Urban Design Plan, it may have limited visibility but it wouldn't be dwarfed. Preservation Brief #14 sees height as the most important determinant for infill buildings and additions. This "project" is an addition of sorts to Capitol Records.
	Noise – Construction. The DEIR, however does not include as a noise receptor, the Capitol Records Complex as it states that it "is located on-site within the Project's East Site and is an Applicant- controlled facility. Therefore, the Capitol Records Complex is not considered an off-site receptor for evaluating impacts to the environment. On site receptors CEQA	**Disagrees: Analysis omitted:** The public's interest is in continuing the operation of the historic building and its exceptional recording uses. Capitol Records Building ownership by the Applicant, and even be control *[sic]* by a lease, does not avoid CEQA scrutiny unless there is a clear commitment. FEIR must provide specific evidence/information. FEIR--**Cumulative noise impacts** from other nearby active construction sites must be evaluated.

	Noise- Operation: : The effect of the Project on the underground reverberation or echo chambers- likely one of the most treasured and important features for the original and current use of the building, is not mentioned in the DEIR	**Significant missing information:** As noted above, FEIR must include analysis of Project effects on this key contributor to the historic use of the building
	Vibration from construction and for human annoyance For the purposes of the noise and vibration analysis in the Draft EIR, the Capitol Records Complex is evaluated for potential structural vibration damage as it is a historical resource."	**Improper category analyzed- significant adverse effect**—must be re-analyzed as : FTA Category IV for construction vibration and FTA Category I (High sensitivity) for human annoyance. If Capitol Records does have exterior concrete piers, then it is a highly susceptible building based on the time period of its structural design.
	Shade and Shadow:	**Significant adverse effect**

Response to Comment No. ORG 13B-83

The commenter provides a table, which presents an interpretation of Draft EIR conclusions with which the Organization does not agree. The first comment in the table regarding Integrity paraphrases and cites information included in the Draft EIR and asserts that the analysis focused only on the integrity of views rather than the integrity of location and setting; and that the historic compatibility analysis is not adequate. However, neither comment provides substantial evidence to support these statements. As previously stated in Response to Comment No. ORG 13B-41, the analysis of historical resources provided in Section IV.C, *Cultural Resources,* of the Draft EIR, includes a comprehensive analysis that addresses potential physical impacts to the building by examining change to its integrity in terms of location, design, materials and workmanship. The analysis further assessed potential for indirect impacts associated with the design of new construction, including building height and form and setting (see pages IV.C-57 through page IV.C-60 in Section IV.C, *Cultural Resources*, of the Draft EIR). The comment also asserts that the Capitol Records Building is meant to be "seen in the round." However, no evidence was provided to support this assertion. Nonetheless, as stated on page IV.C-60, and as supported by the analysis in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project has been designed with generous setbacks and building forms that serve to maintain important views, including new close views of the Capitol Records Building from the proposed paseo, and existing views from Vine Street and from US-101, so that the unique massing, form, and architecture of the Capitol Records Building continues to be a prominent feature of the Hollywood community.

The second comment in the table cites excerpts from the Draft EIR, and Appendix F of the Draft EIR, and states disagreement with the Draft EIR's conclusion that the Setting related to the Capitol Records Building is not affected. Effects on the Setting of the Capitol Records Building, including effects due to the height of new construction, were addressed on pages IV.C-57 through IV.C-60 in Section IV.C, *Cultural Resources*, of the Draft EIR, and on pages 112-116, of the Historical Resources Technical Report, provided in Appendix F, of the Draft EIR. Regarding the statement that the heights of buildings near the Capitol Records Building are required by the Urban Design Plan to be roughly equal

to the Capitol Records Building, as previously indicated above in Response to Comment No. ORG 13B-43, the Urban Design Plan was never approved and is not applicable to the Project. Furthermore, regarding issues of height and the reference to National Park Service's Preservation Brief 14, the brief is entitled "New Exterior Additions to Historic Buildings: Preservation Concerns" and is focused on providing guidance on how to add an addition to a historic resource in a manner that is compatible with that resource. Preservation Brief 14 is not relevant to the Hollywood Center Project as no additions to historic buildings are proposed as part of the Project. As stated on page IV.C-58, in Section IV.C, the Project includes setbacks, grade-level open space, and tower massing that would maintain important public street views to the Capitol Records Building, and new construction would be distanced so that the mass and scale would not obscure the distinctive shape and architectural features of the Capitol Records Building. As such, there is nothing about the Project that should be characterized as an addition to the Capitol Records Building such that Preservation Brief 14 would apply.

The third comment in the table focuses on construction noise and cites excerpts from the Draft EIR, noting that the Capitol Records Complex was not treated as a noise sensitive receptor because it is an Applicant controlled facility, and that nearby construction projects should have been evaluated for cumulative noise impacts in the Final EIR. Other than addressing and mitigating to a less-than-significant level potential impacts associated with structural damage to the Capitol Records Complex due to construction vibration and settlement, the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Therefore, the on-site Capitol Records Complex does not need to be analyzed as a sensitive receptor for noise and vibration effects.

The third comment also asserts the public interest in a continuation of recording uses within the Capitol Records Building, does not circumvent CEQA review unless there is a clear commitment to the continuation of such use. The Project does not involve any proposals for changes to the occupancy and use of the Capitol Records Building, and no changes to the Building's occupancy and use are otherwise foreseeable. Therefore, analysis of a change in use would be speculative and is not required under CEQA. Further, as stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, the Applicant has a lease with Capitol Records that can be extended until 2026. As the Capitol Records Building's underground recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. Regarding the evaluation of cumulative impacts from nearby construction sites, this analysis was provided on page IV.I-49, in Section IV.I, *Noise,* of the Draft EIR, which is part of the Final EIR. As stated therein, to present a conservative

worst-case analysis, five (5) Related Projects were evaluated due to close enough proximity that their individual or combined short-term construction noise levels would have a potentially significant cumulative impact. The analysis concluded that even with implementation of feasible mitigation measures by these respective related projects, cumulative noise impacts during construction would be significant.

The fourth comment points out that operational noise impacts on activities/uses within the Capitol Records Building were not evaluated, and that the Final EIR must include such analysis. As stated above, effects on on-site uses/activities within the Capitol Records Building are not considered an impact under CEQA. Therefore, effects on activities within the Capitol Records Building was not required in the Draft EIR.

The fifth comment regarding vibration asserts that the Capitol Records Building must be re-analyzed as FTA Category IV for construction vibration and FTA Category 1 for human annoyance. As previously noted, he Capitol Records Complex is located within the Project Site (within the East Site) and is Applicant-controlled; therefore, the Project's effect on human annoyance associated with on-site uses (i.e., uses within the Capitol Records Building) is not considered an impact under CEQA and was not analyzed in the Project's EIR. Regarding FTA Category IV for construction vibration and structural damage, as discussed on page IV.I-36 of the Draft EIR, the FTA building category was determined based on FTA methodology on the damage potential of building materials, and not simply the age, construction methods, or historical context of the structure. For example, the Capitol Records Building and Gogerty Building are constructed of reinforced concrete with no plaster. Plaster is a material that is susceptible to vibration damage. Thus, these buildings are considered Category I. Therefore, building categories of vibration-sensitive structures were properly categorized in the Draft EIR. Additionally, regarding the Project's potential effect on the use of the Capitol Records Complex, including the reverberation chambers and recording studios, as stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease between the Applicant and Capitol Records that can be extended until 2026, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As the Capitol Records Building's underground recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. Further, as previously discussed, the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782.

The sixth comment opines that shade and shadow will have a significant adverse effect. However, the comment does not provide any specific details to support this statement. Nonetheless, the commenter is referred to Response to Comment Nos. ORG 13B-65 and 67, which address shade and shadow effects.

Comment No. ORG 13B-84

Gogerty Building	Integrity: Cast-in-place concrete facades. The Gogerty building is substantially altered. However, the consultant report concludes that—owing to its status recognition in surveys-- it should be treated as historic**.**	**Agrees**: Hollywood Heritage agrees that the contribution to the street and Hollywood as a whole as quality specimen of Art Deco massing and design remain important, especially against the backdrop of cumulative loss of this building type**.**
	Vibration from construction": site vibration impacts, pursuant to the significance criteria for building damage, during construction of the Project…would be potentially significant." (IV.I-78)	**See general comments**—this building may be more susceptible to vibration damage owing to the existing shoring of the concrete outer walls

Response to Comment No. ORG 13B-84

The first comment agrees with the Draft EIR's treatment of the Gogerty Building as a historic resource. As this comment does not raise any issues regarding the adequacy of the EIR, no further response is warranted. The second comment states that the Gogerty Building may be susceptible to vibration damage. As indicated on page IV.I-36 of the Draft EIR, the Gogerty Building is constructed of reinforced concrete, which does not contain plaster that is extremely susceptible to building damage; therefore, the Gogerty Building was evaluated based on the significance threshold for FTA Building Category I for potential structural damage with no plaster. This is supported by documentation provided by the Applicant for the Gogerty Building, which states that "circa 2001 renovation resulted in structural strengthening of the unreinforced brick masonry façade using a shotcrete wall. This additional structure was observed to provide additional support to the brick masonry façade, and continuity between the main building structure (steel columns and braced frames) and brick masonry façade. It can be said, that this does result in a reduction of the damage potential to the façade."[49]

Vibration effects on the Gogerty Building were addressed on page IV.C-61, in Section IV.C, *Cultural Resources*, of the Draft EIR. As stated therein, with implementation of mitigation measures during construction, the important character-defining features that convey the significance of the Gogerty Building as a historical resource would be retained, and its integrity would be preserved. Mitigation Measure NOI-MM-4 requires the implementation of a vibration monitoring program, which includes "up-front" investigations of each vibration-sensitive receptor (historic and non-historic buildings) to document the physical condition of those buildings' readily-visible features. Inspections will be carried out by a licensed building inspector or structural engineer along with a qualified preservation consultant. With implementation of the vibration monitoring program, the existing condition of the building would be investigated and the contractor would be alerted when construction vibration approaches the appropriate structural damage

[49] DeSimone Consulting Engineers, Hollywood Center – Gogerty Building Renovation Structural Drawing Review, June 25, 2019.

threshold. Refer to Response to Comment No. ORG 13B-40 for discussion of implementation of the vibration monitoring program.

Comment No. ORG 13B-85

Walk of Fame	Positive change: direct impact eliminate driveway access from Vine Street including the removal of five existing curb cuts. restore continuity to the Hollywood Walk of Fame,	**Agrees**
	Positive change: adjacent landscaping and paseo which would increase public access to the resource and help while also reducing vehicle/pedestrian conflicts.	**Disagrees:** Paseo and "unified development" on 2 sides of Vine Street are an awkward fallout of land parcel assembly; increases vehicle/pedestrian conflict with midblock traffic signal; harms traffic; and draw [sic] pedestrian vitality away from the Boulevard and the Walk of Fame
	Repair and reinstallation standards: While construction causes temporary removal of the stars and terrazzo, the Walk of Fame Guidelines have specifications for the proper repair and treatment for the WOF (p. 114-117)	**See recommendations for MM1 below**

Response to Comment No. ORG 13B-85

The first comment states that the commenter is in agreement with the proposed elimination of driveway access along Vine Street (via the removal of five curb cuts) described in the Draft EIR. As this comment does not raise an issue regarding the adequacy of the EIR, no further response is warranted. The second comment asserts that the Paseo and development on both sides of Vine Street would increase vehicular pedestrian conflicts with a midblock traffic signal, and harm traffic. However, the comment does not provide any facts to support these statements. Further, the Project does not propose a traffic signal proposed on Vine Street. The Project does, however, propose to eliminate curb cuts on Vine Street, which would minimize any vehicular and pedestrian conflicts. And, as stated in Section IV.C, *Cultural Resources*, of the Draft EIR, improve and help restore continuity to the Hollywood Walk of Fame as a continuous element oriented towards pedestrians by reducing vehicle conflicts and interference with pedestrian activity at these junctures. The second comment also asserts that the Project would draw pedestrian activity away from Hollywood Boulevard. However, no explanation or substantial evidence as to how this related to impacts on the environment, is provided by the commenter. As such, no further response is warranted.

Comment No. ORG 13B-86

Pantages	Pantages would remain in its location so no impact. Because of other development, the new construction isn't considered significant.	**Disagrees**
	20 ft alley runs between the theater and the East Site.	Vacation of a part of this alley is a part of the Project. Has Pantages agreed?
	Setting	**xxxxxx**
	Vibration from construction: Mitigation measures proposed for vibration and settlement, but DEIR concludes unavoidable impact. 'vibration impacts, pursuant to the significance criteria for building damage, during construction of the Project…would be potentially significant." (IV.I-78)	**Unavoidable impact wholly unacceptable. MM2 must be improved- ADD MM 3**
	Vibration causing human annoyance: Based on FTA guidelines, construction and operational vibration impacts associated with human annoyance would be significant if the following were to occur (applicable to frequent events; 70 or more vibration events per day): Project construction and operational activities cause groundborne vibration levels to exceed 72 VdB at off-site sensitive uses, including residential and theater uses."(IV.I-33)	**ADD MM 4 to control hours of vibration-induced annoyance.**
	Noise approximately 280 feet southeast of the West Site and adjacent to the south of the East Site construction area.	**Add MM4**: Pantages Theater performance must be protected by noise time prohibitions in the project approvals. LAMC 41.40 prohibits construction between 9:00 P.M- 7:00 A.M (M-F) ; 6:00 P.M.- 8:00 A.M. Saturday; all day Sunday. (IV.I-13) Performances at Pantages Theater are commonly scheduled for 8pm Tuesday through Saturday, with a matinee on Saturday afternoon at 2pm.

Response to Comment No. ORG 13B-86

The commenter expresses concern related to vibration impacts of Project construction. The commenter claims that the Draft EIR stated that since the Pantages Theatre would remain in its location there would be no impact and because of other development the new construction is not significant. However, this claim was not included in the Draft EIR. The Pantages Theatre was evaluated for potential environmental impacts from Project construction and operation in the Draft EIR.

The comment discusses the commenter's assessment of how the Project's changes to the alley will affect the Pantages Theatre's use of the alley by both large trucks during load-in/load-out and small trucks on a day-to-day basis. The three primary issues raised by the Pantages Theatre in its comments are: precluding the ability of large trucks to drive forward through the existing surface parking lot to Vine Street, thus requiring them to back

out onto Argyle Avenue; the proposed vacation of a portion of the alley eliminating the ability for even smaller trucks to turn around within the alley; and insufficient depth for Project trucks to enter and exit the Project loading dock when a large truck is present (please refer to Response to Comment No. ORG 35-21). Responses to each of these three issues are as follows:

- Precluding the ability of large trucks to drive forward through the existing surface parking lot to Vine Street – As described in the comment, large trucks exit the alley via the parking lot to Vine Street through an informal agreement. The Pantages Theatre does not have an easement or covenant providing an irrevocable ability to exit through the parking lot. Since the parking lot is in fact part of the Project Site, development of the Project will necessarily end this informal use. As discussed further in Response to Comment No. ORG 35-55, statements in Comment Nos. ORG 35-54 and ORG 35-55 indicate that these trucks currently back out onto Argyle Avenue when passage through the parking lot is not possible, indicating that this maneuver is in fact feasible and workable for the Pantages Theatre even given the current 20-foot width of the alley. The Project is proposing to widen the alley by four feet from 20 feet to 24 feet. Since the amount of maneuverable area and overall width of the alley will be expanded four feet to the north with the construction of the Project's building four feet north of the property line, the large trucks currently making this maneuver within the 20-foot alley would have an additional four feet within a 24-foot alley, presumably making these maneuvers easier in the future with the widened alley resulting from the Project.

- Eliminating the ability for smaller trucks to turn around within the alley – In response to the comment, the Project will operate and maintain the Project loading dock so that there is available area that provides a turnaround area within the loading dock which smaller trucks serving the Pantages Theatre would be able to use. The Project is proposing to widen the alley by four feet from 20 feet to 24 feet which, in combination with the turnaround within the Project's loading area, would allow Pantages Theatre delivery trucks, trash trucks, utility service trucks, etc., to turn around in the alley, and, therefore, they would not have to back out onto Argyle Avenue. See Response to Comment No. ORG 35-55 for further discussion and an AutoTurn analysis demonstrating this ability.

- Insufficient depth for Project trucks to enter and exit the Project loading dock when a large truck is present – The presence of large trucks in the alley is sporadic and mostly during off-peak periods. The Project will coordinate deliveries to the Project Site based on scheduled Pantages Theatre load-in/load-out activities to avoid the Project trucks from not being able to enter the loading area while a large truck is parked in the alley. See Response to Comment No. ORG 35-55 for further discussion.

The comment includes an issue with the setting but provides no information on the meaning or intent of the issue. Therefore, no response regarding the setting can be provided.

The commenter adds that vibration impacts are unacceptable, current mitigation should be improved, and additional mitigation should be added. The Draft EIR evaluates vibration impacts pursuant to FTA procedures and FTA-published vibration velocities for construction equipment operations (see page IV.I-36 of the Draft EIR). Refer to Response to Comment 13B-40 for discussion of Mitigation Measure NOI-MM-4, which implements a vibration monitoring program. If damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), the implementation of appropriate repairs would correct the building damage impact. The conclusion of "significant and unavoidable" was based on the reason that Mitigation Measure NOI-MM-4 requires the consent of other property owners and not because Mitigation Measure NOI-MM-4 does not have the adequate measures to reduce the potential vibration impacts.

In response to the concerns raised in the comment, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, in response to concerns raised in Comment Letter No. ORG 35-30 that the proposed process in Mitigation Measure NOI-MM-4 for increasing the vibration monitoring warning and threshold levels if no damage has occurred under the established warning and threshold levels could increase the risk of damage to the buildings, parts "f." and "g." have been removed to ensure no potential for increased risk to buildings from increasing the vibration monitoring warning and threshold levels even if no damage has occurred under the current warning and threshold levels; thus, "h." has been renumbered as "f". The additional clarifications to Mitigation Measure NOI-MM-4 are also provided in double-underlined and strikeout text below.

> **NOI-MM-4: <u>Vibration Monitoring.</u>** The Applicant shall perform structural vibration monitoring during Project construction as follows:
>
> a. Prior to start of construction, the Applicant shall retain the services of a licensed building inspector or structural engineer, or other qualified professional as approved by the City, to visit the following buildings, which are located <u>either on-site or immediately</u> adjacent to the Project Site ~~and to the west~~, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. This includes both historic buildings and non-historic buildings in proximity to the Project Site. For the historic buildings listed below, inspection and documentation shall also be carried out by and in coordination with a qualified preservation consultant. The non-historic buildings are as follows:
>
> - AMDA Vine Building
> - Argyle House

- Single-story commercial building at 1718 N. Vine Street (if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2, the provisions of this mitigation measure do not apply to this structure).

The historic buildings are as follows:

- Capitol Records Building (on-site)
- Gogerty Building (on-site)
- Pantages Theatre (off-site)
- Avalon Hollywood (off-site)
- 6316-24 Yucca Street/Art Deco Building Storefront (off-site)

b. The Applicant shall retain the services of a qualified acoustical engineer and/or structural engineer to develop and implement a vibration monitoring program during the site demolition and grading/excavation, capable of documenting the construction-related ground vibration levels at the buildings listed above. The vibration monitoring systems shall be placed at receptor building façades closest to Project construction activity or placed at a representative location if a receptor building façade is not accessible and shall continuously measure (in vertical and horizontal directions) and store the peak particle velocity (PPV) in inch/second. The systems shall also be programmed for two preset velocity levels: a warning level of ~~0.10~~ 0.09 inch/second (PPV) for the off-site historic structures, 0.15 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.25 inch/second (PPV) for the AMDA Vine Building, and 0.45 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House and a regulatory level of 0.12 inch/second (PPV) for the off-site historic structures, 0.2 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.30 inch/second (PPV) for the AMDA Vine Building, and 0.50 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House. In cases where a receptor building façade is not accessible, the two preset velocity levels shall be programmed at equivalent levels based on distance and soil characteristics that affect vibration transmission over that distance. The systems shall also provide real-time alert when the vibration levels exceed the two preset levels. The noise and vibration monitoring program shall include a description of the monitoring equipment specifications, calibration certificates, exact monitoring locations (which shall be coordinated with the property owners for the buildings listed in “a.” above), and protocols for data collection, reporting, alerting, maintenance and calibration, and unplanned outage. Selected monitoring systems shall be capable of unmanned operation during periods of on-site Project construction activity, with internal storage and remote data download. Systems shall be

capable of measuring the inch/second PPV in all three axes (vertical and two horizontal) simultaneously. The monitoring program shall specify the protocols for threshold exceedance, including but not be limited to which personnel are designated to receive alerts, how the alerts shall be sent (text message, email, etc.), and how the vibration event shall be documented and reported. The program shall include regular reporting no less frequently than weekly.

c. The vibration monitoring program shall be submitted, for review and approval to the Department of Building and Safety, prior to initiating any construction activities.

d. In the event the warning level (i.e., ~~0.10~~ 0.09, 0.15, 0.25, and 0.45 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to staggering concurrent vibration-generating construction activities (if doing so would not pose a safety risk to personnel or damage risk to buildings or facilities) and utilizing lower vibratory techniques.

e. In the event the regulatory level (i.e., 0.12, 0.20, 0.30, and 0.50 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and implement feasible steps identified in Item "d" above to reduce the vibration level from construction activities to avoid or minimize damage from construction activities in the vicinity of the building. The contractor shall visually inspect the building for any damage. Results of the inspection must be logged.

~~f. 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.~~

- ~~From Category IV to Category III (0.12 to 0.2 inch/second [PPV], or equivalent level),~~
- ~~From Category III to Category II (0.2 to 0.3 inch/second [PPV], or equivalent level), or~~
- ~~From Category II to Category I (0.3 to 0.5 inch/second [PPV], or equivalent level).~~

~~If the regulatory ground vibration level is increased, the warning level shall also be increased matching the corresponding Category as follows (or equivalent levels):~~

- ~~Category I: 0.45 inch/second [PPV]~~
- ~~Category II: 0.25 inch/second [PPV]~~
- ~~Category III: 0.15 inch/second [PPV]~~

- ~~Category IV: 0.10 inch/second [PPV]~~

~~g. If new regulatory and warning levels are set pursuant to Item "f" above, they can be exceeded and increased again pursuant to the same requirements in Item "f".~~

~~h.~~ f. In the event damage occurs to the historic features of historic buildings ~~(finish materials)~~ due to construction vibration, such features/materials shall be repaired in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards.

The commenter requests that construction activity be prohibited during the hours that performances are occurring at the Pantages Theatre, which are noted as being commonly scheduled for 8:00 p.m., Tuesday through Saturday, with a matinee on Saturday afternoon at 2:00 p.m. In response to the comment, Mitigation Measure NOI-MM-3 has been updated as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR to require the construction liaison to coordinate with the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre. The updates to Mitigation Measure NOI-MM-3 are also provided in double-underlined and strikeout text below.

> **NOI-MM-3: Construction Liaison.** 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 to occur. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to these receptor properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. The construction liaison shall coordinate with the owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

In addition, Mitigation Measure NOI-MM-3 (page IV.I-75 of the Draft EIR) requires that a construction liaison inform receptors 1, 3, and 5 through 13 (the Pantages is designated as receptor 9 on Figure IV.I-3 of the Draft EIR) when peak noise and vibration activities are scheduled.

Comment No. ORG 13B-87

Avalon	Noise: West Site shares a property line with Avalon. The report says the new building will be set back 15 or 17.5 ft (discrepancy on p. 124).	**Add MM4:** See comments re hours of construction operations under "Pantages"
	Setting:	**Xxx**

	Vibration: "vibration impacts, pursuant to the significance criteria for building damage, during construction of the Project…would be potentially significant." (IV.I-78)	**Improper category analyzed—**must be re-analyzed as: FTA Category IV for construction vibration and FTA Category I (High sensitivity) for human annoyance
		"Unavoidable" impact unacceptable. Mitigation measure must be improved
	Potential Underpinning	**Add MM 3**
	Parking	VTT and Redevelopment Plan require identification of parking in lots redeveloped, and how and where the parking is replaced within the Project.

Response to Comment No. ORG 13B-87

Avalon Hollywood is a nightclub with activities that would occur outside of the construction hours specified in LAMC Section 41.40. Therefore, no additional limitations on construction hours for the Project are warranted.

The comment includes an issue with the setting but provides no information on the meaning or intent of the issue. Therefore, no response regarding the setting can be provided.

With regard to the concern raised that on-site vibration impacts would be potentially significant, as discussed on page IV.I-86 in Section IV.I, *Noise*, of the Draft EIR, the conclusion of "significant and unavoidable" impacts was based on the reasoning that Mitigation Measure NOI-MM-4 requires the consent of other property owners. The impact conclusion of "significant and unavoidable" was determined conservatively in the event consent of other property owners is not granted, and not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts. Mitigation Measure NOI-MM-4 was included to reduce potential vibration impacts and prevent potential structural damages in a proactive manner. The purpose of the vibration monitoring program is to minimize structural damage impacts that could result from Project construction by establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. The vibration monitoring systems will be preset to send warnings prior to the vibration threshold being reached and lays out the steps to be taken should the warning and/or regulatory vibration thresholds are reached. If the established threshold levels are triggered, the vibration monitoring program would provide real-time notification to the contractor to implement feasible steps to reduce the vibration level from construction activities to avoid or minimize damage from construction activities to the subject building, requires visual inspection of the subject building for any damage, and requires the results of the inspection to be documented. If damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), the implementation of appropriate repairs would correct the

building damage impact. As vibration impacts are fully discussed and feasible adequate mitigation is provided in the Draft EIR, no additional analysis is required.

The third comment asserts that the Avalon Hollywood Building should be reanalyzed as FTA Category IV for structural damage impacts and FTA Category 1 with regard to human annoyance. With regard to construction vibrations, as shown in Table IV.I-4 (page IV.I-18 of the Draft EIR), the building is designated as Category IV with respect to structural damage. Therefore, the designation is consistent with that recommended by the commenter, and no further response is warranted.

With regard to human annoyance, as stated on page IV.I-8 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment but still have the potential for activity interference. The Avalon Hollywood nightclub use does not fit within the definitions of Category 1, 2 or 3 and is, thus, not considered a vibration sensitive use for human annoyance. Therefore, Avalon Hollywood was properly analyzed in the Draft EIR in accordance with the appropriate FTA categories and re-analysis is not warranted.

The last comment is in regard to parking within the Hollywood Redevelopment Plan Area and asserts that the Draft EIR should discuss parking replacement when certain existing parking spaces within the Project Site are removed. The Redevelopment Plan requires that projects provide adequate parking for its residential and commercial components but does not require that existing parking be replaced. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. With regard to the Project's existing parking spaces and the former Redevelopment Agency's parking replacement requirement, see Response to Comment No. ORG 13B-25 and Response to Comment No. ORG 13B-63.

Nonetheless, with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43. Refer to Response to Comment No.ORG 13B-63 for a discussion of parking for the Capitol Records Complex.

In addition, under SB 743, the amount of parking provided by a project is not a CEQA subject and is not required to be addressed in the Draft EIR. With regard to the applicability of SB 743, see Response to Comment No. ORG 13B-16.

Comment No. ORG 13B-88

6316-6324 Yucca Street	Storefronts Setting: No impact on setting or other aspects of integrity, but mitigation measures proposed.	
	Vibration: "on-site vibration impacts, pursuant to the significance criteria for building damage, during construction of the Project…would be potentially significant." (IV.I-78)	**Improper category analyzed—**must be re-analyzed as: FTA Category IV for construction vibration and FTA Category I (High sensitivity) for human annoyance
		"Unavoidable" impact unacceptable. Mitigation measure must be improved
	Loss of parking	Potential issue to be investigated

Response to Comment No. ORG 13B-88

These comments relate to the Art Deco Building at 6316-6324 Yucca Street. The first comment points out that while the Draft EIR stated that the Project would have no impacts on setting or other aspects of integrity of this building, mitigation measures are proposed. The comment confuses direct and indirect impact analyses on setting or other aspects of integrity. The impact analysis regarding setting or other aspects of integrity are provided in Section IV.C, *Cultural Resources*, of the Draft EIR. Page IV.C-56 of the Draft EIR evaluates direct impacts on the Art Deco Building at 6316-6324 Yucca Street. The Project does not include the demolition, relocation, rehabilitation, alteration, relocation, or conversion of the Art Deco Building at 6316-6324 Yucca Street. Therefore, the Project would have no direct impacts to the Art Deco Building at 6316-6324 Yucca Street. However, indirect impacts to the Art Deco Building at 6316-6324 Yucca Street are also evaluated. As stated on page IV.C-70 of the Draft EIR, due to potential for structural damage that may result from construction vibration and settlement, impacts on the Art Deco Building at 6316-6324 Yucca Street are potentially significant, and mitigation measures are proposed.

The second comment asserts that the Art Deco Building at 6316-6324 Yucca Street should be analyzed as Category IV for structural damage impacts and Category 1 with regard to human annoyance. As shown in Table IV.I-4 (page IV.I-18 of the Draft EIR), the building is designated as FTA Category IV with respect to structural damage and was analyzed using the Category IV threshold. Therefore, the designation is consistent with that recommended by the commenter, and no further response is warranted

With regard to human annoyance, as stated on page IV.I-8 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses, such as schools, churches, other institutions,

and quiet offices, that do not have vibration-sensitive equipment but still have the potential for activity interference. The Art Deco Storefronts are retail/commercial uses and do not fit within the definitions of Category 1, 2 or 3. Therefore, the Art Deco Storefronts were properly analyzed in the Draft EIR in accordance with the appropriate FTA categories, and, as such, re-analysis is not warranted.

Refer also to Response to Comment No. ORG 13B-40 for a discussion of Mitigation Measure NOI-MM-4, which requires the implementation of a vibration monitoring program. The conclusion of "significant and unavoidable" was based on the reason that Mitigation Measure NOI-MM-4 requires the consent of other property owners. Because consent cannot be assured, 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 (6316-6324 Yucca Street), 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.

Comment No. ORG 13B-89

Yu**cca Vine Tower**	Vibration: "on-site vibration impacts, pursuant to the significance criteria for building damage, *[sic]*	**Improper category analyzed—**must be re-analyzed as: FTA Category IV for construction

Response to Comment No. ORG 13B-89

The commenter asserts that the Yucca Vine Tower (also referenced in Section IV.I, *Noise*, of the Draft EIR as the AMDA Tower Building) should be analyzed as Category IV for structural damage impacts. As discussed on page IV.I-15 of the Draft EIR, the AMDA Tower Building is located on the northwest corner of Yucca Street and Vine Street and approximately 125 feet from the West Site and 295 feet from the East Site construction area. As discussed on page IV.I-8 of the Draft EIR, the FTA's published Transit Noise and Vibration Impact Assessment Manual, which provides technical guidance for conducting noise and vibration environmental analyses, uses a screening distance of 100 feet for highly vibration-sensitive buildings and 50 feet for lesser vibration-sensitive buildings including residential uses. The screening levels recognize that vibrations caused by construction equipment diminish in strength with increasing distance from the construction equipment.[50] As the AMDA Tower Building is outside of the screening distances from the Project Site, no quantified analysis was required for vibration impacts.

Comment No. ORG 13B-90

AMDA	during construction of the Project…would be potentially significant." (IV.I-78)	vibration and FTA Category 1 (High sensitivity) for human annoyance
		Unavoidable impact unacceptable. Mitigation measure must be improved

[50] FTA, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 182.

	Noise:: is located on the northwest corner of Yucca Street and Vine Street and approximately 125 feet from the West Site and 295 feet from the East Site construction area.	
	Shade and Shadow:	**Significant adverse effect**
	Loss of parking	**Significant adverse effect (**see Redevelopment)

Response to Comment No. ORG 13B-90

The commenter cites a segment of the Draft EIR, which stated that there would be potentially significant impacts during construction, and asserts that the AMDA Vine Building should be analyzed as Category 1 with regard to human annoyance. The FTA defines Category 1 as buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations (see page IV.I-8 of the Draft EIR). Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. The AMDA Vine Building consists of a music and drama academy and does not fit the Category 1 distinction. The Draft EIR categorized the building as a Category 3 use with a threshold of 75 VdB, which is applicable to institutional land uses with primarily daytime use (see Table IV.I-18 and Table IV.I-19 of the Draft EIR). While AMDA is not a pre-school, elementary, middle, or high school, the AMDA admissions policy indicates they accept applications from juniors and seniors in high school. Given the location of the AMDA Vine Building in proximity to the West Site and East Site, the AMDA Vine Building is included as a sensitive receptor for the purposes of the noise analysis for this Project as FTA Category 3, as it applies to institutional land uses. Therefore, the Draft EIR properly categorized the AMDA Vine Building with respect to human annoyance vibration.

The commenter adds that vibration impacts are unacceptable, current mitigation should be improved, and additional mitigation should be added. The Draft EIR evaluated vibration impacts pursuant to FTA procedures and FTA-published vibration velocities for construction equipment operations (see page IV.I-36 of the Draft EIR). Refer to Response to Comment No. 13B-40 for a discussion of Mitigation Measure NOI-MM-4, which implements a vibration monitoring program. If damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), vibration impacts would be reduced to less than significant. The conclusion of "significant and unavoidable" was based on the reason that "it cannot be assured that all components of Mitigation Measures NOI-MM-4 can be implemented" since "Mitigation measure NOI-MM-4 requires the consent of other property owners, who may not agree" and not because Mitigation Measure NOI-MM-4 does not have the adequate measures to reduce the potential vibration impacts. As discussed above in Response to Comment No. 13B-40, Mitigation Measure NOI-MM-4 does include provisions to minimize structure damage impacts from Project construction.

In response to the concerns raised in the comment, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, as discussed in Response to Comment No. 13B-86, parts "f." and "g." have been removed to ensure no potential for increased risk to buildings from increasing the vibration monitoring warning and threshold levels even if no damage has occurred under the current warning and threshold levels; thus, "h." has been renumbered as "f". See Response to Comment No. ORG 13B-86 above for further discussion of NOI-MM-4.

The third comment refers to the location of the AMDA Tower Building, discussed on page IV.I-15 of the Draft EIR. However, no specific comment is otherwise made regarding this detail. As such, no further response is warranted.

The fourth comment asserts that there would be a significant adverse impact on shade and shadow. However, the comment does not provide any details to support this claim. Nonetheless, see above Response to Comment Nos. ORG 13B-65 and 67, and Response to Comment No. ORG 13B-122 regarding shade and shadow effects.

The fifth comment asserts that there would be a significant adverse effect due to loss of parking. However, the comment does not provide any details to support this claim. Nonetheless, see Response to Comment No. ORG 13B-127 regarding loss of parking.

Comment No. ORG 13B-91

Hollywood Equitable Building	Noise: includes multi-family residential uses to the east of Vine Street approximately 280 feet southeast of the West Site and 100 feet south of the East Site construction area.	**Improper category analyzed—**must be re-analyzed as: FTA Category IV for construction vibration and FTA Category 1 (High sensitivity) for human annoyance

Response to Comment No. ORG 13B-91

The commenter asserts that the Hollywood Equitable Building should be reanalyzed as FTA Category IV for structural damage impacts and FTA Category 1 with regard to human annoyance. As shown in Table IV.I-4 (page IV.I-18 of the Draft EIR), The Lofts (Hollywood Equitable Building) is designated as FTA Category IV with respect to structural damage and was analyzed using the Category IV threshold. Therefore, no change to the analysis for potential structural damage impacts to The Lofts (Hollywood Equitable Building) is required.

With regard to human annoyance, the FTA defines Category 1 as buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations (see page IV.I-8 of the Draft EIR). Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. The Lofts (Hollywood Equitable Building) is a multi-family residential use and does not fit the Category 1 distinction. Therefore, the Draft EIR used

the appropriate FTA categories for The Lofts (Hollywood Equitable Building) and re-analysis is not warranted.

Comment No. ORG 13B-92

Hollywood Knicker-bocker.	Noise: Senior Residential use to the east of Ivar Avenue approximately 90 feet south of the West Site and 300 feet west of the East Site construction area	Operational noise from Amenity Deck to be added to FEIR
	Setting: Pg. 129 has a table of all the other resources in the project vicinity. Re the Hotel Knickerbocker, they state no impact because there are no direct views of the Project Site (p. 132)	Setting discussion limited to "views"

Response to Comment No. ORG 13B-92

The comment expresses concern with regard to discussion of potential impacts to The Hollywood Knickerbocker Hotel (known currently as the Knickerbocker Apartments), and operating as a senior residential building). The first comment suggests that operational noise from the Amenity Deck to be added to the Final EIR. However, the Project's operational noise from the proposed Amenity Deck (Level 2), West Site, which features a pool, garden, and open space for building residents and would also include the use of background/ambient music speakers, is already discussed on page IV.I-49 in Section IV.I, *Noise*, of the Draft EIR. As stated on page IV.I-49 and shown on Table IV.I-12 of the Draft EIR, noise levels from the Amenity Deck would be less than 5 dBA over ambient noise levels at all of the sensitive receptors, including at The Knickerbocker Apartments. Therefore, noise impacts from the Amenity Deck on the Hollywood Knickerbocker Apartments, would be less than significant. Therefore, the Draft EIR has appropriately analyzed the potential noise impact from the Amenity Deck on the Knickerbocker Apartments and no additional analysis is warranted.

The second comment cites information from the Historical Resources Technical Report, provided in Appendix F-1 of the Draft EIR. Specifically, it states the discussion of setting in the table on page 129 is limited to views. The comment is accurate, as the focus of the table, *View Analysis for Identified Historical Resources in the Project Vicinity*, is on views, specifically. However, the commenter is referred to pages 71 and 72 of Appendix F-1, of the Draft EIR, where a more detailed discussion on the setting of Hotel Knickerbocker is further addressed.

Comment No. ORG 13B-93

Broadway Building Condos	Aesthetics/Views: Views to hills etc *[sic]* will be blocked by new construction	Setting discussion omits this building

Response to Comment No. ORG 13B-93

The comment asserts that views to the hills will be blocked by new construction. In addition, the comment states that the setting discussion omits the Broadway building condos. However, no specific details are provided to support these claims. As discussed in Section IV.A, *Aesthetics,* of the Draft EIR. pursuant to PRC Section 20199 et. seq. (which codifies SB 743) and the City of Los Angeles ZI No. 2452, because the Project meets SB 743 criteria as a mixed-use infill project within a transit priority area, its aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character, and light and glare as outlined in the CEQA Guidelines Appendix G, are not considered significant impacts on the environment. Nonetheless, views to the hills were addressed in Section IV.A, however, the view analysis is focused on public views, not views from private residences such as the Broadway Building Condos. Regarding impacts associated with the Broadway Building, see also responses to comments provided to the Broadway Hollywood Homeowners Association, in Comment Letter No. ORG 37.

Comment No. ORG 13B-94

St. Elmo Apartments at 6358 Yucca	Noise: to the west of Ivar Avenue approximately 140 feet west of the West Site and 650 feet west of the East Site construction area.	
	Vibration	**Improper category analyzed—**must be re-analyzed as: FTA Category IV for construction vibration and FTA Category I (High sensitivity) for human annoyance

Response to Comment No. ORG 13B-94

The first comment identifies the location of the St. Elmo Apartments with respect to the Project Site. However, no other information is provided regarding this detail. As such, no response is warranted. The second comment asserts that the St. Elmo Apartments building should be analyzed as Category IV for structural damage impacts and Category 1 with regard to human annoyance. As shown in Table IV.I-4 (page IV.I-18 of the Draft EIR), the building is designated as Category IV with respect to the structural damage impact analysis, consistent with the commenter's request. Therefore, no change to the analysis for potential structural damage impacts to St. Elmo Apartments building is required.

With regard to human annoyance, the FTA defines Category 1 as buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations (see page IV.I-8 of the Draft EIR). Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. The Draft EIR categorized the building as a Category 2 use with a threshold of 72 VdB, which applies to residences and buildings where people normally sleep (see Table IV.I-18 and Table IV.I-19 of the Draft EIR). As a multi-family

residential use, the St. Elmo Apartments building does not fit the Category 1 distinction. Therefore, the Draft EIR used the appropriate FTA categories for the St. Elmo Apartments building and re-analysis is not warranted.

Comment No. ORG 13B-95

Hollywood Tower	Shade and shadow	**Significant adverse effect**

Response to Comment No. ORG 13B-95

The comment asserts that there would be significant adverse shade and shadow effects on the Hollywood Tower. However, the comment does not provide any evidence to support this contention. Therefore, no further response is warranted. See also Response to Comment Nos. ORG 13B-65 and ORG 13B-67, regarding shade and shadow effects on historic resources.

Comment No. ORG 13B-96

National Register Hollywood Blvd Historic District	District as a whole- while acknowledging the dramatic height, argues that new construction "will not interrupt the configuration of buildings, their spatial relationships to each other, and their relationship to the street" and that the project design is "intended to extend and reinforce the existing urban pattern and context established within the District" (120)	**Significant adverse effect** See discussion below

Response to Comment No. ORG 13B-96

The comment cites statements in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR, regarding the Hollywood Boulevard Historic District, and suggests that impacts on the District should be considered significant adverse effects while referencing comments provided below. The comment is noted and responses to related comments are provided below.

Comment No. ORG 13B-97

DEIR improperly assesses impacts on Historic District: Again the Los Angeles CEQA threshold for historic resource adverse effects does not directly address a Project's effects— such as this one-- on a neighboring historic district. Obviously, to put forth the requirement that an ENTIRE District the length of the Hollywood core must LOSE its significance, integrity, and eligibility in order to see adverse effects is unreasonable.

The Historic Assessment then asks whether the Project—which alters the surroundings of the nearby buildings and Historic Districts, and thus the "setting" —affects them.

Secretary of the Interior Standard #9 is generally used to address this, and Preservation Brief #14, although neither directly asks the question about "indirect impacts" on a nearby District. The DEIR analysis is too limiting to get to the bottom of the issue.

Response to Comment No. ORG 13B-97

This comment expresses disagreement with the Los Angeles CEQA thresholds and asserts that the Draft EIR's historical analysis is "too limiting". However, the comment does not provide substantial evidence of any substantial adverse change to any historical resource as defined by CEQA, or any legally accepted alternative definition of a significant impact on historical resources under CEQA beyond that identified in the Draft EIR. The Draft EIR correctly identifies and fully analyzes, under CEQA, the Project's potential to create a "substantial adverse change in the significance of" each of the historical resources it identifies, including the District. In addition, regarding the analysis of indirect impacts on the District and Preservation Brief #14, see above Response to Comment No. ORG 13B-42. Regarding the Thresholds of Significance used in the Draft EIR historical resources evaluation, see Response to Comment No. ORG 13B-76.

Comment No. ORG 13B-98

- Setting: This Project does alter the Setting for a grouping of phenomenally important historic buildings and entire National Register and other Districts in the vicinity. Its overwhelming height violates the single most important item mentioned in Preservation Brief #14 for evaluating effects of infill development in historic districts. In his case, that evaluation can and must be extended to towers which—due to their size—are out of scale.

Response to Comment No. ORG 13B-98

This comment asserts that the Project alters the Setting for a grouping of historic buildings and Districts" in the Project vicinity. As indicated in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project Site is not located in a historic district and does not constitute infill development within a historic district. Regarding effects on Setting and Preservation Brief #14, see Response to Comment Nos. ORG 13B-41 and ORG 13B-42. It should be further noted that Preservation Brief # 14 does not evaluate the effects of infill development in historic districts; instead, it is focused on providing guidance on how to add additions to historic buildings in a compatible manner.

Comment No. ORG 13B-99

- Views not only determinant of effect: The DEIR assesses whether historic buildings "see" the new towers, as if the fundamentals of setting are limited to glimpses. Historical and architectural significance is deeper *[sic]* "I can catch a glimpse" or "it doesn't block views" of the historic building. The analysis should be one of compatibility with District features, just as it should be with compatibility with individual neighboring historic building features.

Response to Comment No. ORG 13B-99

This comment expresses opposition to the Draft EIR's historical impact analysis based on the argument that views are not the only way to measure indirect effects on historic buildings. However, Section IV.C, *Cultural Resources*, of the Draft EIR, considered not only views but, as stated above in Response to Comment Nos. ORG 13B-41 and ORG 13B-42, the analysis was comprehensive and supported the finding that the Project would not affect the integrity of *location, design, materials, or workmanship* for the District or any of its component contributing buildings. These resources would remain intact in their current locations and would not be materially altered by new construction associated with the Project. Therefore, integrity of *feeling* would also remain unaffected because all the existing physical elements that characterize the Hollywood Boulevard Commercial and Entertainment District and contributing buildings would remain and continue to convey their historic significance.

Comment No. ORG 13B-100

- Is Project overall form compatible with District form? The "material" damage being assessed need not be literal damage or even "indirect aesthetic or integrity damage" so great that historical significance is lost. Instead the question should be whether the overall form of the new project is compatible but distinct with the overall shared features and urban patterning of the District. Distinctiveness is NEVER a worry in Hollywood.

Response to Comment No. ORG 13B-100

This comment questions the Project's compatibility with the District form. Regarding the analysis of impacts on the District, see above Response to Comment No. ORG 13B-42. Further, the comment does not provide substantial evidence of any substantial adverse change to any historical resource as defined by CEQA, or any legally accepted alternative definition of a significant impact on historical resources under CEQA beyond that identified in the Draft EIR.

Comment No. ORG 13B-101

- Standard #9 might be paraphrased in the case of a District to read "The new Project shall be differentiated from the old and shall be compatible with the massing, size, scale, architecture, and special relationships of the buildings within the District boundary to protect the overall historic integrity of the District." The DEIR should address the compatibility, but in the interim we have used the National Park Service Integrity Guidelines loosely to check on compatibility.

Response to Comment No. ORG 13B-101

The comment paraphrases that Standard 9, of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards) might be paraphrased to apply to a District, as it relates to the Hollywood Boulevard Commercial and Entertainment

District. However, Standard 9 governs new additions, exterior alterations, or related new construction. The Project does not propose to add any new additions, exterior alterations or related new construction to any historic resources within the District. The Project is located outside the District and, therefore, none of the Standards are applicable with respect to the District, including Standard 9.

Furthermore, as previously stated in Response to Comment No. ORG 13B-42, potential impacts on the Hollywood Boulevard Commercial and Entertainment District were fully evaluated in Section IV.C, *Cultural Resources*, of the Draft EIR, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR, which concluded that impacts on the District were less than significant.

Comment No. ORG 13B-102

	District features	Compatible?
1	**Building form:** Historic resources tend to be orthogonal, and fit on small sized lots owing to the 2nd generation of Hollywood development being commercial 1920's and 30's buildings on house lots. The architecture does not expose the structure. Building frontages have show window openings at the street level, with human-scaled window openings at upper floors	**No;** The proposed building form expresses the horizontality of the structural floor slab. The tower sculptural isolated shapes cut diagonally across properties because that's what the developer bought. rather than honoring property lines and neighbors. Window glass treated as a top-to-bottom "curtain". The senior towers are more respectful of building lines and property lines,

Response to Comment No. ORG 13B-102

The comment states that the Project is not compatible with existing building forms within the District. However, as designed, the Project is not intended to emulate the same form as the buildings constructed in the 1920s and 1930s, but is purposely intended to not directly or indirectly impact the integrity of the older buildings or the District. Regarding the analysis of impacts on the District, see above Response to Comment No. ORG 13B-42. See Response to Comment No. ORG 13B-76 regarding the Thresholds of Significance used in the Draft EIR historical resources evaluation.

Comment No. ORG 13B-103

2	**Plan:** Buildings built up to sidewalk line with articulated facades and entrances oriented to the sidewalk	**No:** Building entrances buried deep back and under podium floors above

Response to Comment No. ORG 13B-103

The comment states that the Project is not compatible with buildings within the District, which are typically built to the sidewalk and articulated with façades and entrances, because the Project features entrances that are buried deeply from the façade. As stated above in Response to Comment No. ORG 13B-102, the Project is not intended to emulate the same form as the buildings constructed in the 1920s and 1930s but is purposely intended to not directly or indirectly impact the integrity of the older buildings or the

District. Regarding the analysis of impacts on the District, see above Response to Comment No. ORG 13B-42.

Comment No. ORG 13B-104

3	**Architectural styles** range from Beaux Arts Classicism, to Art Deco, to Spanish Colonial Revival (see National Register District nomination for details.) These commercial buildings express verticality most often, create bordered and discrete spaces rather than abstract un-shaped space, and share features. Compatibility does not mean that new buildings must be in one of these styles (, *[sic]* although it is possible and done admirably in other Districts.)	**No:** Mid century modern revival that is currently in vogue harking back to late 1950's and 60's Los Angeles residences with horizontal expression and abstraction. A case can be made for referencing the Capitol Records Tower—if that were the case the new towers would artfully surround or otherwise respect the Capitol Records tower, rather than oddly whack-a-mole it.

Response to Comment No. ORG 13B-104

The comment states that the Project is not compatible with existing architectural styles within the District and that the new towers associated with the Project should, but do not, artfully surround and respect the Capitol Records Tower. Regarding the analysis of impacts on the District, see above Response to Comment No. ORG 13B-42. Regarding compatibility of new Project construction with the Capitol Records Building, see Response to Comment No. ORG 13B-41, which summarizes the design aspects of the Project that promote compatibility with the building. Also see pages II-51 and II-52 in Chapter II, *Project Description*, of the Draft EIR, for additional information regarding how the Project has been designed to be compatible with the Capitol Records Complex. Also note, as analyzed on pages IV.C-57 through IV.C-60, in Section IV.C, *Cultural Resources*, of the Draft EIR, that indirect impacts on the Capitol Records Building were determined to be less than significant after implementation of mitigation measures to address potential vibration and settlement effects.

Comment No. ORG 13B-105

4	**Height**; Building heights in the historic district are often described as "varying" to support building a tall bulky new building. Tall buildings historically tended to cluster at the north-south important thoroughfares or near them, in most instances, and the predominant height otherwise was 2 – 3 stories. District building heights topped generally no higher than 150'—the "height limit line" set by City Hall. Capitol Records made its mark in part by being taller, and having the iconic spire.. *[sic]*	**No:** Proposed building heights of two taller luxury towers and two lower "height limit" "senior" towers are not compatible.

Response to Comment No. ORG 13B-105

The comment states that the Project is not compatible with existing building heights within the District. Regarding the analysis of impacts on the District, including consideration of building heights, see above Response to Comment No. ORG 13B-42.

Comment No. ORG 13B-106

5	**Workmanship:** Physical evidence of crafts from District period show the "hand of man", artistry, knowledge of ornament. Ornament concentrated at specific locations: Ornament is visible, principally owing to its use at bases (public entrances), principal facades, and "crowns" (tops) of buildings. Workmanship evident in "unit size" such as windows, brick the size a man can handle.	**No:** Elimination of craft and art—emphasis on assembling factory-made planar parts. Absence of scale and detail at any level- large scale planar finishes. Giant scale in building materials, in blank tall podium walls Senior towers have a "superscale overlay" that destroys any semblance of compatibility with real Hollywood.

Response to Comment No. ORG 13B-106

The comment states that the Project does not demonstrate workmanship that is prevalent from the District period, eliminates any craft and art, and is out of scale and incompatible with Hollywood. As previously indicated, the Project is not intended to emulate the same form as the buildings constructed in the 1920s and 1930s but is purposely intended to not directly or indirectly impact the integrity of the older buildings or the District. Regarding the analysis of impacts on the District, including issues associated with compatibility of the Project with the District and other historic resources, see above Response to Comment No. ORG 13B-42.

Comment No. ORG 13B-107

6	**Feeling:** Expression of the time: The era of the 1920's and 30's buildings expressed optimism and exuberance in verticality—a celebration of building height (with elevators and new structural systems), Capitol Records expressed its modernism also in a verticality with the round geometric shape in an entirely orthogonal landscape, with a spire on top—with sunshades for horizontal texture	**No:** from the scant illustrations, it appears these buildings will not be compatible with either era

Response to Comment No. ORG 13B-107

The comment states that the Project is incompatible with the feeling and expression of the time, namely the 1920s and 1930s. However, as previously indicated, the Project is not intended to emulate the same form or feeling as the buildings constructed in the 1920s and 1930s but is purposely intended to not directly or indirectly impact the integrity of the older buildings or the District. Regarding the analysis of impacts on the District, see Response to Comment No. ORG 13B-42. Regarding concerns associated with compatibility of new construction with the Capitol Records Building, see above Response to Comment No. ORG 13B-104.

Comment No. ORG 13B-108

	Association: Direct link to important event or person. Connection to local historical development of Hollywood as the "heart of screenland" commercial /office/ entertainment District or the emblem of the burgeoning north/south Vine St. TV/radio/broadcast/ Recording Corridor.	**No**

Response to Comment No. ORG 13B-108

The comment states that the Project is not compatible with respect to Association within the District. However, the comment does not provide details to support this claim. As stated on page IV.C-78, in Section IV.C, *Cultural Resources* of the Draft EIR, because all the important physical characteristics of the Hollywood Boulevard Commercial and Entertainment District would remain, they would continue to reflect their important associations with the commercial development of Hollywood prior to World War II; therefore, integrity of *association* would also remain unaffected by the Project.

Comment No. ORG 13B-109

- City of Los Angeles HPOZ Guidelines for commercial District compatibility can also be used. The FEIR can fill in any missing information

Criteria	Description of District, environs	Description of Project	Compa-tible?
Setback: Maintain setback of existing historic structures along the street front-	Front facades up to sidewalk property line	Large setback from sidewalk to towers-podium varies	**No**
Building width: Reflect the traditional widths of historic structures in the area	50'-150'	xxx	**No**
Street wall maintained without side setbacks between buildings	Generally yes	Large side setbacks at towers	**Yes**
Average scale of historic structures to be continued from historic district area	xxx		**No**
Height: Set back façade of any portion of building taller than prevailing height	(3-5 or 13 stories)	No setback at height limit line (13 stories)	**No**
Building form: Basic rectangle	Body and wings-orthogonal	Arc/lozenge shape building	**No**
Roof -	Generally flat-some cornices removed		**Yes**
Materials similar to historic—or at least appear similar –	Lithic unit stone or terracotta with sculpted ornament, bronze and other metal accents	Glass skin and panelized large scale factory-produced panels	**No**

Articulated facades- plane changes and materials changes at horizontal and vertical subdivisions of facades and window groupings; cornice treatments	Beaux Arts and Deco buildings with expressions of pilasters and windows as "punched" openings	Curtain wall type "skin"	**No**
Colors of permanent finish materials should be similar to those used historically	Matte earth colors such as terra cotta, limestone, and ochre for lithic materials	High gloss glass	**No**
Echo traditional storefronts for a majority of the primary architectural facades	Traditional storefronts in size, scale, materials, and detailing	No information	**No**
Transparent elements (windows) at ground floor of primary architectural façades to match percentage of historic neighbors. Internal signage that blocks the transparency of windows is inappropriate	Often storefront with recessed doorways and bulkheads at show windows	No information	**No**
Recessed entryways for primary entrances at ground level	Hotel and large buildings lobbies at sidewalk face	Deeply recessed building entrances under rows of columns	**No**
Entryways marked by important defining elements such as transoms, awnings, ..marquees		No information	**No**
Upper story windows regularly spaced and horizontally or vertically massed	Traditional Chicago window in Beaux Arts; vertical casements in Deco	No windows. Glass treated as walls	**No**
Corner lots with corner entryway; entrance for upper floors at streetfront	Was this what Gogerty had?	None proposed	**No**
Awnings and marquees to protect Pedestrians		None proposed	**No**

Response to Comment No. ORG 13B-109

The comment presents Historic Preservation Overlay Zone (HPOZ) Guidelines for Commercial District compatibility, suggesting that they can also be used for the Project, and that the Final EIR present any missing information in the table. However, the Project Site is not located within the boundaries of an HPOZ and, therefore, these Guidelines do not apply to the Project. Further, the comment does not provide substantial evidence of any substantial adverse change to any historical resource as defined by CEQA, or any legally accepted alternative definition of a significant impact on historical resources under CEQA beyond that identified in the Draft EIR. However, regarding the analysis of impacts on the District, see above Response to Comment No. ORG 13B-42.

Comment No. ORG 13B-110

DEIR missing critical information- must provide in recirculated EIR: DEIR provides very little detail on the perceptible experience at the sidewalk level, which is critical to evaluating the reinforcement of pedestrian activity required by the Redevelopment Plan (see Attachment #3) and various City Planning requirements. The pedestrian level

experience is critical: shade and shadow, adjoining active ground level visible uses, “eyes on the street”, attractive and well-scaled storefront design, window openings in the podium upper levels at the street-front etc.

Response to Comment No. ORG 13B-110

The comment asserts that the Draft EIR does not provide enough information on experience at the sidewalk/street front level, which in turn precludes the ability to evaluate the Project for compliance with the Redevelopment Plan and other Planning requirements. However, the comment does not provide any substantial evidence to support this claim. Furthermore, the evaluation of the Project’s street façade is not a CEQA issue as it relates to visual character. Under CEQA, no threshold related to visual character is provided for projects located within an urban area. Furthermore, the Hollywood Redevelopment Plan design guidelines were never adopted and would not be applicable to the Project in any context.

In addition, the City’s design guidelines, such as the Citywide Mixed-Use Design Guidelines, are advisory and do not meet the CEQA criteria for regulations that govern scenic quality. PRC Section 21099(d)(2)(A) does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies. However, compliance with such policies is a City policing power that occurs outside the CEQA process, and such policies are not evaluated in the Draft EIR. Therefore, the Draft EIR does not compare the aesthetic features and character of the Project to such plans and policies. The Draft EIR, for informational purposes, did evaluate those regulations that govern scenic character in the Hollywood Community Plan area and in the LAMC, none of which related to the visual quality of the Project’s street front. Regarding the Project’s effects on the pedestrian experience and activity at the ground level, see Chapter II, *Project Description,* of the Draft EIR, and the discussion on page II-13, which states in part that the Project would protect the architectural and historical heritage of the Capitol Records Complex and activate Hollywood Boulevard, Vine Street, and surrounding streets through connected, publicly available landscaped open space, including a paseo with shopping, seating, open air dining, and art installations, and plazas accommodating performances and community focused events. Also see the discussion on page II-17 which states in part that the West Site would provide up to 8,932 square feet of publicly accessible, ground floor open space, including several distinctive outdoor areas comprised of the West Site Plaza with outdoor seating areas and a paseo (promenade or walkway) where visitors can view the Capitol Records Building. The discussion on page II-26 notes that the West Building would contain approximately 3,810 square feet of retail or restaurant space on the ground floor along Vine Street, and approximately 2,940 square feet of retail or restaurant space on the mezzanine level which would be at the ground level along Ivar Avenue. Further, the West Senior Building would contain approximately 5,941 square feet of retail or restaurant space on the mezzanine level fronting on Yucca Street. Regarding the East Site, as stated on page II-29, the East Site would provide up to 24,990 square feet of publicly accessible, ground floor open space,

including several distinctive outdoor areas within the East Site Plaza where visitors can view the Capitol Records Building or participate in a variety of proposed programs, such as public performances, art installations and special events. Furthermore, approximately 5,912 square feet of retail or restaurant space would be provided on the East Site on the ground level along Vine Street, with 1,668 square feet of retail or restaurant space on the ground level fronting on the paseo. Further, see the discussion of public open space on page II-58 and II-59 which indicates the Project's open space amenities at ground level would be designed to maintain a visual connection with the street fronts and public paseo while helping to activate the plazas by drawing in pedestrian activity. The wide, landscaped paseo is proposed for pedestrian use and would extend east–west through the Project Site, connecting Ivar Avenue to Vine Street and Vine Street to Argyle Avenue. The paseo would function as a public open space amenity at the terminus of the Hollywood Walk of Fame. Along the paseo, residential lobbies and commercial spaces would add pedestrian interest and support outdoor uses. Furthermore, as stated on page IV.C-64, in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project would eliminate five existing curb cuts along Vine street, which would improve and help restore continuity to the Hollywood Walk of Fame as a continuous element oriented towards pedestrians, by reducing vehicle conflicts and interference with pedestrian activity at these junctures.

Regarding the comment that the Draft EIR provides very little detail on evaluation of pedestrian activity with reference to what is required in the Redevelopment Plan, see Section IV.H, *Land Use and Planning,* of the Draft EIR, and the discussion of consistency of the Project with the Redevelopment Plan, including that provided in Table LU-4, Consistency of the Project with Applicable Sections of the Hollywood Redevelopment Plan, in Appendix J, Land Use Plan and Policy Consistency Tables, of the Draft EIR. Consistency with other planning requirements related to pedestrian issues, including SCAG's 2016-2040 RTP/SCS, City's General Plan Framework Element, and Hollywood Community Plan is also addressed in Section IV.H and in Appendix J. Based on the above, an extensive analysis of pedestrian issues was provided in the Draft EIR. Therefore, recirculation of the Draft EIR is not required.

Comment No. ORG 13B-111

- The DEIR states that the Project "activates Hollywood Boulevard, Vine Street, and surrounding streets through connected, publicly available landscaped open space, including a paseo with shopping, seating, open air dining, etc". This statement is in error. A paseo and wide-open plaza do the opposite of activating Hollywood's streets- they provides shortcuts to avoid Hollywood Boulevard and Yucca; create a wind tunnel; and pull active uses away from the front building line.

Response to Comment No. ORG 13B-111

The comment asserts that the Project would not activate Hollywood's streets via the proposed paseo, plaza and outdoor uses, as they would provide shortcuts from Hollywood Boulevard, a wind tunnel and pull active uses away from the front building line. However, the comment does not provide any substantial evidence to support this claim.

As stated in the Draft EIR, and as indicated above in Response to Comment No. ORG 13B-110, there is substantial evidence provided in the Draft EIR that the Project would activate surrounding streets.

Comment No. ORG 13B-112

- West Site frontages appear to contain good portions of commercial uses as shown on Fig II-9. However, the building sections seem to show that on Ivar this commercial level is raised above sidewalk level with blank walls at the Residential Building and Senior Amenity Decks and a garage adjoining the sidewalk. Plans are not clear enough to determine fully *[sic]*

Response to Comment No. ORG 13B-112

The comment states that the building sections do not show the commercial uses otherwise shown in Figure II-9 of the Draft EIR. The purpose of the section drawings in the Draft EIR is to show relative building height and mass and measured elevations. As such, ground-level detail, as depicted in Figure II-9, *Level I Mezzanine Plan – West Site*, is minimal. Because Ivar Avenue is higher in elevation than Vine Street, retail or restaurant uses on the mezzanine level would be located at-grade along Ivar Avenue (only mezzanine level relative to Vine Street). See Chapter II, *Project Description*, page II-26, of the Draft EIR, for a more detailed discussion of this relationship. In addition, see above Response to Comment No. ORG 13B-110 regarding proposed ground level uses on the West Site.

Comment No. ORG 13B-113

- East Site frontages appear to offer sidewalk-level commercial uses and lobbies, while the Argyle side seems to include a Trash Room and Back of House.

- See the discussion of the Redevelopment Urban Design Plan in Attachment #3 for additional information.

Response to Comment No. ORG 13B-113

The comment notes that the East Site frontages provide more active uses than the Argyle side, and references discussion of the Redevelopment Urban Design Plan. The Project Site's Argyle Avenue frontage would be occupied by the East Senior Building and the paseo entrance area. The drop-off driveway for the East Senior Building would be provided through the first level of the Senior Building, with the lobby and main entrance located at this level. The East Senior Building's back-of-house (BOH) and trash area would be located at the first level of the building at the southeast corner of the East Senior Building, in which the broader portion of the wall would be facing the public alley. The East Senior Building's exterior finish would be glass and detailed to conform with the detailing of the lobby area and would not be presented as a blank wall or other visual detriment. The paseo entrance, which would comprise a large portion of the street frontage, would include the bike shop, as shown as Detail #5 (along Argyle Avenue) in

Figure II-15, *Level 1 Mezzanine Plan (Argyle Avenue) East Site,* of the Draft EIR. Adjacent to the bike parking just off the sidewalk would be the outdoor fireplace with seating, as shown as detail #9 in Figure II-15. Adjacent to the fireplace is the outdoor lounge, as shown as detail #7 in Figure II-15. All of these features, as well as the paseo landscaping, adjacent commercial uses within the plaza, and broad view of the Capitol Records Building would be within a direct line-of-sight from the Argyle Avenue sidewalk. Ground level uses on the East Site are further described in Response to Comment No. ORG 13B-110, above. Regarding the Urban Design Plan, see above Response to Comment No. ORG 13B-43.

The 1,874-square-foot ground floor lobby would front Argyle Avenue and contain two elevators accessible from the subterranean garage, a mail room, and BOH service area. As shown in **Figure II-18**, *Senior Affordable Housing Amenities, East Site*, Level 2 would contain a multi-purpose room and a senior support services office occupying 2,000 square feet. The multi-purpose room would be used for group activities, including, but not limited to, fitness, games, and entertainment, and the senior support services office could be used by social workers to provide a wide array of assistance to the senior residents. The rooftop would contain a 4,800-square-foot open-air terrace that would be used for a variety of activities, gatherings, and other programs.

The East Senior Building would contain approximately 9,905 square feet of retail or restaurant space on the ground level fronting on the paseo.

Comment No. ORG 13B-114

DEIR must analyze aesthetic impacts on historic resources: Contrary to the DEIR aesthetics section, SB 743 does not exempt transit-close projects from having to assess aesthetic impacts if the impacts affect historic resources.

The DEIR states that the project design attempts to add compatible but distinct buildings to the Capitol Records building, as guided by Standard #9. While the analysis says the following, Hollywood Heritage has prepared a 3D model of the buildings with and disagrees.

Response to Comment No. ORG 13B-114

The first comment asserts that aesthetic or visual effects on historic resources are not exempt per SB 743. Impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA under PRC Section 21099(d)(1) shall not be considered significant impacts on the environment, As stated on page IV.A-1, in Section IV.A, *Aesthetics*, of the Draft EIR, pursuant to PRC Section 21099, impacts associated with historic or cultural resources were not considered were evaluated pursuant to CEQA in Section IV.C, *Cultural Resources*, of the Draft EIR. While visual effects related to historic resources are evaluated throughout much of the impact analysis in Section IV.C, a focused discussion of Project effects on views is provided beginning on page IV.C-72 in Table IV.C-5,

Summary of View Analysis for Identified Historical Resources in Project Vicinity. Regarding indirect visual effects on the Capitol Records Building due to new construction, see Response to Comment No. ORG 13B-39.

The second comment introduces a table outlining aspects of the analysis pertaining to the Project's compatibility with the Capitol Records building, as guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards) Standard 9, with which Hollywood Heritage disagrees. Standard 9 governs new additions, exterior alterations, or related new construction, and requires that the new work be differentiated from the old, and that it shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. Responses to the comments raised in the table are provided in the responses below.

Comment No. ORG 13B-115

	Project	**Hollywood Heritage agrees?**
1	**Building design:** Includes architecturally distinct buildings that pay homage to and are compatible with the Capitol Records Complex.	**No**
2	**View corridors:** View corridors through project site. The prominence of the Capitol Records Building and important views to the building are also promoted through building separations, visual buffers and open space between proposed new buildings and the Capitol Records Complex.	**No**
3	**Workmanship** The East and West Buildings would be designed with strong horizontal features marking individual stories and, as such, would emulate the Capitol Records Building's defined individual stories. These features would contribute to a dimensional character along the surfaces of the Project's East and West Buildings consistent with the surface treatment of the Capitol Records Building.	**Maybe:** The large projecting balconies – which appear on plans but not really in renderings, may have a somewhat similar effect- renderings are from too far away to tell.

Response to Comment No. ORG 13B-115

The comment provides a table which cites information from the Draft EIR regarding the Project. The first comment disagrees that the Project's building design includes architecturally distinct buildings that are compatible with the Capitol Records Building, and the second comment disagrees that the Project would maintain view corridors through the Project Site. However, the comments do not provide any evidence or specific details to support the commenter's opinion. As presented on pages IV.C-57 through page IV.C-60 in Section IV.C, *Cultural Resources*, of the Draft EIR, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR, potential for indirect impacts associated with building design and views were fully addressed. As stated

therein, the Project architecture has been designed to respond to the architectural character of the Capitol Records Building and would maximize focal views toward and through the Project Site, such as views of the Capitol Records Building and the Gogerty Building from sidewalks along Vine Street, Argyle Avenue, and Yucca Street, and from the intersection of Hollywood Boulevard and Vine Street. In addition, the curving façades of the East and West Buildings facing the Capitol Records Building recall the cylindrical form of the Capitol Records Building would be articulated with serrated balconies, a design feature inspired by the signature sunshades of the Capitol Records Building. In summary, the analysis indicates that indirect impacts on the Capitol Records Building associated with the design of new construction and maintaining visual access are considered less than significant.

The third comment states that Hollywood Heritage may agree that the East and West Buildings are designed with features that are consistent with the surface treatment of the Capitol Records Building based on evidence shown in Project plans but that the renderings are from vantage points too far away to verify such design details. While the renderings may not show such details, the analysis of historic resources provided in Section IV.C, *Cultural Resources*, of the Draft EIR, and in Appendix F, of the Draft EIR are based first and foremost on evaluation of detailed architectural plans. The visual simulations referenced in Section IV.C of the Draft EIR were used to assess visuals access; however, they are primarily intended to address the analysis of effects on scenic views provided in Section IV.A, *Aesthetics*, of the Draft EIR. As stated in the Draft EIR, and as indicated in Response to Comment No. ORG 13B-41 above, indirect impacts on the Capitol Records Building associated with views and the design of the Project are less than significant.

Comment No. ORG 13B-116

Proposed Mitigation Measures:

- Q Condition for Preservation of On-Site Buildings and ADD CUL MM6: Preservation Plan: A Preservation Plan shall be prepared for the Capitol Records Building prior to the start of construction, including the remaining facades of the Gogerty Building. A Q Condition as discussed under Land Use shall document a transfer of development rights off those land parcels if the land area of those parcels is used toward new project development entitlements. Q Condition will state “Capitol Records Building and its attendant square footage to be retained in perpetuity, including reconstruction in whole or part in the event of catastrophic loss, with zero development rights accruing to the parcel for any new development replacing or substituting for the existing building. The City of Los Angeles prohibits demolition of the Capitol Records building and the Gogerty Building historic facades.” The FEIR must note that If the demolition or significant alteration of the HCM # is applied for at any time frame after this EIR process, it would be a case of CEQA piecemealing.

Response to Comment No. ORG 13B-116

The comment expresses the commenter's opinion that a "Q" Condition should be added to the Project relating to the preservation of on-site buildings. As previously stated in Response to Comment No. ORG 13B-33 and Response to Comment No. ORG 13B-37, no alterations are proposed to the Capitol Records Building or the Gogerty Building, as part of the Project work scope. In addition, as no significant impacts were identified with respect to the Capitol Records Complex, additional mitigation measures would not be warranted. Moreover, a Q Condition is a restriction on property to ensure that the property subject to the requested zone change is compatible with the surrounding community and, therefore, is only added when there is a request for a zone change. As explained in the Topical Response No. 5 – Land Use and Planning, above, the Applicant is no longer requesting a zone change. Accordingly, adding a Q Condition is neither justified due to the fact that there would be no significant impacts to the Capitol Records Building nor authorized by the LAMC since no zone change is being requested. Regarding the comment that the Final EIR must state that if demolition or significant alteration of the Capitol Records Complex (a HCM) is applied for after the EIR process that it would be a case of CEQA piece-mealing, no such demolition or alterations are foreseeable, and CEQA does not require evaluation of such speculative circumstances.

Comment No. ORG 13B-117

- CUL MM1- Hollywood Walk of Fame: DEIR acknowledges the project has a direct adverse physical impact on the Hollywood Walk of Fame. The DEIR proposes to correctly ameliorate potential damage during removal and re-installation of sections of the paving with an "upgrading" process involving an architectural historian and a restoration contractor.

    - *While positive, the use of the stated WOF standards should emphasize minimizing removals, and ADD "reinstallations and new paving should also employ a professional knowledgable [sic] about the paving materials—a materials specialist or conservator-- building on experience to date with successful and unsuccessful repairs to the WOF."*

Response to Comment No. ORG 13B-117

The comment suggests providing more detail regarding the qualifications for whom should be allowed to reinstall paving materials for the Hollywood Walk of Fame. However, the comment provides no evidence that this mitigation measure is inadequate to mitigate the significant impacts of the Project. Furthermore, as currently written, Mitigation Measure CUL-MM-1, on page IV.C-80 and page IV.C-81, in Section IV.C, *Cultural Resources*, of the Draft EIR, provides detailed requirements to ensure that effects on the Hollywood Walk of Fame are addressed appropriately and with direct involvement of Hollywood Chamber of Commerce/Hollywood Historic Trust, the Office of Historic Resources, and the Department of Public Works Bureau of Engineering; and requires that work on the Hollywood Walk of Fame be carried out based on a list of contractors

approved for such work, and that only those sections of sidewalk that cannot be reasonably protected in place would be cut and carefully removed. Therefore, no revisions to CUL-MM-1 are warranted.

Comment No. ORG 13B-118

- ALTER CUL MM2- Excavation and shoring: The DEIR outlines a customary process for digging out the subterranean garages and holding back the soil or buildings at adjoining properties and for monitoring the settling, cracking, or other effects on adjacent buildings.

    - *Hollywood Heritage finds MM2 insufficient. The process to investigate adjoining building foundations and determine the need for underpinning, or for the Projects [sic] foundation design to bear the surcharge from adjoining footings is not discussed. By the time the project is under construction it is too late. If it is taken care of in the soils/geotech portion of the EIR, it should be referenced in the Cultural Resources section of the EIR.*

    - *The DEIR failure to mitigate is unacceptable. "Mitigation Measure 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 Project's or the Project with the East Site Hotel Option's cumulative structural vibration and settlement impacts on the Pantages Theatre would remain significant and unavoidable." If the Pantages or other owners do not agree to a specific shoring proposal, or mitigation proposal, then the Project proponent obviously must provide a better one. The Project must pay for all costs for monitoring settling, movement, cracking etc [sic] ad [sic] adjoining buildings.*

    - *While positive, this Mitigation Measure doesn't building design proactively address the specific dangers to adjoining or nearby historic buildings, and make proactive special investigations required to protect them, so CUL MM3 must be added.*

    - *The Office of Historic Resources should also be notified of any cracking or settlement movement in excess of standards.*

    - *Damage remediation required: In the event damage occurs to the historic buildings due to construction vibration, such materials shall be repaired by the Project in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards. (IV.I-84-86)*

    - *Language deleted: Language about being "unable to achieve cooperation of other property owners" deleted.*

Response to Comment No. ORG 13B-118

The comment outlines a customary process for digging out the subterranean garages and holding back the soil or buildings at adjoining properties and for monitoring of the settling, cracking, or other effects on adjacent buildings, and states that by the time the Project is under construction, it would be too late to determine this need. However, construction impacts are progressive and would be determined through on-going monitoring during the construction process. Such monitoring would be provided to any building owner who accepted, for instance, Mitigation Measures CUL-MM-2 and NOI-MM-4. In addition, the comment further asserts that Mitigation Measure CUL-MM-2 is insufficient as it does not discuss investigation of adjacent building foundations as they relate to construction of the Project.

Mitigation Measure CUL-MM-2 is provided on page IV.C-81 and IV.C-82 in Section IV.C, *Cultural Resources*, of the Draft EIR. The mitigation measure requires that excavation and shoring plans be prepared by a California Registered Civil Engineer experienced in the design and construction of shoring systems and hired under the excavation subcontractor and that the shoring systems shall be selected and designed in accordance with all current code requirements, industry best practices, and the recommendations of the Project Geotechnical Engineer. The measure also requires that plans and specifications be prepared in light of protecting adjacent historic resources, and that the final excavation and shoring plans include all appropriate details, material specifications, testing and special inspection requirements and that they be reviewed by the Project Geotechnical Engineer for conformance with the design intent and submitted to LADBS for review and approval during the Grading Permit application submission. In addition, the measure requires that the general contractor hire a California Registered Professional Engineer or California Professional Land Surveyor to prepare an Adjacent Structures Construction Monitoring Plan, subject to review and approval by LADBS, prior to initiation of any excavation, grading, or shoring activities to ensure the protection of adjacent historic resources from damage due to settlement during construction and excavation. The Adjacent Structures Construction Monitoring Plan is specified to include among other requirements that a California Professional Land Surveyor establish survey monuments and document and record through any necessary means, including video, photography, survey, etc. the initial positions of adjacent structures, sidewalks, buildings, utilities, facades, cracks, etc. to form a baseline for determining settlement or deformation. Additionally, the measure requires that foundation systems 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. Based on the requirements provided in Mitigation Measure CUL-MM-2, there are adequate provisions to ensure construction is carried out in a manner that will reduce potential impacts due to vibration and settlement to a less-than-significant level, assuming that consent of adjacent property owners is provided.

The comment further asserts that Mitigation Measures CUL-MM-2 and NOI-MM-4 are unacceptable and that if the consent of adjacent property owners to implement cannot be obtained, there should be another plan in place; and that that the Project must pay for all costs for monitoring of the settling, movement, cracking, etc., as may relate to adjoining buildings. Regarding the comment that another plan shall be in place in the event that consent is not given by adjacent property owners, Mitigation Measures CUL-MM-2 and NOI-MM-4 include extensive procedures that would still be implemented or implemented to some extent without consent, such as shoring system design, and vibration monitoring systems with alarms to notify of high vibration levels that require action. For example, as stated in Mitigation Measure NOI-MM-4, "… monitoring systems shall be placed at receptor building façades closest to Project construction activity or placed at a representative location if a receptor building façade is not accessible …" While these measures include all feasible steps to protect adjacent historic properties from construction related damage, owners cannot be forced to provide consent and it cannot be assured. Regarding the comment that the Project must pay all costs for monitoring and damage, the measure obligates the Applicant to repair damage caused by the Project if it occurs pursuant to the provisions of the measure and legal requirements. Also, Mitigation Measure CUL-MM-2 has been revised to clarify its intent, as shown in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The language changes within the mitigation measure are as follows:

- 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, or other damage 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~~ historic features 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.

The comment also asserts that, as the referenced mitigation does not proactively address the specific dangers to adjoining or nearby historic buildings, and make proactive special investigations required to protect them, a new mitigation measure must be added. As previously stated, the referenced mitigation measures provided in the Draft EIR have been developed with consideration for nearby historic buildings, and require that construction activities addressed in the measures be carried out in accordance with all current code requirements, industry best practices, and the recommendations of the Project Geotechnical Engineer, subject to review by the City. The measures include adequate provisions to ensure construction is carried out in a manner that will reduce potential impacts due to vibration and settlement to a less-than-significant level assuming that consent of adjacent property owners is provided. Accordingly, no additional mitigation measures are required, however, refinements to noise and vibration mitigation measures

have been made based on comments on the Draft EIR, see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

The comment asserts that the City Office of Historic Resources be notified of any cracking or settlement movement in excess of standards is noted. As required by CEQA, a Mitigation Monitoring Program would be implemented by the City and specifies the City departments responsible for monitoring of mitigation measures. As identified in Chapter 4, *Mitigation Monitoring Program*, in this Final EIR, the Office of Historic Resources is responsible for monitoring any mitigation related to historical resources.

The comment also references language included in Mitigation Measure NOI-MM-4, presented in Section IV.I, *Noise*, of the Draft EIR regarding potential damage to historic buildings due to construction vibration, and that such materials shall be in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards. However, as the comment does not state an issue with this language, no further response is warranted.

Finally, the comment recommends that language in Mitigation Measure CUL-MM-2 in the Draft EIR regarding requiring the consent of property owners be deleted. As previously stated, the Applicant cannot control the actions of adjacent property owners and ensure at this point in the CEQA process, their cooperation to allow implementation of the mitigation measures. Accordingly, deletion of the associated text in the EIR would not be enforceable.

Comment No. ORG 13B-119

- ADD CUL MM3 Foundation Design and Construction Process: DEIR acknowledges the potential for adverse impact on the Capitol Records building and other nearby historic structures. "Project-level and cumulative structural vibration impacts during construction to off-site historic architectural resources."

    - *An adverse effect is avoidable, and unacceptable. MM3 must be added. Again, the project proponents must undertake proactive investigations sufficient to avoid damage to historic buildings, including understanding the thresholds for damage to adjoining buildings and avoiding it. See discussion of NOI MM -4.*

    - *Specifics must be identified by a soils engineer and structural engineers knowledgeable about archaic materials, local soils, shoring and underpinning design, archaic foundation and building design who in tandem can set the needed "predetermined" standards for allowable movement. And direct the building's foundation design into a non-destructive direction.*

    - *Prior to start of new building foundation design, the Applicant shall retain the services of the qualified professionals needed to investigate the on-site (Capitol and Gogerty) and any off-site buildings potentially affected, by*

shoring, needing underprinning, or subjected to construction vibration, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. The Project shall pay for the services of all professionals required.

Response to Comment No. ORG 13B-119

The comment proposes the addition of a new mitigation measure to the EIR to address vibration effects on historical resources. As discussed above in Response to Comment Nos. ORG 13B-78, ORG 13B-79, ORG 13B-84, and ORG 13B-86, the analysis of noise and vibration effects on historic resources provided in the Draft EIR was complete, and no new mitigation measures are required. Regarding the suggested measure and provisions to take proactive investigations to avoid damage to historic buildings, Mitigation Measures CUL-MM-2 and NOI-MM-4 include such proactive investigations. Regarding the need for a measure to ensure that impacts can be avoided, as previously stated, the consent of adjacent property owners cannot be assured; therefore, such a measure would not be enforceable. Regarding the suggested measure provisions to enlist experts to set appropriate standards, Mitigation Measure CUL-MM-2 includes provisions for use of appropriate experts to ensure that appropriate standards are established, such as allowable deflection limits subject to review and approval by the City. Regarding the suggested measure provisions for enlisting professionals to inspect and document the physical conditions of historic buildings subject to potential damage, Mitigation Measures CUL-MM-2 and NOI-MM-4 include such specific provisions, and, as previously stated, the Project would be obligated to fund and implement the mitigation measures within legal limits. However, refinements to noise and vibration mitigation measures have been made in response to comments on the Draft EIR as indicated in the referenced responses and as shown in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. ORG 13B-120

- ADD CUL MM4: Noise and vibration: While this may be added in the NOI MM: Restrict noise-making construction (it is an effect on Cultural Resources). Noise and vibration-makign *[sic]* operations to stop at 6pm Monday – none on Saturday, with any extended times requiring "sign-off" from Pantages

Response to Comment No. ORG 13B-120

The comment suggests a new mitigation measure to address construction noise and asserts that such noise is an effect on Cultural Resources. However, the comment does not provide any additional details to support this claim. Nonetheless, construction noise was fully evaluated in Section IV.I, *Noise,* of the Draft EIR, and mitigation measures were provided to address significant impacts on noise sensitive receptors.

Comment No. ORG 13B-121

- ADD CUL MM5: Sidewalk level building design and project conforming urban design: The DEIR fails to provide requisite information on this in the Project Description and the Land Use section for Urban Design (as required in Sec 506 of the Redevelopment Plan). The DEIR should be recirculated. As an alternative, a finding of significant adverse effect can be made, and this Mitigation Measure require *[sic]* full drawings and illustrations of street level urban and building design to be reviewed by Hollywood Heritage prior to inclusion in the FEIR.

Response to Comment No. ORG 13B-121

The comment suggests a mitigation measure be added to address sidewalk level building design because such information is not provided in the Draft EIR. This information is provided in the Draft EIR, as stated in Response to Comment No. ORG 13B-110. Furthermore, no evidence is provided that the Project would have a significant physical impact related to sidewalk level building design. Therefore, no mitigation is required, and there is no basis for recirculation of the Draft EIR.

Comment No. ORG 13B-122

- Add CUL MM7- Shade and Shadow: Project shall not cause shade for more than 3 hours between the hours of 9:00 am and 3:00 pm PST between late October and early April, and for more than 4 hours between the hours of 9:00 am and 5 pm PDT between early April and Late October.

Response to Comment No. ORG 13B-122

The comment suggests a mitigation measure be added to address shade and shadow effects. The referenced standards provided in the comment were previously used by the City in the 2006 L.A. CEQA Thresholds Guide to assess impacts on shade sensitive uses where sunlight was considered important to recreational activities, physical comfort, or commerce (such as outdoor dining). However, the CEQA Guidelines do not establish threshold standards applicable to shading. As the CEQA Guidelines Appendix G has been adopted by the City as the thresholds standard in the preparation of a Draft EIR, the 2006 Thresholds Guide is only used to inform analysis of the CEQA Guideline Appendix G thresholds. As the CEQA guidelines do not provide thresholds for shading, the 2006 Thresholds Guide on this topic is no longer applicable.

Comment No. ORG 13B-123

ATTACHMENT #3

REDEVELOPMENT PLAN REQUIREMENTS Omitted FROM DEIR, FAILED TO MEET

Regional Center Commercial Density and Findings

- Maximum of 6:1 FAR: Sec 506.2.3 of the Redevelopment Plan establishes a maximum density in the area of 6:1 FAR. Period. The Project cannot request an exceedence *[sic]* without a Redevelopment Plan Amendment

- Increase in density to FAR only allowed from 4.5:1

- Specific requirements of Project requesting 6:1 FAR: Specific findings are required for the City of Los Angeles to approve a 6:1 maximum FAR. As the DEIR shows no evidence that the required findings can be made, it is clear that the Project conflicts with the approved plans.

		Complies
	Shall reinforce the historical development patterns of the area	**No**
	Shall stimulate appropriate residential housing	**Maybe**
	Shall provide transitions compatible with adjacent lower density neighborhoods	**No**
	Must be area with direct access to high capacity transportation and effectively use transportation demand management programs	**Yes ***
	New development compliments existing buildings in areas having architecturally or historically significant structures.. OR	**No**
	Provide focal points for entertainment, tourist or pedestrian	
	Provide housing to provide a balance in community	
	Provide substantial well designed open space	
	Provide social service facilities	
	May NOT exceed 6:1 FAR in density	**No**
	Development complies with provisions and goals of the Hollywood Boulevard District	**No**
	Project serves a public purpose objective such as open space, cultural facilities, public parking, or rehabilitation of an architecturally or historically significant building	**No**
	Adverse effects on traffic mitigated or overridden by social, economic or physical considerations	**No**
	Statement of findings are made.	**No**

- Public Benefits: Development Density- excerpt from CRA website

- Many sites in Hollywood have "D" or "Q" Conditions which limit density, but permit the density to be increased upon the adoption of certain findings by CRA/LA's Board of Commissioners, and approval of an agreement between the Agency and the developer. The Agency expects a substantial portion of the value increment derived from the additional density to be reflected in additional community benefits.

- Excerpt here: Findings required for 6:1

Response to Comment No. ORG 13B-123

This comment provides a list of Hollywood Redevelopment Plan items the commenter believes are not discussed in the Draft EIR. However, the comment does not provide any substantive facts or support for this claim or comment on the content or adequacy of the Draft EIR; as such, no further response is warranted.

Nonetheless, with regard to the assertion that the Project can only exceed a 6:1 FAR with a "Redevelopment Plan Amendment" and the "Increase in density to FAR only allowed from 4.5:1," the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which addresses the Project's updated requested entitlements, including the affordable housing FAR increase incentives and waivers necessary to develop the Project, and in particular the affordable housing. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program, which requires local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. As such, pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation and Redevelopment Plan. The modified entitlements have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

With regard to density and zoning, see Response to Comment No. ORG 13B-73 above, Topical Response No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which analyzed the land use entitlements. As discussed in Topical Response No. 5, the Project's land use and planning impacts were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

With regard to the commenter's referenced public benefits, the commenter is referred to Response to Comment No. ORG 13B-12.

Comment No. ORG 13B-124

Urban Design Plan: The Redevelopment Plan mandated the "Hollywood Boulevard District" and its standards and guidelines to be put forth in an Urban Design Plan. Sec 506.2.1 of the Redevelopment Plan requires that: "An urban design plan including design guidelines and criteria and a parking and circulation program to achieve these objectives shall be developed by the Agency within two (2) years following the adoption of the First Amendment to this Plan."

The Plan was prepared in 1993, reviewed by the CRA Board, implemented over the years, and has been the subject of litigation by Hollywood Heritage as implementation in later years faltered and Hollywood became the target of discretionary high density developer requests. CRA attempted twice to update the Plan, but caved to political pressure the most recent time (November 2019), but both the City and CRA agreed to honor the 1993 Urban Design Plan in a Settlement Agreement. Therefore, Hollywood Heritage evaluates projects according to the 1993 version.

Purpose of the Plan: Damaging effects such were a part of the Regional Center" category, and always were expected to be parsed – just as they are parsed with the "Regional Center Commercial" category under City Planning, into more specific localized areas to address as potential over-density, necessity of pedestrian-oriented design, need for building height controls etc.

Sec 506.2.1 of the Redevelopment Plan clearly states the Plan objectives: The objectives of the District are to:

1. Encourage preservation, restoration and appropriate reuse of historically or architecturally significant structures;

2. Assure that new development is sympathetic to and complements the existing scale of development;

3. Provide pedestrian oriented retail uses along the street level;

4. Encourage entertainment, theater and tourist related uses;

5. Provide adequate parking for new and existing uses; and

6. Reinforce and enhance the existing pedestrian environment.

The Redevelopment Plan requires that "All new development in the District shall meet the design guidelines to ensure that the objectives of the District are achieved." "These guidelines may be adopted as one or more Design(s) for Development." As a Design for Development was not adopted, but all projects must meet design guidelines, this Project must comply with the Urban Design Plan. Developments must be evaluated on a case-by-case basis using the 1993 plan. Sec 506.2 of the Redevelopment Plan states the

Design for Development may include a reduction of density by up to 33% in certain areas to insure that the objectives of the District are met

In the absence of required information, CEQA allows us to conclude significant adverse effect— on the setting of the Hollywood Boulevard Urban Design District and of the many surrounding historic buildings and the Walk of Fame. The Mitigation Measure for this is shown under our Attachment #2.

Response to Comment No. ORG 13B-124

This comment provides a general history of the Hollywood Redevelopment Plan and the Draft 1993 Urban Design Plan and asserts the absence of this discussion from the Draft EIR allows the commenter to conclude that there are significant adverse impacts. However, the commenter does not provide any substantive facts or support for these concerns or claims. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted. Nonetheless, see Response to Comment No. ORG 13B-15 and ORG 13B-43 regarding the Urban Design Plan, no such plan was ever adopted, is in effect, or applies to the Project.

With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

With regard to the Project's consistency with the Redevelopment Plan, see Topical Response No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning*, of the Draft EIR. As discussed in Topical Response No. 5, the Project's land use and planning impacts were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

With regard to the Project's FAR, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which addresses the Project's updated requested entitlements. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The State Density Bonus Law and the City's Density Bonus Ordinance, codified in LAMC Section 12.22 A.25, which implements the State Density Bonus Law, is a State-mandated program, which requires local governments to provide certain development incentives to projects that provide the requisite percentage of affordable housing. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. Accordingly, pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation and requirements of the Redevelopment Plan. The modified entitlements have

also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Regarding the assertion in the absence of information that CEQA might allow Hollywood Heritage to conclude there would be significant adverse impacts on the setting of the Hollywood Boulevard Urban Design District and on surrounding historic buildings and the Hollywood Walk of Fame, potential impacts on surrounding historic buildings and district and on the Hollywood Walk of Fame were addressed in Section IV.C, *Cultural Resources*, of the Draft EIR. As analyzed and concluded therein, indirect impacts on the setting of surrounding historic buildings and districts would be less than significant. As addressed on pages IVC-77 through IVC-79, changes to the *setting* of nearby historic buildings and district due to the Project would not materially impair the resources, such that they would no longer be able to convey their historic significance. Important setting features, such as the configuration of streets and sidewalks fronting buildings, the pattern of tightly spaced buildings defining a linear commercial corridor, and the public circulation space delineated by a uniform building street wall, would not be affected by the Project. In addition, regarding impacts on the Hollywood Walk of Fame, such impacts would be reduced to a less-than-significant level through implementation of Mitigation Measure CUL-MM-1, provided in Section IV.C, of the Draft EIR. Accordingly, no information has been inappropriately omitted from the Draft EIR, such that impacts to historic resources were not fully and adequately assessed and disclosed. See also Topical Response No. 6 – Historica Resources, above.

Comment No. ORG 13B-125

Feature	**1993 Design Guidelines**	**Proposed Design**	**Com-plies?**
Built Form overview (Sec. 7.1)	Solid masonry and masonry-like walls w/ individual windows set into the walls; Major and minor vertical bays articulated by horizontal divisions; Strongly expressed bases, or architecturally detailed lower floors which relate to the scale of the building to the pedestrian at the sidewalk level	No masonry or individual set windows; some horizontal divisions; no lower floors shown- critical to understanding compliance; blank podium walls with toilet rooms, pantries, etc backing on to street	**No**
Modulation (7.4.A.1)	Express modulation or variation in the design of architectural elements at least once every 100 feet parallel to the boulevard and once every 150 feet parallel to other streets	Building is treated as a very large singular shape on a tall podium. Treatment of the lower floors critical to understanding compliance-	**No**
Verticals and Horizontal ls (7.4.A.2)	New structures shall utilize a combination of major and minor vertical and horizontal elements on facades which face public streets or easements	Vertical and horizontal elements All information at street level and podium missing	**No**

Facade Depth (7.4.A.3)	Facade depth shall be "created through the use of individual windows set into the wall surface, shadow lines, articulation of building edges, breaks in surface plane, reveals, ornaments, or similar devices"	Curtain wall with horizontal emphasis proposed All information at street level and podium missing	**No**
Height (7.1; 7.3.A.5)	150-foot height standard plus 70-foot addition; new construction should "relate height standards to the traditional skyline"	423 foot tall and 545 (?) ' tall	**No**
Streetwall Integrity and Setbacks (7.4.A.5)	Maintain the integrity of Hollywood's streetwalls as new infill development occurs and to prohibit the construction "mini-mall" type projects which set back from the sidewalk; within Boulevard East and West the front building plane(s) shall be at least 45 feet high and within 3 feet of and parallel to the public sidewalk for at least 75% of its length	All information at street level and podium missing	**No**
Storefront (7.4.A.5)	Minimum of 12 ft in height; between heights of 3 and 12 feet storefront areas shall be a minimum of 60% clear glass; overall proportion of a storefronts should be approximately square and should have a maximum ratio of 1.5 feet of height for each foot of length; recessed entries	All information at street level and podium missing	**No**
Materials(7.5.A)	Stone, terra cotta glazed to resemble stone, brick, cementitious materials; the majority should be of opaque construction with individual windows; maximum surface areas of vision and spandrel glass shall be 60% of a building's surface area	Glass, metal, stone panel at storefront base	**No**
Color (7.5.A)	Light color palette - earth tones, creamy pastels, highlighted by brighter and darker accent colors	Not earth tones- lithic. White-	**No**
Glazing (7.5.B)	Use of clear glass is strongly encouraged but glazed areas should be differentiated in color from building's surface materials (7.5.B)	Clear glass? LEED Gold will as promised be very difficult to achieve	**Yes**
Open Space- Highland and Vine (5.1; 5.3.C.)	Establish Highland and Vine as tree lined vehicular/pedestrian gateways to Hollywood; visually link the Boulevard District with the Hollywood Bowl and residential communities to the north and south	All information at street level and podium missing Landscape plan not found	**No**

Commercial Open Space Policies, Standards and Guidelines (5.6.B)	"At grade, private commercial open space should be clearly related to and visible from the public sidewalks and be complementary to the prevailing streetwall setback. The activities of private open spaces in the interior of projects or of block should be subordinate and complementary to the activities of the adjacent public sidewalks and streets. For example, internally-oriented, enclosed, and mechanically ventilated shopping malls are strongly discouraged"	Interior-facing paseo that draws commercial and pedestal activity off of the public streets Design for streetfront level missing	**No**

Response to Comment No. ORG 13B-125

This comment provides a table with design guidelines from the Draft 1993 Urban Design Plan with notes expressing the commenter's opinion of how the Project design is consistent with the design guidelines. However, the commenter does not provide any substantive facts or support for these concerns or opinions. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted. Nonetheless, see Response to Comment ORG 13B-15 and ORG 13B-43 regarding the Draft 1993 Urban Design Plan.

With regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

The commenter is also referred to Topical Response No. 5 – Land Use and Planning, above, and Section IV.H, *Land Use and Planning,* of the Draft EIR, which analyzes the Project's consistency with the applicable land use plans, including the Redevelopment Plan. As discussed in Topical Response No. 5, the Project's land use and planning impacts were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 13B-126

Traffic and Transportation: The Transportation Section of the DEIR significantly misrepresents the responsibilities of the former Redevelopment Agency for monitoring traffic relative to development; for making transportation improvements prior to start of projects; and for monitoring development ameliorating traffic effects.

The Redevelopment Plan includes a requirement for the Agency to restrain development in order to keep the Regional Center from reaching an overall density of 4.5 FAR, and to enforce this created a requirement as follows (Sec 506.2.3). This requirement is now a requirement of the City of Los Angeles City Planning if the transfer of land use responsibilities is considered to have legally taken place.

Thus this Project cannot proceed until the following has taken place:

- City of Los Angeles shall monitor all new development in excess of 50,000 sf within the Regional Center Commercial designation, reporting to the Planning Commission and DOT on the average FAR, PM peak hour trip generation, off street parking supply, and compliance with Transportation Demand Management Plans in the Regional Center Commercial area.

- When the average FAR for the designation (not including streets etc *[sic]* and public facilities) reaches the ratio of 2:0:1, within 90 days will issue a report analyzing the cumulative impact of Core area development, including PM peak hour trips generated

- The City will establish a program identifying specific actions and mechanisms to restrict or decrease density.

In addition, per Sec 506.2.3 of the Redevelopment Plan, the leap requested by the Project in development intensity from 3:1 to 6:1 FAR cannot take place, unless specific formal findings are made relative to traffic, and adverse environmental effects are mitigated or overrriden *[sic]*. These effects will include analysis of LOS, not just VMT.

Response to Comment No. ORG 13B-126

This comment asserts that the Draft EIR does not accurately describe the responsibilities of the former Redevelopment Agency for monitoring traffic relative to development and implementing certain infrastructure improvement and, as that the Project cannot proceed until the City, which has since taken over the land use controls of the former Redevelopment Agency, complies with these certain obligations. However, the commenter does not provide any substantive facts or support for these concerns or claims. As this comment does not present any evidence with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, with regard to the applicability of Hollywood Redevelopment Plan provisions and City's responsibility to enforce former CRA/LA obligations, see Response to Comment Nos. IND 8I-29, IND 8I-30, IND 8I-32, IND 8I-33, IND 8I-34, and IND 8I-43.

In regard to traffic, the comment asserts that, per Section 506.2.3 of the Redevelopment Plan, special findings for the additional FAR must be made, and would include analysis of LOS in addition to VMT. However, Section 506.2.3 of the Redevelopment Plan does not expressly require LOS analysis. Furthermore, neither the phrase "level of service" nor the acronym "LOS" appear anywhere in the Redevelopment Plan. The Draft EIR determined that the Project would not have significant transportation impacts in accordance with the City of Los Angeles' current applicable significance criteria using VMT as the CEQA-required transportation impact metric in the City's TAG adopted in July 2019 is required by State law per CEQA Guidelines Section 15064.3(c), which states that as of July 1, 2020, provisions of this section apply Statewide. See also Topical Response

No. 2 – Transportation and Traffic, above. As discussed in Topical Response No. 2, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a TA approved by LADOT and prepared pursuant to the City's TAG adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts.

Comment No. ORG 13B-127

Parking: Sec 518.2 of the Redevelopment Plan re-states the obligations of CRA to monitor and resolve parking supply deficiencies in this area: "An urban design plan for Hollywood Boulevard will be prepared pursuant to Section 506.2.1 of this Plan. This Plan will include a strategy to address the long-term parking needs of Hollywood Boulevard. Pursuant to Section 506.2.3 of this Plan the Agency shall monitor the off-street parking supply within the Regional Center Commercial Designation. "

SB 743 does not exempt the DEIR from discussions of parking having to do with historic buildings. Capitol Records Building when built provided 97 parking spaces according to the Certificate of Occupancy on line at LADBS, and reflected in the DEIR. The Gogerty Building, remodeled into a new building with historic facades in 2002, appears on its permits to have a requirement for 120, 46, 75, or 120 parking spaces.

If historic buildings are losing current parking as an effect of this Project, that must be disclosed in this DEIR, as a fundamental component of maintaining the economic viability of the Redevelopment Area and the Hollywood Boulevard District. It appears from a quick look at filings for ELDP with the State that parking for AMDA is lost, in addition to the non-recognition of Capitol and Gogerty parking.

Under the Hollywood Redevelopment Plan, Sec. "Sec 518.2 of the Redevelopment Plan requires the following actions be implemented in the Hollywood District Plan (our bullets added:

- As part of the Agency's negotiations with developers within the Regional Center Commercial designation it will seek to incorporate as a part of the development replacement parking.

- Whenever parking spaces which are in active use within the Regional Center Commercial Designation are removed from the market through Agency action as a part of the Project, the Agency shall develop or construct, or cause to be developed or constructed, an equal number of replacement parking spaces within the Project and within reasonable proximity to users subject to the findings and provisions of the Ordinance prepared pursuant to Section 518.1 of this Plan, as it may be adopted by the City Council. The Agency shall use its best effort to expeditiously provide such replacement parking, and in any event will do so within four years of its' removal."

		Code req't	Provided per DEIR	
East Site				
• Commercial	17,485 sf	35 spaces	66 spaces	175 sf/space
• Gogerty Bldg	19,726 sf	38 per code 46 per permit	??00	
• Capitol Records	105,071 sf	97 spaces	??00	
• Residential	529,092 sf		585 spaces	1.4 spaces/DU
• Senior	61,777 sf		33 spaces	½ sp/DU
Total			**684 spaces**	
West Site				
• Commercial	12,691 sf	25 spaces	100 spaces	
• Capitol Records*	???		97 spaces	1,083 sf/space
• Residential	534,947 sf		604 spaces	
• Senior	62,289 sf		34 spaces	
Total			837 spaces	
TOTAL			"Up to" 1,521 sp	

** Spaces shown on West site- across Vine St-

July 17, 2018 VTT Letter to Sarah Hounselll. *[sic]* Deputy Advisory Agency

Provide copy of building records, plot plan, and certificate of occupancy of all existing structures to verify the last legal use and the number of parking spaces required and provided on each site.

Required parking spaces are required to remain for the remaining structure on the site (Ground Lot). Obtain Use of Land permits to relocate driveways and all required parking for each building onto their corresponding sites. Show location of all parking spaces and access driveways. Provide copies of permits and final inspection cards, for any restriping of parking spaces.

Response to Comment No. ORG 13B-127

The comment cites information from a July 17, 2018 VTT Letter to Sarah Hounsell, Deputy Advisory Agency. However, the letter is missing, and there is no evidence that this letter was submitted or related to the subject case. Regarding VTT and redevelopment plan requirements for replacement of parking lots redeveloped, see Response to Comment No. ORG 13B-87 above regarding details and requirements associated with redeveloping existing parking lots.

Comment No. ORG 13B-128

ATTACHMENT #4

ELDP: USED TO FAST TRACK APPROVAL, AVOID LAWSUITS, BUT NO COMMITMENT TO MEET ELDP REQUIREMENTS

To quote from the Act: "The act also guarantees the public an opportunity to review and comment on the environmental impacts of a project and to participate meaningfully in the development of mitigation measures for potentially significant environmental impacts."

"These projects also present an unprecedented opportunity to implement nation-leading innovative measures that will significantly reduce traffic, air quality, and other significant environmental impacts, and fully mitigate the greenhouse gas emissions resulting from passenger vehicle trips attributed to the project.

(h) These pollution reductions will be the best in the nation compared to other comparable projects in the United States.

(i) The purpose of this act is to provide unique and unprecedented streamlining benefits under the California Environmental Quality Act for projects that provide the benefits described above for a limited period of time to put people to work as soon as possible."

(c) The project does not result in any net additional emission of greenhouse gases, including greenhouse gas emissions from employee transportation, as determined by the State Air Resources Board pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code.

(d) The project applicant has entered into a binding and enforceable agreement that all mitigation measures required pursuant to this division to certify the project under this chapter shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

Response to Comment No. ORG 13B-128

The comment expresses concern for compliance with the ELDP requirements and the opportunity to comment on the ELDP. Pursuant to CEQA Guidelines Section 21090(a), the public has been given 45 days to review and comment on the Draft EIR, which contains comprehensive analysis of the Project's GHG emissions (Section IV.E, *Greenhouse Gas Emissions,* of the Draft EIR) and the entire contents of the ELDP application and certification documentation for the Project (Appendix B of the Draft EIR).

As discussed in Response to Comment No. ORG 13B-69, the Project will achieve the USGBC LEED Gold Certification and will be designed and operated to meet or exceed the applicable requirements of the State of California Green Building Standards Code and the City of Los Angeles Green Building Code. In addition, the Project would achieve a net zero increase in site GHG emissions through Project-based or community -based program measures that would reduce GHG emissions. Refer to Response to Comment No. ORG 13B-69 for discussion of enforcement mechanisms.

Comment Letter No. ORG 14

J.H. McQuiston, P.E.
McQuiston Associates
6212 Yucca Street
Los Angeles, CA 90028-5223
Received June 3, 2020

Comment No. ORG 14-1

Statement of J.H McQuiston on Projects "6220 West Yucca" and "Hollywood Center Project"

Both Projects say the purpose of an EIR is to show the differential impact the Project will have on the City. This Statement concerns their differential impact on the City's finances, and questions the City's ability to survive if it allows these Projects to be built in the zone known to be seismically-hazardous.

Briefly Said

These Projects together will bring the City to financial-doom, per immutable State law. They put thousands of denizens and visitors to death, dismemberment, and unending trauma, on account of the inevitable Faulting far beneath them.

Response to Comment No. ORG 14-1

This comment refers to two projects, 6220 West Yucca and Hollywood Center Project.

The comment expresses general concerns about development in an area subject to earthquakes. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D, *Geology and Soils,* concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. ORG 14-2

The catastrophe above is not only McQuiston's expert conclusions, but is also conclusions of those who have *also seismically-studied* the areas proposed to be re-re-developed with these projects.

After the Faulting catastrophe, by law those injured by the two projects' collapse will be entitled from this City a payment of $876,170,000 per year; for 30 years the total will be $20 Billion, 285 Million dollars.

City's payment is *specifically*-imposed by California's Alquist-Priolo Act, which the Projects admit is controlling for the properties[1], and it is also *generally*-imposed by the duty of the City to protect its people. There is no way the City may protect itself against the above payment if it allows the two Projects, as proposed to be sited on their proposed locations. Read the City's liability in law yourself.

The above-liability[2] doesn't include City's *similar indebtedness,* arising because it already-allowed new construction to occur in recognized active-fault zones.

The City's primary responsibility is to safeguard its inhabitants from such a seismic catastrophe, and the City *has the way to do so*: reduce the population inhabiting a recognized-dangerous fault zone, like the Hollywood Fault, and prohibit construction therein which blocks person from escaping damaged sites.

People will be trapped when doors jam. People may have to jump out of windows, and probably there will be no Firemen to catch them, or even to extinguish the blazes from ruptured lines. Also, the massive concrete water line beneath Franklin Ave, connecting the Eagle Rock and Hollywood Reservoirs, will be crushed and cause the area to flood.

Human suffering will greatly exceed that of New York in "9-11" because these projects were built as-is.

Footnote 1: The City's boilerplate "builder is liable for damages" is over-ridden by the Act. The City may not callously-doom people by ignoring well-known fault dangers.

Footnote 2: The amounts above do not include building and accessory damages at the project sites.

Response to Comment No. ORG 14-2

The comment discusses the commenter's opinion regarding liability should the two projects collapse during a major earthquake, and should the City be found liable on some ground. However, the comment addresses economic issues, rather than the environmental effects of the Project recognized by CEQA. The comment does not provide any specific facts or substantial evidence to support the commenter's general concerns. Regarding the City's liability and responsibilities in the event of the failure of future buildings, the comment does not factor in the adequacy of the Los Angeles Building Code and implementation of regulations regarding setbacks from earthquake faults or provide any specific facts or substantial evidence to support these general concerns.

The California Building Code (CBC) and the Los Angeles Building Code include requirements applicable to seismic zones, with additional regulations related to ground shaking and seismic hazards provided in the Los Angeles Building Code that address the City's location in a highly active earthquake area. The function of the Los Angeles Building Code is to ensure safe buildings and to protect life. LAMC Section 91.1803 includes specific requirements addressing seismic design, grading, foundation design,

geologic investigations and reports, soil and rock testing, and groundwater. Section 91.1707 requires structural inspections for seismic resistance. Section 91.7006 requires that a Final Geotechnical Report with final design recommendations prepared by a California-registered geotechnical engineer be submitted to the Los Angeles Department of Building and Safety for review prior to issuance of a grading permit. Final foundation design recommendations must be developed during final project design, and other deep foundation systems that may be suitable would be addressed in the Final Geotechnical Report. The Los Angeles Building Code also requires that any Holocene-active fault traces in the proximity be located and identified. Respectively, the Los Angeles Building Code imposes setback requirements of at least 50 feet to prevent the construction of a structure over a potential Holocene-active fault. As discussed on pages IV.D-32 through IV.D-34 in Section IV.D, *Geology and Soils*, of the Draft EIR, with the implementation of CBC and Los Angeles Building Code requirements, impacts related to fault rupture and seismic ground shaking would be less than significant. The actual danger to inhabitants would be for developments across a fault rupture (across an active fault), or the occupancy of a substandard building that does not meet the requirements of the Los Angeles Building Code with respect to required seismic loads. This is not anticipated to occur under the Project. If any conditions are present that would inhibit the development of a safe building that could potentially result in severe public harm, it would not be permitted by the City. The Los Angeles Department of Building and Safety (LADBS) approves building plans based on accepted engineering principles and facts, including seismic safety analyses, in accordance with the Building Code.

In addition, the evaluation of a speculative future liability not based on fact is not a CEQA issue and is not addressed in the Draft EIR. Pursuant to CEQA Guidelines Section 15384(a), "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate" does not constitute substantial evidence.

Comment No. ORG 14-3

McQuiston Associates

McQuiston Associates was founded in 1959 by J.H. McQuiston to be "all things to all men". E.g, McQuiston invented the device which allowed the United States to develop-rapidly giant rocket engines and achieve "MAD", ending the Cold War; subsequently those engines powered the United States to the Moon and beyond. McQuiston is cited as the reason Congress allows attorney fees if IRS unfairly attacks a taxpayer. McQuiston got the City to enact the City's refuse-collection charge, thereby saving $32 million a year for the General Fund. These illustrate the breadth of McQuiston's work.

McQuiston, a graduate of Caltech and admitted to its "Honor society" (Tau Beta Pi), holds California license of Engineering. There he got training from inventors of seismic engineering, like Charles Richter, the creator of the Richter Scale. For many of his 90 years he continued there with meetings, seismic engineering, and ICBO issues among other topics.

For 60 years, both McQuiston Associates' office and its manufacturing-plant are located atop the identified traces of the Hollywood and Santa Monica Faults. McQuiston thereby gained expertise about their seismicity.

Response to Comment No. ORG 14-3

This comment provides an introduction to the commenter's organization, McQuiston Associates. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 14-4

Hollywood Fault

The EIRs factually-belittle the magnitude and danger of the underlying Fault-system, of which the Hollywood Fault is one part of it. The system begins East of Pasadena and extends West to and including the Channel Islands in the Pacific. That system has been described as partly "reverse", because one side thrusts itself over or under the other side to varying extent, strongly-pushing against the hills to its North. The Los Angeles River ran through Cahuenga Pass before the upthrusts forced the river Eastward.

Caltech in lecture[3] and print said the Hollywood Fault soon will "shake" with an amplitude of 6 feet, will "accelerate" with a magnitude of *at least* 1 "g", and will have a magnitude of *at least* 7.5 with strong vertical component. A person will not be able to stand, nor dodge objects hurled at the person including walls and ceilings, during the lengthy seism. And, buildings like these will swing to destruction.

The Red Line subway investigation found the potential "rebound" of this fault to be about 30 feet. The "rebound" of the 1906 San Francisco quake was about 20 feet.

Typical "reverse" faults occurred years ago in Anchorage AK and in Kobe, Honshu. Japan has a seismic Code many times more-rigorous than the USA. Yet in both quakes building-floors "pancaked"[4]. Loaded floors pancaking may cause the entire building to collapse, akin to the collapses in New York City when "9-11" occurred.

"Reverse" faults are more-likely to elude simpleton's searches by their very nature; moreover, they may be "blind", buried deeply. *But they threaten peoples' lives and they can be evaluated by appropriate tests.*

Footnote 3: McQuiston was in Beckman Auditorium, Caltech, when a Caltech expert gave the public a lecture about imminent damage to properties near Hollywood and Vine, on account of the Hollywood Fault's presence. A person there, who worked in the Taft Bldg. at Hollywood and Vine, asked what to do about working there, and the lecturer said, "**Go to work late and leave early".** Residents can't escape harm that way.

Footnote 4: The Valley quakes spawned vertical “shakes” of 2g. When a floor “pancakes” it falls on top pf *[sic]* the floor below, with more energy than its weight, usually causing the floors to “pancake” also. Ad infimum. Persons have no time nor way to escape death.

Response to Comment No. ORG 14-4

The comment asserts that the Draft EIR minimizes the magnitude and danger of the underlying fault system but does not provide substantial evidence or fact to substantiate the assertion. Section IV.D, *Geology and Soils*, of the Draft EIR summarizes the findings of three geotechnical reports provided in Appendix G of the Draft EIR. These include Appendix G-1, *Fault Activity Investigation* (March 6, 2015); Appendix G-2, *Surface Fault Rupture Hazard Evaluation Report* (July 19, 2019); and Appendix G-3, *Geotechnical Investigation for E.I.R.* (September 23, 2019). All of these reports address the potential seismic conditions and recognize the Holocene-active designation of the Hollywood Fault and the location of the Project Site within the Alquist-Priolo Fault Study Zone. The *Geotechnical Investigation for E.I.R.* (Appendix G-3) provides parameters that may be considered for design of the foundations in accordance with the 2016 CBC. Site Class D was preliminarily assumed for the Project Site. Prior to the issuance of a building permit, the Project design must comply with maximum seismic design loads anticipated for the area. Because the structural design of the Project has not been completed, the structural integrity has not been calculated. However, seismic design measures in new construction in the City of Los Angeles are known to address maximum anticipated accelerations.

Comment No. ORG 14-5

Comment on Subject EIRs’ Seismic Approach

The EIRs admit that the Hollywood Fault is present in the vicinity, and that the Fault is recognized as “active”. They admit the existence of the State’s Alquist-Priolo Act. The Act imposes a heavy penalty on governments’ allowing additional construction in active-fault zones.

To allow approval it follows that the developers must present facts proving the actual location of the Fault and must prove its faulting will not bring harm to inhabitants of the proposed developments[5].

The Developers’ researchers are apparently-certified for “petroleum geology”. McQuiston questions the propriety of their writing, facts, and conclusion as *seismic engineers.* There is no showing that the researchers are certified to calculate the amount of damage the Fault may cause to the developments. There are also no calculations in the EIRs in the seismic section, to justify their bizarre conclusions.

Developers *did not perform testing in the Fault Zone that would assess the actual danger* to people inhabiting the proposed projects. McQuiston witnessed their on-site activities. The investigators did not even determine the Fault’s actual location or its seismicity. Nor

did they review the extensive Hollywood Fault's trace-analysis performed slightly to the West in preparation for the Red-Line subway.

Totally absent, for example, is the famous Converse Foundation Engg's wealth of facts about the Hollywood Fault developed for the Red Line subway[6]. And, totally absent from EIRs is the wealth of Reports from local Engineering Groups and Universities about the Fault and its location; those sources declared the Fault is an imminent danger to nearby inhabitants. If the EIRs had been done correctly, they *could not have concluded the seismic threat is so low that no mitigation is required;* they should have said the projects are *dangerous and should not be built in the proposed locations*[7].

Also they artificially-shortened the length of the Fault System, perhaps to disguise its capacity for destruction. The "periods" of the buildings were not set forth. The Fault's type wasn't listed. There was no evidence the researchers found the Fault's actual trace and its "dip". Not going beneath the mountain of detritus left by earthmovers in the prior re-development, the report is totally-inadequate.

Nor is it proper for these EIRs to allege that if one type of active Fault that will kill people is present but *not specifically cited in law forbidding development thereon or nearby, that a development allowing the Fault to kill its inhabitants is entirely-proper* if the City lets the development proceed!

That is what the seismic report alleges. It puts the burden on the City to stop unsafe development without giving it facts, knowing that the City will bear the liability if the project "kills" the inhabitants.

Moreover, the EIRs put it to the City to inspect every detail of the site and Plans and Construction, warning that otherwise the development will not be safe and occupation will be a deathtrap. Developers thus use Alquist-Priolo as a sword against the City, a position which the City should not allow[8].

McQuiston does not accuse the property-owners of such callous behavior, because they usually have no actual knowledge of seismic issues. Nor have City personnel charged with approving or denying developments. But people admitted to Engineering registration are sworn to obey the laws of City, State and Country and are required not to be so callous with people's lives.

Footnote 5: Young geologists have no idea what the subject area was like before the Hollywood Freeway was built. We old-timers remember Franklin Hill, which was leveled because the State declined to tunnel the freeway through it. Surrounding terrain is now devoid of geological accuracy.

Footnote 6: The Red Line's SEIR contains a letter from City Engineer Morhar denying the Hollywood Fault is a hazard. Morhar's allegations were ignored by the United States and the Red Line designers, who designed extra protection for travelers from the Fault's measured-seismicity.

Footnote 7: Floors are not designed to stay intact under such massive vertical shaking as expected here. On the Anatolia Fault, modern designs became submerged with such shaking. A similar outcome will occur for these properties.

Footnote 8: EIR: "There is a possibility of damage * * * if a moderate to strong shaking occurs as a result of a large earthquake"

Response to Comment No. ORG 14-5

The comment acknowledges that the EIR discloses the proximity of the Holocene-active Hollywood Fault and the location of the Project Site within the State's Alquist-Priolo Earthquake Fault Zone. The Applicant would be required to comply with the requirements set forth in the Earthquake Fault Zone, including complying with setback requirements. The Alquist-Priolo Special Studies Zone Act enforces restrictions with respect to proximity to an active fault but does not disallow development within an Earthquake Fault Zone.

The comment stating that Group Delta or Feffer Geological Consulting are petroleum geologists is not based on any specific facts or substantial evidence. Group Delta, who performed the geotechnical studies provided in Appendices G-1 and G-2, and Feffer Geological Consultant, who performed the geotechnical study provided in Appendix G-3, of the Draft EIR, are both Southern California geotechnical engineering and environmental consulting firms that have provided instrumentation, materials testing and inspection, and construction support services. The companies are staffed by civil and geotechnical engineers, environmental engineers and scientists, geologists, laboratory and field technicians, deputy grading and construction inspectors, and other staff, who are experts in researching and estimating future movement along the Holocene-active Hollywood Fault.

At this stage of the Project, the footprint and the desired number of stories have been proposed, but details of the final design have not yet been developed. As discussed in Section IV.D, *Geology and Soils*, Appendices G-1 through G-3 of the Draft EIR, and Topical Response No. 3 – Geology and Fault Hazards, above, preliminary geotechnical investigations have been conducted to inform the final Project design. These investigations included multiple on-site fault studies that revealed that the faults at depth beneath the Project Site have not moved within at least the last 30,000 years. In addition, the geotechnical investigations provided estimates of the level of seismic shaking to which the Project Site may be subjected, along with preliminary recommendations, to address the anticipated level of seismic shaking. As explained in Section IV.D, *Geology and Soils*, of the Draft EIR, the Project would be required by the CBC and the Los Angeles Building Code to prepare a final geotechnical investigation based on the final proposed design. This final geotechnical investigation would include seismic design recommendations to address the anticipated level of seismic shaking to which the Project Site structures may be subjected.

As discussed in the Topical Response No. 3 – Geology and Fault Hazards, above, multiple fault investigations have been conducted on and near the Project Site. The fault

investigations incorporated the results of previous investigations and then added additional study to cover the entire Project Site. This additional investigation included areas where previous studies suggested fault traces might extend across the Project Site. As discussed in the fault investigations in Appendices G-1 through G-3 and in the Topical Response No. 3 – Geology and Fault Hazards, above, the fault investigations explored all known fault traces and revealed that the faults at depth beneath the Project Site have not moved within at least the last 30,000 years. In addition, the fault investigations explain that the Santa Monica- Hollywood- Raymond Fault Zone is a zone with a series of fault traces that have not all moved at the same time. In the case of the Project Site, the fault traces have been inactive for at least the last 30,000 years. Consequently, with regard to studies of faults at locations farther away, such as the studies for the Metro B (Red) Line subway, although demonstrating that the area (as with much of the City) is seismically active and subject to ground shaking, such studies are not specific to the Project Site and, therefore, do not provide evidence of potential fault activity at the Project Site.

The actual danger to inhabitants would be the development across a fault rupture (across an active fault), or the occupancy of a substandard building that does not meet the requirements of the Los Angeles Building Code with respect to required seismic loads. This would not occur under the Project due to the required compliance with the CBC and Los Angeles Building Code. See also Response to Comment No. ORG 14-2.

The statement also asserts that the investigators did not determine the Fault's actual location or its seismicity, or review the extensive Hollywood Fault's trace-analysis performed to the West in preparation for the Metro B (Red) Line subway. However, the commenter does not provide any specific facts or substantial evidence to support this claim.

The Draft EIR summarizes the geotechnical investigations provided by the geotechnical engineers and would not appropriately include Engg's analysis of conditions related to the development of the Red Line (located approximately 600 feet to the south of the Project Site), or the reports of other groups and universities regarding the fault. The only credible conclusion regarding the location of the active fault is direct evidence through on-site and peripheral trenching and boring as performed by the Project's geotechnical engineers in geotechnical studies at the Project Site, as listed within Table IV.D-1, *Prior On-Site Geotechnical Investigation Performed*, on page IV.D-2 in Section IV.D, *Geology and Soils,* of the Draft EIR and discussed further in the Topical Response No. 3 – Geology and Fault Hazards, above.

The statement that the length of the Fault System was artificially-shortened and that there was no evidence the researchers found the Fault's actual trace are general opinions and not supported on specific facts or substantial evidence and is not reasonable charge against the professional integrity of the Project's geotechnical engineer. Table IV.D-1, *Prior On-Site Geotechnical Investigation Performed*, on page IV.D-2 in Section IV.D, *Geology and Soils,* of the Draft EIR provides a summary of the on-site geotechnical investigations, which collectively performed 51 borings at maximum depths ranging from

55 feet to 135.5 feet. All of the on-site geotechnical investigations provide no indication of an active fault discovered on-site.

The comment also claim that the life and safety of people does not forbid development on the property, the purpose of the Los Angeles Building Code is to develop safe buildings. If any conditions are present that would inhibit the development of a safe building that could potentially result in severe public harm, it would not be permitted by the City. The Los Angeles Department of Building and Safety (LADBS) approves building plans based on accepted engineering principles and facts, including seismic safety analyses, in accordance with the Building Code.

Comment No. ORG 14-6

There are other defects in the Reports, but herein already is enough to get the Projects re-designed or relocated. But note also that for this amount of development, Yucca must be widened to 4 lanes plus parking from Argyle to Gower, and Freeway ramps at Argyle and Gower require widening and signals.[9]

Footnote 9: Already Yucca is blocked by trucks double-parking during long periods, on account of City's forgetting the requirement for an off-street loading place for the new Hotel at Yucca and Argyle. Yucca is now "double-double striped" for the exclusive benefit of that Hotel, meaning Yucca is impassible a substantial time of day and night. Any development on the South side requires widening the street.

Response to Comment No. ORG 14-6

The comment asserts that there are other defects in the reports, but that the previously mentioned issues are enough to require the Project to be re-designed or relocated. However, the structural design of buildings is prepared subsequent to approval due to numerous changes that are provided in response to public concern, more detailed geotechnical analysis, and other factors. The Project's geotechnical analyses (Appendices G-1 through G-3) are based on Project Site conditions and, as with all preliminary geotechnical reports prepared at the Draft EIR stage, are not based on a structural design. As such, the comment regarding the "re-design" or relocation of the Projects is not applicable to the Project or relevant to the findings of the Draft EIR or geotechnical reports. In addition, the comment also suggests that Yucca Street be widened and the freeway ramps at Argyle Avenue and Gower Street. However, this recommendation would not be consistent with Senate Bill (SB) 743, the State's Complete Streets standards, the City's Transit Priority Area (TPA) policy, and the range of State and City policies intended to reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions.

As the comment does not raise any specific with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 14-7

Calculating City's Eventual Liability

Liability is conservatively-calculated by amassing the number of people liable to be on the properties when the Fault lets-go, calculating their loss of incomes, life, and other effects on themselves and dependents, and calculating the time over which their livelihoods will be interrupted.

The number of people liable to be on the properties was calculated using McQuiston's experience in the neighborhood and throughout the City. McQuiston calculated 976 residents and 1457 visitors for "6220", and 3116 residents and 2366 visitors for "Center". The grand total is 7965 people present at the quake.

The properties will be very costly to inhabit, so inhabitants must be wealthy. McQuiston witnessed lawsuits awarding multi-millions in damages to wealthy people. Accordingly, McQuiston used for each person the average-award of $110,000, without anything for costs or fees.

The time period for compensation will be long because the population in the buildings will be youth-skewed and permanently-"disabled". McQuiston used only 30 years for each person's compensation.

Thus the yearly assessment City *must pay* will be $872,170,000. Yearly payments will last for 30 years. For just the two projects the City *must pay* $24,285,100,000.

The City cannot pay that much without cutting almost 1/4 of each of its entire services for 30 years. At last 2,500 police will have to be let-go, and retirement benefits will require axing. The City's AAA Rating will vanish. Borrowing will become costly.

Think how much the City can accomplish with that sum if it does not allow the Projects as-is on those sites.

Response to Comment No. ORG 14-7

The commenter expresses general concerns regarding the City's liability in the event of the failure of future buildings. However, the comment does not factor in the adequacy of the Los Angeles Building Code and implementation of regulations regarding setbacks from earthquake faults or provide any specific facts or substantial evidence to support these general concerns. In addition, the evaluation of a speculative future liability not based on fact is not a CEQA issue and is not addressed in the Draft EIR. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 14-8

Alternatives

McQuiston is not saying the projects have no merit, but they require *safe location* and *strict inspection.* In this City there is too much failure to obey what the State imposes on the City regarding its General Plan. Developers now can pay the City a “bribe” and develop the City haphazardly, unlawfully, like these projects.

It is time to stop haphazard development, and the State and Courts repeatedly require the City to do that. Don’t wait for the U.S. Department of Justice to act. Alquist-Priolo subject-areas are excellent places to begin.

Response to Comment No. ORG 14-8

The commenter expresses general concerns regarding inadequate interpretation of the City’s Building Code and other unlawful behaviors. It should be noted that the speculation as to the alleged illegal activities are not related to the adequacy of the Draft EIR. Accordingly, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 14-9

Conclusion

The City must reject the Projects as-proposed for these plots. They are only suitable for construction elsewhere.

Response to Comment No. ORG 14-9

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 15

Dwayne A. Gathers, President
Gather Strategies, Inc.
6311 Romaine Street, Suite 7231
Los Angeles, CA 90038
Received May 17, 2020

Comment No. ORG 15-1

I hope this note finds you well.

Please accept the attached letter of support for the Hollywood Center project in the heart of Hollywood.

Do not hesitate to reach out if you have any questions.

Response to Comment No. ORG 15-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 15-2 and ORG 15-3.

Comment No. ORG 15-2

I write to you today as an area resident and longtime Hollywood stakeholder, civic participant, and business owner, and not in my capacity as Board Chair of the Hollywood Chamber of Commerce. The importance of this project for Hollywood cannot be understated. After following the project for years (including during my tenure as a Commissioner on CRA/LA in its last years), reviewing the recently released Draft EIR, I wanted to offer a few thoughts:

First and foremost, Hollywood Center will be a gamechanger for Hollywood. Representing one of the largest single investments from a financial perspective and the largest contingent of both market rate and affordable housing in recent memory, this project will transform surface parking lots into a center of vibrancy, vitality, and activity in Hollywood.

In short, this project has many reasons to support it. The architecture is both stunning and elegant, creating a new signature addition to the burgeoning Hollywood skyline. The urbanism is fantastic, with publicly available open space that prioritizes walkability and multimodal transportation options. The commitment to be a GHG net neutral project is the highest standard one can achieve. The record-breaking amount of housing for our at-risk seniors addresses one of our City's biggest issues, with the rise in homelessness having a disproportionately larger impact on our vulnerable senior populations.

Response to Comment No. ORG 15-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 15-3

One area to consider for possible improvement is its ability to help in attracting businesses and long-term jobs to the area. Hollywood is in and of itself a global brand inextricably tied to the entertainment industry. This project is generating over $1 billion in economic output currently, and creating thousands of both construction and permanent well-paying jobs. But large sites like these are few and far between in Hollywood. One thing that Hollywood lacks is new, large office space to attract the types of creative economy tenants that the area was and continues to be known for.

I understand a previous iteration of this project had office space included and I would suggest that the City look more deeply at project alternatives that contain office space. While we are in a housing crisis, and it is amazing this project is bringing over 1,000 units to Hollywood, it would be in the interest of our community and the City, to creatively consider the opportunity to include both housing and much needed new office space for Hollywood. The long-term vitality of Hollywood as a place where people can both live and work in Los Angeles' signature industry counts on more office space coming to Hollywood.

For these reasons, I am particularly drawn to Alternative 8. This alternative project provides the same number of affordable units, nearly the same number of market rate units, similar massing and beautiful architecture, the same open space and adds a huge component of job-creating office space. This keeps everything that is great about the project and adds a new impactful job creation element vital to the longevity and sustainability of Hollywood. Moving forward, please consider the positive impacts alternative 8 would provide.

A project at this location is crucially important to Hollywood, and we have collectively waited long enough for these parking lots to be reimagined. Please kindly consider my comments on the need for more office space and I hope the City will continue to process this landmark project without delay, as we will all need to work together to re-invigorate our economy post-COVID 19 and projects such as this will be a great stimulus.

Response to Comment No. ORG 15-3

This comment expresses support for the City to adopt Alternative 8 as this alternative would develop more office space as compared to the Project. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 16

Casey Maddren, President
United Neighborhoods for Los Angeles (UN4LA)
Received May 18, 2020 (ORG 16A)
Received June 1, 2020 (ORG 16B)

Comment No. ORG 16A-1

This morning I sent the attached letter regarding the Hollywood Center EIR to the Mayor, Director of Planning and Councilmember O'Farrell. Could you please add it to the case file?

Response to Comment No. ORG 16A-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 16A-2.

Comment No. ORG 16A-2

I am writing to you on behalf of United Neighborhoods for Los Angeles (UN4LA), to express our amazement over the fact that the Department of City Planning has refused to grant an extension of the review period for the Hollywood Center Draft Environmental Impact Report (DEIR). The project is a massive one, consisting of residential and commercial uses and encompassing over 1.2 million square feet. It includes two 11-story buildings and two skyscrapers, one rising 35 stories and another rising 46 stories. It will have numerous significant impacts on the Hollywood area. The body of the DEIR runs over a thousand pages, and the appendices include thousands of pages more.

The City has claimed over and over again that it makes every effort to encourage public engagement in an open and transparent planning process. Unfortunately, the City's actions in this case make it absolutely clear how empty those claims really are. First, the City of LA chose to release the DEIR in the middle of a deadly global pandemic that has closed schools, offices, shops and restaurants across LA. Second, instead of setting a comment period that runs the full 60 days allowed by the CEQA Guidelines, the City chose to allow only a 45-day comment period. Third, after receiving requests from numerous groups and individuals asking the City to extend the comment period due to the disruptions caused by the pandemic, the City released a letter rejecting an extension.

You say that the City of LA does everything within reason to engage stakeholders, but let's look at the facts....

On April 16, the day the DEIR was released, LA County reported 782 new infections and 60 new deaths, bringing the totals to 15,683 and 607 respectively. On that day the news was dominated by stories about the pandemic. As a result of the Safer at Home order issued by the Mayor just weeks before, thousands of businesses across the City were closed and tens of thousands of people lost their jobs. Fear and anxiety were growing

throughout LA as residents realized that the health impacts of the coronavirus were going to be compounded by painful economic impacts.

And this was the moment that the City chose to release the Draft Environmental Impact Report for one of the most complex and controversial projects ever proposed for Hollywood. If this was not a deliberate attempt to avoid scrutiny, it still raises questions about the judgement of City officials. Thousands of Hollywood residents were scrambling to deal with the disruptions caused by the coronavirus. How can the Department of City Planning credibly claim it's seeking stakeholder input when it dumps a massive environmental assessment on the public at a time like this? Do you seriously believe that in the middle of an unprecedented health and economic crisis Angelenos are going to put everything else on the back burner so they can wade through a mountain of verbose analysis and dense technical reports?

In its response to pleas for an extension of the review period, the DCP argues that the EIR is readily available on-line and that interested parties can obtain a copy on CD-ROM or flash drive. Apparently City Planning doesn't realize that many Hollywood residents have other matters that they need to focus on right now. Unemployed workers have no money for food or bills. Business owners are trying to figure out how to keep from going under. Parents are struggling to be both teachers and entertainers for their school-age children. Adults with aging parents are trying to ensure the well-being of their mothers and fathers. And Neighborhood Councils, the most important community forum for development issues, are just now beginning to meet again, having been shut down for the month of April by the pandemic. But the DCP apparently believes that none of this should deter anyone from submitting comments on the Hollywood Center Project by the current deadline.

Let's also look at the City's claims of transparency. The Mayor and the City Council have told us repeatedly that they base their planning decisions on the merits of the project. It would be reassuring to be able to take this claim at face value. Employees of Millennium Partners have given many thousands in campaign contributions to elected officials over the years, including to you, Mayor Garcetti, and to you, Councilmember O'Farrell. The developer has also spent large sums of money on lobbying LA City officials. So it would be great if we could truly believe that all this money has had absolutely no impact on the decision-making process.

Unfortunately, the recent headlines regarding the on-going Federal corruption investigation make it clear that the planning process in LA is anything but transparent. First we have a guilty plea from a former Councilmember who served on the Planning & Land Use Management Committee, in a case that involved a trip to Vegas, an envelope containing $10,000 in cash, escort services, $34,000 in bottle service at a nightclub and $1,000 in gambling chips. Then another guilty plea from a real estate appraiser and former member of the City Planning Commission who admitted to acting as a middleman in an arrangement to pay a $500,000 bribe to a Councilmember. And just last week the Department of Justice posted a press release announcing that, 'A real estate

development consultant has agreed to plead guilty to a federal racketeering offense for participating in a wide-ranging “pay-to-play” scheme in which developers bribed public officials – including a member of the Los Angeles City Council – to secure official acts that would benefit their projects.'

And you claim the planning process is transparent? Please forgive us if we say we don't buy it.

We will not ask you to extend the comment period for the Hollywood Center DEIR, because you have already shown that you are deaf to such requests. We will only remind you that as officials of the City of Los Angeles, your job is to serve the people of Los Angeles. Not wealthy real estate investors. Not well-connected Downtown lobbying firms.

Response to Comment No. ORG 16A-2

The comment expresses numerous objections to the Draft EIR comment period not being extended but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. The comment also states that the online accessibility of the Draft EIR is not adequate for public review. There is no requirement under CEQA that in person meetings (i.e., the stakeholders’ local forum) occur in order to provide comments. Furthermore, Neighborhood Councils are not required to meet in person in order to confer or provide comments. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. For details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

The comment also expresses opposition to the Project based on the alleged illegal activities by public officials. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, and as such, no further response is warranted.

Comment No. ORG 16B-1

I’d like to submit the attached comments on the Hollywood Center DEIR on behalf of United Neighborhoods for Los Angeles (UN4LA).

Could you please send me a quick response to let me know you received the comment letter? And could you also please add me to the distribution list for future communications on this project?

Response to Comment No. ORG 16B-1

The comment letter is included in the record, and the commenter was added to the distribution list. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 16B-2 through 16B-7.

Comment No. ORG 16B-2

United Neighborhoods for Los Angeles (UN4LA) is a community group formed to foster better planning and better government within the County of Los Angeles, and all cities and unincorporated areas contained within the County's borders. UN4LA's goal is to reach out to all the diverse communities of Los Angeles County and partner with them on issues of concern to them. UN4LA's primary areas of focus are planning, development, budget/finance, environment/open space, and ethics, *[sic]*

We have reviewed the DEIR for the Hollywood Center Project. Our comments are below.

Response to Comment No. ORG 16B-2

This comment is an introduction to the commenter's organization, the United Neighborhoods for Los Angeles. Responses to the referenced letter are provided below in Response to Comment No. ORG 16B-3 through 16B-7.

Comment No. ORG 16B-3

HOLLYWOOD CENTER PROJECT

DEIR COMMENTS

The DEIR is deficient in many respects, and fails in numerous ways to address the Project's impacts and its compliance with the California Environmental Quality Act. It also presents inaccurate and misleading information in the chapters on Public Services/Police and Solid Waste.

Response to Comment No. ORG 16B-3

The comment expresses opposition to the Project and asserts that the Draft EIR is deficient, particularly in the areas of public services (police protection services) and solid waste but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Specific comments related to the commenter's assertion that the Draft EIR is deficient are provided and responded to below. As such, no further response to this comment is warranted.

Comment No. ORG 16B-4

Public Services/Police

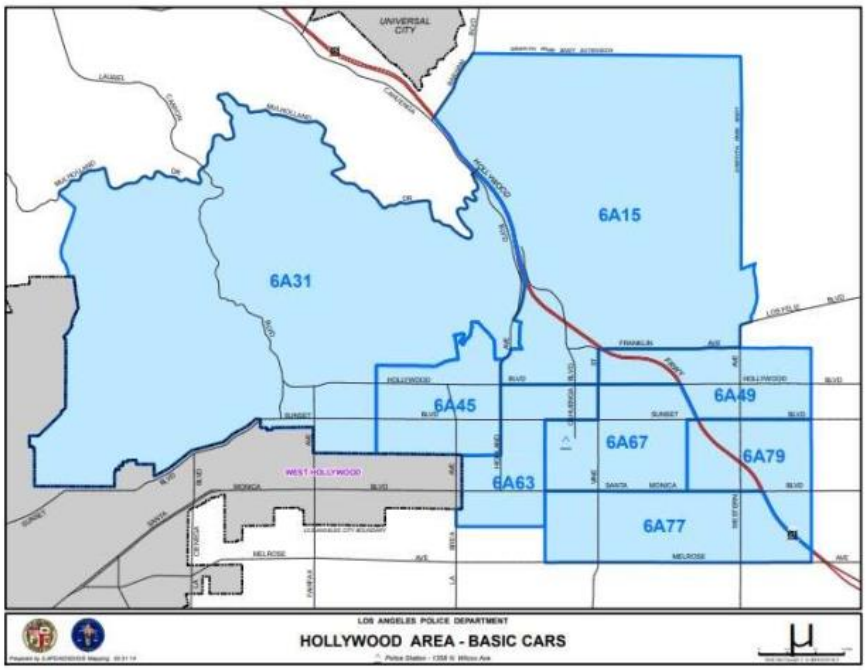
The Hollywood Center DEIR continues the City's on-going practice of using false and/or incomplete data to make it appear that the crime rate in Hollywood is lower than it really is. First, we analyze the Hollywood DEIR's grossly inaccurate claims regarding the per capita crime rate in Hollywood. Next, we offer a summary of other recent environmental assessments for Hollywood area projects to demonstrate that this is part of an on-going pattern, and that the City appears to be conspiring with developers to present inaccurate

and misleading data to create the impression that the crime rate in Hollywood is the same as or less than the Citywide crime rate.

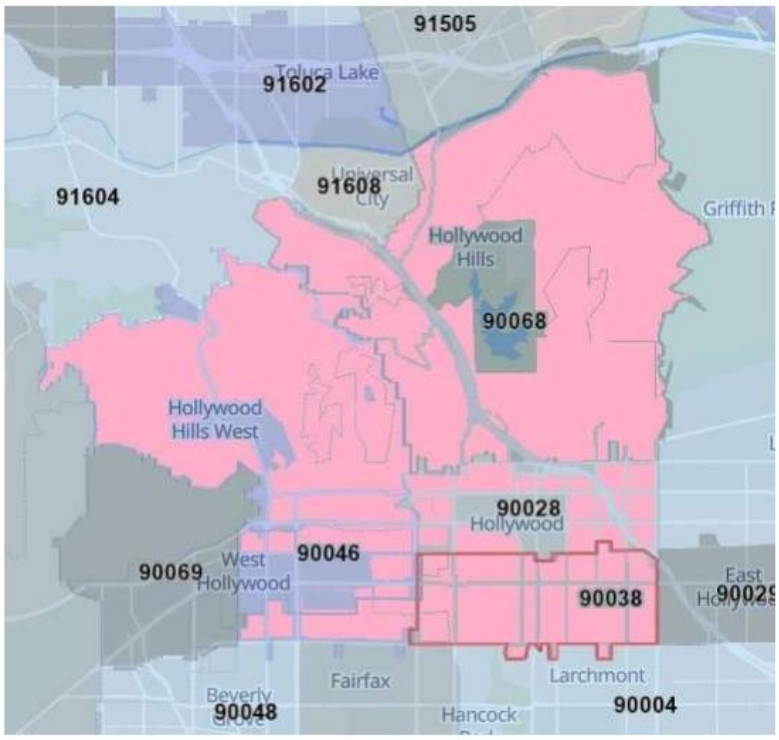
To begin with, let's address the population numbers consistently used in Hollywood area EIRs as the basis for calculating per capita crime rate. Up through the release of the Hollywood Gower DEIR in September 2018, environmental assessments for the Hollywood area stated that the LAPD's Hollywood Division served an area with a population of 165,000. But since the release of the Hollywood Community Plan Update DEIR in November 2018, environmental assessments published for the Hollywood area have consistently stated that the Hollywood Division serves an area with a population of 300,000.

This is a huge difference. Which population estimate is correct? I sent a PRA request to the LAPD, but did not receive a response before the deadline for comments on the Hollywood Center DEIR. So I tried to arrive at an estimate of the population served by the Hollywood Division by calculating the population for the four major zip codes which are contained within the Hollywood Division service area.

Here is a map of the Hollywood Division service area from the LAPD's web site:



Here is a map of the four major zip codes, 90028, 90068, 90046 and 90038, within the Hollywood Division service area:



While the area covered by the two maps is not exactly the same, these four zip codes roughly coincide with the boundaries of the area served by the Hollywood Division.

Here is a calculation of the population and the number of square miles contained within these four zip codes:

HOLLYWOOD DIVISION

ZIP CODES, POPULATION & SQUARE MILEAGE

Zip Code	Population	Area	Square Miles
90028	30734	Central Hollywood	1.5
90068	20982	Hollywood Hills East	7.6
90046	50587	Hollywood Hills West	5.8
90038	27660	Santa Monica to Melrose	1.6
TOTAL	***129963***		***16.5***

Population Data from American Community Survey 2018 ACS 5-Year Estimates Data Profiles

Zip Code Geographic Size Info from ProximityOne.com

While the total population of 129,963 is below the 165,000 figure used by the City in older environmental assessments, the area covered by these four zip codes is 16.5 square miles, which is somewhat less than the 17.2 square miles most commonly given as the area served by the Hollywood Division. And since the additional area covered by the Hollywood Division is fairly small, it seems highly unlikely that it contains the additional 170,000 people which would be necessary to support the City's claim that Hollywood Division serves 300,000 people.

By using both inflated population figures and inaccurate crime statistics, the City has consistently portrayed the per capita crime rate in Hollywood as far lower than it really is.

Below is our analysis of the Public Services/Police section of the Hollywood Center DEIR, followed by analyses of a number of recent DEIRs for Hollywood area projects, listed in descending order.

See Attachment A for excerpts from Hollywood Center DEIR and other DEIRs cited for their analyses of Public Services/Police impacts.

Hollywood Center DEIR

Says Hollywood Division serves approximately 300,000 persons and covers 17.2 sq. mi..

The DEIR says that 4,630 crimes were committed in the Hollywood area in 2017.

The DEIR says that 129,587 crimes were committed Citywide in 2017.

COMPSTAT totals show 6,240 crimes were committed in the Hollywood area in 2017, 1,610 higher than the number given by the DEIR.

COMPSTAT totals show 129,587 crimes were committed Citywide in 2017, the same as the number given by the DEIR.

The DEIR calculates a 0.015 per capita crime rate in Hollywood based on a service area population of 300,000.

The DEIR calculates a 0.032 per capita crime rate Citywide.

In other words, the DEIR claims that the per capita crime rate in Hollywood is less than half the Citywide crime rate.

Calculations made using the actual COMPSTAT totals and a population total of 165,000 for Hollywood Division show a 0.037 per capita crime rate for Hollywood.

Calculations made using the actual COMPSTAT totals show a 0.031 per capita crime rate Citywide, the same as the total given in the DEIR.

In other words, when we use the actual crime totals given by the LAPD's COMPSTAT reports, we find that the per capita crime rate in Hollywood is more than double the rate claimed by the DEIR, and significantly higher than the per capita crime rate Citywide.

The Hollywood Center DEIR's gross misrepresentation of the crime rate in Hollywood shows that its analysis of project impacts on Police services is completely illegitimate, and the same can be said for its analysis of cumulative impacts.

Hollywood & Wilcox DEIR, February 2020

Says Hollywood Division serves approximately 300,000 persons and covers approximately 17 sq. mi.

Says 6,223 crimes reported in Hollywood Division in 2019. Says 120,828 crimes reported Citywide in 2019.

The DEIR calculates a 0.0207 per capita crime rate for Hollywood based on a population of 300,000.

The DEIR calculates a 0.0300 per capita crime rate Citywide.

Calculations made using correct Hollywood Division population estimate of 165,000 shows a per capita crime rate of 0.037, substantially higher than the per capita crime rate given in the DEIR for Hollywood, and also substantially higher than the Citywide rate.

Citizen M DEIR, June 2019

The Public Services/Police section runs less than two pages and presents no information on the size of the population served by the Hollywood Division, the number of crimes committed per capita or the number of officers per population.

The DEIR acknowledges that the project could generate up to 360 visitors on the project site, plus plus *[sic]* up to 83 employees, but says that because the project includes no residential uses, "[...] the Project would not directly affect the existing officer-to-resident ratio or the crimes per resident ratio [...,]" within the Hollywood Division service area.

The DEIR makes no meaningful attempt to assess crime impacts resulting from the project.

The DEIR makes no attempt at all to assess cumulative impacts from other projects planned for the Hollywood area.

Modera Argyle DEIR, April 2019

Says the Hollywood Division serves 300,000 persons and covers 17.2 sq. mi.. *[sic]*

The statistics cited by the EIR are substantially incorrect and do not represent that actual crime rate in the Hollywood area.

For some reason Table IV.F.2-1, 2018 Part I Crimes—Hollywood Area and Citywide, cites the COMPSTAT Hollywood Area Profile dated 12/01/18 and the COMPSTAT Citywide Profile dated 12/08/18.

Since these only show crime stats through early December, they do not give a complete picture of crime states Citywide or in Hollywood for the year 2018.

Here is the crime data as presented in the EIR:

	Crimes	Population	Crimes Per 1,000 Persons	Crimes Per Capita
Hollywood	5,838	300,000	19.5	0.0195
Citywide	119,214	4,007,147	29.8	0.0298

The COMPSTAT Citywide and Hollywood Profiles dated 12/29/18 show significantly higher totals for Hollywood and the City at the end of 2018.

Hollywood 6,332

Citywide 127,609

Calculations made using the correct COMSTAT data for the full year show a 0.038 per capita crime rate for the Hollywood area.

Calculations made using the correct COMSTAT data for the full year show a 0.032 per capita crime rate Citywide.

The Modera Argyle DEIR uses inaccurate population data and inaccurate crime statistics to claim that the crime rate in Hollywood is well below the Citywide crime rate. In fact, the crime rate is far higher in Hollywood.

Hollywood Community Plan Update DEIR, November 2018

In DEIR Section Project Description says that in 2016 the Hollywood Community Plan Area (CPA population is 206,000 and that the Hollywood CPA covers 21.8 sq. mi.

In DEIR section Public Services says Hollywood Division serves 300,000 and covers 17.2 square miles

Says 5,830 crimes reported in Hollywood Division in 2016. This matches COMSTAT data for 2016.

Says 125,430 crimes reported Citywide in 2016. This also matches COMSTAT data for 2016. Does not calculate crimes per 1,000 persons or crimes per capita.

On page 25 of Public Services section of DEIR makes the following statement:

> *"The population is expected to be approximately 243,000 to 264,000 residents by year 2040, which would be a population increase of approximately 37,000 to 58,000 residents compared to the estimated 2016 population."*

The DEIR claims that the Hollywood Division, which covers 17.2 sq. mi., serves 300,000 residents.

But the DEIR Project Description says that the entire Hollywood CPA, which covers 21.8 sq. mi., contains 206,000 residents.

In other words, the DEIR is telling us that the Hollywood Division serves 94,000 more residents (nearly 50% more) than are contained within the entire Hollywood CPA, even though the Hollywood CPA contains the entire Hollywood Division plus parts of the Northeast, Rampart, North Hollywood, Olympic and Wilshire Divisions.

Hollywood & Gower DEIR, September 2018

Says Hollywood Division serves 165,000 persons and covers 13.34 sq. mi.. The Public Services/Police section of the DEIR states:

> *"Based on the residential service population of the Hollywood Community Police Station, approximately 2.7 crimes per 1,000 residents (0.027 crime per capita) were reported in the Hollywood Community Police Station service area and 27 crimes per 1,000 residents (0.027 crime per capita) were experienced citywide."*

Table IV.K.2-1 shows a per capita crime rate of 0.027 for the Hollywood area and 0.27 for the City as a whole.

This makes it appear that the crime rate in Hollywood is one tenth of the Citywide crime rate. The City later acknowledged that the figures cited in the EIR are incorrect, but staff claimed the error is merely typographical and published an errata which revised the numbers to say that the per capita crime rate for the Hollywood area was 0.027, the same as the Citywide rate.

But this is still incorrect. Actually, the crime statistics cited in the DEIR do not accurately reflect crime stats actually published by the LAPD for the year 2016.

The EIR states....

"As shown therein, based on the most recent data made available by the LAPD Community Relationship Division and COMPSTAT for the year 2016, approximately 4,450 crimes were reported within the Hollywood Community Police Station service area and 107,570 crimes were reported citywide."

In fact, the COMPSTAT report for Hollywood for 2016 shows a total of 5,830 Part I crimes.

The COMPSTAT report for Citywide crime stats for 2016 shows a total of 125,430 Part I crimes.

What is the reason for this discrepancy? If we look at a footnote included in Table IV.K.2-1 we see that the numbers were taken from the LAPD COMPSTAT profile dated November 12, 2016.

In other words, the crime rates for Hollywood and the City were calculated using statistics that did not cover the last 49 days of the year.

The per capita crime rates for both Hollywood and the City were calculated using statistics for only 87% of the calendar year.

If we calculate using the numbers actually given in LAPD's COMPSTAT reports, we find that the Citywide per capita crime rate is 0.0316 and that the Hollywood rate is 0.0353, about 10% higher.

Citywide 2016

Population
3,962,726

Total Part I Crimes
125,430

0.0316 per capita

Hollywood 2016

Population
164,736

Total Part I Crimes
5,830

0.0353 per capita

It is clear when we calculate the totals using statistics for the complete year that the crime rate in Hollywood is substantially higher than the Citywide rate.

The use of crime statistics only through November 12, 2016 appears to be a deliberate decision by the authors to falsify crime rates for the Hollywood area.

Crossroads Hollywood DEIR, May 2017

Says Hollywood Division serves approximately 165,000 persons and covers 13.34 sq. mi.. The DEIR says that 5,352 crimes were committed in the Hollywood area in 2015.

The DEIR says that 118,278 crimes were committed Citywide in 2015.

These numbers are lower than the the figures reported by the LAPD for 2015.

COMPSTAT totals show 5,534 committed in the Hollywood area in 2015, 182 higher than the number given by the DEIR.

COMPSTAT totals show 118,884 committed Citywide in 2015, 606 higher than the number given by the DEIR.

The DEIR calculates a 0.032 per capita crime rate in Hollywood. The DEIR calculates a 0.031 per capita crime rate Citywide.

Calculations made using the actual COMPSTAT totals show a 0.033 per capita crime rate in Hollywood.

Calculations made using the actual COMPSTAT totals show a 0.031 per capita crime rate Citywide.

In spite of the discrepancies, this is by far the most accurate picture presented of the crime rate in any recent DEIR for a project in the Hollywood area.

Response to Comment No. ORG 16B-4

The comment provides a comparison of the data used in the Draft EIR with other recent Draft EIRs in the Hollywood area. This response focuses on the assertions made by the comment with regard to the Hollywood Center Project Draft EIR. While this comment includes data from other City EIRs, such information does not provide comments pertaining to the Hollywood Center Project Draft EIR, and no further response with regard to comments on the other Draft EIRs mentioned is warranted.

The data provided in the comment regarding the population size of the Hollywood Division and the number of crimes committed were based on the information provided by the Los Angeles Police Department (LAPD) in a letter dated October 9, 2018 and as provided in Appendix M-2 of the Draft EIR. This was known information at the time of writing of the Draft EIR. Regardless, while the crimes per capita statistics were reviewed and presented in the analysis, the crime rate is not the determining factor for determining the Project's impacts related to police services. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to police services,

the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police services that would result in the need for new or expanded police services facilities. As such, Section IV.K.2, *Police Protection*, concluded that impacts to police services would be less than significant. Therefore, even if the crime rates were adjusted, the impact conclusions in the Draft EIR would not change. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services.

Comment No. ORG 16B-5

TRANSPORTATION

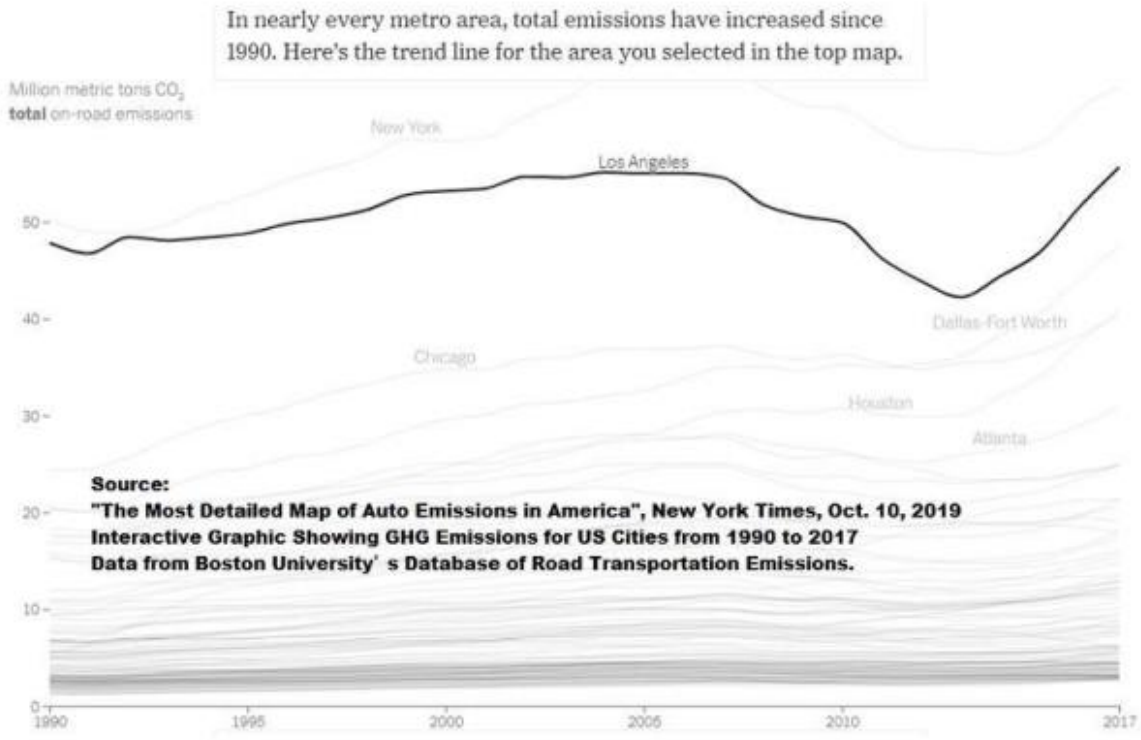
The EIR says:

> *In accordance with Appendix G of the CEQA Guidelines and the City's CEQA Transportation Thresholds, a project would have a significant impact related to transportation if it would:*
>
> *Threshold (a): Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

The Project is not consistent with SB 375 or with the SCAG RTP/SCS.

The California Legislature passed SB 375 with the intention of reducing GHGs. The City of Los Angeles has utterly failed to reduce transportation related GHG emissions as a result of its land use policies.

While transportations related GHG emissions declined in LA during the recession, they rose sharply between 2013 and 2017, as shown by the graph below.



See Attachment B, "The Most Detailed Map of Auto Emissions in America", New York Times, October 10, 2019

SB 375 states:

To the extent the sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, the bill would require affected metropolitan planning organizations to prepare an alternative planning strategy to the sustainable communities strategy showing how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

Not only has the City of LA failed to reduce transportation related GHG emissions, it has failed to even monitor such emissions or to collect data from sources that do monitor emissions, such as Boston University's Database of Road Transportation Emissions.

The analysis of VMT generated by the Project is meaningless, since all projections are theoretical, with no supporting data. The VMT projections include factors such as proximity to retail, proximity to transit, and Transportation Demand Management Programs, but no data is presented to show that these factors have reduced VMT in similar projects.

The City of LA has failed to fulfill its promise of reducing VMT and increasing transit ridership through Transit-Oriented Development, both citywide and in the Hollywood area. Over 2,000 new units have been built in Hollywood within over the past 15 years, including The Jefferson, The Rubix, The Avenue, Eastown and El Centro, all within a 5-minute walk of the Red Line and with access to numerous Metro and LADOT lines.

And yet Metro data shows that ridership on bus lines that serve the area has declined precipitously in recent years, including Lines 2/302, 212, 217, and 780.



LADOT does not publish ridership stats for individual DASH lines, and has not responded to three PRA requests for data on its lines.

But even though it is not possible to present data on the DASH lines that serve Hollywood, ridership on the DASH system as a whole has dropped drastically in recent years.

LADOT ANNUAL UNLINKED TRIPS FROM 2013 TO 2018

Data from Federal Transit Administration LADOT Annual Agency Profiles

2013 26,619,776 Annual Unlinked Trips

2014 25,584,956 Annual Unlinked Trips

2015 23,895,017 Annual Unlinked Trips

2016 21,536,305 Annual Unlinked Trips

2017 19,734,177 Annual Unlinked Trips

2018 18,394,160 Annual Unlinked Trips

There has been a systemwide loss of 8,225,616 Annual Unlinked Trips from 2013 to 2018, a 30% decline.

See *Attachment C, LADOT Stats from FTA 2013, and Attachment D, LADOT Stats from FTA 2018*

GHG emissions in LA have risen rapidly since 2013.

The City has failed to monitor GHG emissions or to gather data from sources that monitor GHG emissions.

The City has does not gather or publish data on Vehicle Miles Travelled.

The City does not gather or publish data to show that its land use policies have had any impact on reducing VMT or GHGs.

The City has ignored published data from established research institutions that demonstrate the failure of its policies, i.e. "Falling Transit Ridership", UCLA Institute of Transportation Studies, January 2018. Here is an excerpt from the press release that accompanied the report's release:

Increased car ownership can likely explain much of the transit ridership decline in Southern California. Between 2000 and 2015, private vehicle ownership dramatically increased among households in the SCAG region, from 1.7 to 2.4 vehicles per household. During the 1990s, the region grew by 1.8 million people and 456,000 household vehicles, or 0.25 cars per new resident. But from 2000 to 2015, the region added 2.3 million people and 2.1 million household vehicles, nearly one car per new resident.

Car ownership has grown fastest among the most frequent transit riders. A small portion of Southern California residents take the majority of all transit trips: Less than 3 percent of the region's population rides transit very frequently, another 20 percent rides occasionally, and more than three-quarters of residents ride transit rarely or never. Frequent transit ridership is concentrated among lower-income people, particularly foreign-born residents. And these households have outpaced the average regional resident in new car ownership — the share of foreign-born households without a car dropped by 42 percent between 2000 and 2015.

Falling Transit Ridership, UCLA ITS, 2018

https://www.its.ucla.edu/2018/01/31/new-report-its-scholars-on-the-cause-of-californias-falling- transit-ridership/

The EIR's analysis of projected VMT from the project is entirely theoretical and presents no supporting data to show actual reductions achieved from similar projects.

In spite of all this, the City has made no effort to create an alternative planning strategy to reduce GHGs, as required by SB 375.

Therefore, the City of LA and this project fail to comply with SB 375 and the SCAG RTP/SCS.

Response to Comment No. ORG 16B-5

The comment asserts that both the Project and the City of Los Angeles as a whole fail to comply with Senate Bill (SB) 375 and the Southern California Association of Governments (SCAG)'s 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS). This response focuses on the assertions made by the comment with regard to the Hollywood Center Project Draft EIR, and no further response with regard to the City's compliance with SB 375 and SCAG's 2016-2040 RTP/SCS is warranted.

Discussions and analyses of SB 375 and the Project's compliance with SB 375 can be found throughout the Draft EIR. As discussed in Chapter I, *Introduction*, of the Draft EIR, the Project meets all of the SB 375 requirements for CEQA streamlining. In addition, Section IV.E, *Greenhouse Gas Emissions*, demonstrates that the Project is consistent with and supports the goals and benefits of the 2016-2040 RTP/SCS, as shown on pages IV.E-52 through IV.E-6 and as shown in Table IV.E-4, *Consistency with Applicable SCAG 2016-2040 RTP/SCS Actions and Strategies*. As discussed therein, by locating the Project's proposed residential uses within an area that has existing high quality public transit (with access to existing regional bus and rail service), employment opportunities, restaurants and entertainment, all within walking distance, and by including features that support and encourage pedestrian activity and other non-vehicular transportation and increased transit use in Hollywood neighborhood of Los Angeles area, the Project would reduce vehicle trips and vehicle miles travelled (VMT), and therefore result in reduced air pollution and GHG emissions. Therefore, by developing a land use pattern that promotes sustainability, the Project's characteristics developed at its location would achieve many of the objectives of SCAG's 2016-2040 RTP/SCS. In addition, as discussed on pages IV.E-83 and IV.E-84, the Project would acquire carbon credits to ensure that all of the Projects GHG emissions over a 30-year lifetime are off-set, as required by the CEQA streamlining and, thus, furthering and supporting the overall goal of SB 375 to achieve GHG emission reduction targets. The Project's consistency with the 2016-2040 RTP/SCS goals was also demonstrated in Table LU-1, *Consistency of the Project with Applicable Goals of the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy*, provided in Appendix J of the Draft EIR. Furthermore, even though the Project would have a net zero increase in GHG emissions with the purchase of carbon credits,

the Project includes Project Design Features to reduce VMT through the implementation of a Transportation Demand Management (TDM) Program.

The comment states that the analysis of VMT generated by the Project is meaningless and includes factors such as proximity to retail, proximity to transit, and transportation demand management programs but that no supporting data are presented. The comment further states that Metro and DASH ridership has been declining. The VMT analysis in the Draft EIR was conducted using the City's VMT Calculator. The VMT Calculator uses a combination of empirical trip generation rates based on actual data collected in the City and data from ITE, the City's travel demand forecasting model (itself calibrated to local Los Angeles conditions), and empirical research from the California Air Pollution Control Officers Association (CAPCOA) and other relevant research regarding TDM measures, and importantly integrates the MXD (mixed-use) methodology from the U.S. Environmental Protection Agency (USEPA). The MXD methodology considers the combined effects of land use diversity/internalization, proximity to transit, and various built environment factors and was calibrated and validated.[51] The transit mode split assumptions in the VMT Calculator are directly from the calibrated City travel demand forecasting model. As such, the analysis in the Draft EIR was based on validated and empirically-based data.

Comment No. ORG 16B-6

SOLID WASTE

The DEIR says:

> *By the end of 2011, the City achieved a diversion rate of 76.4 percent. In 2011, the last reported year available, the City generated approximately nearly 16 million tons of potential solid waste. Of this total, the City diverted approximately 12.2 million tons (76.4 percent) from disposal into landfills.*

The reason the most recent data offered by the City on diversion of solid waste to recycling comes from 2011 is that the City simply has failed to collect or publish data on recycling.

The implication that the City currently diverts 76.4% of solid waste to recycling is false.

The City of LA had been exporting much of its recyclable material to China over the last decade. But since decision by China in January 2018 to sharply restrict the import of recyclable materials, the City and the State have been plunged into a recycling crisis.

[51] The USEPA MXD methodology was based on and calibrated to travel survey data gathered from 239 mixed-use developments in six major metropolitan regions and was validated against an additional 28 mixed-use sites. See https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model for further information.

California markets for recyclable materials have collapsed, and many recycling operations have closed.

The Project will be served by the RecycLA program.

The RecycLA program has revised its goals for diversion to recycling to 35% by 2023.

This means that the Project will not comply with AB 939, which requires municipalities to divert 50% of solid waste to recycling.

See Attachment E, "New RecycLA settlement: Relaxed hauler targets, $9M in customer relief" from WasteDive, February 14, 2019

Here is an excerpt from the article:

> *Los Angeles still has a stated goal of 90% land[1]ll diversion by 2025, but the city has revised its RecycLA contract target from 45% to 35% diversion by 2023. A lack of recent data (another RecycLA priority) makes it hard to assess where that diversion rate currently stands. Regardless of this new financial compromise, it's clear significant progress will need to be made by all parties in order to hit the mark.*

The City attempts to claim compliance by simply not collecting or publishing current data. The Project does not comply with AB 939, and therefore does not fulfill CEQA's requirement that it comply with existing law.

Response to Comment No. ORG 16B-6

The comment states that the Project would not comply with Assembly Bill (AB) 939 or with existing law. While the comment accurately states the RecycleLA contract target was revised from 45 percent to 35 percent diversion by 2023, as also noted in the comment, the City's ultimate goals for 90 percent landfill diversion by 2025 have not changed. The Project was assumed to become fully operational as early as 2024 under the overlapping construction scenario and in 2027 under the sequential construction scenario. As such, the Project's diversion through the RecycLA program would be well above the AB 939 required diversion rate of 50 percent. In addition, as described in Section IV.N.3, *Solid Waste*, of the Draft EIR, the Project would provide on-site recycling collection facilities for the Project's occupants within the same area as the other "back-of-house" services for both the West Site and the East Site, as required by the City's Recycling Space Allocation Ordinance. This would serve to facilitate recycling on the Project Site during operation of the Project.

Comment No. ORG 16B-7

Attachment A: Referenced pages from the Hollywood Center, Hollywood & Wilcox, citizenM, Modera Argyle, Hollywood Community Plan Update, Hollywood & Gower, and Crossroads Hollywood Draft EIRs.

Attachment B: The New York Times, The Most Detailed Map of Auto Emissions in America, October 10, 2019.

Attachment C: Los Angeles Department of Transportation, General Information.

Attachment D: Los Angeles Department of Transportation, 2018 Annual Agency Profile.

Attachment E: WasteDive, New RecycLA settlement: Relaxed hauler targets, $9M in customer relief, February 14, 2019.

Response to Comment No. ORG 16B-7

This comment provides Attachments A through E that are referenced in Comment Nos. 16B-2 through 16B-6. The responses above address the contents of these attachments. As such, no further response is warranted.

Comment Letter No. ORG 17

Rigo J. Saborio, Chair
Los Angeles Aging Advocacy Coalition
675 S. Carondelet Street
Los Angeles, CA 90057
Received May 18, 2020

Comment No. ORG 17-1

On behalf of the Los Angeles Aging Advocacy Coalition, please accept the attached letter of support for the Hollywood Center.

Please let me know if you have any questions.

Response to Comment No. ORG 17-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 17-2.

Comment No. ORG 17-2

I am writing on behalf of the Los Angeles Aging Advocacy Coalition to express our support for the Hollywood Center Project.

The Los Angeles Aging Advocacy Coalition's (LAAAC) mission is to protect and strengthen access to quality care for older adults, their families and caregivers in Los Angeles County. AARP estimates that by 2030, one in every five Americans will be over the age of 65. By 2035, the number of those over the age of 60 is projected to grow by 68% and the number of people over 80 is expected to increase 118%.

For these reasons and more, the time to grow our housing potions in Los Angeles is now. These buildings would provide much needed affordable housing for one of the City's most vulnerable and fastest growing populations: low and very-low income older adults. The project, which is located in the heart of Hollywood, will offer these individuals an opportunity to have critical neighborhood serving resources such as grocery stores, pharmacies, entertainment, and public transportation, all within a short walk from their front door.

Additionally, this project will be built on a site that is currently underutilized and would be better served as a location to house individuals, as opposed to vehicles.

As the world fears an economic slowdown, this project brings the promise of necessary stimulus to our local economy, while also ensuring that the supply of housing (both market and affordable) does not continue to grow unproportionally to the demand we currently see in our City.

I want to thank you for this opportunity to participate in the public comment period, and again stress the importance of how projects like this need to be moved forward with urgency.

Response to Comment No. ORG 17-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 18

Rigo J. Saborio, President & CEO
St. Barnabas Senior Services
675 S. Carondelet Street
Los Angeles, CA 90057
Received May 18, 2020

Comment No. ORG 18-1

On behalf of St. Barnabas Senior Services, please accept the attached letter of support for the Hollywood Center.

Response to Comment No. ORG 18-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 18-2.

Comment No. ORG 18-2

I am writing on behalf of St. Barnabas Senior Services to express our support for the Hollywood Center Project. We operate the Hollywood Senior Center located at 5170 Santa Monica Blvd. in the City of Hollywood. Through our case management services, we see that upwards of 70% of the seniors who walk through our door for case management, have a housing related issue. Increasing rents, coupled with a decreasing supply of affordable units, leaves these seniors living on the brink.

St. Barnabas Senior Service's (SBSS) mission is to empower a diverse community of older adults to Live Well, Feel Well and Age Well in the community with dignity and respect. AARP estimates that by 2030, one in every five Americans will be over the age of 65. By 2035, the number of those over the age of 60 is projected to grow by 68% and the number of people over 80 is expected to increase 118%.

For these reasons and more, the time to grow our housing options in Los Angeles is now. These buildings would provide much needed affordable housing for one of the City's most vulnerable and fastest growing populations: low and very-low income older adults. The project, which is located in the heart of Hollywood, will offer these individuals an opportunity to have critical neighborhood serving resources such as grocery stores, pharmacies, entertainment, and public transportation, all within a short walk from their front door.

Additionally, this project will be built on a site that is currently underutilized and would be better served as a location to house individuals, as opposed to vehicles.

As the world fears an economic slowdown, this project brings the promise of necessary stimulus to our local economy, while also ensuring that the supply of housing (both market

and affordable) does not continue to grow unproportionally to the demand we currently see in our City.

I want to thank you for this opportunity to participate in the public comment period, and again stress the importance of how projects like this need to be moved forward with urgency.

Response to Comment No. ORG 18-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 19

Eric Dowdy, MPPA, Chief Government Affairs Officer
LeadingAge California
1315 I Street, Suite 100
Sacramento, CA 95814
Received May 19, 2020

Comment No. ORG 19-1

Please see the attached letter of support for the Hollywood Center. We believe this is an important project to meet the desperate housing needs of older Californians. If you have any questions, please feel free to reach out to me at any time. Thank you for your consideration.

Response to Comment No. ORG 19-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 19-2.

Comment No. ORG 19-2

I submit this letter on behalf of LeadingAge California in strong support of the proposed Hollywood Center project. Our 600+ members and partners include not-for-profit organizations representing the entire field of aging services, businesses, consumer groups, foundations and research partners.

Since 1961, our organization has advocated for the critical needs of older adults throughout the state. As time passes, and we collectively face a potential economic collapse, we recognize that there is no greater need for these adults than shelter, especially in larger cities where the cost of living exceeds that of Social Security benefits.

In the U.S. more than 35 percent of people over the age of 65 live entirely on their social security benefit. In large cities like Los Angeles it is often the case that the benefit received is insufficient to pay for rent, in addition to food, healthcare, and other monthly necessities. Rental housing is a popular housing option for older adults who seek more accessibility and less maintenance. However, while there are over 200,000 older adults in affordable rental housing in California, almost two-thirds of senior households who qualify for affordable housing don't receive it, because there is just not enough supply.

Hollywood Center would be a part of the solution. The 133 units in this project dedicated for very low to extremely low-income older adults is exactly the type of development Los Angeles needs. The idea of creating residential developments that specifically provide safe and affordable housing for our older population should be encouraged.

Additionally, as we support the need to preserve the health of older adults, we also believe just as critical is the health of our planet. Hollywood Center's LEED Gold commitment and

Transportation Demand Management Program will incentivize residents and visitors alike to utilize alternate modes of transportation, thereby limiting carbon output and ensuring the health of residents today and into the future.

The cost of development in Los Angeles is high, and with this pandemic it is only expected to increase. Projects like this which incorporate affordable housing managed by an experienced and responsible non- profit housing provider are a great way to ensure that the supply needed continues to grow, as we know the demand will not stop. For that reason, we support Hollywood Center and ask that you please do not delay this project. It's time to give affordable housing the attention it deserves. Thank you for your consideration.

Response to Comment No. ORG 19-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 20

Heather Cooper Ortner, President & CEO
Alzheimer's Los Angeles
4221 Wilshire Boulevard, Suite 400
Los Angeles, CA 90010
Received May 19, 2020

Comment No. ORG 20-1

Attached is our letter of support for the Hollywood Senior Housing project. Please let me know if you need anything further.

Response to Comment No. ORG 20-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 20-2.

Comment No. ORG 20-2

I am writing to express our support for the proposed Hollywood Center Project.

This project speaks to the city's urgent need for affordable housing for older adults. Average monthly income from Social Security alone puts most seniors very close to the federal individual poverty level. Even the maximum benefit -- which is very difficult to obtain -- nets an annual income that is far below the cost of comfortable living in many larger cities.

Alzheimer's Los Angeles is a proud partner of the Purposeful Aging Los Angeles (PALA) initiative. The PALA Age-Friendly Action Plan that was adopted by both the City and County of Los Angeles, outlines eight domains of livability that influence the quality of life for older adults. These domains, influenced by the World Health Organization and AARP include: Civic Participation and Employment, Communication and Information, Community Support and Health Services, Emergency Preparedness and Resilience, Housing, Social Participation, Transportation, and Outdoor Space and Buildings.

Hollywood Center would provide older adults with access to many of these domains by allowing future residents the opportunity to live in a vibrant community that provides access to essential resources such as convenient transportation options, well-designed pedestrian experiences (Vision Zero crosswalks, landscaped medians, outdoor public spaces), and access to world class healthcare all within a short subway ride from their home.

Our city is aging rapidly, and we need to make investments to provide for our older adult population now. For these reasons Alzheimer's Los Angeles supports Hollywood Center, and we urge you to move this project forward. Thank you for your consideration.

Response to Comment No. ORG 20-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 21

Ruth Schwartz, Executive Director
Shelter Partnership, Inc.
520 South Grand Avenue, Suite 695
Los Angeles, CA 90071
Received May 22, 2020

Comment No. ORG 21-1

Please see the attached letter.

Response to Comment No. ORG 21-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 21-2.

Comment No. ORG 21-2

I am writing to express my support for the proposed Hollywood Center Project.

This project speaks to the city's paramount needs including the jobs, housing, and especially affordable housing for older adults. Average monthly income from Social Security alone puts most seniors very close to the federal individual poverty level. Even the maximum benefit -- which is very difficult to obtain -- nets an annual income that is far below the cost of comfortable living in Los Angeles.

The need for affordable housing targeting seniors is immense. According to the Los Angeles Homeless Service Authority's 2019 Homeless Count, 3,147 homeless older adults, 62 years and older, reside in the city. Further, UCLA's Dr. Steven Wallace found that 58% of Los Angeles County seniors are severely rent burdened, spending most than 50% of their income on housing costs.

The World Health Organization has identified Eight Domains of Livability that influence the quality of life for older adults. These domains include: Outdoor Spaces and Buildings, Transportation, Housing, Social Participation, Respect and Social Inclusion, Civic Participation and Employment, Communication and Information, Community and Health Services.

Hollywood Center would provide older adults with access to these domains, by allowing future residents the opportunity to live in a vibrant community that provides access to essential resources such a convenient transportation options, well-designed pedestrian experiences (Vision Zero crosswalks, landscaped medians, outdoor public spaces), and access to world class healthcare all within a short subway ride from their home. Furthermore, Menorah Housing Foundation is an experienced provider of services to senior affordable housing residents.

For these reasons I support Hollywood Center, and I urge you to move this project forward without any delay.

Response to Comment No. ORG 21-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 22

Gene Hale, Chairman
Greater Los Angeles African American Chamber of Commerce
5130 W. Goldleaf Circle, Suite 230
Los Angeles, CA 90056
Received May 22, 2020

Comment No. ORG 22-1

Please find GLAAACC's support letter for the Hollywood Center attached.

Response to Comment No. ORG 22-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No.ORG 22-2.

Comment No. ORG 22-2

The Greater Los Angeles African American Chamber of Commerce (GLAAACC) has been the voice and an advocate for small businesses in the Southern California region for over 25 years. As a small business owner and Chairman of the Board of GLAAACC, I write to you today in strong support of the Hollywood Center project.

An expertly developed proposal of this magnitude means two things for our stakeholders and community members: 1) massive economic development, and 2) a huge influx of new jobs. Our communities are hurting right now, and this type of long-term investment in Los Angeles is precisely what we need.

Equally as important to the investment and jobs Hollywood Center brings are the elements of the development itself. Our seniors need affordable places to live – this project provides that. Our transit lines need more activity around them – this project provides that. We need increased housing supply to address the housing crisis – this project provides that. We need more multi-modal options to get around town – this project provides that. We need to 'think green' in how we develop our City moving forward – this project does that.

This project means thousands upon thousands of construction jobs during the building of this project. Hollywood Center will also provide a good chunk of operational jobs through the ground floor commercial and restaurant space planned. I would ask that the City thoroughly examine alternatives to increase the operational jobs of Hollywood Center. In reviewing the DEIR, I noticed Alternative 8 provides an increased provision of new office space. Not only do we need to be building housing along transit lines, we also need to be building jobs that are easily accessible without the use of a car. Hollywood, the region's historic home to the entertainment industry, could not be a better location for a new job-creating and economy-enhancing proposal that includes new office space.

GLAAACC urges your support of the project. Please feel free to contact me at (310) 515-6715 if you have any questions. Again, thank you for your support in this matter.

Response to Comment No. ORG 22-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 23

June Simmons, CEO
Anwar Zoueihid, VP of LTSS
Partners in Care Foundation
732 Mott Street, Suite 150
San Fernando, CA 91340
Received May 26, 2020

Comment No. ORG 23-1

Partners in Care Foundation would like to express our support for the Hollywood Center development project. Attached is our letter of support, signed by our CEO and VP of Long-Term Services and Support.

Response to Comment No. ORG 23-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 23-2.

Comment No. ORG 23-2

I am writing to express my support for the proposed Hollywood Center Project.

We at Partners in Care Foundation are concerned with social determinants of health, among which are housing and financial security. Los Angeles faces an affordable housing crisis, with 58% of older adults facing rent burdens where rent consumes more than half their income. The Hollywood Center Project will include 133 units dedicated to affordable senior housing, located in a neighborhood that is more friendly to walking and public transportation than most senior housing usually allows.

The Hollywood Center Project is not strictly an affordable senior housing project, which is a plus for the seniors who will make this project their home. Social isolation and neglect are common among seniors, who can feel isolated when they are set apart from the community as a whole. With 13% of all units dedicated to affordable living for seniors, this project strikes a good balance of ages that the city should aim to have in all new developments.

We gladly support this and any other project that dedicates itself to addressing the housing needs of our vulnerable populations.

Response to Comment No. ORG 23-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 24

Melissa Gibson Smith, Founder & President
Epiphany Space
1763 North Gower Street
Los Angeles, CA 90028
Received May 26, 2020

Comment No. ORG 24-1

I am submitting this letter to offer support during this public comment period for the proposed project, Hollywood Center. I am in support of this project and feel it will be an asset to the Hollywood community.

My family and I live in Hollywood and our daughter attends Cheremoya Elementary. I founded and run Epiphany Space, a nonprofit artist community and coworking space. Epiphany Space has been serving the Hollywood community since 2013 and we are Hollywood Chamber members. Our family and Epiphany Space is passionate about the livability of Hollywood for families and artists, as well as, the viability of running small businesses that serve local residents.

Last year, I attended the Hollywood Center's presentation to the community since the development will only be a few blocks from us. The team who have designed this project have imagined an exciting and 21st century design that will be an enhancement to this community. I was impressed by the thoughtfulness of the design, how they provide space for seniors and open plazas between the buildings, which allow for more outdoor area and walkable pathways.

Over the years we've experienced the benefit of many new developments, including the Hollywood and Vine block with the W Hotel and Trader Joes, along with the El Centro and adjacent developments. The housing they provide and the retail and restaurants have brought great value to our business and to areas that were once uncomfortable to walk through with children. We have also appreciated the way many historic landmarks have been preserved in the midst of Hollywood's development.

Considering our current climate with Covid 19, the jobs this project will provide will have tremendous impact on Los Angeles families. Local Hollywood businesses will also benefit from the patronage of these contracting teams at their restaurant and retail spaces.

I believe this project will positively impact Hollywood residents and businesses and will beautifully improve the land that is set to be developed.

Thank you for this opportunity to participate in the public comment for the Hollywood Center Project. I encourage the city to proceed with the plans to bring this exciting addition to Hollywood to life after so many years of waiting.

Response to Comment No. ORG 24-1

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 24-2

Attachment: Duplicate letter.

Response to Comment No. ORG 24-2

See Response to Comment No. ORG 24-1.

Comment Letter No. ORG 25

Missy Kelly, President
Fran Reichenbach, Founder and Treasurer
Beachwood Canyon Neighborhood Association
Received May 27, 2020

Comment No. ORG 25-1

Please add the enclosed documents into the public record from Beachwood Canyon Neighborhood Association. In addition to the points that we raise along with the in-depth traffic review enclosed, we have serious issues with the failure of the City to extend the public comment period allowed for this project. Many have asked for a simple 60 day extension because of the issues associated with the current Pandemic.

This request should be given more weight in light of the fact that City Hall is now being protected by many uniformed officers and troops from the National Guard because of the ongoing unrest. The City of Los Angeles has been declared a State of Emergency. How many had planned on delivering their documents today? Many have a voice but don't have a computer.

We ask here again for an extension of time to allow all who wish to speak about this project to do so safely.

Response to Comment No. ORG 25-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 25-2 through ORG 25-9.

The comment also requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. ORG 25-2

The Beachwood Canyon Neighborhood Association stands opposed to this project for several reasons outlined in the Draft EIR issued on April 16, 2020.

After completion, this project would impose significant, lasting, and detrimental effects on the surrounding community that has always enjoyed a quiet and peaceful co-existence with the destination community of Hollywood.

Response to Comment No. ORG 25-2

The comment asserts that the Project would impose significant and lasting effects on the surrounding community but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 25-3

Traffic near 101 NB onramp: Because of recent construction and the addition of larger projects that already surround this property. The surrounding streets are extremely narrow and can barely support existing traffic.

The existing time to enter the 101 Freeway in either direction is currently 10 to 15 minutes during peak travel times. Although they say the project is “transit friendly” the reality is that each and every owner of any unit in the building will most likely be using their own car.

Emergency Resources: Emergency response times will be increased as the demand will increase with the density of this project. Upper Beachwood Canyon and other canyon residents will not be able to count on reasonable delivery of these critical services. Lives are on the line.

Response to Comment No. ORG 25-3

The comment expresses concerns regarding the Project’s potential to exacerbate traffic impacts and impacts to emergency resources. The Project’s transportation/traffic-related impacts were fully analyzed in the Draft EIR’s Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City’s TAG adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of the Project’s traffic impacts, traffic impacts regarding the Hollywood Freeway, including on- and off-ramps, and emergency response impacts.

Comment No. ORG 25-4

Evacuation in case of fire: Beachwood Canyon (especially the northern end) is surrounded by parkland with overgrown brush. Evacuation plans are only as good as the ability for people to get through the expected gridlock in Hollywood resulting from the many new car trips generated by the Millennium Center. Lives are on the line.

Response to Comment No. ORG 25-4

The LAFD and other emergency services have means to avoid gridlock and facilitate the movement of vehicles through an evacuation route during a massive evacuation, such as one caused by a fire. During an unanticipated disaster event, the City’s Emergency Operations Organization (EOO) along with City agencies (i.e., LAPD and LAFD) would

implement operational protocols, as well as plans and programs, on a case-by-case basis, to facilitate emergency evacuations and/or response, which would consider traffic conditions at the time of the emergency. In such instances, traffic would be routed along the City's numerous disaster routes, as determined appropriate by the applicable responding City agencies. During these events, evacuation routes would be selected based on the nature and location of the emergency event. Measures available to emergency services include blockades to eliminate cross traffic along the evacuation route and other traffic controls. Moreover, the Project Site is not located in the vicinity of Beachwood Canyon, which is located to the north of US-101 and served by Disaster Routes along Franklin Avenue, Hollywood Boulevard, Los Feliz Boulevard, Cahuenga Boulevard, and US-101 and, as such, is not anticipated to interfere with evacuation of the Beachwood Canyon area in the event of a fire.[52] Refer to Response to Comment No. ORG 25-3 for a discussion regarding the Project's impacts on emergency access and response.

Comment No. ORG 25-5

Parking: Currently, employees and patrons of the business in Hollywood drive up into Beachwood and into Argyle and parking their cars, carpooling down into Hollywood to work or play. Parking is already slim and is the source of many complaints. This will be unbearable once this busy new business is developed.

Response to Comment No. ORG 25-5

The comment expresses opposition to the Project based on parking issues experienced in the surrounding community. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces to serve the Project, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces). As the Project would meet and exceed LAMC parking requirements, there is no basis for the claim that the Project would exacerbate existing parking issues. Furthermore, the Project Site is located within a TPA, and parking impacts, even if they were to occur, would not be considered a significant impact on the environment pursuant to Public Resources Code (PRC) Section 21099.

Comment No. ORG 25-6

Water/Power/Sewer Services: the amount of services this project promises to drain from our already overwhelmed water supply, power grid and sewer system will cause extensive damage to the entire region. Power outages will be a routine issue which could be a health issue for the residents in the project, not to mention the surrounding community. An independent study needs to be done regarding projections of water resources as well as the burden that will be placed on the sewer system and power grid from this project.

[52] City of Los Angeles General Plan, Safety Element, Exhibit H, Critical Facilities & Lifeline Systems, Selected Transportation Routes.

Response to Comment No. ORG 25-6

The comment asserts that the Project would drain the overwhelmed water supply, power grid, and sewer system and would cause damage to the region. However, the comment does not provide any facts and, therefore, no substantial evidence, to support these claims and does not raise any issues with respect to the content and adequacy of the Draft EIR.

Regarding water supply, the Project's impacts on water supply were fully analyzed within Section IV.N.2, *Water Supply*, of the Draft EIR. As stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment (WSA) for the Hollywood Center Project, as required by Senate Bill (SB) 610, that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project. Therefore, the Project would result in less-than-significant impacts on water supply.

Regarding the power grid, the Project's impacts on energy were fully analyzed within Section IV.O, *Energy Conservation and Infrastructure,* of the Draft EIR. As detailed on page IV.O-32, based on LADWP's 2017 Power Strategic Long-Term Resource Plan's forecasts, LADWP's existing and planned electricity capacity and electricity supplies, which were provided in Table IV.O-2, would be sufficient to serve the Project's electricity demand. Furthermore, the Project's electricity consumption during operation would be included in LADWP's total load growth of the City's power system. Therefore, the Project would result in less-than-significant impacts on energy.

Regarding the sewer system, the Project's impacts on wastewater were fully analyzed within Section IV.N.1, *Wastewater,* of the Draft EIR. As analyzed therein, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure

needs and would require approval of sewer permits prior to connection to the sewer system. Therefore, the Project would result in less-than-significant impacts on wastewater.

Comment No. ORG 27B-7

Developer has a bad track record: The developer seeking the project has a long history of changing things up to save himself money after receiving approval, hoping no one will notice. Check out the San Francisco (leaning) Millennium Tower for past history.

Response to Comment No. ORG 25-7

The commenter provides a general statement that the developer "has a bad track record" and makes reference to a different project located in San Francisco but does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 25-8

Residents, neighborhood groups and Councils, surrounding businesses, join our organization, the BCNA in opposition to the project and we hope that you will address and consider the opposition beyond a cursory thought and work with the community to preserve the public's safety and our way of life.

Response to Comment No. ORG 25-8

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 25-9

Attachment: KOA, Review of Hollywood Center Draft EIR Traffic Assessment, June 1, 2020.

Response to Comment No. ORG 25-9

This letter from KOA is included as attachment to Comment Letter No. IND 8. Responses to this attachment are provided in Response to Comment Nos. IND 8I-74 to 8I-78.

Comment Letter No. ORG 26

Kitty Gordillo, Executive Director
6501 Fountain Avenue
Los Angeles, CA 90028
Hollywood Police Activities League (Hollywood PAL)
Received May 28, 2020

Comment No. ORG 26-1

Attached is a formal letter of support for the Hollywood Center Project. Should you have any questions, please feel free to contact me at either of the numbers listed below.

Response to Comment No. ORG 26-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 26-2.

Comment No. ORG 26-2

I am pleased to support MP Los Angeles' Hollywood Center Project. As a native Los Angelino working over 20 years in the Hollywood Community, I've seen a myriad of changes to the Hollywood's resident make-up, workforce, and its overall landscape. MP Los Angeles has done a great job on designing a plan that will definitely have a positive impact on the community as it addresses housing and workforce challenges while being socially responsible creating a footprint that takes greenspace and community access into consideration. It will be an asset supporting needs for a community that continues to grow.

Hollywood Center 4.5-acre, LEED Gold Certified, mixed-use vertical community at Hollywood and Vine will bring over 1000 units including much needed low income senior living to Hollywood, space for businesses addressing parking needs and still while making sure to showcase Hollywood's iconic Capitol Records Building.

As the Executive Director for the Hollywood Police Activities League which provides LAPD Officer and volunteer lead youth programs for underserved kids in the community, I look at a business' commitment to improving the community when considering them as a partner. MP Los Angeles has been a part of the Hollywood community for years and they are dedicated to improving lives, opportunities, and experiences for all our locals.

The project will create new jobs, living spaces, and playing spaces. Personally, I think it will be a fabulous addition to the Hollywood community.

Should you have any questions or need additional information from me, please do not hesitate to contact me.

Response to Comment No. ORG 26-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. While Ms. Gordillo is the Executive Director of Hollywood PAL, the comment comes from her as an individual and is not representative of Hollywood PAL. As such, no further response is warranted.

Comment Letter No. ORG 27

Branden Stoltz, Pastor
Hollywood Seventh-day Adventist Church
1711 N. Van Ness Ave.
Los Angeles, CA 90028
Received May 28, 2020

Comment No. ORG 27-1

Please find attached letter of support for the Hollywood Center Project and a desire to close public comment period as originally scheduled. This comes from the board of the Hollywood Adventist Church located at1711 N. Van Ness Ave. Thank you for your attention.

Response to Comment No. ORG 27-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 27-2.

Comment No. ORG 27-2

We, the Board of the Hollywood Seventh-day Adventist Church, offer our support during this public comment period for the proposed project, Hollywood Center. While some members have concerns about the proposed height, we are in support of this project and feel it will be an asset to the Hollywood community.

As a faith community in the heart of Hollywood for more than a century, we've been a witness of the changes to Los Angeles throughout the years. In both times of plenty and famine, we've endeavored to be part of and in service to our neighbors. We've seen the need for affordable housing and continued progress in finding homes for our friends and members who are of limited means or who are unhoused.

The team who has designed this project has imagined an exciting and 21st century design that will be an enhancement to this community. The walkability in the design and affordable units for seniors are both key aspects of this project that motivate our church to endorse it. We share the Hollywood corridor of public transit, and look forward to it becoming a more vital mode of transportation for our congregation.

Thank you for this opportunity to participate in the public comment period for the Hollywood Center Project. We encourage the city to proceed with the plans to bring this exciting addition to Hollywood to life after so many years of waiting.

Response to Comment No. ORG 27-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 28

Christine O'Brien
Hollywoodland Homeowners Association
2700 N. Beachwood Drive
Hollywoodland, CA 90068
Received May 28, 2020

Comment No. ORG 28-1

Thank you for the opportunity to comment on the Hollywood Center Project despite the department's inability to extend the comment timeline. This is an undertaking for any volunteer lay person, reading, reviewing, synthesizing, and writing on more than 4,000 pages in 45 days. Paid staff would have a difficult time acting under this timeframe. However, since I have an obligation to my historic neighborhood and a commitment to the other property owners in my city, I feel it is appropriate for me to respond and communicate concerns.

Response to Comment No. ORG 28-1

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 28-2

Hollywoodland, Tract 6450

I am writing on behalf of Hollywoodland Homeowners Association who's *[sic]* purpose (since 1942) has been to promote safety and advocate protection for Hollywoodland. Hollywoodland tract 6450 represents 190 acres of residential property consisting of 575 homes, a small commercial village, horse stables (accessed through an easement road) and 440 plus acres of open space given to the city's Griffith Park in 1944. County maps show Hollywoodland residential surrounded by SEA (Significant Ecological Area) and VSFHZ (Very Severe Fire Hazard Zone). Three sides, 80% of our perimeter, are surrounded by park land. Our 1923 substandard, narrow hillside streets (generally without sidewalks) transport us to the flatland roadway grids of Hollywood proper and the 101 freeway.

Traffic and the marketing of tourism created through densification of commercial sections of Hollywood have a negative effect on hillside communities particularly in terms of safety issues relating to traffic, noise, fire, ingress egress and emergency access.

Response to Comment No. ORG 28-2

This comment provides an introduction to the commenter's organization, Hollywoodland Homeowners Association. The comment also asserts that densification of commercial areas of Hollywood would have a negative effect on hillside communities. However, the

comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 28-3

General comments: Environment, Character

Definition ENVIRONMENT: The external factors and forces surrounding and affecting an organism, person or population. Although the DEIR seems expertly written and covers many details it misses real living, human use issues (*persons*) as well as issues that make our city (*population*) unique and special. The DEIR ignores the big picture in three areas:

1. Human element, how the structure will be received and used by the community

2. Aesthetics relating to composition (scale and massing) relative to existing buildings, street configurations, etc.

3. Reinforcing the primary visual character of Los Angeles built structure: horizontal versus vertical siting of structures.

Today the City is in a visual vacuum only seeing monetary revenues from projects, ignoring the unique topography landscape that demands horizontal siting.

Response to Comment No. ORG 28-3

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. ORG 28-4

Current Events Affecting the Future

May 24, 2020 Los Angeles Times discussed "dense Park LaBrea" and how it has been affected by the current pandemic. Park LaBrea has 4255 living units on 160 acres. Most of the development is self-contained relative to street traffic with 18 units reaching 13 stories and 32 units in 2 story attached apartment configurations. ***The ratio*: 26.5 dwelling units per acre.**

The proposed Hollywood Center Project is not a self-contained, isolated space. The proposed height is 46 stories, more than three times higher than “pandemic” oriented Park LaBrea. It is located one block adjacent to a busy freeway offramp that filters massive amounts of traffic into the city, Hollywood and adjacent residential areas. Hollywood Center Project is 1005 living units on 4.46 acres of land with a ***ratio*** **of 225 dwelling units per acre.**

Just considering this data one must ask: What is going on? Why this lack of livability in housing? What are the forces behind this? Will traffic change after the pandemic? Will behavior patterns change? Will living options change? Will people want to ascend/descend 46 stories in an earthquake, fire, pandemic? Who are the New York LLC’s really building this for?

And while you consider methods and ways to approve this project, I would like to reintroduce our City Charter that binds responsible actions to its citizens:

City Charter Article 1 corporation of powers

Sec. 103. Delivery of Services.

Every City office and department, and every City official and employee, is expected to perform their functions with diligence and dedication on behalf of the ***people of the City of Los Angeles****. In the delivery of City services and in the performance of its tasks, the government shall endeavor to perform at the highest levels of achievement, including efficiency, accessibility, accountability, quality, use of technologically advanced methods, and responsiveness to public concerns within budgetary limitations. Every analysis and review of the performance of the government and its officers shall seek to ascertain whether these high standards are being met, and if not, shall recommend methods of improvement.*

To the planning staff I ask this: What is the character of Hollywood’s commercial/residential area? Is the physical, built character of Los Angeles vertical or horizontal? Why is character important in all new structures? How does physical character in buildings reflect environmental elements in a project like the Hollywood Center?

Response to Comment No. ORG 28-4

The comment describes an article in the Los Angeles Times regarding the “dense” Park La Brea development during the current pandemic and suggests that the high density characteristic of the Project, would be less livable because of risks related to earthquakes, fires, and pandemic. The current trend in many urban areas is to promote higher density, consistent with State and local policies, such as identification of Transportation Priority Areas (TPAs), in which densification is encouraged. A significant purpose of densification

is to reduce per capita vehicle miles, reduce per capita emissions, and reduce per capita energy demand related to fuels.

Regarding the general concern about earthquakes, risks to the Project related to earthquakes are evaluated in Section IV.D, *Geology and Paleontological Resources*, of the Draft EIR and further discussed in Topical Response No. 3, Geology and Fault Hazards, above. As described therein, the Project would not result in significant earthquake risk. Regarding the general concern about fire hazards, fire hazards are evaluated in Section IV.K.1, *Fire Protection*, of the Draft EIR and determined to be less than significant.

The comment also questions the impact of the Project on post-pandemic traffic and also raises questions on societal and environmental changes from the effects of COVID-19. The comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. Consideration of post-pandemic traffic is speculative and does not require analysis pursuant to CEQA Guidelines Section 15384(a). The total traffic effects of the Project, including congestion, are discussed in the TA in Appendix N-1 of the Draft EIR. It is noted that traffic congestion is no longer a CEQA issue and is not evaluated in the Draft EIR. Also refer to Topical Response No. 2 – Transportation and Traffic, above, regarding the Project's traffic impacts, which were determined to be less than significant. Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on traffic conditions, particularly from the public's use of public transit during future Project operations. is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

The comment also expresses the concern that the Project would be out of character with the built environment of the surrounding Hollywood Community. Refer to Topical Response No. 4 – Aesthetics, above, regarding physical character and scale of development.

Comment No. ORG 28-5

DEIR Introduction page 1

"A picture tells a thousand words". When I clicked on Planning's Hollywood Center Project, it told this about the City and their disposition regarding development:

To the far left of the photo is an image of the Mayor in a hard hat addressing about twenty hard hat construction workers (at probably one of the many Hollywood construction sites).

Translation: As mayor, he manages and approves everything in order to bring in tax revenues; this is what matters, this is what counts, this is the end result he wants and the process is just that, a process and that "process" will not delay or prevent this project.

The proposed project area is a few blocks away of many of CD13's unsheltered constituents who reside on the public sidewalk, defecate, urinate, consume drugs and have sexual encounters, all on public property (Gower underpass, Vine Street offramp). Adjacent to these unsheltered citizens is a temporary high school and Hollywood Presbyterian's nursery pre-school (the future citizens of our city). Note that today, 5/27/2020, there was a cleanup, however there is a behavior pattern that in two weeks that visual will reappear).

In a rush to get this document out your department claims various libraries have copies of the plan. Although there may be copies in the library cue *[sic]*, the libraries have been closed since the issuance of this DEIR on April 15. Access through this option is not functional.

While the Hollywood Center project gets a "fast pass" I would like to state (in the public record) the Hollywoodland design guide (a document to accompany the Hollywoodland Specific Plan) has languished in the Planning Department for almost a year. We vote, we own property, we build character and add substance to the City, yet we are the lowest in your to do list cue *[sic]*?

With Planning's image of our mayor (in your Hollywood Center Center *[sic]* document), as well as other issues I have expressed, please review my comments. Please note them as more than just "process", but actual concerns that must be addressed.

Response to Comment No. ORG 28-5

The comment provides various opinions about City personnel and the disposition of development in Hollywood. The comment references The Hollywoodland design guide, which is not an adopted plan relevant to the Project. These comments are noted; however, as they do not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

In addition, the comments notes that libraries "have been closed since the issuance of this DEIR." While it is true that libraries have been closed due to the Mayor's "Safer at Home" Order resulting from the COVID-19 pandemic, the Draft EIR was made available for public review through various other means. See Topical Response No. 1 – Public Participation and Review, for additional details regarding the City's efforts to provide sufficient public access and availability to the Draft EIR.

Comment No. ORG 28-6

DEIR Document Executive Summary /Comments from the Document Details

Draft EIR Sections

III. Environmental settings page 1-18

TABLE III-1, page 6*

largest 952 DU, 6200 W. Hollywood

6201 W. Sunset 731 DU

6701 W. Sunset Blvd. 760 DU, 308 hotel rooms

5460 W. Sunset 735 DU

Observation/question: The proposed New York City funded project is larger and taller than any existing building in

the commercial section of Hollywood. Why and how does that affect the

community character?

*please note search on Zimas provided very odd information relative to these addresses.

Response to Comment No. ORG 28-6

The comment questions the height and scale of the Project relative to community character. The height and scale of the Project is discussed in detail in Chapter II, *Project Description*, of the Draft EIR. Aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. As discussed therein, under PRC Section 21099(d)(1) impacts related to scenic views, scenic resources, conflicts with regulations governing scenic quality, and light and glare are considered to be not significant for a project located within an infill property in a TPA. Nonetheless, with the array of simulations in Section IV.A (Figures IV.A-7 through IV.A-20), the Draft EIR disclosed the relative scale and character of the Project with respect to the surrounding built environment. No further evaluation of this issue in the Draft EIR is required.

Comment No. ORG 28-7

IV. A. Aesthetics

Mitigation measures

Design features and mitigations measures

Threshold (c)

This project does affect the visual character of the Hollywood Community Plan area. The excessive height of 44 feet, the massing of the project, overwhelms all existing area built projects. The vertical context of the project rejects the original linear visual evident in earlier Hollywood and Los Angeles. Hollywood Center would be the tallest building in

commercial Hollywood. There is not a clear reason why it needs to be this height. There is not a clear reason why this structure from a New York LLC has an ability to dictate and change community character. Please clarify why this height has been approved.

Please note the surrounding area description has been visually handpicked and has excluded the obvious human elements such as CD13 unsheltered constituents. They have a permanent placement on the sidewalks and their presence should be considered in this review.

Design features and mitigations measures

Threshold (d)

Hillside property and public open space are negatively affected by light source and glare. When considering this project, the DEIR only considered the immediate area. However, the effects of light and noise negatively impact the hillside residents. Tall structures like this alter wind patterns while the increased number of illuminates on/in all new high-rise buildings creates negative ambient light affecting the environmental open-space associated with microclimate plant life and animal habitat. New York LLC's probably do not understand this aspect of Los Angeles hillside living. Please investigate further.

Response to Comment No. ORG 28-7

The comments question the height of the Project with respect to surrounding buildings and questions why this height has been approved. It should be noted that, no maximum building heights are applicable to the Project Site. The Project has not yet been before the decision-making body, and is not approved. The comment also suggests that hillside properties would be negatively impacted by increased ambient light and that the Project's buildings would alter wind patterns. It is noted that, with open space around both the East and West Buildings, wind changes would be localized and would not affect pedestrians or off-site uses.

Under PRC Section 21099(d)(1) impacts related to views, scenic resources, conflicts with regulations governing scenic quality, and light and glare are considered to not be significant for a project located within an infill property in a TPA.

Noise impacts were analyzed in Section IV.I, Noise, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Impact Study and the Off-Site Construction, and On-Site and Off-Site Operational Noise Technical Appendix, both included in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary, and, that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

Wind impacts from the Project are not required to be analyzed under CEQA. However, the design of the proposed buildings would be subject to design review and approval by the City prior to its construction.

Also, the comments asserts that the increased number of illuminates on/in all new high-rise buildings creates negative ambient light affecting the environmental open-space associated with microclimate plant life and animal habitat. However, the comment does not provide any specific facts or substantial evidence to support this claim. As such, while this claim is noted, no further response is warranted.

Comment No. ORG 28-8

IV Noise (a) This data collection is selective in its measurement and reference to sources. The data is not collected relative to the noise "bounce" from varying geography. Sound has an affect *[sic]* from high-rise buildings in conjunction to freeways, autos etc.

The data is viewed in as a "flat plane, grid" not in configured elevation changes that creates noise and light bounce. Please include these environmental concerns and review.

The city's local noise elements are not met with this project because noise issues have been viewed in a limited scope. Because of elevations, hard surfaces, building, wall noise "bounce", the noise translates further up the hillside canyons. Additional measurements must be implemented.

There are significant concerns regarding rooftop elements that allow gatherings of crowds and amplified music. These uses should be prohibited. Again, because of hillside elevations and manmade structures, noise is projected into the hills.

Response to Comment No. ORG 28-8

The comment raises concerns regarding noise "bounce" from varying geography and Project rooftop elements that would generate noise from crowds and amplified music into the hills.

Regarding the Project's noise from crowd gatherings and amplified music, noise impacts from these noise sources were fully evaluated in Section IV.I, *Noise*, of the Draft EIR. The Project would implement noise controls for the open space area, which include plaza and rooftop areas. As described on page IV.I-36 of the Draft EIR, per project design feature NOI-PDF-3, the Project will not require or allow operation of an amplified sound system in the outdoor plaza areas for performances, including the East Site Level 1 Performance Stage. The East Site Plaza Performance Stage would not include a Hollywood Bowl concert venue-sized sound system. Acoustic performances or ambient music speakers with prerecorded, low-level, background music on the East Site Level 1 Performance Stage will be limited to a sound level equivalent to 85 dBA measured at 25 feet from the performers. Compliance with this performance standard will be ensured through pre-performance noise tests/measurements for performances or ambient music speakers with potential to exceed the sound level, along with any necessary adjustments to the

location and nature of proposed performances or ambient music speakers. Furthermore, the East Site Plaza Performance Stage generally faces southward towards the East Site Building. Thus, the design of the East Site Plaza Performance Stage would be such that performance noise would generally be directed into the Project Site's East Site Plaza. Ambient music speakers for use on the Amenity Decks (Level 2) on both the East Site and the West Site will be downward or inward facing and used for background music only.

The Project's noise from operational sources, including from crowd gatherings and amplified music, are summarized in Table IV.I-12 on page IV.I-47 of the Draft EIR. As shown, the composite noise from the operational noise sources on East Site and the West Site, when added together, at the nearby sensitive receptors would range from approximately 41.4 dBA L_{eq} to 68.6 dBA L_{eq}, with the higher end of the range associated with the noise levels at sensitive receptors located near to the East Site Level 1 Performance Stage, such as the h Club Los Angeles (formerly Redbury Hotel) located approximately 90 feet west of the East Site.

With respect to noise "bounce" from varying topography, according to the California Department of Transportation (Caltrans), studies of highways through canyons typically have shown noise increases of less than 3 dBA from canyon effects. However, unless the slopes are perfectly vertical, buildup of reflections will be more limited because of the slope angles. In the vicinity of the Project Site, because of the angle of the cut slope, noise reflections from geography are directed skyward[53] and, thus, would not be exposed to direct reflected noise from the Project Site. Additionally, as shown in Figure II-5 in Chapter II, *Project Description*, of the Draft EIR, the Capitol Records building would serve as a partial noise barrier blocking a portion of the noise from the primary source of operational noise from the Project Site (i.e., the East Site Level 1 Performance Stage). Furthermore, with respect to the community to the north of the Project Site in the Hollywood Hills area, which is the community north of Franklin Avenue to the north of the Project Site, the noise level from the Project's operational sources, including from crowd gatherings and amplified music, would be less than 44 dBA L_{eq}, given the community north of Franklin Avenue is over approximately 600 feet to the north of the Project Site and is located north of noise-sensitive receptor 1, as shown in Table IV.I-12 on page IV.I-47 of the Draft EIR. Thus, the Project's noise from crowd gatherings and amplified music would not exceed the significance thresholds and would not require that the proposed open space uses be prohibited.

Comment No. ORG 28-9

IV. A page 23 Please define "dense urbanized character".

Figure IV. A8 page 35 The images clearly show the massing change from horizontal to vertical density. The purpose is not aesthetics, but to maximize profits. Structures such as the Center Project compromise the visual character of Hollywood creating a Wuhan, Dubai, NYC look. Is that what the Hollywood community wants to see and live in? Is this

[53] Caltrans, Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013, p. 5-42.

what visitor come for Wuhan, Dubai, NYC? Los Angeles the clone of NYC? Reduction of height should be considered.

Figure IV A. 11 Simulated image shows incompatibility in design and scale of the proposed project. Please ask the developer to define the community character of Hollywood to better understand the project and our city. A mitigation measure should be reduced height and units.

Response to Comment No. ORG 28-9

The comment expresses opposition to the Project based on proposed building heights of the Project, including an opinion that Figure IV.A-11 shows the Project's incompatibility in design and scale with the character of Hollywood. The term "dense urbanized character" is simply used as a descriptive term to describe Hollywood as it contains a mix of concentrated buildings, people, and other typical urban uses, such as transportation facilities (i.e., roads, bridges, and subways). In regard to aesthetic issues, including urban character, focal views of the Capitol Records Building and panoramic views of the urban setting, see Topical Response No. 4 – Aesthetics, above.

Comment No. ORG 28-10

TABLE IV 1-20 Off-site Traffic Noise Impacts You have only measured immediate adjacent 6 block area. Hollywoodland and its adjacent hillside neighbors are directly affected 1.5 miles north of proposed project. Please initiate a noise study under all atmospheric conditions to understand this effect.

Response to Comment No. ORG 28-10

Table IV.I-20 of the Draft EIR, which is referenced in the comment, contains cumulative off-site traffic noise impacts for future (2027) plus Project conditions. As stated on page IV.I-20 of the Draft EIR, traffic noise levels were calculated for roadway segments located with the study area, as defined by the original MOU with LADOT and were based on vehicular turning movement data at intersections identified for traffic impact analysis by the City. Turning movements at each studied intersection were used to determine traffic volumes along 162 roadway segments within the Project vicinity. These roadways, when compared to roadways located farther away from the Project Site, would experience the greatest percentage increase in traffic generated by the Project (i.e., as distances are increased from the Project Site, traffic is spread out over a greater geographic area, and its effects are reduced). The study area for traffic noise extends far beyond a six block area as claimed in the comment. The study area in fact covers substantially more than 6 blocks with an east-west extent of approximately 1.8 miles (from Fuller Avenue/Hollywood Boulevard to US-101/Hollywood Boulevard) and a north-south extent of approximately 1.5 miles (from Vine Street/Franklin Avenue to Vine Street/Melrose Avenue) along the major east-west and north-south roadway axes.

As discussed on pages IV.I-103 and IV.I-104 of the Draft EIR, the Project's contribution would not be cumulatively considerable under future year 2027 conditions and cumulative

impacts would be less than significant. Because the Project's contribution to traffic noise would tend to decrease as distances are increased from the Project Site, due to traffic spread out over a greater geographic area reducing its effects, there is no reason to conduct additional traffic noise studies beyond the 162 roadway segments analyzed in the Draft EIR.

Comment No. ORG 28-11

Regarding historical preservation relative to the Walk of Fame.

Please note the Walk of Fame is a private entity on public space. It does not generate any monetary benefits to the public, only to the Chamber.

Response to Comment No. ORG 28-11

The commenter provides a general statement regarding the Hollywood Walk of Fame but does not raise any specific issues regarding the content and adequacy of the Draft EIR. However, impacts specifically regarding the Hollywood Walk of Fame were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to the Hollywood Walk of Fame. The Project's direct impacts to the Hollywood Walk of Fame were determined to be less than significant with implementation of a mitigation measure to protect the historic resource. See also Topical Response No. 6 – Historical Resources, above.

Comment No. ORG 28-12

Page 31 Please define "revitalize". Please include information about the significant numbers of unsheltered encampments on the streets adjacent to the proposed project. This visual element and how their displacement will be affected needs to be included as an environmental issue.

Response to Comment No. ORG 28-12

The comment requests a definition of the use of the term "revitalize"; however, it is not clear to which part of the Draft EIR is being referenced. Thus, no response is warranted. In addition, this comment states that unsheltered encampments in the vicinity of the Project Site affect visual character and requests that the displacement of unsheltered encampments needs to be included as an environmental issue. The Project's effect on homelessness is, in itself, an economical/social effect, which under CEQA Guidelines Section 15131, shall not be treated as a significant effect on the environment. Further, the issue is related to the effects of the existing environment on the Project, which is not evaluated in the Draft EIR in accordance with *California Bldg. Indus. Assn. v. Bay Area Air Quality Mgmt. Dist.* (2015) 62 Cal. 4th 369. This case held that the impact of existing environmental conditions on a project's future users or residents is not required in a Draft EIR. No further response is warranted.

Comment No. ORG 28-13

Table ES-1

IV.K.4 Parks and Recreation

Threshold (b) The more living units allowed the more physical and safety issues are created in hillside neighborhoods such as ours. The closest legal, authorized entry into Griffith Park is at Canyon (Bronson), yet flatlanders, the tourist trade and all their added vans, Ubers etc. manage to circumvent regulations and breech through illegal, unofficial entrances and vista sites. RAP needs to be clear with their process and their protections of eco sensitive areas like tract 6450. Please explain how tract 6450 SEA will be protected.

Response to Comment No. ORG 28-13

The comment expresses concern regarding safety of the neighborhoods in the hillside areas north of US-101. The described access to the Canyon Drive entrance to Griffith Park is via Franklin Avenue at both Canyon Drive and Bronson Avenue, both of which are located to the north of US-101 and approximately 0.5 miles to the northeast of the Project Site. The commenter does not provide evidence to substantiate their claim that the Project would exacerbate the existing neighborhood traffic and safety issues for hillside neighborhoods or that tourists and added vehicles would circumvent regulations and illegally enter Griffith Park. From Franklin Avenue, Canyon Avenue passes through a residential area for approximately one mile before accessing the unpaved Canyon Avenue in the park. It is not clear why Uber and tourist vans would use this indirect entrance when Fern Dell Avenue and Vermont Avenue/Hillhurst Avenue, both of which are directly accessed from Franklin Avenue, are the official park entrances. It is assumed that the Project's residents would be law-abiding and would use the main entrances into the park. In addition, the Project is not responsible for the effects of Uber traffic and other tourist traffic or vehicle traffic circumventing existing regulations to access Griffith Park by the Canyon Avenue route. However, the issue of an on-going illegal activity, particularly in an area that is not located near or within the Project Site, is not appropriate to be addressed in the Draft EIR and should be managed through a law enforcement action by the affected community.

Comment No. ORG 28-14

IV.L Transportation. Consider self-containing all the ingress and egress of this project by adding more open space acreage similar to more livable like Park LaBrea (see earlier discussion). By densifying this project, making it the tallest with more living units than any other Hollywood apartment complex you are creating the LLC's developers' image of New York not the image/character of Los Angeles. Please understand the historical building elements that work in densification like the Park LaBrea complex.

Threshold (d) Would the project result in inadequate emergency access? Yes, this type of density brings more autos from residents. The project is not self-contained. Franklin

Ave is one block from the project. This collector street is the main artery for all hillside communities north of Franklin. When this is gridlocked, emergency vehicles are impeded.

Threshold for safety should include emergency evacuation plans for hillside communities and an explanation of how emergency services will meet the 8-minute average response time.

Response to Comment No. ORG 28-14

The commenter provides a general statement that the density of the Project is not consistent with the "image/character of Los Angeles". See Topical Response No. 4 – Aesthetics, above, for a discussion of the Project's aesthetic impacts.

This comment stating that historic building elements like Park La Brea complex should be understood is noted but does not raise a specific issue regarding the content and adequacy of the Draft EIR; therefore, no further response is required. Nonetheless, see the analysis of historic resources provided in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. See also Topical Response No. 6 – Historical Resources, above.

In regard to emergency response, Section IV.F, *Hazards and Hazardous Materials*, analyzed whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As analyzed therein, these impacts would be less than significant. None of the streets adjacent to the Project Site are designated disaster routes or City-selected disaster routes. Further, as discussed on pages IV.K.1-17 and IV.K.1-18 in Section IV.K.1, *Fire Protection*, the Draft EIR included an evaluation of response distance and emergency access. In addition, the hillside neighborhoods to the north of US-101 take access on Franklin Avenue to the north of US-101 (and other streets, such as Cahuenga Boulevard, located to the north of US-101). The area is served by Fire Station No. 82 at 5769 W. Hollywood Boulevard, which is also located to the north of US-101, and has direct access to Highland Avenue. This hillside area is also served by Fire Station No. 76 at 3111 Cahuenga Boulevard and Fire Station No. 35. Fire Station No. 76 is located immediately adjacent to US-101 near the Cahuenga Boulevard entrance into the hillside neighborhood, and Fire Station No. 35 is located at 1601 North Hillhurst Avenue. All of these stations would serve the hillside area. Because the hillside area is served multiple fire stations; is substantially separated from the Project Site by US-101; and because the LAFD has right of access through use of sirens, control of traffic signals, and opposing lane travel, and other means, it is not anticipated that the Project would significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area. See also Topical Response No. 2, Transportation and Traffic, for additional discussion of emergency response in hillside areas.

Comment No. ORG 28-15

IV.N.0 Energy conservation and infrastructure

This project would result in significant environmental impact due to wasteful or unnecessary consumption of energy resources during operation. Proper design should eliminate air-conditioning in all living units. Please consider opting for open windows that allow breezes rather than expensive, polluting air condition units. These are huge pollutants to the environment. Again, this is not New York City.

Response to Comment No. ORG 28-15

The comment asserts that the Project would result in significant environmental impacts due to wasteful or unnecessary consumption of energy resources during operation. Section IV.O, *Energy Conservation and Infrastructure*, of the Draft EIR, provides an analysis of the Project's impact's due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation (Threshold (a)). As discussed therein, the Project would comply with the California Green Building (CALGreen) Code, as well as incorporate Project Design Features GHG-PDF-1 (Green Building Features) and WS-PDF-1 (Water Conservation Features), which would serve to reduce electricity and natural gas consumption on the Project Site during operation. In addition, the Project would support Statewide efforts to improve transportation energy efficiency and reduce transportation energy consumption with respect to private automobiles as the Project would concentrate new residential and neighborhood-serving commercial retail and restaurant uses within a TPA. Based on the above, the Project would not result in the wasteful, inefficient, or unnecessary consumption of energy.

This comment also recommends that the Project not install air condition units, which the commenter claims are huge pollutants on the environment. However, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 28-16

Historic Resources provided numerous pages of images with these words on the top: "confidential draft for internal review only". Please explain this.

Response to Comment No. ORG 28-16

It is not clear which images the commenter is referencing. The inclusion of "confidential draft for internal review only" does not change the analysis and conclusion provided in the Draft EIR regarding impacts to historic resources. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 29

Lawren Markle, Senior Director of Communications
Los Angeles County Economic Development Corporation (LAEDC)
Received May 28, 2020

Comment No. ORG 29-1

By way of this email, LAEDC would like to go "on record" as supporting the Hollywood Center project.

I understand you are accepting letters for that project. Please find LAEDC's letter attached.

Would you mind replying to confirm you've received this email? Please let me know if I need to take any additional steps to have the letter added to the project file to express our support.

Thanks again, and I look forward to your reply. I hope you are healthy and doing well.

Response to Comment No. ORG 29-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No.ORG 29-2.

Comment No. ORG 29-2

On behalf of the Los Angeles County Economic Development Corporation (LAEDC), a public benefit organization whose purpose is to collectively advance opportunity and prosperity for all, I am writing to express support for the proposed Hollywood Center project. After reviewing the proposal and its Draft Environmental Impact Report (DEIR), the LAEDC believes that this project will help to address the immense and urgent housing needs of Los Angeles, while also mitigating the negative environmental impacts on the Hollywood community and its resident.

As you know, Los Angeles faces a desperate housing shortage and affordability crisis; in the Hollywood community, these dual supply and affordability crises are particularly acute. The Hollywood Center project addresses this by providing a significant amount of both market-rate and rent-restricted affordable housing for the Hollywood community, which the LAEDC applauds. The best way to address the persistent and pernicious housing shortage that afflicts the Los Angeles (LA) region and the Hollywood community, in particular, is to build more housing at all price levels, as today’s market-rate housing oftentimes becomes tomorrow’s affordable units.

Perhaps most importantly, the Hollywood Project will set aside, per the developer specs, 133 units for very low- and extremely low-income seniors, which represents over 15 percent of the project’s total units; these 133 units will make a real difference in Hollywood, where there the demand for affordable units exponentially outstrips the

supply. What's more, I am confident that this project will encourage more developers to exceed city-mandated requirements for these types of units to better meet the needs of the city's many low-income residents, especially LA's most housing insecure senior citizens.

The Hollywood Center has been certified as an "Environmental Leadership Development Project", meeting very stringent criteria that includes certifying that this project will add no net new greenhouse gas (GHG) emissions. Furthermore, the project's transit-adjacent location near the Hollywood/Vine subway stop will encourage increased transit ridership, and thus further reduce GHG and other noxious emissions, vehicle miles traveled and local congestion.

According to the developer, the project would bring over $1 billion in economic investment for Hollywood, which represents one of the largest private investments in the area, as well as create thousands of prevailing wage jobs, both during construction and once the project opens. Right now, with unemployment in the LA-Anaheim Metropolitan Service Area potentially approaching 25 percent, these additional jobs for our community are vital and will make a meaningful difference for thousands of Angelenos currently out of work.

Finally, the Hollywood Center project also provides a multitude of supplementary benefits, including: additional open-space elements for the local community and residents; bicycle infrastructure to promote zero-emission travel; and pedestrian-friendly access for walkability, along with bonus amenities, to create a greater sense of community.

Overall, the Hollywood Center is an exemplary project. As a triple bottom-line organization, the LAEDC believes that the elements of equity, environment and economy are all met by this project. For all the above reasons, the LAEDC supports Hollywood Center and respectfully urges you to move this project forward without any delay.

Response to Comment No. ORG 29-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 30

Nyla C. Arslanian
Discover Hollywood Magazine
6671 Sunset Boulevard, Suite 1502
Hollywood, CA 90028
Received May 28, 2020 (ORG 30A)
Received June 1, 2020 (ORG 30B)

Comment No. ORG 30A-1

It's my understanding that in spite of receiving many requests to extend the Public Comment period for the Hollywood Center Project DEIR, the requests have been denied. l'm hopeful that perhaps by this date, that is no longer the case.

ln light of the fact that this city and the entire country is in the midst of an unprecedented emergency that prohibits the gathering of citizens to conduct business and discussion face to face, such an action on behalf of the City of Los Angeles is appalling. While the city and the developer have considerable resources at their disposal, the citizens of this community must rely on their own limited, volunteer, resources with which to engage in such an important and time-consuming undertaking.

Surely, when this project has been underway for several years, an extension of time asked by the Hollywood United Neighborhood Council and Hollywood Heritage lnc., and other interested parties in which to reply during a national health emergency situation is not an unreasonable request.

This letter adds another voice to respectfully request the extension of time be granted.

Response to Comment No. ORG 30A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review. Further, there is no requirement under CEQA that in person meetings occur in order to provide comments.

Comment No. ORG 30B-1

Attached herewith is letter commenting on the Hollywood Project DEIR.

Response to Comment No. ORG 30B-1

Responses to the referenced letter are provided below in Response to Comment Nos. ORG 30B-3 through ORG 30B-6.

Comment No. ORG 30B-2

The Hollywood Center Project will have a profound impact not only on the adjacent residential neighborhoods, but upon the authenticity of one of this city's most vibrant and historic communities.

Response to Comment No. ORG 30B-2

The comment asserts that the Project would have an impact on the historic Hollywood. However, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 30B-3

The construction of monolithic towers in the central core of Hollywood has no basis and is an affront to a community that diligently worked for decades on the improvement of Hollywood. I was part of the CRA's project Area Committee spending countless hours formulating what we believed was creating the future of our community. As president of the Hollywood Arts council, I was involved from its inception until its demise. At no time was there ever a plan or even a suggestion that such a development as the Hollywood Project would be permitted. We were assured that high rise development would be limited to Sunset Blvd. leaving Hollywood Blvd. and its environs at its current height limit.

Response to Comment No. ORG 30B-3

The commenter states that as part of the discussions within the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) for the Hollywood Redevelopment Area, a high rise development similar to the Project would be limited to Sunset Boulevard and would not be proposed on Hollywood Boulevard. This comment is noted but does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 30B-4

Cultural Resources: While the DEIR has extensive detail regarding specific historic buildings nearby citing its proximity to the Commercial Historic District along Hollywood Blvd. that has National Trust designation, it does not adequately address the harm it does to the essence of the place. Hollywood and Vine, perhaps the world's most famous intersection, the project's design will overshadow, literally and figuratively, the historic buildings in the vicinity. The value of Hollywood's unique and authentic status as birthplace of the film industry and its history as one of Los Angeles' most illustrious and charming areas of the city will be seriously and permanently compromised.

Not only is the visual intrusion that the proposed development presents out of character with the neighborhood, the unique heritage of this small district of the city belongs to the world and future generations and development within boundaries that enclose more than the central business area must be preserved.

Regarding the built environment, project would normally have a significant impact on a significant resource if it would cause a substantial adverse change in the significance of a historical resource as defined in **CEQA Guidelines Section 15054.5** when the following occurs: Construction that reduces the integrity of significance of important resources on the site or in the vicinity.

As currently designed, the proposed development known as the Hollywood Center Project will rise over 30 stories above the iconic Capitol Records building in Hollywood. The views from central Hollywood, particularly toward the Hollywood Hills, the Hollywood Sign, and the Griffith observatory will be severely compromised, if not obstructed completely. The "integrity and significance of the important resource – Hollywood as we know it—will be lost forever.

Although citing in its presentations, that the major artwork artist Richard Wyatt's *LA Jazz* mural, redone as a tile mural, there is nothing in the DEIR citing what the developer will do to protect this fragile cultural resource.

Response to Comment No. ORG 30B-4

The comment states that although the Draft EIR provides extensive detail regarding specific historic buildings, it does not adequately address the harm the Project will do to Hollywood, with general reference to the size of the proposed buildings and its effects on the character of the neighborhood and the intersection of Hollywood and Vine. While the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. The analysis provided in Section IV.A, *Aesthetics*, addressed issues associated with the scale of the Project, including its effects on views from the intersection of Hollywood and Vine and on the visual character of the neighborhood. See also Topical Response No. 4 – Aesthetics, above.

The comment also cites CEQA Guidelines Section 15054.5, noting a project would normally have a significant impact if it would cause a substantial adverse change in the significance of a historical resource when construction reduces the integrity of resources on the site or in the vicinity and goes on to assert that views from central Hollywood, particularly toward the Hollywood Hills, the Hollywood Sign, and the Griffith observatory, will be severely compromised, if not obstructed completely. Regarding thresholds of significance for evaluating historic resources, these thresholds and associated analysis are provided in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Regarding effects on public views toward the Hollywood Hills, the Hollywood Sign, and the Griffith observatory, most views are through open north/south street corridors, such as Gower Avenue, Argyle Avenue, and Vine Street. The East and West Buildings would be set back from the street and would not block existing views of the hills through the Argyle Avenue and Vine Street corridors. Gower Street is not located in the Project vicinity and is mentioned only to demonstrate the streets through which public views of the hills are

available. Also, refer to Section IV.A, *Aesthetics*, Figures IV.A-7 through IV.A-20, which depict future views across the Project Site from the surrounding area.

The comment also states that the Draft EIR did not establish what the developer would do to protect the Jazz Mural on the Project Site as a cultural resource. As reflected on page II-58, in Chapter II, *Project Description*, of the Draft EIR, the Jazz Mural would not be altered by the Project; rather, it would be featured more prominently than under existing conditions as an integral component of the East Plaza performance area. Potential effects on the Jazz Mural are addressed in Section IV.A, *Aesthetics*, of the Draft EIR.

Comment No. ORG 30B-5

Transportation: Additionally, the proposed design espouses a vision for the area that is at odds with the infrastructure's ability to sustain it. Over the past few years, there has been a significant increase in traffic particularly autos traveling north on Vine Street to enter Franklin Avenue and the freeway entrance on Argyle that impacts the freeway exit and access to adjacent neighborhoods. It is incomprehensible that this fact and the resulting impact of the addition of 1,000 apartment dwellings is not addressed in the DEIR.

Response to Comment No. ORG 30B-5

The comment asserts that traffic impacts were not addressed in the Draft EIR. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above

The comment suggests that the intersection of Argyle Avenue/Franklin Avenue/US-101 northbound on-ramp should have been addressed in the Draft EIR. As discussed in Topical Response No. 2 – Transportation and Traffic, intersection level of service (LOS) is no longer the CEQA significance metric for transportation impacts. The intersections analyzed in the TA in Appendix N-1 of the Draft EIR were selected based on guidance from the City's adopted Transportation Assessment Guidelines (TAG) that were followed for this analysis. The TAG section describing the scope of analysis states the following:

Study locations should be determined in consultation with LADOT and should include:

- All primary project driveways
- At a minimum, intersections at either end of the block(s) on which the project is located or up to 600 feet from the primary project driveway(s), whichever is closer
- Unsignalized intersections that are adjacent to the project or that are expected to be integral to the project's site access and circulation plan

- All signalized intersection in proximity to the project to where 100 or more net new peak hour trips would be added by the project

Applying the criteria above resulted in the identification of the nine intersections discussed and analyzed in the main body of the TA report. Appendix F of the TA (included in Appendix N-1 of the Draft EIR) displayed analysis volumes for all of the analysis years and scenarios. As shown in Appendix F, the Project is not projected to add 100 or more peak hour trips to the Argyle Avenue/Franklin Avenue intersection and analysis of that location was, therefore, not required.

However, the Project analysis provided additional informational analysis at nine locations to conduct quantitative operational analysis for a total of 68 intersections in Appendix I of the TA in Appendix N-1. The Argyle Avenue/Franklin Avenue intersection was identified in this analysis as operating at LOS F. This analysis was not required under CEQA, and, therefore, no conclusion regarding operational impacts was drawn.

Comment No. ORG 30B-6

The first iteration of this project failed to take into consideration certain fault lines, and both projects fail to recognize that Hollywood is more than its business core. Although made up of two council districts, the majority of people reside in adjacent neighborhoods. These are the true "stakeholders" of Hollywood.

This project does nothing to address the beauty and authenticity of this place called Hollywood, cultural resource to the world.

Response to Comment No. ORG 30B-6

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment states that the Project does not address the beauty and authenticity of Hollywood. While the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See Topical Response No. 4 – Aesthetics, above.

Additionally, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame, and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect

impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment Letter No. ORG 31

David Pettit, Senior Attorney
Natural Resources Defense Council
1314 2nd Street
Santa Monica, CA 90401
Received May 29, 2020

Comment No. ORG 31-1

Attached please find NRDC's comments on the Hollywood Center DEIR, Case Number: ENV-2018-2116-EIR, State Clearinghouse Number: 2018051002.

Please feel free to contact me with any questions or comments.

Response to Comment No. ORG 31-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 31-3 to ORG 31-8.

Comment No. ORG 31-2

Hi Mindy. I forgot to attach to my comment letter yesterday copies of documents that I cited to in the letter. I understand that the City is requesting copies now due to current circumstances. So please find the attached copies of the cited matter, plus an additional (unchanged) copy of my comment letter if that is helpful.

Response to Comment No. ORG 31-2

This comment is in reference to Exhibits that are attachments to the NRDC letter. Refer to Response to Comment No. ORG 31-8 which addresses the exhibits.

Comment No. ORG 31-3

Thank you for the opportunity to comment on the Hollywood Center DEIR. These comments are on behalf of the Natural Resources Defense Council and our many thousands of members and activists throughout California. Our comments focus on the greenhouse gas (GHG) issues and analysis in the DEIR.

Response to Comment No. ORG 31-3

This comment is an introduction to comments in the letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 31-4 to ORG 31-8.

Comment No. ORG 31-4

Preliminarily, the DEIR fails the requirement to clearly inform the public because its GHG numbers differ in an important way from those that the California Air Resources Board (CARB) relied on in certifying this project under AB 900. CARB used annual GHG

projections over the assumed 30-year life of the project, see http://opr.ca.gov/ceqa/docs/ab900/20180626-FINAL_Hollywood_Center_CARB_Determination.pdf at Table 2, p.4. CARB assumed emissions out to 2056 of 264,813 MT CO2e/year for the residential option and 293,187 MT CO2e/year for the hotel option. But the DEIR only presents annual operational emissions for a single, unspecified year with 10 optional scenarios rather than two. *See* DEIR at IV.E-72. Thus cross-checking the DEIR GHG analysis with the CARB analysis is impossible, putting into doubt whether the project truly qualifies for AB 900 benefits and whether the DEIR GHG analysis tells the public anything of significance. This is not what CEQA requires.

Response to Comment No. ORG 31-4

This comment disagrees with the methodology used in the Draft EIR's analysis of greenhouse gas emissions (GHG). Section 15064.4, Subdivision (c) of the CEQA Guidelines state that, *"The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change."* Regarding the GHG analyses in Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, the City, as Lead Agency, conducted a GHG analysis for the Draft EIR consistent with Section 15064.4, Subdivision (c) of the CEQA Guidelines. Regarding the GHG analysis in the *Jobs and Economic Improvement Through Environmental Leadership Act* (Assembly Bill [AB] 900) Environmental Leadership Development Program (ELDP) Application, as stated on page IV.E-16 of the Draft EIR, compliance with the AB 900 and associated subsequent legislation is not required under CEQA; the Project would voluntarily meet the requirements of AB 900 and subsequent associated legislation. Thus, the Draft EIR and the AB 900 ELDP Application are prepared under different regulatory schemes. The AB 900 ELDP Application certifies that a project is eligible for certain CEQA litigation "streamlining benefits." Not all projects are eligible for, nor are they required to obtain, an ELDP certification. However, all projects require a CEQA analysis which evaluates the potential environmental impacts resulting from project implementation. Thus, a CEQA analysis does not require that a project apply for, or analyze compliance with, AB 900 and subsequent associated legislation.

Based on the specific requirements under the AB 900 regulatory scheme, the Project's ELDP Application analyzes Project emissions over a 30-year time frame. These emissions were utilized to determine if the Project would meet the specific requirements of AB 900 and subsequent associated legislation. As documented in Appendix B of the Draft EIR, the Project was determined to meet the requirements of AB 900 and subsequent associated legislation and the Governor certified the Project as an ELDP.

Regarding the GHG emissions provided in in Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, as explained on page IV.E-71 of the Draft EIR, maximum annual GHG emissions resulting from motor vehicles, energy, water conveyance and wastewater treatment, and solid waste were calculated for the expected opening year of the West

Site (2024) and full Project buildout (2025 or 2027). The maximum opening year GHG emissions from operation of the Project and the Project with East Site Hotel Option are shown in Table IV.E-7 (Draft EIR pages IV.E-72 and IV.E-73). The maximum opening year GHG emissions are provided in the CEQA analysis for informational purposes pursuant to CEQA Guidelines Section 15064.4(a), which requires a good-faith effort by the lead agency to describe and calculate emissions. Unlike AB 900, the purpose of the GHG emissions for the CEQA analysis is not to calculate GHG credits or offsets; therefore, calculating 30 years of GHG emissions is not required for CEQA. It is noted that the GHG emissions for the CEQA analysis are slightly different than the ELDP Application, given that the AB 900 regulatory scheme requires the ELDP Application to be certified by the Governor prior to public circulation of the Draft EIR. The ELDP Application was certified in 2018 and the Draft EIR was publicly circulated in 2020.

For the Project and the Project with the East Site Hotel Option, both the ELDP AB 900 Application and the Draft EIR analyzed the construction of four new residential buildings (two on the West Site and two on the East Site) around the existing Capitol Records Complex on the approximately 4.46-acre Project Site in the Hollywood Community Plan area of the City of Los Angeles, with two buildout options for the East Site, a residential scenario and a hotel scenario. The Draft EIR specifically analyzed the Project and the Project with the East Site Hotel Option (although the Project with the East Site Hotel Option is no longer under consideration). Tables 19 and 20, pages 43 and 44 of Appendix B of the Draft EIR, present emissions for the Project and the Project with East Side Hotel Option, respectively. In Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, Table IV.E-7 on page IV.E-72 provides emissions for the Project and the Project with the East Site Hotel Option under two construction scenarios: an overlapping construction scenario where there would be some overlap of construction of the East Site and the West Site and a sequential construction scenario where construction of the East Site and the West Site would not overlap. The ELDP Application did not analyze an overlapping construction scenario, just the sequential scenario. However, the effect on total construction GHG emissions would be very minimal since the same amount of building floor area and material hauling would occur under both construction scenarios.

Emissions for both the ELDP Application and the Draft EIR were calculated using the California Emissions Estimator Model (CalEEMod) and the CalEEMod output files are located in the Draft EIR Appendices: in Appendix B for the ELDP Application and in Appendix E-1 for the analysis in the Draft EIR. The Project options and construction scenarios evaluated in the Draft EIR are essentially the same as those submitted to the CARB for their ELDP review (except that the Draft EIR also analyzed an overlapping construction scenario) and the principal components of the Project options, which CARB reviewed to determine compliance with ELDP, have not changed. Cross-checking the Draft EIR GHG analysis with the CARB ELDP analysis is available by reviewing the CalEEMod output files of both as well as the summary tables specified above. Thus, the determination that the Project options comply with AB 900 remains the same. Additionally, the Project satisfies CEQA requirements for disclosure as it has disclosed all construction and operation GHG emissions and analyzed their impact on the environment.

The ELDP Application estimated GHG emissions for year 2027 would be approximately 8,772 metric tons of carbon dioxide equivalents ($MTCO_2e$) per year for the Project and 9,766 $MTCO_2e$ for the Project with the East Site Hotel Option (see Tables 19 and 20 of Exhibit 7 of the ELDP Application). Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR estimated GHG emissions for year 2027 would be approximately 7,141 $MTCO_2e$ per year for the Project and 7,867 $MTCO_2e$ for the Project with the East Site Hotel Option (see Table IV.E-7 of the Draft EIR). The difference is due in large part to an update of mobile source emissions estimates. As stated in footnote b of Table IV.E-7 of the Draft EIR, the EIR analysis utilized newly available information on vehicle miles traveled (VMT) based on the City's VMT Calculator Tool, which provides neighborhood-specific VMT information and was developed pursuant to Senate Bill [SB] 743. The VMT Calculator Tool was not available at the time of preparation of the ELDP Application but was available at the time of preparation of the Draft EIR. Thus, the GHG emissions estimated for the ELDP Application and the Draft EIR provide reasonable estimates of anticipated GHG emissions based on the available tools at the time of each analysis.

Regarding the 10 operational scenarios referenced by the comment, this statement is in regards to Table IV.E-7 on pages IV.E-72 and IV.E-73 in the Draft EIR, which provides modeled GHG emissions for the Project and the Project with the East Site Hotel Option. For informational purposes, Table IV.E-7 also provides, for comparison, GHG emissions of the Project without GHG emissions reductions that would result from the Project's design and location. The table has 10 columns with numerical GHG emissions values; however, each column is clearly labeled at the top describing what the values in each of the 10 columns represent. For instance, Table IV.E-7 clearly labels the first two columns with numeric values as applicable to buildout of the West Site without Project reduction features and buildout of the West Site under the Project (i.e., with Project reduction features). The next four columns apply to the overlapping construction scenario and provide full Project buildout (i.e., West Site and East Site) for the two options, without and with Project reduction features. The last four columns apply to the sequential construction scenario and provide full Project buildout (i.e., West Site and East Site) for the two options, without and with Project reduction features. Furthermore, the Methodology Subsection of Section IV.E of the Draft EIR fully explains the comparison of the Project's GHG emissions to the emissions that would occur without GHG emissions reductions that would result from the Project's design and location. This explanation is provided on pages IV.E-40 and IV.E-41 of the Draft EIR.

The Project (this refers to both the Project and the Project with the East Site Hotel Option for the remainder of this discussion, although, as previously stated, the Project with the East Site Hotel Option is no longer under consideration) has voluntarily committed to meet the requirements set forth in the California Public Resources Code (PRC) Section 21183, Subdivision (c) through the voluntarily purchasing of carbon credits issued by an accredited carbon registry sufficient to offset Project GHG emissions relative to baseline emissions such that the Project would not result in any net additional GHG emission. The Project incorporates on-site Project Design Features, which include building energy and water efficiency features above regulatory requirements (see pages IV.E-41 and IV-E-42

of the Draft EIR), and is located in a high-quality transit area (HQTA), which is defined by the Southern California Association of Government (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) as areas within 0.5 miles of a well-serviced transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours, to substantially minimize and reduce vehicle miles traveled (VMT) and associated transportation-related GHG emission. The Project's location in a dense, infill site with access to nearby and high-quality transit would result in at least a 30 percent reduction in vehicle miles traveled (see page IV.E-56 of the Draft EIR). The Project would also implement a Transportation Demand Management (TDM) Program that would reduce Project trips. Example strategies of the Project's TDM Program include unbundling parking for residents, carpooling incentives for commercial tenants, and shuttle services for hotels. Refer to Section IV.L, *Transportation*, of the Draft EIR, for information regarding the TDM Program.

The Project incorporation of building design features that require Leadership in Energy and Environmental Design (LEED) Gold certification for buildings and energy conservation measures to enable the Project to exceed 2016 Title 24 energy standards by at least 11.6 percent is also included in the analysis (see page IV.E-42 of the Draft EIR). The Project would incorporate heat island reduction strategies for 50 percent of the Project Site hardscapes or provide 100 percent structured parking and incorporate heat island reduction strategies for Project roof areas (see page IV.E-42 of the Draft EIR). Additionally, the Project would promote alternatives to conventionally fueled automobiles by designating a minimum of 8 percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles and shall pre-wire, or install conduit and panel capacity for a minimum of 30 percent of the code-required parking spaces, with 10 percent of the code-required spaces further improved with electric vehicle charging stations (see page IV.E-42 of the Draft EIR). Furthermore, the Project would reduce water consumption by 40 percent for indoor water and 100 percent for outdoor water from the LEED v4 usage baseline (see page IV.E-42 of the Draft EIR). The reductions would be achieved through potential strategies such as the installation of water efficient fixtures that exceed applicable standards and water efficient landscaping (see page IV.E-42 of the Draft EIR).

As stated on page IV.E-30 of the Draft EIR, the significance of the Project's GHG emissions is evaluated based on substantial evidence and consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, including CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green New Deal (Sustainable City' pLAn 2019), and the Los Angeles Green Building Code. As summarized and concluded on page IV.E-79 of the Draft EIR, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and Project-specific impacts with regard to GHG emissions and climate change would be less than significant. This determination is made prior to consideration of GHG offsets or credits. Should GHG offsets or credits be obtained pursuant to the Project's voluntary decision to meet the

standards ELDP AB 900 certification, the Project's less-than-significant GHG impacts under CEQA would be further reduced; however, it is not required under CEQA that the Project comply with all AB 900 provisions or obtain GHG offsets or credits.

Comment No. ORG 31-5

An even larger issue is how the DEIR proposes to deal with the project's GHG emissions, whatever they are: without any mitigation except offsets. *See* DEIR IV.E-79. It is worth noting that offsets under the CARB cap and trade program are limited to 8% of credits needed and no more than one-half of the offset usage limit may be sourced from projects that do not provide direct environmental benefits in the state. *See* https://ww3.arb.ca.gov/cc/capandtrade/capandtrade.htm. By contrast, the offset proposal here is 100% without any requirement for direct local co-benefits, and without any showing that additional GHG reductions through project design elements are infeasible.

The issue of how to deal with GHG offsets under CEQA is now before the California Court of Appeal in *County of San Diego v. Sierra Club*, Case No. D075478 (Fourth Appellate District, Division One). In that case, the County of San Diego enacted a climate action plan to accelerate development of suburban sprawl subdivisions by implementing a GHG offset program. The San Diego plan gave unlimited discretion to the County Building Officer to approve GHG offsets. Sierra Club and others sued, claiming that this system for mitigation violates CEQA. The San Diego County trial court agreed, and the County's appeal was argued in early May, 2020.

In the San Diego matter, as here, the GHG offset provision at issue was not enforceable, verifiable, or additional to mitigation that would not have occurred without the project. Under CEQA, mitigation must actually avoid, lessen, or rectify the impact it is intended to mitigate (14 CCR (or "Guidelines") §15370(a), (c)). It must be fully enforceable. (*Ibid.*; §15126.4(a)(2).) And where mitigation has its own significant impacts, such secondary impacts must be appropriately disclosed and analyzed. (*Ibid.*; §15126.4(a)(1)(D).) None of those CEQA guidelines has been met in the Hollywood Center DEIR.

Moreover, the state Office of Planning and Research (OPR)'s guidance in the draft update to its advisory on CEQA and Climate Change[1] explains why GHG offsets should be local to the extent feasible. OPR's "CEQA and Climate Change Advisory" focuses on on-site and local measures in the region before moving to a broader geographic location. The Guidance states that "lead agencies should ' *[sic]* prioritize on-site design features that reduce emissions, especially from VMT, and direct investments in GHG reductions within the project's region that contribute potential air quality, health, and economic co- benefits locally."

OPR explains that "requiring on-site mitigation may result in various co-benefits for the project and local community, and that monitoring the implementation of such measures may be easier." OPR adds, "As with on-site mitigation measures, there may be practical reasons related to prefer local off-site measures over measures farther afield." Certainly,

monitoring the implementation of these measures is crucial to ensuring that the reductions are enforced.

And, with respect to what the CEQA record must contain to justify GHG offsets, OPR's guidance states:

CEQA does not prohibit off-site mitigation measures, but lead agencies must support with substantial evidence in the record their determination that mitigation will be effective and fully enforceable. (CEQA Guidelines, § 15126.4.) To do so, lead agencies may need to require more stringent protocols to verify the effective [sic] and enforceability of off-site mitigation measures. (Id., §§ 15126.4, 15364.)

That substantial evidence is not present in the DEIR now under discussion. In particular, the DEIR does not specify the mechanisms by which the emission reductions by offset will be met and enforced, nor does it contain any formal protocols, like those vetted and approved by CARB for cap and trade offsets. The DEIR does not provide for any authority to enforce non-local offsets, nor does its terms provide for enforcement of offset requirements via a continuing contractual agreement after the developer has completed the project. Neither does the DEIR include any provision for enforcement if offsets are terminated (e.g., trees planted as offsets are cut down).

Critically, the DEIR does not establish performance standards or other requirements to ensure the effectiveness, enforceability or additionality *[sic]* of GHG offset credits. And because foreign offsets are generally cheaper, extensive use of foreign offsets can reasonably be expected[2]. This makes oversight of the program extremely difficult, at best. Even having offsets in other parts of the State or country would make it difficult for the lead agency here to oversee implementation of offsets over time.

We expect the lead agency here to contend that selecting an offset from a CARB-approved registry makes the offset program CEQA compliant. But the analogy fails. CARB's offset regulations, authorized by Health and Safety Code ("HSC") section 38562(d), provide for offsets that are far more credible and limited than the purely voluntary offsets contemplated here. The voluntary market is completely separate from the CARB compliance market. CARB does not oversee the voluntary market in any way, nor does CARB regulate how voluntary credits are generated or used and the lead agency here does not regulate the use of that market in any way.

Under the CARB cap and trade program, a registry offset credit must "[r]epresent a GHG emission reduction … that is real, additional, quantifiable, permanent, verifiable, and enforceable." (California Code of Regulations ("CCR") title 17, § 95970; § 95973.) "Additional" means GHG emission reductions that exceed those otherwise required by law and those that would otherwise occur in a business-as-usual scenario. (CCR title 17, § 95802, subd. (a).) There is also strict monitoring, reporting, and record retention requirements for offset projects. (CCR title 17, § 95976.) The credits must be "verifiable," which means that the verification report complies with CARB's Compliance Offset Protocols. (CCR title 17, § 95802, subd. (a).) They must also be "permanent," which

means that the GHG reductions are either irreversible or endure for at least 100 years. (Ibid.) In addition, offsets approved by CARB must conform to very restrictive offset "protocols," adopted by CARB through formal rulemaking-like procedures. (17 CCR, §95972(a).) OPR reviews all offset projects that may be eligible for compliance offset credits under the Cap-and-Trade program, as well as all project documentation for those projects. CARB also has the enforcement authority to hold a particular party liable and to take appropriate action if any of the regulations for CARB offset credits are violated. (CCR title 17, § 95802, subd. (a).) Violations of these requirements may result in penalties. (CCR title 17, §§ 96013, 96014.) None of these elements exist for the Hollywood Center project.

Footnote 1: http://opr.ca.gov/docs/20181228-Discussion_Draft_Climate_Change_Adivsory.pdf

Footnote 2: The very large Newhall Ranch project claims to attain some GHG offsets from providing free cookstoves in Africa. *See* . *[sic]* https://netzeronewhall.com/sustainability/

Response to Comment No. ORG 31-5

The comment asserts that that the GHG emissions of the Project are not mitigated properly because there is no system for enforcing compliance. As discussed on page IV.E-79 of the Draft EIR, the Project would generate incrementally increased GHG emission over existing conditions. However, the Project's generation of GHG emissions would be consistent with applicable plans, policies, and regulations for reducing the emissions of GHGs including the Climate Change Scoping Plan, 2016-2040 RTP/SCS, the City's Green New Deal, and the City's Green Building Code. As a result, the Draft EIR (page IV.E-79) concludes that impacts with regard to GHG emissions and climate change would be less than significant. In addition, the Project's consistency with these applicable plans, policies, and regulations to reduce the emissions of GHGs, along with implementation of Project Design Features (i.e., see GHG-PDF-1 on pages IV.E-41 and IV.E-42 of the Draft EIR) would reduce the Project's GHG emissions by approximately 22-25 percent (depending on the buildout scenario). Project Design Features would be implemented as part of the physical design of the Project and are not mitigation measures. Commitments made in Project Design Features are required and enforceable by the City as Conditions of Approval.

The Draft EIR concluded that the Project would not conflict with applicable plans, policies, or regulations of an agency adopted for the purpose of reducing the emissions of GHGs and Project impacts with regard to GHG emissions and climate change would be less than significant. Since Project GHG emissions would be less than significant without mitigation, no mitigation measures are required, and no enforcement mechanisms for mitigation measures are needed. As discussed in Response to Comment No. ORG 31-4, Project Design Features include the Project's LEED Gold energy and water saving features, the Project's inclusion of preferential parking for carpool and/or alternative-fueled vehicles and electric vehicle charging stations and infrastructure, and the Project's TDM Program and its location in an HQTA to substantially minimize and reduce VMT and

associated transportation-related GHG emissions. Based on the extensive analysis of the Project's GHG emissions and consistency with applicable plans, policies, and regulations as documented with substantial evidence on pages IV.E-43 through IV.E-79 of the Draft EIR, the plan consistency analysis provided in the Draft EIR demonstrates that the Project's design features are consistent with regulations and policies and comply with or exceed the regulations and reduction actions/strategies outlined in the Climate Change Scoping Plan.

Thus, under CEQA, the Project would have a less than significant impact on the emissions of GHGs and mitigation measures are not required. Thus, the discussion of using GHG offsets or credits as mitigation is not required of the CEQA analysis. However, the ELDP Application provides a discussion of potentially utilizing GHG offsets or credits to achieve no net increase in GHG emissions from the Project emissions because the AB 900 regulatory scheme specifically includes such a requirement. However, the requirements of the AB 900 regulatory scheme are separate from the CEQA environmental impact determination as discussed in Response to Comment No. ORG 31-4. CEQA does not require projects to meet AB 900 requirements nor to be certified as an ELDP. Should GHG offsets or credits be obtained pursuant to the Project's voluntary decision to meet the standards of the AB 900 ELDP certification, these GHG offsets or credits would not be mitigation under CEQA as the Project was determined to have less than significant impacts with respect to emissions of GHGs. The Project's less-than-significant GHG impacts under CEQA would be further reduced if GHG offsets or credits were utilized towards the Projects AB 900 certification. However, it is not required under CEQA that the Project comply with any AB 900 provisions.

As stated on page IV.E-83 of the Draft EIR, although not required under CEQA, the Project would voluntarily meet the requirements of the ELDP under AB 900. For the purposes of AB 900, the Executive Director of CARB has determined that the Project would not result in any additional GHGs (as stated on page IV.E-84 of the Draft EIR). However, this finding is in addition to the Project's less-than-significant finding for GHG emission impacts.

In general, the use of carbon credits or offsets for GHG emissions is appropriate CEQA mitigation. Section 15126.4, Subdivision (c) of the CEQA Guidelines specifically addresses mitigation measures related to greenhouse gases and expressly provides for the use of "[o]ff-site measures, including offsets that are not otherwise required, to mitigate a project's emissions." However, the Project would result in less-than-significant GHG emissions impacts and does not require any mitigation measures. As such, the use of carbon credits or offsets, associated with the AB 900 ELDP certification, is not a CEQA mitigation measure.

The CEQA Guidelines recognize, as the courts have articulated, that the contribution to climate change by GHG emissions is an environmental impact on a global scale, and thus must be evaluated cumulatively. The California Supreme Court, in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204 ("*Newhall*"), explained

two key rationales for examining the significance of GHG emissions impacts purely on a cumulative level:

> First, because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself. The challenge for CEQA purposes is to determine whether the impact of the project's emissions of greenhouse gases is *cumulatively* considerable, in the sense that "the incremental effects of [the] individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (§ 21083, subd. (b)(2); see § Guidelines, 15064, subd. (h)(1).) "With respect to climate change, an individual project's emissions will most likely not have any appreciable impact on the global problem by themselves, but they will contribute to the significant cumulative impact caused by greenhouse gas emissions from other sources around the globe. The question therefore becomes whether the project's incremental addition of greenhouse gases is 'cumulatively considerable' in light of the global problem, and thus significant." (Crockett, *Addressing the Significance of Greenhouse Gas Emissions Under CEQA: California's Search for Regulatory Certainty in an Uncertain World* (July 2011) 4 Golden Gate U. Envtl. L.J. 203, 207–208 (hereafter *Addressing the Significance of Greenhouse Gas Emissions*).)
>
> Second, the global scope of climate change and the fact that carbon dioxide and other greenhouse gases, once released into the atmosphere, are not contained in the local area of their emission means that the impacts to be evaluated are also global rather than local. For many air pollutants, the significance of their environmental impact may depend greatly on *where* they are emitted; for greenhouse gases, it does not.
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> *Newhall, supra* 62 Cal.4th at 219-220 (emphasis in original).

The 2017 Scoping Plan also addresses the use of carbon credits through its "guidance" to local governments for project-level measures to reduce GHG emissions. (CARB recognizes the authority of local governments and states that "the decision to follow this guidance is voluntary and should not be interpreted as a directive or mandate to local governments."[54]) For project-specific GHG reductions, the Scoping Plan recommends the use of on-site design features and regional investment as well as the use of carbon credits: "Where further project design or regional investments are infeasible or not proven to be effective, it may be appropriate and feasible to mitigate project emissions through purchasing and retiring carbon credits."[55] The Scoping Plan references California Air

54 CARB, California's 2017 Climate Change Scoping Plan, November 2017, p. 99.
55 CARB, California's 2017 Climate Change Scoping Plan, November 2017, pp. 101-102.

Pollution Control Officers Association's GHG Reduction Exchange or a "recognized and reputable voluntary carbon registry."[56]

Regarding Project GHG emission credits or offsets pursuant to AB 900, as stated in CARB's Executive Order G-18-046 and on pages IV.E-83 and IV.E-84 of the Draft EIR, the Project would obtain offsets using the following prioritization: (1) project design feature on-site reduction measures (see Response to Comment No. ORG 31-4 for a discussion of on-site measures); (2) off-site local reductions; (3) off-site regional reductions, and (4) offset credits issued by an accredited carbon registry, consistent with policy recommendations included in CARB's 2017 Climate Change Scoping Plan Update. While OPR's guidance recommends that GHG offsets should be local to the extent feasible, it is not a mandated regulatory requirement. Additionally, CARB's guidance does not conflict with OPR's guidance as they agreed on GHG emissions reduction "options" that prioritize local reductions.

As stated on pages IV.E-83 and IV.E-84 of the Draft EIR, with regard to the AB 900 ELDP certification, the Project proposes to achieve a net zero increase in site GHG emissions through Project-based or community-based program measures that would reduce GHG emissions. Examples of the types of Project-based or community-based program measures that could be considered are as follows:

- Seek opportunities for installing solar photovoltaic panels on Project building rooftops.

- Purchase certified green-power from the local utility provider to offset Project-related GHG emissions from electricity demand.

- Coordinating with property owners in the City of Los Angeles or in other cities or communities in California for the installation of rooftop solar photovoltaic panels in accordance with State and local permitting standards on existing buildings, parking structures, carports, or other facilities.

- Seek opportunities for offsetting GHG emissions from existing sources in the City of Los Angeles or in other cities or communities in California or elsewhere. Examples include coordinating with local transportation agencies and property owners and establishing electric vehicle supply equipment (EVSE) at park-and-ride lots or other appropriate locations, coordinating with local transportation agencies and school districts and replacing diesel- or gasoline-fueled buses with less-polluting technologies such as compressed natural gas, electric, hybrid-electric, fuel cell, or other commercially available technologies, implementing methane capture and destruction programs at dairy farms, or other GHG emissions offset programs.

- Seek opportunities for planting new drought-tolerant, high-carbon sequestering, and/or native trees of appropriate size and type at off-site locations such

[56] CARB, California's 2017 Climate Change Scoping Plan, November 2017, p. 102.

as parks in the City of Los Angeles or in other cities or communities in California or elsewhere, that would result in a net sequestration of CO_2 emissions.

- Purchase carbon credits from a carbon market, which must be from a CARB approved registry. Priority should be given to those credits generated within the City of Los Angeles, and in decreasing preference, credits generated within the region, in-state, and out-of-state.

Although offsets credits are not relied upon as Project mitigation because the Draft EIR determined that GHG emission impacts would be less than significant for the Project without mitigation, they may be used to achieve no net increase in GHG emissions under the ELDP Application. Substantial evidence is presented in Appendix B of the Draft EIR, ELDP Application, specifically Exhibit 3, which outlines the mechanisms of how offsets shall be met and enforced. As indicated in the Project's ELDP Application and Governor's Certification (provided in Appendix B of the Draft EIR), the Lead Agency has established requirements that must be met prior to the issuance of a Temporary Certificate of Occupancy for Construction Emissions and a Certificate of Occupancy for Operational Emissions regarding the reduction of GHG's to no net additional emissions for the purposes of meeting the AB 900 provisions. These commitments will be required of the Project and enforceable by the City as Conditions of Approval. The Applicant proposes to meet the requirements set forth in California PRC Section 21183 (c) through the implementation of GHG-reducing Project Design Features and/or acquisition of voluntary carbon credits sufficient to offset all Project additional emissions, as outlined in Exhibit 3 or Appendix B, in the following manner:

- No later than six (6) months after the issuance of a Temporary Certificate of Occupancy for the Project, the Applicant shall commit to providing to the lead agency, the City of Los Angeles, a calculation of the net additional emission resulting from the construction of the Project (Construction Emissions), to be calculated in accordance with the method agreed upon by CARB in connection with the AB 900 certification of the Project (Agreed Methodology). The Applicant shall provide courtesy copies of the calculations to CARB and the Governor's Office promptly following transmittal of the calculations to the City of Los Angeles. The Applicant shall enter into one or more contracts for the implementation of GHG-reducing Project Design Features and/or purchase voluntary carbon credits from a recognized, reputable, and accredited carbon registry in an amount sufficient to offset the Construction Emissions. The Applicant shall provide courtesy copies of any such contracts to CARB and the Governor's Office of Planning and Research promptly following the execution of such contracts.

- Prior to issuance of any Certificate of Occupancy for the Project, the Applicant or its successor shall commit to entering into one or more contracts to purchase carbon credits from a recognized, reputable, and accredited carbon registry, which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in the amount sufficient to offset the Operation

Emissions attributable to the Project, and shall be calculated on a net present value basis for a 30-year useful life.

Prior to execution of the contract(s), the Applicant and its consultant shall calculate the Operational Emissions in accordance with the methodology described in the Applicant's "Application for Environmental Leadership Development Project," specifically the "Greenhouse Gas Emissions Methodology and Documentation" prepared by Environmental Science Associates (ESA).

Once the City has had an opportunity to review and approve the methodology and associated calculations, the Project Applicant shall provide copies of the calculation methodology to CARB and the Governor's Office of Planning and Research, which is then subject to a determination signed by the Executive Officer of CARB pursuant to the procedures set forth in Section 6 of OPR's Guidelines. The City will issue a Certificate of Occupancy upon receipt of the following: (1) a fully executed copy of the carbon offset purchase agreement(s); (2) a final CARB determination that the Project will not result in any net additional GHG emissions; and (3) a copy of OPR's Certification Letter for the Project.

CARB has approved the Project's ELDP Application (see Appendix B of the Draft EIR) which outlines carbon offset measures to be followed to reduce GHGs to no net additional GHG emissions, which are binding and enforceable. If the Project were to purchase offset credits to meet the ELDP certification, only CARB Registry Offset Credits would be purchased, per the CARB certification documents, which are "real, additional, quantifiable, permanent, verifiable, and enforceable" under the California Code of Regulations ("CCR") title 17, § 95970. As carbon offsets would be purchased through a CARB approved registry, they would follow CARB approved protocols including the listing, reporting, and verification of offset projects and issue registry offset credits. Additionally, as an enforcement tool, the City of Los Angeles will issue the Certificate of Occupancy, CARB will issue a final determination that the Project will not result in any net additional GHG emissions, and OPR will certify the Project once emissions and offsets have been determined and contracts for offsets in place.

Although the comment discusses carbon offset requirements of the Cap-and-Trade Program, specifically 8 percent, the Project does not fall under Cap-and-Trade since it is not a covered entity under the Program. The Cap-and-Trade Program does allow voluntary participants; participants are limited to (1) opt-in covered entities, (2) voluntary associated entities, and (3) other registered participants[57]. The CARB Cap-and-Trade program establishes a declining limit on major sources, about 450 entities, which are responsible for 85 percent of California's GHG emissions. These emissions sources are allowed up to eight (8) percent of a facility's compliance obligation to be offset. As the commenter states, none of these elements exist for the Project; however, that is because the Project is not a major source and it is not subject to CARB's Cap-and-Trade program

[57] California Air Resources Board, Cap-and-Trade Guidance Document, Chapter 4, 2012.

including its off-set limitations. Additionally, CEQA does not require a project to meet CARB's Cap-and-Trade Program offset limits.

With regard to the ELDP Application, through implementation of the Project-based or community-based GHG reduction program, the Project will meet the requirement set forth in PRC Section 21183 (c), which requires that the Project demonstrate that it will not result in additional GHG emissions. The acquisition of carbon credits as part of the Project-based or community-based GHG reduction program will serve to ensure that all projected additional GHG emissions are offset and support OPR's CEQA and Climate Change advisory guidance as they will be from a CARB approved registry that follows CARB protocols. Thus, the Project's potential purchase of carbon offsets to meet ELDP Application requirements meets the ELDP requirements of being effective, fully enforceable, and verifiable and lessens the Project GHG impacts (Project GHG emissions are less than significant and do not rely on GHG credits or offsets for this determination). Since the purchase of offset is not a mitigation measure, they are not analyzed as such under CEQA.

As to the case referred to in the comment, the Court of Appeal in the case of *Golden Door Properties, LLC v. County of San Diego*[58] stated that their decision "is not intended to be, and should not be construed as blanket prohibition on using carbon offsets–even those originating outside of California–to mitigate GHG emissions under CEQA."[59] The Appellate Court found that for this particular case, mitigation measure M-GHG-1 violated CEQA because it contained unenforceable performance standards and improperly deferred and delegated mitigation.[60] This case does not apply to the Project because as, discussed above, any purchase of GHG credit offsets for the Project would be to meet ELDP requirements and would not be used as mitigation measures for Project GHG impacts under CEQA, as those were determined to be less than significant without mitigation. Therefore, while the ruling in this case overturned the County of San Diego's Climate Action Plan on several grounds, the Court was clear that the ruling was based on the facts of that particular case which are different from the ELDP off-set program for the Project. As the court stated: "To be abundantly clear, our holdings are necessarily limited to the facts of this case…" (Id) Thus, the Project's use of carbon offsets to meet the ELDP Application requirements, as outlined in Appendix B of the Draft EIR, is permissible and not restricted by this court ruling. Based on the hierarchy of how GHG credit or offset projects will be undertaken – local, regional, state, outside California, as outlined in the ELDP Application – the purchasing of foreign offsets was not specifically mentioned. However, as GHG emissions affect climate on a global scale, a reduction in GHG emissions results in a corresponding reduction in global climate change regardless of

58 This is also the same lawsuit brought about by the *Sierra Club et al. v. County of San Diego*, Court of Appeal Case No. D075478 and *Sierra Club vs. County of San Diego*, Court of Appeal Case No. D075504.

59 Court of Appeal, Fourth Appellate District, Division One, State of California, Case No. D075328, p. 4, https://law.justia.com/cases/california/court-of-appeal/2020/d075328.html, accessed August 25, 2020.

60 Court of Appeal, Fourth Appellate District, Division One, State of California, Case No. D075328, p. 3, https://law.justia.com/cases/california/court-of-appeal/2020/d075328.html, accessed August 25, 2020.

where the reduction is achieved. Even the Court of Appeal ruling states that carbon offsets – even those originating outside California – mitigate GHG's under CEQA.

However, as previously discussed, as analyzed in Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR based on substantial evidence on pages IV.E-43 through IV.E-79, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and Project-specific impacts with regard to GHG emissions and climate change would be less than significant. This significance determination is reached before consideration of the separate no net additional GHG emission requirement of the ELDP Application and Governor's Certification. As stated on page IV.E-83 of the Draft EIR, compliance with the ELDP is not required by CEQA.

Comment No. ORG 31-6

Putting off GHG mitigation to an unspecified future time and program also violates CEQA's prohibition against deferred mitigation. As the Court said in *Preserve Wild Santee v. City of Santee*, 210 Cal.App.4th 260, 280-281 (2012):

> An EIR must describe feasible measures that could minimize significant adverse impacts. (Guidelines, § 15126.4, subd. (a)(1).) An EIR may not defer the formulation of mitigation measures to a future time, but mitigation measures may specify performance standards which would mitigate the project's significant effects and may be accomplished in more than one specified way. (Id., subd. (a)(1)(B).)
>
> Thus, " ' "for [the] kinds of impacts for which mitigation is known to be feasible, but where practical considerations prohibit devising such measures early in the planning process (e.g., at the general plan amendment or rezone stage), the agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval. Where future action to carry a project forward is contingent on devising means to satisfy such criteria, the agency should be able to rely on its commitment as evidence that significant impacts will in fact be mitigated." ' " (Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261, 1275–1276, 15 Cal.Rptr.3d 176.) Conversely, " '[i]mpermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.' " (Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App.4th 200, 236, 128 Cal.Rptr.3d 733.)

The Hollywood Center DEIR is not based on a general plan amendment or a rezoning ordinance and so there is no reason to defer the description or timing of mitigation measures. Nor is it legitimate to claim credit for mitigation measures that are standardless (as in the San Diego case) and to be carried out by an unknown private agency over which the project's lead agency has no control.

Response to Comment No. ORG 31-6

This comment asserts that the Draft EIR's delays GHG mitigation to an unspecified future time and program and violates CEQA's prohibition against deferred mitigation. This is an incorrect statement, as substantial evidence provided on pages IV.E-43 through IV.E-79 of Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR demonstrates that under CEQA the Project would result in a less than significant impact regarding GHG emissions and does not require mitigation. Therefore, there is no deferred mitigation as no mitigation is required. This significance determination is reached before consideration of the separate no net additional GHG emission requirement of the ELDP Application and Governor's Certification. As no mitigation measures are required for the Project to have less than significant GHG emissions, mitigation is not deferred.

As discussed above under Response to Comment No. ORG 31-5, compliance with the ELDP is not required by CEQA. The ELDP Application and Exhibit 3 of Appendix B of the Draft EIR, outlines the timing and enforcement mechanism of GHG carbon offset projects or carbon offsets purchases. As described above in Response to Comment No. ORG 31-5, the Lead Agency has established requirements that must be met prior to the issuance of a Temporary Certificate of Occupancy for Construction Emissions and a Certificate of Occupancy for Operational Emissions regarding the Project's compliance with the ELDP certification requirements. These commitments will be required of the Project and enforceable by the City as Conditions of Approval. Additionally, CARB has approved the Project's ELDP Application (see Appendix B of the Draft EIR).

Comment No. ORG 31-7

In sum, the Hollywood Center's DEIR fails to comply with CEQA in its treatment of GHGs. In doing so it fails also to comply with State and City plans to reduce GHG emissions. The DEIR must be withdrawn and corrected to fix the deficiencies in its analysis and treatment of GHG emissions and mitigation.

Thank you for your consideration of these comments.

Response to Comment No. ORG 31-7

This comment asserts that the Draft EIR does not comply with CEQA based on the reasons stated in Comment No. ORG 31-4 through ORG 31-6. As outlined in Response to Comment Nos. ORG 31-4 through ORG 31-6, the Draft EIR complies with CEQA. Response to Comment Nos. ORG 31-4 through ORG 31-6, discuss the Project's construction and operational GHG emissions and GHG reduction features disclosed in the Draft EIR. As discussed on page IV.E-79 of the Draft EIR, the Project would generate incrementally increased GHG emission over existing conditions. However, the Project's generation of GHG emissions would be consistent with applicable plans, policies, and regulations for reducing the emissions of GHGs including the Climate Change Scoping Plan, 2016-2040 RTP/SCS, the City's Green New Deal, and the City's Green Building Code. The Project's consistency with these applicable plans, policies, and regulations to reduce the emissions of GHGs, along with implementation of Project Design Features

(i.e., see GHG-PDF-1 on pages IV.E-41 and IV.E-42 of the Draft EIR) would reduce the Project's GHG emissions by approximately 22-25 percent (depending on the buildout scenario). Project Design Features would be implemented as part of the physical design of the Project and are not mitigation measures. Commitments made in Project Design Features are required and enforceable by the City as Conditions of Approval. There is no evidence in the record to support the commenter's assertion that the Project fails to comply with State and City plans to reduce GHG emissions. The Draft EIR provides a detailed analysis of the Project's consistency with such plans on pages IV.E-43 through IV.E-68 and concludes that the Project would not conflict with applicable plans, policies, or regulations of an agency adopted for the purpose of reducing the emissions of GHGs and that Project impacts with regard to GHG emissions and climate change would be less than significant. Since Project GHG emissions would be less than significant without mitigation, no mitigation measures are required, and no enforcement mechanisms for mitigation measures are needed. Additionally, Response to Comment Nos. ORG 31-4 through ORG 31-6 examine how the Project's GHG emissions will be reduced through on-site and off-site measures, including the procurement of carbon offsets (for the ELDP Application only). Furthermore, the responses outline how offsets under the ELDP Application are binding and enforceable and are not deferred, and thus do not conflict with CEQA requirements. Therefore, the Draft EIR is not deficient in its analysis and treatment of GHG emissions and mitigation and does not need to be withdrawn.

Comment No. ORG 31-8

Exhibit 1, Hollywood Center ELDP Application Materials, 2018.

Exhibit 2, California Air Resources Board, Cap-and Trade Program, website information.

Exhibit 3, Discussion Draft, CEQA and Climate Change Advisory, California's Governor's Office of Planning and Research, December 2018.

Exhibit 4, Net Zero Newhall, website article.

Response to Comment No. ORG 31-8

Exhibits 1 to 4 do not include any comments on the Draft EIR. Thus, no responses to the Exhibits are necessary.

Comment Letter No. ORG 32

David E. Ryu, Councilmember, Fourth District
Emma G. Howard, Director of Planning
200 North Spring Street, Room 425
Los Angeles, CA 90012
Received May 29, 2020

Comment No. ORG 32-1

Please see attached. In light of the current pandemic situation and the challenge it has created for public meeting and review of materials, Councilmember Ryu respectfully requests that Director Bertoni consider an extension of the DEIR review for this project.

Response to Comment No. ORG 32-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No.ORG 32-2. Regarding the extension of the Draft EIR review, the City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment No. ORG 32-2

The draft Environmental Impact Report (EIR) for the Millennium Hollywood Center Project is set to close its window for comments on the first of June. This 45 day public comment period is for a dense document with potentially significant, long term impacts to the Hollywood area. Especially considering the additional unforeseen impacts caused by COVID-19, I respectfully request that the public comment period be extended to enable additional time for the public to review and comment on the draft EIR.

Response to Comment No. ORG 32-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

The comment makes reference to the Millennium Hollywood Center Project. It should be clarified that the Millennium Hollywood Project is a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for the Hollywood Center Project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. ORG 33

Terra Russell-Slavin, Esq., Director of Policy and Community Building
Los Angeles LGBT Center
1118 N. McCadden Place
Los Angeles, CA 90038
Received May 29, 2020

Comment No. ORG 33-1

Please find attached a letter on behalf of the Los Angeles LGBT Center supporting the Hollywood Center Project- ENV-2018-2116-EIR. We hope that this project moves forward and can provide desperately needed affordable housing for seniors in Los Angeles.

Response to Comment No. ORG 33-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No. ORG 33-2.

Comment No. ORG 33-2

The Los Angeles LGBT Center would like to express its support for the proposed Hollywood Center Project. The proposed Hollywood Center Project would create 133 much-needed affordable units for seniors while also producing market rate units. We believe that the Hollywood Center is an example of development done right.

Since 1969, the Center has served the needs of the most vulnerable members of the LGBT community, and today we see over 42,000 client visits each month. Our organization provides more direct services to the LGBT community than any other organization in the world, and the fastest growing client population at the Center is LGBT seniors. The Center's Senior Services Department assists more than 2,000 clients, who are currently accessing 200 monthly social activities, workshops, and support groups. Of these clients, over one-third receive specialized case management, including being connected to the Veterans Administration and community services. We operate the nation's first and one of the largest affordable housing developments specifically for LGBT seniors: Triangle Square in Hollywood, and we are opening up another 98 units at our new Anita May Rosenstein Campus, also located in Hollywood, later this year.

This project speaks to the city's dire need for housing, and especially affordable housing for older adults. Average monthly income from Social Security alone puts most seniors very close to the federal individual poverty level. Even the maximum benefit, which is very difficult to obtain, nets an annual income that is far below the cost of comfortable living in many larger cities.

For our senior clients with limited mobility, lack of access to public transportation in the transit-challenged city of Los Angeles poses a major obstacle. Located 600 feet from the Hollywood and Vine Red Line station, the project is able to build around the use of mass

transit, allowing residents, locals and visitors the opportunity to access Hollywood and other parts of Los Angeles without the need for an automobile.

Hollywood Center would provide future residents the opportunity to live in a vibrant community that provides access to essential resources such as convenient transportation options, well-designed pedestrian experiences (Vision Zero crosswalks, landscaped medians, outdoor public spaces), and access to world class healthcare, including LGBT specific healthcare, all within a short subway ride from their home.

We support the Hollywood Center, and urge you to move this project forward without any delay.

Response to Comment No. ORG 33-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 34

Gretchen Brickson, Los Angeles Associate Director
Corporation for Supportive Housing
800 South Figueroa Street, Suite 810
Los Angeles, CA 90017
Received May 29, 2020

Comment No. ORG 34-1

Mindy, attached please find my letter of support for the Hollywood Center Project. Do not hesitate to contact me with any questions you may have by responding to this email or via mobile phone at 1-646-983-5156.

Response to Comment No. ORG 34-1

This comment is an introduction to an attached letter. A response to the referenced letter is provided below in Response to Comment No.ORG 34-2.

Comment No. ORG 34-2

As the Associate Director of the Corporation for Supportive Housing (CSH) Los Angeles program, I am writing to offer my support for the proposed Hollywood Center Project.

Founded in 1991, CSH's mission is to advance solutions that use housing as a platform for services to improve the lives of the most vulnerable people, maximize public resources and build healthy communities. CSH works actively to address issues related to homelessness.

As part of a larger residential development, the Hollywood Center Project includes more than 100 units of low-income housing for older adults and speaks to the city's urgent need for affordable housing. The Hollywood Center Project, located in a vibrant community, would provide older adults with housing as well as outdoor spaces for walking, transportation options, social participation, access to healthcare and other important resources.

An outstanding senior housing provider, Menorah Housing Foundation, has been tapped to manage the affordable housing. CSH has found Menorah Housing Foundation to be an especially effective partner in providing housing and services for older adults. They understand the challenges of connecting individuals to critical social service programs and are committed to working with other community organizations and health care institutions.

This innovative and timely project is critical to improving the lives of older adults in Los Angeles. I urge you to move the Hollywood Center Project forward without any delay.

Response to Comment No. ORG 34-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 35

John M. Bowman
Elkins Kalt Weintraub Reuben Gartside LLP
10345 W. Olympic Boulevard
Los Angeles, CA 90064
Received May 29, 2020

Comment No. ORG 35-1

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.

Response to Comment No. ORG 35-1

The comment references an attached letter. Responses to these comments are provided in Response to Comment Nos. ORG 35-2 through ORG 35-65.

Comment No. ORG 35-2

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").

Response to Comment No. ORG 35-2

This comment provides an introduction to the commenter's client, the Pantages Theatre. Responses to the environmental concerns expressed in the comment letter are provided below in Response to Comment Nos. ORG 35-6 to ORG 35-65, below.

Comment No. ORG 35-3

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.

Response to Comment No. ORG 35-3

This comment is a brief summary of the Project as set forth in the Draft EIR but does not address the content of the Draft EIR. As this comment does not raise any issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 35-4

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.

Response to Comment No. ORG 35-4

This comment briefly describes the age, the current ownership, and the value of the restoration of the Pantages Theatre that occurred in 2000. As this comment does not address the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 35-5

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.

Response to Comment No. ORG 35-5

This comment expresses that the owner of the Pantages Theatre is not opposed to the Project but is concerned with the significant and unavoidable construction noise and vibration impacts identified in Section IV.I, *Noise*, of the Draft EIR. The comment expresses specific concerns with the potential damage to the Pantages Theatre during construction and the ability of the Pantages Theatre to operate during operation. The commenter is seeking assurance that noise and vibration impacts would be reduced to a less-than-significant level. These comments are addressed in Response to Comment Nos. ORG 35-6 to ORG 35-65, below.

Comment No. ORG 35-6

I. <u>Potential Building Damage Due to Vibrations and Earth Movement</u>

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.

Response to Comment No. ORG 35-6

This comments describes details regarding Project construction and its proximity to the Pantages Theatre. Due to the potential for building damage to the Pantages Theatre due to vibrations and earth movement during construction, mitigation measures were proposed to reduce potentially significant impacts regarding structural vibration, and are discussed on pages IV.I-84 through IV.I-86 of the Draft EIR. Mitigation Measure NOI-MM-4 lists six measures that would help reduce potential vibration impacts and prevent potential structural damages. Mitigation Measure NOI-MM-4 requires that structural vibration monitoring be performed during Project construction. Prior to the start of construction, investigations of the Pantages Theatre shall be conducted to document the physical condition of the building's readily visible features. The Applicant is also required to prepare and implement a vibration monitoring program during site demolition and grading/excavation. Vibration monitoring systems shall be placed at receptor building facades (with the permission of the Pantages Theatre) to measure and document vibration velocities during construction activity. The vibration monitoring systems shall be preset to send warnings prior to the vibration threshold being reached. Mitigation Measure NOI-MM-4 lays out the steps to be taken should the warning and/or regulatory vibration thresholds are reached. Steps include making feasible adjustments to construction activities in the vicinity of the receptor, such as staggering concurrent vibration-generating construction activities. Should Project construction result in visual damage to the Pantages Theatre, Mitigation Measure NOI-MM-4 requires that repairs be conducted pursuant to the Secretary of the Interior's standards. The purpose of the vibration

monitoring program is to minimize structural damage impacts that could result from Project construction.

Comment No. ORG 35-7

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.

Footnote 1: All of the comments contained in the Veneklasen letter are incorporated herein by this reference.

Response to Comment No. ORG 35-7

This comment acknowledges the significant and unavoidable vibration impacts in the Draft EIR; however, it asserts that the Draft EIR's mitigation measures, even with the consent of the Pantages Theatre would not reduce the potential for structural damage to the Pantages Theatre to a level of insignificance. The commenter suggested the Draft EIR was inadequate based on findings included in the Veneklasen letter (Exhibit A), which disagreed on the vibration analysis included in the Draft EIR. As discussed in Section IV.I, *Noise*, of the Draft EIR, the vibration levels were calculated based on the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual*. As stated on page IV.I-32 of the Draft EIR, the City has not adopted criteria to assess vibration impacts during construction. Thus, for this Project, the City has determined to utilize the FTA's criteria for structural damage and human annoyance impact evaluations. As discussed on page IV.I-78 of the Draft EIR, the estimated vibration levels at the buildings adjacent to the north and south of the West Site and East Site construction areas would be up to 3.379 inch/second PPV, which would exceed the applicable significance thresholds (i.e., 0.50 inch/second PPV, 0.30 inch/second PPV, 0.20 inch/second PPV, or 0.12 inch/second PPV, depending on the FTA building category) at the buildings adjacent to the north and south. The vibration level of up to 3.379 inch/second PPV is calculated based on vibration-generating equipment (i.e., a vibratory roller) in use at a very close distance of 2 feet to the buildings adjacent to the north and south of the West Site and East Site construction areas. As shown in Table IV.I-16 of the Draft EIR, vibration levels drop substantially with distance, where the vibration level from a vibratory roller would decrease to 0.21 inch/second PPV at 25 feet. Since vibration-generating equipment may, at times, be used in close proximity to the buildings adjacent to the north and south, the Draft EIR identified potentially significant vibration impacts for building damage.

As previously stated in Response to Comment No. ORG-35-6, Mitigation Measure NOI-MM-4 was included to reduce potential vibration impacts and prevent potential structural damage in a proactive manner. The purpose of the vibration monitoring program in Mitigation Measure NOI-MM-4 is to minimize structural damage impacts that could result from Project construction by requiring monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. Mitigation Measure NOI-MM-4 requires that, prior to the start of construction, investigations of each vibration-sensitive receptor would be conducted of both historic and non-historic buildings to

document the physical condition of those buildings' readily visible features. Vibration monitoring systems will be placed at receptor building façades (with the permission of property owners) or other appropriate locations to measure and document vibration velocities during construction activity. As stated in Response to Comment No. ORG 35-6, the vibration monitoring systems will be preset to transmit notifications and warnings (via text, email, etc.) prior to the vibration threshold being reached and lays out the steps to be taken should the warning and/or regulatory vibration thresholds be reached. Steps include making feasible adjustments to construction activities in the vicinity of the receptor, such as staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques (see Section d. of Mitigation Measure NOI-MM-4). If the established threshold levels are triggered, the vibration monitoring program would also require visual inspection of the subject building for any damage, and requires the results of the inspection to be documented. Conducting visual inspections if the regulatory vibration threshold is reached would ensure that any visual signs of damage are logged and can be addressed. Should Project construction result in damage to vibration-sensitive receptor buildings (both historic and non-historic), Mitigation Measure NOI-MM-4 requires that repairs be conducted. For historic buildings, repairs would be conducted pursuant to the Secretary of the Interior's standards, if warranted. This provision is intended to ensure that historic buildings are restored pursuant to the Secretary of the Interior's Standards. Mitigation Measure NOI-MM-4 does not limit repairs to historic structures alone. Non-historic structures would be repaired but would not be required to meet the Secretary of the Interior's Standards for historic buildings. As discussed on page IV.I-86 of the Draft EIR, the conclusion of "significant and unavoidable" was based on the reason that Mitigation Measure NOI-MM-4 requires the consent of other property owners. The impact conclusion of "significant and unavoidable" was determined not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts and conduct the appropriate repairs that meets the Secretary of the Interior's Standards, if warranted. If damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), the implementation of appropriate repairs would correct the building damage impact from vibration. As vibration impacts are fully discussed and feasible mitigation provided in the Draft EIR, no additional analysis is required.

This comment introduces the comments provided by Veneklasen Associates, Inc., and indicates that the comments provided in the Veneklasen letter are incorporated herein by reference. The specific comments raised in the Veneklasen letter are addressed in Response to Comment Nos. OR

0G 35-26 through ORG 35-52 below.

Comment No. ORG 35-8

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 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.

Response to Comment No. ORG 35-8

This comment expresses concern over earth moving activities adversely impacting the Pantages Theatre. With regard to properties that are physically adjacent to the Project Site, as stated on page IV.I-78 of the Draft EIR, the Project would be subject to Los Angeles Municipal Code (LAMC) Section 91.3307.1 (Protection of Adjoining Property), which states adjoining public and private property are to be protected from damage during construction, remodeling, and demolition work with such provisions implemented by contractor engineers, architects, and other contractor personnel via compliance with applicable regulatory standards. In response to the concerns raised in the comment, Mitigation Measure NOI-MM-1 has been updated to include the specific provisions for equipment setback distances from off-site historic buildings, including the Pantages Theatre, as well as additional clarifications regarding performance standards. Mitigation Measure NOI-MM-1, as revised in this Final EIR, includes a 40-foot buffer zone from the

property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks and equipment storage areas from the property line of off-site historic buildings, which would provide an added safety margin to help protect against potential damage to off-site historic buildings by prohibiting certain construction equipment and activities in close proximity to off-site historic buildings. The incorporation of the 40-foot buffer zone is a feasible measure that goes beyond typical, regulatory, and minimum building standards. The revisions and clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, and are shown in double-underlined text below.

> **NOI-MM-1: Setback Distances and Boundary Noise Curtains.** Noise and vibration construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) 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. Even with natural and/or manmade barriers, in no case shall fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas be within 40 feet from the property line of off-site historic buildings. If manmade barriers are to be used, the contractor shall be required to use temporary construction noise barriers, such as sound deadening blankets or curtains, with a height up to 20 feet above ground that shall achieve a performance standard of a minimum 12-dBA insertion loss along the Project Site's boundary where significantly impacted noise-sensitive land uses are within 500 feet of the Project Site. The temporary construction noise barriers shall be installed on or around the Project Site perimeter and/or along soldier piles that shall be drilled and cast in place during shoring activities. Open access points or gates leading to street frontages, including along Ivar Avenue, Vine Street, and Argyle Avenue, shall be permissible to allow for adequate and safe worker, vehicle, and equipment access to the construction area. The temporary construction noise barriers installed on or around the soldier piles shall remain in-place during ground disturbance activities until exterior vertical building construction commences, when the use of on-site noise-generating heavy-duty construction equipment is prevalent.

Additionally, the comment requests review and approval authority over the calculations and design of the shoring system. Note that the City would review and approve the shoring system as part of the City's regulatory process for construction, including the permitting and plan check process by the Department of Building and Safety. However, as this comment does raise any issue with the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 35-9

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]

Footnote 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).

Response to Comment No. ORG 35-9

This comment expresses concerns regarding impacts associated with construction loading. Mitigation Measure NOI-MM-1 in Section IV.I, *Noise*, of the Draft EIR, includes similar provisions as suggested in the comment. In order to address the commenter's concern with construction loading, Mitigation Measure NOI-MM-1 has been clarified to include the specific provisions suggested in the comment. Mitigation Measure NOI-MM-1, as revised in this Final EIR, includes a 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas from the property line of off-site historic buildings, which would provide an added safety margin to help protect against potential damage to off-site historic buildings by prohibiting certain construction equipment and activities in close proximity to off-site historic buildings. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 35-8 for the revisions to Mitigation Measure NOI-MM-1).

Comment No. ORG 35-10

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:

- 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.

Response to Comment No. ORG 35-10

This comment asserts that an effective monitoring program must be implemented to monitor excavation activities and shoring displacements during construction. See Response to Comment No. ORG 35-6 for a description of Mitigation Measure NOI-MM-4. The purpose of the vibration monitoring program is to minimize structural damage impacts that could result from Project construction by requiring monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. If damage occurs, to the historic buildings due to construction vibration, Mitigation Measure NOI-MM-4 requires repairs in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards. To enhance damage prevention, Mitigation Measure NOI-MM-1 has been updated to include the specific provisions for equipment setback distances from off-site historic buildings, including the Pantages Theatre. Mitigation Measure NOI-MM-1, as revised in this Final EIR, includes a 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas from the property line of off-site historic buildings, which would provide an added safety margin to help protect against potential damage to off-site historic buildings by prohibiting certain construction equipment and activities in close proximity to off-site historic buildings. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 35-8 for the revisions to Mitigation Measure NOI-MM-1).

In addition, as stated on page IV.I-78 of the Draft EIR, the Project would be subject to Section 91.3307.1 of the LAMC (Protection of Adjoining Property), which states adjoining public and private property would be protected from damage during construction, remodeling, and demolition work. Regarding deflection, which is an engineering term describing the degree to which an element of structure changes shape when a load is applied, Section 91.1600 of the LAMC adopts Chapter 16 of the California Building Code (CBC) by reference. In accordance with the LAMC, each of the proposed buildings within the Project Site will be required to be designed according to the CBC, which includes having the adequate stiffness to limit deflections for those structural systems. Compliance

with the appropriate deflection standards for building structural systems will be accomplished via engineering designs that comply with applicable regulations.

Comment No. ORG 35-11

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.

Response to Comment No. ORG 35-11

The comment states that Mitigation Measure CUL-MM-2 requires that "corrective steps" be taken if earth movement exceeds "predetermined thresholds, calculated amounts, or if new cracks or distress are observed…" and indicates that because the predetermined thresholds are not provided the measure appears to constitute impermissible deferred mitigation pursuant to CEQA Guidelines Section 15126.4(a)(1)(B).

Mitigation Measure CUL-MM-2 is provided on page IV.C-81 and IV.C-82 in Section IV.C, *Cultural Resources*, of the Draft EIR. The mitigation measure is detailed and requires that excavation and shoring plans be prepared by a California Registered Civil Engineer experienced in the design and construction of shoring systems and hired under the excavation subcontractor and that the shoring systems shall be selected and designed in accordance with all current code requirements, industry best practices, the recommendations of the Project Geotechnical Engineer, with all subject to Los Angeles Department of Building and Safety (LADBS) review and approval during the Grading Permit application submission stage. The measure also requires that plans and specifications be prepared in light of protecting adjacent historic resources, and that the final excavation and shoring plans include all appropriate details, material specifications, testing and special inspection requirements and that they be reviewed by the Project Geotechnical Engineer for conformance with the design intent and submitted to LADBS for review and approval during the Grading Permit application submission. In addition, the measure requires that the general contractor hire a California Registered Professional Engineer or California Professional Land Surveyor to prepare an Adjacent Structures Construction Monitoring Plan, subject to review and approval by LADBS, prior to initiation of any excavation, grading, or shoring activities to ensure the protection of adjacent historic resources from damage due to settlement during construction and excavation. The Adjacent Structures Construction Monitoring Plan is required to include, among other requirements, that a California Professional Land Surveyor establish survey monuments and document and record through any necessary means, including video, photography, survey, etc., the initial positions of adjacent structures, sidewalks, buildings, utilities, facades, cracks, etc. to form a baseline for determining settlement or deformation. Additionally, the measure requires that foundation systems 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. Based on these and other requirements provided in Mitigation Measure CUL-MM-2, there was no improper deferral of mitigation as there are adequate provisions to ensure construction is carried out in a manner that will reduce potential impacts due to vibration and settlement to a less-than-significant level, assuming that consent of adjacent property owners is provided. Although the procedures and requirements in Mitigation Measure CUL-MM-2 are not uncommon for development in dense urban areas of the City, and represent

feasible engineering practices, it is not feasible prior to Project approval and approval of final plans to complete the various complex investigations needed to establish every threshold or standard needed to carry out the clear intent of the measure. Nevertheless, the City has committed to mitigating these significant impacts through the measures discussed above.

The comment also states that the developers' obligation to repair damage to other properties is unclear and suggests that the Mitigation Measure only involves consultation with a preservation consultant and compliance with the California Historical Building Code and the Secretary of the Interiors' Standards if damage is to the finishes of adjacent historic buildings. Regarding specifics concerning the developer's obligation to repair damage to other properties, the obligation would be in accordance with applicable laws and is not a CEQA issue. However, as stated on page IV.I-78, in Section IV.I, *Noise,* of the Draft EIR, the Project would be subject to LAMC Section 91.3307.1 (Protection of Adjoining Property), which states adjoining public and private property would be protected from damage during construction, remodeling, and demolition work with such provisions implemented by contractor engineers, architects, and other contractor personnel via compliance with applicable regulatory standards.

Regarding the participation of a preservation consultant and compliance with the standards, the intent of the measure is to ensure that damage to historic features of the building is subject to this requirement. Accordingly, the language in the first paragraph of the last bullet of Mitigation Measure CUL-MM-2, has been clarified to require repairs to historic features and not only finishes, as follows, and as documented in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR:

> **CUL-MM-2:** 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, or other damage 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~~ historic features 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 Interior's~~'~~ Standards, as appropriate.

Comment No. ORG 35-12

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.

Response to Comment No. ORG 35-12

The commenter includes an excerpt from page IV.C-90 of the Draft EIR and claims that there are at least three serious flaws with the passage. The alleged flaws are addressed in Response to Comment Nos. ORG 35-13, 35-14, and 35-15.

Comment No. ORG 35-13

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 *[sic]* 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.

Response to Comment No. ORG 35-13

The commenter opines that the concurrent construction of the Project and the citizenM Hotel Project is not speculative based on the construction schedule included in the Draft EIR for the citizenM Hotel Project. Pursuant to Section 15124 of the CEQA Guidelines, the description of a project needs to include a general description of the project's technical, economic, and environmental characteristics. The construction start date analyzed in CEQA documentation is typically based on reasonably foreseeable circumstances surrounding the review and approval process of the project and may not necessarily be the official start date of construction. Therefore, the potential for concurrent construction of the Project and the citizenM Hotel Project is not a guaranteed conclusion and is speculative. Even so, the cumulative analysis assumes concurrent construction.

Although the proposed Hollywood Center Project mitigation measures related to shoring design and monitoring to address potential structural damage due to settlement and mitigation measures related to vibration effects for Related Project No. 2 (citizenM Hotel Project) have been identified and are anticipated to be implemented, the Hollywood Center Project Mitigation Measure NOI-MM-4 requires the consent of other property owners, including the Pantages Theatre, who may not agree to participate in implementation on their property. Therefore, it has been conservatively concluded that cumulative structural vibration and settlement effects on the Pantages Theatre would be cumulatively considerable and constitute a significant cumulative impact (see pages IV.C-90 and IV.C-91 of the Draft EIR). Additionally, page IV.I-89 of the Draft EIR also states that construction noise levels from the citizenM Hotel Project after mitigation would exceed the significance thresholds and would result in cumulative construction noise impacts if nearby related projects, including the Project, were to be constructed concurrently. Therefore, the cumulative analysis is not misleading as impacts were disclosed, and, as such, no further analysis is required.

Comment No. ORG 35-14

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.

Response to Comment No. ORG 35-14

This comment asserts 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. As stated on page IV.I-78, the Project would be subject to LAMC Section 91.3307.1 (Protection of Adjoining Property), which states adjoining public and private property would be protected from damage during construction, remodeling, and demolition work with such provisions implemented by contractor engineers, architects, and other contractor personnel via compliance with applicable regulatory standards. Both the citizenM Hotel Project and the proposed Hollywood Center Project would be required to adhere to this section of the LAMC. As such both projects will be required to have a shoring engineer and geotechnical engineer to have design and procedures in place, prior to the beginning of any earth moving activities. Additionally, in response to the concerns raised in the comment, Mitigation Measure NOI-MM-1, as revised in this Final EIR, includes a 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas, which would provide an added safety margin to help protect against potential damage to off-site historic buildings by prohibiting certain construction

equipment and activities in close proximity to off-site historic buildings. The incorporation of the 40-foot buffer zone is a feasible measure that goes beyond typical, regulatory, and minimum building standards. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 35-8 for the revisions to Mitigation Measure NOI-MM-1). Because the potential for building damage cannot be completely ruled out and because consent of other property owners to conduct the repairs cannot be guaranteed, the Draft EIR concluded potentially significant vibration impacts for structural damage. Mitigation Measure NOI-MM-4 requires a vibration monitoring program to minimize structural damage impacts that could result from Project construction by requiring monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. If damage occurs, to the historic buildings due to construction vibration, Mitigation Measure NOI-MM-4 requires repairs in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards. While the Project has committed to implementing measures to help minimize vibration impacts, should damage occur, as documented by the required inspections, the implementation of appropriate repairs would correct the building damage impact.

Comment No. ORG 35-15

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 serious 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.

Response to Comment No. ORG 35-15

This comment asserts that there is no factual basis for the conclusion that any damage to the Pantages Theatre due to vibrations or settlement during construction would "likely be surficial and repairable." Regarding the comment's assertion that the Draft EIR concluded that any potential damage to the Pantages Theatre due to settlement or vibration would be surficial and repairable, the intent of the mitigation was not to limit repairing to only surficial or minor damage. See Response to Comment No. ORG 35-11, and the clarified language provided in Mitigation Measure CUL-MM-2, which uses broader language such that damage to historic features, rather than finish materials, would include involvement of a preservation consultant.

Comment No. ORG 35-16

II. Vibration Impacts (Human Annoyance)

According to the DEIR, the estimated ground-born *[sic]* 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.

Response to Comment No. ORG 35-16

This comment asserts that vibration levels at the Pantages Theatre should be analyzed with respect to FTA Category 1 for human annoyance impacts and that the vibration levels have been underestimated. The comment provides suggested additional mitigation measures, which the commenter says are feasible. As stated on page IV.I-9 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment but still have the potential for activity interference. The analysis of vibration human annoyance impacts to the Pantages Theatre in the Draft EIR has been updated to reflect the use of FTA Category 1 for human annoyance impacts, which provides for the most conservative analysis. The revisions are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The use of FTA Category 1 to evaluate vibration human annoyance impacts for the Pantages Theatre does not change the estimated vibration levels for Project construction as disclosed in Section IV.I, *Noise*, of the Draft EIR. As further clarification, the "multiplier" used in the vibration analysis for human annoyance were 30 for distances of 25 feet and greater and 22.4 for distance less than 25 feet. The vibration attenuation rate used for the human annoyance analysis are the same as for the building damage analysis (i.e., the 30 and 22.4 multipliers used for the human annoyance analysis are equivalent to the 1.5 and 1.1 "n" factors used for the building damage analysis). The n factor is a factor used in the propagation adjustment from the source to the receiver that represents the characteristic of the medium (or soil in this case), which would determine the speed of the propagation. A medium with a larger n factor means the vibration at the same distance from the source would be greater than the vibration level at the same distance from the source,

but through a medium with a smaller n factor. No change to the n factor or the quantitative vibration level is required (also, please see the discussed of the "n" factors used for the building damage analysis in Response to Comment No. ORG 35-30). In addition, the vibration human annoyance impacts were determined to be potentially significant and unavoidable in the Draft EIR. Thus, the use of FTA Category 1 to evaluate vibration human annoyance impacts for the Pantages Theatre does not change the potentially significant and unavoidable impact determination as disclosed in the Draft EIR. Therefore, impacts with respect to vibration human annoyance for the Pantages Theatre were fully disclosed in the Draft EIR.

In response to the concerns raised in the comment regarding mitigation measures, Mitigation Measures NOI-MM-1 has been enhanced to include additional feasible restrictions to reduce potential construction noise and vibration near the Pantages Theatre with the inclusion of the 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 35-8 for the revisions to Mitigation Measure NOI-MM-1).

With regard to the commenter requesting that construction activity be limited when performances are occurring at the Pantages Theatre, LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, 6:00 p.m. and 8:00 a.m. on Saturday, and at any time on Sunday. Project construction would be consistent with the LAMC. For the Saturday, 2:00 p.m. performance time, Mitigation Measure NOI-MM-3 (page IV.I-75 of the Draft EIR) has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* as indicated in double-underlined text below:

> **NOI-MM-3: Construction Liaison.** 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 to occur. Two weeks prior to the commencement of construction at the Project Site, notification shall be provided to these receptor properties that discloses the construction schedule, including the various types of activities and equipment that would be occurring throughout the duration of the construction period. The construction liaison shall coordinate with the owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

Mitigation Measure NOI-MM-3 requires that the construction liaison inform receptors 1, 3, and 5 through 13 (the Pantages Theatre is designated as receptor 9 in Figure IV.I-3 of the Draft EIR) when peak noise and vibration activities are scheduled. Furthermore, the updated Mitigation Measure NOI-MM-3 requires the construction liaison to coordinate with the owner/operator of the Pantages Theatre to minimize disruptions to performances

during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

Comment No. ORG 35-17

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. *[sic]* Moreover, the DEIR fails to address anticipated noise levels *inside* the Pantages Theater (see Veneklasen Letter, p. 3).

Response to Comment No. ORG 35-17

The commenter asserts that the ambient noise levels is skewed, inflated, and not representative of the noise levels along the north wall of the Pantages Theatre. As discussed on page IV.I-20 of the Draft EIR, the predominant existing noise source surrounding the Project Site is roadway noise from Yucca Street, Vine Street, Hollywood Boulevard, and other major roadways in the surrounding area. Additionally, the Hollywood Freeway (US-101) located approximately 380 feet north of the East Site's northernmost boundary contributes to ambient noise levels. Other noise sources include general residential and commercial-related activities associated with trash collection activities, loading and unloading activities, and surface parking lots. Ambient noise measurements were taken at eight locations (R1 through R8 on Figure IV.I-3), along or near the public right-of-way. The measured environmental noise levels at receptors R1 through R8 represent the current ambient noise levels in the vicinity of the Project Site and are used to establish the existing ambient noise level at the noise-sensitive receptors within the Project area. The ambient noise measurements at all measurement locations meet or exceed the City's requirements for ambient noise as established in LAMC Sections 111.01(a) and 111.03.

The noise measurements represent the nearby land uses in the vicinity of the Project Site and were used to establish ambient noise levels as shown in Figure IV.I-3 on page IV.I-

16. The ambient noise measurement locations are described in detail on page IV.I-15 to 16. The locations were selected because they are considered representative of the noise environment of the existing off-site noise-sensitive receptors, including residential, hotel, performance venue, and institutional uses. As previously mentioned, the predominant existing noise source surrounding the Project Site is traffic noise from Yucca Street, Vine Street, Hollywood Boulevard, and other major roadways in the surrounding area. All ambient noise measurement locations near the Project Site are placed along the nearby streets and the nearby noise-sensitive receptors; therefore, these locations are representative of the ambient noise levels surrounding the Project Site. Noise measurement for location R3 represents the nearby land uses of the Eastown multi-family residential uses east of Argyle Avenue and the Pantages Theatre in the vicinity of the Project Site and were used to establish ambient noise levels as shown in Figure IV.I-3 on page IV.I-16 of the Draft EIR. Measuring existing noise from the alley behind the Pantages Theatre is not representative of ambient noise surrounding the Project Site or consistent with the City's definition of ambient noise in the LAMC. All eight of the ambient noise measurement locations near the Project Site are placed along the nearby streets and the nearby noise-sensitive receptors. Therefore, the ambient noise levels at these locations, including receptor R3, are not inflated or skewed and are representative of the ambient noise levels surrounding the Project Site.

As described on page IV.I-13 of the Draft EIR, the LAMC identifies the location (at an adjacent property line and at a location appropriate for the particular noise source being measured), length of time period (at least 15 minutes L_{eq}), and thresholds (an increase of 5 dBA over the existing average ambient noise level for noise occurring more than five but less than fifteen minutes in any one-hour period and an increase of 10 dBA for noise occurring five minutes or less in any one-hour period). Please see below for the relevant sections from the LAMC.

- LAMC Sections 111.01(a) and 111.03 define the ambient noise as the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. The actual ambient noise level is the measured noise level averaged over a period of at least 15 minutes L_{eq} at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured.

- LAMC Section 111.02 provides procedures and criteria for the measurement of the sound level of "offending" noise sources. In accordance with the LAMC, a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line is considered a noise violation. To account for people's increased tolerance for short-duration noise events, the Noise Regulation provides a 5-dBA allowance for noise occurring more than five but less than fifteen minutes in any one-hour period and an additional 5-dBA allowance (total of 10 dBA) for noise occurring five minutes or less in any one-hour period.

The existing ambient noise level representative of the Pantages Theatre property was taken at its northeastern property line where it is directly adjacent to the proposed Project's East Site, for a period of 15 minutes. The monitoring dates (e.g., Wednesday-

Thursday, May 23-24, 2018) did not correspond to a holiday or unique event day that would cause elevated noise above typical conditions in the Project area. Thus, this location and time period for the ambient noise level measurement complies with the LAMC specifications and provides representative ambient noise data measured in the Project area. The commenter's request of taking the ambient noise level at the face of the north wall and/or inside the Pantages Theatre does not comply with the LAMC for ambient noise level measurement and is not warranted.

Comment No. ORG 35-18

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.

Response to Comment No. ORG 35-18

The commenter references additional potential mitigation suggested by Veneklasen Associates, including properly tuned construction equipment with mufflers, barriers, and scheduling construction and demolition activities to avoid operating several pieces of equipment simultaneously.

In response to the concerns raised in the comment, Mitigation Measure NOI-MM-1 has been clarified to include more details on the implementation of the mitigation measures, specifically to clarify how the noise impacts would be reduced. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Response to Comment No. ORG 35-9. Please refer to the clarified Mitigation Measure NOI-MM-1 in that comment, as well as in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

With regard to using fewer pieces of construction equipment, as discussed on page IV.I-75 of the Draft EIR, reducing the types and number of construction equipment by a few pieces would provide minimal benefit in terms of noise reduction due to the logarithmic nature of noise. However, Mitigation Measure NOI-MM-2 requires that the construction contractor use equipment with state-of-the-art noise shielding and muffling devices. Mitigation Measure NOI-MM-2 has been clarified to include information regarding performance standards and noise shielding and muffling devices. The additional clarifications to Mitigation Measure NOI-MM-2 are incorporated in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR) and shown below with the additional information provided in double-underlined text below. Please refer to Response to Comment No. ORG 35-9 regarding Mitigation Measure NOI-MM-1.

> **NOI-MM-2: Equipment Noise Shielding, Mufflers, and Stationary Curtains.** The Project contractor shall use power construction equipment with ~~state-of-the-art~~ factory-installed noise shielding and muffling devices. In addition, no impact pile driving shall be utilized; augured, or drilled piles are permitted. Flexible sound control curtains that achieve a performance standard of a minimum 12-dBA insertion loss with appropriate open access points or gates to allow for adequate and safe worker, vehicle, and equipment access shall be placed around all drilling apparatuses, drill rigs, stationary concrete pumps, stationary generators, and jackhammers when in use.

With regard to the commenter requesting limits on Project construction activity in accordance with scheduled performances at the Pantages Theatre, as previously discussed in Response to Comment No. ORG 35-16 and as noted on page IV.I-13 of the Draft EIR, LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, 6:00 p.m. and 8:00 a.m. on Saturday, and at any time on Sunday. Project construction would be consistent with the LAMC. Regarding the Saturday, 2:00 p.m. performance time, Mitigation Measure NOI-MM-3 (page IV.I-75 of the Draft EIR) has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR to require a construction liaison to coordinate with owner/operator of the Pantages Theatre to minimize disruptions to performances during

the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

Comment No. ORG 35-19

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.)

Response to Comment No. ORG 35-19

This comment asserts that additional measures must be identified and evaluated in this Final EIR with regards to operation noise impacts. Please see Response to Comment No. ORG 35-17, which addresses how ambient noise level measurements were collected. Please also see Response to Comment Nos. ORG 35-32 through 35-39 for the responses to Section V of the Veneklasen Letter.

Comment No. ORG 35-20

IV. <u>Traffic</u>

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 <u>Exhibit B</u> (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.

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

Response to Comment No. ORG 35-20

This comment suggests that the Project will have significant and adverse impacts on access, safety and circulation that were not disclosed or adequately addressed in the Draft EIR, particularly regarding truck access to the Pantages Theatre during load-ins and load-outs and refers to specific comments in the "Crain Report" attached to the comment letter and to primary concerns summarized in the comment letter. Responses to Ned Pan's primary concerns are provided in Response to Comment Nos. ORG 35-21 and ORG 35-22, and responses to the comments in the Crain Report are provided in Response to Comment Nos. ORG 35-53 through ORG 35-65. As noted in the responses, the issues raised in the comments do not constitute significant environmental impacts under CEQA. As this comment is an introductory comment generally expressing the commenter's concerns regarding traffic and access, no further response is warranted.

Comment No. ORG 35-21

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 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.

Response to Comment No. ORG 35-21

The comment begins with a description of the load-in/out practices for shows at the Pantages Theatre, use of the alley, potential changes to the alley proposed by the Project, and the loading scheme for the East Site. The comment claims significant impacts based on changes in access for large trucks, access for smaller trucks, and functioning of the Project's proposed loading area.

The three primary issues raised in the comment are: precluding the ability of large trucks to drive forward through the existing surface parking lot to Vine Street, thus requiring them to back out onto Argyle Avenue; the proposed vacation of a portion of the alley eliminating the ability for even smaller trucks to turn around within the alley; and insufficient depth for Project trucks to enter and exit the Project loading dock when a large truck is present. Responses to each of these three issues are as follows:

- Precluding the ability of large trucks to drive forward through the existing surface parking lot to Vine Street – As described in the comment, large trucks exit the alley via the parking lot to Vine Street through an informal agreement. The Pantages Theatre does not have an easement or covenant providing an irrevocable ability to exit through the parking lot. Since the parking lot is in fact part of the Project Site, development of the Project will necessarily end this informal use. As discussed further in Response to Comment No. ORG 35-55, statements in Comment Nos. ORG 35-54 and ORG 35-55 indicate that these trucks currently back out onto Argyle Avenue when passage through the parking lot is not possible, indicating that this maneuver is in fact feasible and workable for the Pantages Theatre even given the current 20-foot width of the alley. The Project is proposing to widen the alley by four feet from 20 feet to 24 feet. Since the amount of maneuverable area and overall width of the alley will be expanded four feet to the north with the construction of the Project's building four feet north of the property line, the large trucks currently making this maneuver within the 20-foot alley would have an additional four feet within a 24-foot alley, presumably making these maneuvers easier in the future with the widened alley resulting from the Project.

- Eliminating the ability for smaller trucks to turn around within the alley – In response to the comment, the Project will operate and maintain the Project loading dock so that there is available area that provides a turnaround area within the loading dock which smaller trucks serving the Pantages Theatre would be able to use. The Project is proposing to widen the alley by four feet from 20 feet to 24 feet which, in combination with the turnaround within the Project's loading area, would allow Pantages Theatre delivery trucks, trash trucks, utility service trucks, etc., to turn around in the alley, and, therefore, they would not have to back out onto Argyle Avenue. See Response to Comment No. ORG 35-55 for further discussion and an AutoTurn analysis demonstrating this ability.

- Insufficient depth for Project trucks to enter and exit the Project loading dock when a large truck is present – The presence of large trucks in the alley is sporadic and mostly during off-peak periods. The Project will coordinate deliveries to the Project Site based on scheduled Pantages Theatre load-in/out activities to avoid the Project trucks from not being able to enter the loading area while a large truck is parked in the alley. See Response to Comment No. ORG 35-55 for further discussion.

The operational modifications to the Project described above and in Response to Comment No. ORG 35-55 address two of the three truck issues identified in the comment. The third, requiring that large trucks back out of the alley, does not constitute a significant impact under CEQA since these moves occur during show load-ins/load-outs and, thus, can be managed as part of the overall management of truck movements during load-in/load-out and since, as acknowledged in Response to Comment No. ORG 35-54, these trucks already back out onto Argyle Avenue when the parking lot to the west of the alley is obstructed. Under current conditions, the trucks can only drive out through the parking lot to the west when the lot is not obstructed and, in an area like Hollywood, it is used for much of the day. The ability to drive through the parking lot is most likely to be during the

early morning hours and the additional trucks backing out would occur during those times when there is minimal traffic on Argyle Avenue, southbound Argyle Avenue is temporarily closed, and there are Pantages Theatre staff who are actively managing the load-in/load-out activities. Once the Project is operational, the existing alley will be widened by four feet. As discussed above, Ned Pan's letter indicates that large trucks already back-up onto Argyle Avenue, and an alley that is four feet wider would allow this maneuver and activity to continue for large trucks to pull-in from and back-out onto Argyle Avenue.

Comment No. ORG 35-22

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 *[sic]* 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 *[sic]* 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.

Response to Comment No. ORG 35-22

The comment begins by restating the locations of the access points for the Project's East Site, as described in Chapter II, *Project Description*, of the Draft EIR. It states that the southern driveway would not be on Argyle Avenue but rather would be on the alley, implying that this was incorrectly described in the Daft EIR. However, the Project Description on page II-64 of the Draft EIR states in the section quoted within the comment [emphasis added]:

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.**

The comment further asserts that the proposed Argyle driveway would not be opposite Carlos Avenue nor would the proposed signal be at the intersection of Argyle and Carlos Avenues because the roadway across Argyle Avenue from the Project driveway is actually James M. Nederlander Way, a private driveway serving the Eastown development. The correct identification as James M. Netherlander Way has been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

The commenter then states that the Project with the East Site Hotel Option as estimated by the Crain Report (see Comment No. ORG 35-57) will add approximately 3,750 driveway trips to Argyle Avenue. As shown on page 32 of the Transportation Assessment (TA) in Appendix N-1 of the Draft EIR, the total daily trips generated by the Project with the East Site Hotel Option is estimated by the City's vehicle miles traveled (VMT) Calculator at 2,713, substantially less. As shown on page 30 of the TA, the Project's East Site uses are estimated to generate 2,074 daily trips. However, as discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

The Project and the neighboring related project at 6220 West Yucca Street will add traffic to Argyle Avenue. The comment, however, cites the Crain Report as noting that the impacts of adding this traffic to Argyle Avenue have not been adequately evaluated under the Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG) and would result in potential traffic and public safety issues not

addressed in the Draft EIR. However, the analysis was conducted using appropriate procedures. Specifically, the local access and circulation analysis in the TA was conducted in accordance with guidance from LADOT for transportation impact studies that were already underway under the prior level of service (LOS)-based guidelines at the time of the City's transition from LOS to VMT.[61] See Response to Comment Nos. ORG 35-56 and ORG 35-57 for further discussion of the issues raised in the Crain Report.

The traffic analysis provided in the TA accounts for the related projects and traffic utilizing Argyle Avenue. The comment double counts volumes from the Project and already on Argyle Avenue, and focuses on daily activity. However, the analysis and access review is based on a peak hour analysis because this captures when conditions are most congested on adjacent roadways and residents of the Project would be likely traveling to/from home. A peak hour analysis of these locations along Argyle Avenue is provided in the TA in Appendix N-1 of the Draft EIR, which showed that there are no significant impacts attributable to the intersection operations along this segment.

The comment also suggests that significant traffic impacts on Argyle Avenue and related impacts on the operations of the Pantages Theatre could potentially be mitigated by providing more than one point of ingress and egress to the proposed subterranean parking structure on the East Site. First, the Draft EIR did not find significant traffic impacts on Argyle Avenue as operational impacts, in term of automobile delay as measured by LOS, are no longer considered to be significant CEQA impacts. Second, the Draft EIR provides an extensive discussion of policies that relate to access and circulation in Appendix B of the TA in Appendix N-1 of the Draft EIR. In totality, the policies in the City's Mobility Plan 2035 focus on promoting safety and the quality of infrastructure for all modes. Review of each policy as described below demonstrates why the Project's proposed access scheme is most consistent with Mobility Plan 2035 and other policies, ordinances, and programs by encouraging vehicular access from non-arterial streets and avoiding frontages that are part of Mobility Plan 2035 mobility networks as described below:

[61] LADOT issued a memorandum dated August 9, 2019, at the time the City's new TAG was issued adopting the change from LOS to VMT as the transportation significance metric under CEQA. This memo provided that LADOT would honor executed transportation impact study memorandums of understanding (MOUs) for transportation impact studies that were already underway under the prior LOS-based guidelines at the time of transition, but recommended that VMT analysis should be added to the study. The Project's original MOU was signed in December 2018 and a draft transportation impact study prepared in accordance with that MOU was submitted to LADOT for review in March 2019. That study utilized the Critical Movement Analysis (CMA) intersection methodology as required by LADOT at that time. Subsequent to the City's adoption of the new VMT-based guidelines, a new MOU was executed with LADOT in December 2019 in order to confirm the parameters of the VMT analysis and revised study area in accordance with the TAG requirements. In September 2019, LADOT confirmed that the CMA methodology should continue to be used since the analysis had already been conducted, even though a new MOU would be executed to confirm the parameters of the VMT analysis. Accordingly, the intersection LOS analysis presented in the Transportation Assessment contained in Appendix N-1 to the Draft EIR was conducted using the CMA methodology. Appendix D in this Final EIR provides a letter from LADOT reaffirming this guidance.

- The Project does not propose to introduce a new driveway or loading access along an Avenue or Boulevard. Instead the Project proposes to remove driveways on Vine Street, which is designated as an Avenue II.

- Mobility Plan 2035 polices PL.1 and PK.10 and Section 321 Driveway Design of LADOT's Manual of Policies and Procedures encourage vehicular access from non-arterial streets (or alleys) to minimize interference with pedestrian access and vehicular movement and incentivize redesigning access points to be more pedestrian friendly. This Project does not create conflicts with the policies regarding access as the Project takes access from non-arterial streets and is proposing to enhance the Argyle Avenue access point to complete the continuous east-west pedestrian access that connects Ivar Avenue to Argyle Avenue.

- Vision Zero: Several street frontages are located on the High Injury Network (HIN) including segments of Yucca Street, Ivar Avenue, and Vine Street (but not Argyle Avenue). According to the latest projects list for Vision Zero, there would not be a conflict, and the Project would not preclude actions the City would like to take.

- Vision Zero projects emphasize enhancing the environment for the most vulnerable road users. Although specific Vision Zero projects have not been identified by the City for Ivar Avenue or Vine Street, the Project would be upgrading sidewalks and providing a signalized crossing across Argyle Avenue without narrowing sidewalks or removing pedestrian amenities. The Project would not preclude or conflict with the implementation of future Vision Zero projects in the public right-of-way.

Based on levels of pedestrian activity, the presence of the Hollywood Walk of Fame, street designations, and City policies, the current access scheme is deemed to be the most consistent with Mobility Plan 2035 policies. The considerations above reflect how the City's policies assess a significant impact for access, which the comment ignores.

The access preserved on Yucca Street will be for the Capitol Records Building, and that access is proposed to remain and continue serving the Capitol Records surface lot.

Because the Project Site is located in a busy area with a substantial amount of multi-modal activity, the introduction of the signalized driveway and midblock crosswalk on Argyle Avenue would better organize and accommodate existing and future multimodal activity at this location.

Comment No. ORG 35-23

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 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.

Footnote 4: See CEQA Guidelines, Appendix G (Environmental Checklist Form).

Response to Comment No. ORG 35-23

The comment expresses the concern that the Draft EIR did not fully evaluate impacts on drainage systems on the Pantages Theatre property or within the public alley between the Pantages Theatre and the Project Site. Page IV.G-22 in Section IV.G, *Hydrology and Water Quality*, of the Draft EIR, identifies the alley as a separate drainage area (Area B4) adjacent to the East Site. As discussed, therein, Area B4 consists of a portion of the alley to the south of the Project Site that would be merged into the Project Site. It is also noted that because of an existing topographic anomaly in a rather level location, stormwater (either rainfall in the alley or runoff from the Project Site) is directed both to the Argyle Avenue curb or to the existing catch basin drain at the west end of the alley. The majority of the alley sheet flows into the west catch basin and the rest flows to the gutter in Argyle Avenue. Figure IV.G-2, *Existing Site Drainage East Site*, in Section IV.G illustrates the existing drainage conditions and identifies the alley drainage area as 1,267 square feet, the impervious area as 100 percent, the total flow length of the alley as 25 feet, and the flow slope as 8 percent. Table IV.G-1, *Existing Drainage Conditions*, on page IV.G-20 of

Section IV.G identifies the existing flow rate (Q_{50}) as 0.10 cubic feet per second (cfs). As shown in Figure IV.G-4, *Proposed Site Drainage: East Site*, of the Draft EIR, Area B4 would be merged into the Area B1 drainage system with the development of the Project.

The Project would comply with the requirements of the City's Low Impact Development (LID) standards. Under Section 3.1.3. of the LID Manual, post-construction stormwater runoff from a new development must be infiltrated, evapotranspirated, captured and used, and/or treated through high efficiency, onsite Best Management Practices (BMPs) for at least the volume of water produced by the greater of the 85th percentile storm or the 0.75 inch storm event.

Stormwater runoff for Area B1 (which will include Area B4) would be managed per LID requirements through a capture and reuse system. The detention would temporarily store the captured stormwater until the stored volume is entirely used through the irrigation systems. An overflow would be provided to convey stormwater exceeding the 85th percentile to the curb face on adjacent streets and not into the alley. Although the LID system would capture and prevent runoff from the Project Site from flowing into the alley, the service access road would be graded to eliminate the existing reverse slope toward the garage entrance and would require that the catch basin be redesigned as part of the Project's LID system.

Part of the LID requirements for the Project in managing post-construction stormwater runoff is the installation of building roof drain downspouts, area drains, and planter drains throughout the Project Site to collect roof and site runoff and direct stormwater away from buildings through a series of storm drain pipes. All runoff from building roofs, decks, and other surfaces would be collected as part of the Project's LID-required collection and re-use system. This on-site stormwater conveyance system would serve to prevent any off-site flooding or pooling water, including at the Pantages Theatre property.

In addition, because the Project Site currently consists of existing buildings and paved parking lots with little pervious surface, the Project would nominally increase the percentage of pervious area compared to existing conditions. Comparing the existing drainage conditions in Table IV.G-1 to the proposed drainage conditions in Table IV.G-2, *Proposed Drainage Conditions*, the 50-year peak flow rate of stormwater runoff from the Project Site would decrease from 14.42 cfs to 14.37 cfs (a 0.05-cfs or 0.3-percent reduction). The imperviousness of the B1 drainage area (including the B4 drainage area) would decrease from 100 percent to 88.1 percent, thus also reducing surface runoff potential.

Hydrology impacts with respect to the capacity of existing or planned stormwater drainage systems (Hydrology and Water Quality Threshold c.III) during construction and operation are evaluated on page IV.G-40 and pages IV.G-45 to IV.G-46, respectively, of Section IV.G, of the Draft EIR. As discussed therein, during construction, the pervious area on the Project Site would temporarily increase due to percolation into the soil, which would reduce off-site runoff from the Project Site. As the construction site would be greater than

one acre, the Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General stormwater permit. In accordance with the requirements of this permit, the Project would implement a Stormwater Pollution Prevention Plan (SWPPP) that specifies BMPs to be implemented during construction to manage runoff flows and avoid on- or off-site flooding and pooling. In addition, the Project would be required to comply with all applicable City grading permit regulations that require necessary measures, plans, and inspections to control runoff from the construction site and avoid on- and off-site flooding during the construction period.

With respect to Hydrology and Water Quality Threshold c.III, during operation, Project Site runoff patterns would be slightly altered as the result of Project implementation (including BMPs), as the required first flush runoff would be captured and reused on-site. Runoff in excess of the volume captured, stored, and infiltrated by the LID BMP system would be discharged to the street curb (not the alley). Required on-site drainage infrastructure would be designed in accordance with City requirements, and subject to approval by the City's Department of Public Works. The approved infrastructure would safely convey stormwater from the Project Site to the municipal storm drain system.

Because runoff from the Project Site would be controlled during both construction and operation of the Project, total runoff would be reduced, and the collection system serving the alley area (Drainage Area B4) would be upgraded, off-site ponding would not occur. Existing conditions would be improved, and the Pantages Theatre property would not be affected by surface water runoff during either construction or operation of the Project.

Comment No. ORG 35-24

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.

Response to Comment No. ORG 35-24

This comment asserts that the Draft EIR should have considered an alternative that avoids impacts to the Pantages Theatre. The range of alternatives was selected to reduce: (1) impacts related to the scale of the Project, (2) the duration of the construction phase, or (3) the impacts related to the Project's residential/mixed use. These include Alternative 2, Development under Existing Zoning Alternative (representing reduced scale); Alternative 3: Reduced Maximum Height Alternative (representing reduced height and view effects); Alternative 4: Office, Hotel and Commercial Alternative (representing a change in the mix of uses); Alternative 5: Proposed Community Plan Update Compliant Alternative (representing less change in entitlement and consistency with the Community's current planning policies; Alternative 6: Above-Grade Parking Alternative (to reduce the scale of excavation); Alternative 7: Primarily Office Alternative (representing a change in the proposed use); and Alternative 8: Office, Residential and Commercial Alternative (representing a change in the proposed use). The purpose of these alternatives was to determine whether any of these could change the impacts of the Project with respect to CEQA thresholds. Refer to Response to Comment No. ORG 42-14 which discusses how the Draft EIR provides a sufficient reasonable range of alternatives that meets CEQA requirements.

The specific details described in the comment, such as building setbacks and crosswalks, are not specifically associated with environmental impacts and do not rise to the requirements of CEQA in the formulation of Project Alternatives. Further, the comment does not demonstrate how any of these changes would alter the environmental analysis of the Draft EIR to reduce the Project's significant environmental effects. However, it should be noted that the alley is being widened as part of the Project. Please refer to Response to Comment No. ORG 35-55, below, regarding the Pantages Theatre truck access to the alley and Response to Comment No. ORG-35-22, above, regarding driveway access to nearby segments of Argyle Avenue.

Nonetheless, with respect to construction activities, such as equipment usage and grading, near the Pantages Theatre, Mitigation Measure NOI-MM-1 has been updated to include a 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas to provide an added safety margin to help protect against potential damage to off-site historic buildings by prohibiting certain

construction equipment and activities in close proximity to off-site historic buildings. The incorporation of the 40-foot buffer zone is a feasible measure that goes beyond typical, regulatory, and minimum building standards. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 35-8 for the revisions to Mitigation Measure NOI-MM-1). Because the potential for building damage cannot be completely ruled out and because consent of other property owners to conduct the repairs cannot be guaranteed, the Draft EIR concluded potentially significant vibration impacts for structural damage. Mitigation Measure NOI-MM-4 requires a vibration monitoring program to minimize structural damage impacts that could result from Project construction by requiring monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. If damage occurs, to the historic buildings due to construction vibration, Mitigation Measure NOI-MM-4 requires repairs in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards. While the Project has committed to implementing measures to help minimize vibration impacts, should damage occur, as documented by the required inspections, the implementation of appropriate repairs would correct the building damage impact.

Comment No. ORG 35-25

VII. <u>Conclusion</u>

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.

Response to Comment No. ORG 35-25

This comment expresses support for the stated objectives of the Project (which are listed on pages II-12 and II-13 of Chapter II, *Project Description*, of the Draft EIR). The comment also expresses concern that the Project would pose unacceptable risks to physical integrity and continued operation of the Pantages Theatre as stated in the Veneklasen

and Crain Reports found in Exhibit A of their letter. The commenter further states that it hopes the Project should incorporate new or more effective mitigation measures. In response to the concerns raised in the letter, as discussed in the above responses (in particular, please refer to Response to Comment Nos. ORG 35-11, ORG 35-16, and ORG 35-18), refinements have been made to Mitigation Measures NOI-MM-2, NOI-MM-3, and CUL-MM-2 in the Draft EIR to include additional protective measures regarding potential building damage impacts, as well as construction noise impacts. Additionally, with respect to comments provided by Veneklasen Associates, Inc. and Crain and Associates in the respective reports, the specific comments raised in the reports are addressed in Response to Comment Nos. ORG 35-26 through ORG 35-65 below.

Comment No. ORG 35-26

EXHIBIT A

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:

Response to Comment No. ORG 35-26

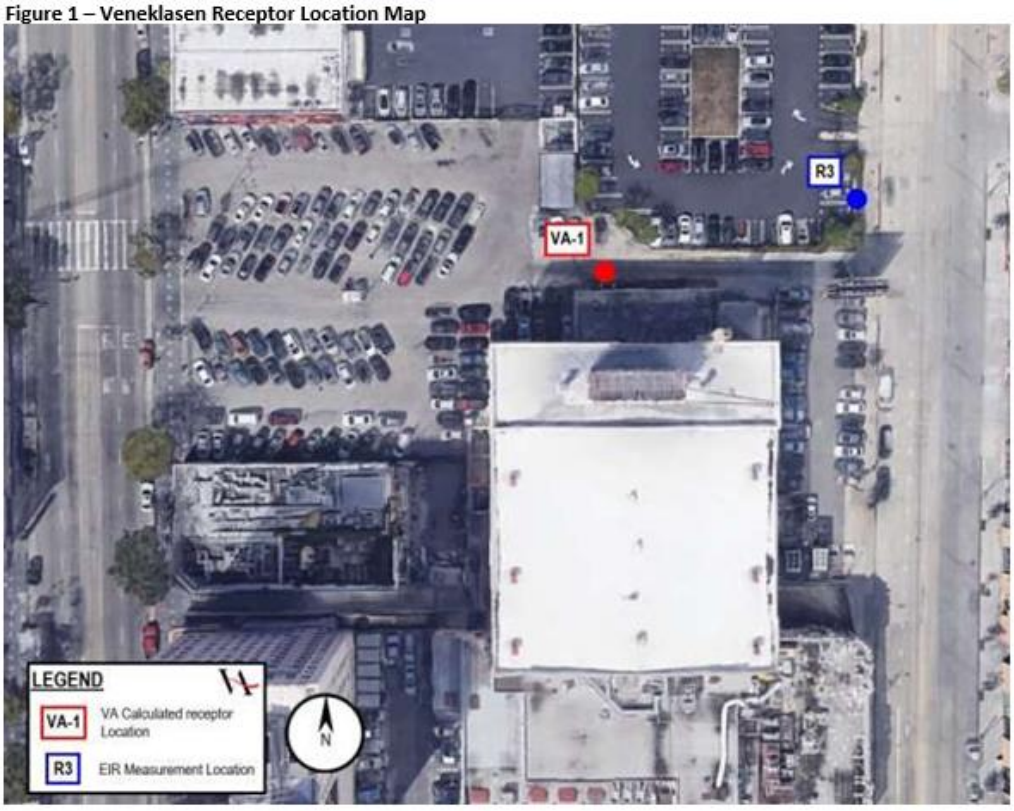
This comment introduces the commenter's organization, Veneklasen Associates, Inc., and indicates the purpose of the following comments is to provide an independent review of the Draft EIR's noise and vibration analysis. The comment also lists the documents and reference materials that were reviewed as part of the peer review. These comments referenced are addressed in Response to Comment Nos. ORG 35-27 through ORG 35-52 below.

Comment No. ORG 35-27

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

Figure 1 – Veneklasen Receptor Location Map



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.

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.

Response to Comment No. ORG 35-27

The commenter asserts that the ambient noise measurement location should be placed at the front façade of the Pantages Theatre and should include a long-term, 72-hour, noise measurement. The commenter further claims that the ambient noise measurement conducted at the property line of the Pantages Theatre does not reflect the actual ambient noise levels at the Pantages Theatre. Please see Response to Comment No. ORG 35-17, which addresses how ambient noise level measurements were collected, consistent with LAMC requirements.

Comment No. ORG 35-28

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.

Response to Comment No. ORG 35-28

The commenter asserts that the construction traffic assumptions could not be located within the Appendix of the Draft EIR and that construction traffic analysis did not address short-term and maximum noise events. Page IV.I-34 of the Draft EIR describes the methodology used to evaluate construction traffic noise impacts for the Project. Construction traffic noise, existing traffic plus construction traffic noise, and other modeling data are provided in Exhibit B of Appendix K-2 of the Draft EIR. As stated on page IV.I-34, roadway noise impacts were evaluated using the Federal Highway Administration's (FHWA's) Highway Traffic Noise Model (TNM) based on the maximum construction truck and worker volumes for a peak hour. The peak construction traffic volumes are also provided in Exhibit B of Appendix K-2 of the Draft EIR. Roadway noise

attributable to Project construction was calculated and compared to baseline noise levels that would occur under the "Without Project" condition.

The commenter also states that the construction traffic noise analysis did not address short-term and maximum noise events, such as passing haul trucks, which can cause annoyance and disruption to critical listening spaces, such as the Pantages Theatre. During Project construction, construction worker commutes and the hauling of construction equipment and materials to the Project Site would incrementally increase noise levels on access roads leading to and from the site. Although a truck passing a location generates single event noise potentially causing intermittent noise nuisance, the noise event occurs intermittently for very short periods of time. The effect on longer term (hourly or daily) ambient noise levels would be relatively small and in line with typical variations in traffic noise. As shown in Table IV.I-11 of the Draft EIR, construction-related traffic noise impacts associated with construction worker commute and material hauling to and from the Project Site would be less than significant. Specifically, along Hollywood Boulevard between Vine Street and Argyle Avenue, the increase in traffic noise level due to Project construction traffic would be 2.2 dBA over the baseline level, from 68.9 dBA Leq to 71.1 dBA L_{eq}. Occasionally, passing trucks would result in a maximum, instantaneous noise level reaching 87 dBA at 50 feet, but such an event typically would last a few seconds and would revert down to typical ambient noise levels.

Comment No. ORG 35-29

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.

Response to Comment No. ORG 35-29

The commenter requests clarification regarding noise vibration construction equipment described in Mitigation Measure NOI-MM-1, and asks that several new mitigation measures be added to the Draft EIR. Please refer to Response to Comment No. ORG 35-9 regarding Mitigation Measure NOI-MM-1 of the Draft EIR, which has been revised to include clarifications regarding performance standards. Clarifications to Mitigation

Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

In addition, please refer to Response to Comment No. ORG 35-18 regarding Mitigation Measure NOI-MM-2, which has also been revised to include information regarding performance standards and noise shielding and muffling devices. Clarifications to Mitigation Measure NOI-MM-2 are incorporated in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*).

With regard to the impact on internal noise levels of the Pantages Theatre, the 2006 L.A. CEQA Thresholds Guide does not require the analysis of indoor noise impacts. According to page I.1-3 of the 2006 L.A. CEQA Thresholds Guide, methodology for determining significance for construction noise includes determining the ambient noise levels surrounding a project site either from field measurements or using the "Presumed Ambient Noise Levels" set forth in Section 111.03 of the LAMC. This methodology refers to exterior noise, not interior. In addition, page I.1-4 of the 2006 L.A. CEQA Thresholds Guide states that the change in noise level from construction activities "at the location of sensitive receptors" should be established. The 2006 L.A. CEQA Thresholds Guide does not require the analysis of indoor changes in ambient noise. Furthermore, in *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782, the Court found that CEQA generally regulates environmental changes that affect the public at large but does not regulate environmental impacts of a project that would only affect the environment of particular persons (e.g., in an adjacent property). Nonetheless, as stated in footnote 32 on page IV.I-32 of the Draft EIR, with windows closed, the minimum exterior-to-interior noise attenuation for typical structures in California is approximately 25 to 30 dBA or potentially more with noise abatement materials or techniques. Because the noise criteria in the 2006 L.A. CEQA Thresholds Guide would be exceeded at the Pantages Theatre by Project construction even with implementation of mitigation measures, noise impacts would be significant and unavoidable.

With regard to the commenter requesting limits on Project construction activity in accordance with scheduled performances at the Pantages Theatre, as previously discussed in Response to Comment No. ORG 35-16 and as noted on page IV.I-13 of the Draft EIR, LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, 6:00 p.m. and 8:00 a.m. on Saturday, and at any time on Sunday. Project construction would be consistent with the LAMC. Regarding the Saturday, 2:00 p.m. performance time, NOI-MM-3 (page IV.I-75 of the Draft EIR) has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR to require a construction liaison to coordinate with owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre. In addition, Mitigation Measure NOI-MM-3 requires that a construction liaison inform receptors 1, 3, and 5 through 13 (the Pantages Theatre is designated as receptor 9 in Figure IV.I-3 of the Draft EIR) when peak noise and vibration activities are scheduled.

Comment No. ORG 35-30

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.

Response to Comment No. ORG 35-30

The commenter asserts that Project construction vibration impacts were not adequately evaluated and requested additional mitigation measures be added to the Draft EIR. Regarding the calculation of the estimated vibration levels from Project construction, the "n" factor used in the vibration analysis for potential building damage were 1.5 for distance of 25 feet and greater and 1.1 for distance less than 25 feet. The "n" factors are indicated in noise calculation worksheets provided in Appendix K-1 of the Draft EIR. As disclosed in Table 12 of Appendix K-1, the vibration levels at the property line (at less than 25 feet) are a best estimate, as the FTA *Transit Noise and Vibration Impact Assessment Manual* reference data are at a distance of 25 feet and the FTA calculation procedure is generally applicable to distances greater than 25 feet. Therefore, for distances less than 25 feet, the vibration levels were calculated based on the "n" factor per related supplemental guidance from the California Department of Transportation (Caltrans), as disclosed therein. As stated on page IV.I-32 of the Draft EIR, the City has not adopted criteria to assess vibration impacts during construction. Thus, for this Project, the City has determined to utilize the FTA's criteria for structural damage and human annoyance impact evaluations.

Mitigation Measure NOI-MM-4 (see page IV.I-84 of the Draft EIR) requires that structural vibration monitoring be performed during Project construction. The purpose of the vibration monitoring program is to minimize structural damage impacts that could result from Project construction by requiring monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and provide feasible steps to reduce the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. If damage occurs, to the historic buildings due to construction vibration, Mitigation Measure NOI-MM-4 requires repairs in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards. The conclusion of "significant and unavoidable" impacts was based on the reason that NOI-MM-4 requires the consent of other property owners. It was not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts. If all affected property owners agree to coordinate and work with the project contractors, should damage occur from construction vibration, as documented by the required inspections pursuant to NOI-MM-4, the implementation of appropriate repairs would correct the building damage impact.

In response to the concerns raised in the comment, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, in response to the commenter's concern that the proposed process in Mitigation Measure NOI-MM-4 for increasing the vibration monitoring warning and threshold levels if no damage has occurred under the established warning and threshold levels could increase the risk of damage to the buildings, parts "f." and "g." have been removed to ensure no potential for increased risk to buildings from increasing the vibration monitoring warning and threshold levels even if no damage has occurred under the current warning and threshold levels; thus, "h." has been renumbered as "f". Regarding the warning level of 0.10 inch/second (PPV) for the off-site historic structures, this level was set at a level that would avoid unnecessary triggers from background vibrations unrelated to the Project and within the range of the warning levels set for the other FTA building categories. For example, the warning levels for FTA Category III and Category IV were set at approximately 75 percent and 90 percent of the threshold values, respectively. The warning level of 0.10 inch/second (PPV) is approximately 83 percent of the 0.12 inch/second (PPV) threshold value. This value has been revised to 75 percent of the threshold value, which would be 0.09 inch/second (PPV). The additional clarifications to Mitigation Measure NOI-MM-4 are also provided in double-underlined and strikeout text below:

> **NOI-MM-4: <u>Vibration Monitoring.</u>** The Applicant shall perform structural vibration monitoring during Project construction as follows:
>
> a. Prior to start of construction, the Applicant shall retain the services of a licensed building inspector or structural engineer, or other qualified professional as approved by the City, to visit the following buildings, which are located <u>either on-site or immediately</u> adjacent to the Project Site ~~and to the west~~, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. This includes both historic buildings and non-historic buildings in proximity to the Project Site. For the historic buildings listed below, inspection and documentation shall also be carried out by and in coordination with a qualified preservation consultant. The non-historic buildings are as follows:
>
> - AMDA Vine Building
> - Argyle House
> - Single-story commercial building at 1718 N. Vine Street (if this building has <u>been issued demolition permits or has</u> already been demolished as part of Related Project No. 2, the provisions of this mitigation measure do not apply to this structure).
>
> The historic buildings are as follows:
>
> - Capitol Records Building (on-site)
> - Gogerty Building (on-site)

- Pantages Theatre (off-site)
- Avalon Hollywood (off-site)
- 6316-24 Yucca Street/Art Deco Building Storefront (off-site)

b. The Applicant shall retain the services of a qualified acoustical engineer and/or structural engineer to develop and implement a vibration monitoring program during the site demolition and grading/excavation, capable of documenting the construction-related ground vibration levels at the buildings listed above. The vibration monitoring systems shall be placed at receptor building façades closest to Project construction activity or placed at a representative location if a receptor building façade is not accessible and shall continuously measure (in vertical and horizontal directions) and store the peak particle velocity (PPV) in inch/second. The systems shall also be programmed for two preset velocity levels: a warning level of ~~0.10~~ 0.09 inch/second (PPV) for the off-site historic structures, 0.15 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.25 inch/second (PPV) for the AMDA Vine Building, and 0.45 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House and a regulatory level of 0.12 inch/second (PPV) for the off-site historic structures, 0.2 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.30 inch/second (PPV) for the AMDA Vine Building, and 0.50 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House. In cases where a receptor building façade is not accessible, the two preset velocity levels shall be programmed at equivalent levels based on distance and soil characteristics that affect vibration transmission over that distance. The systems shall also provide real-time alert when the vibration levels exceed the two preset levels. The noise and vibration monitoring program shall include a description of the monitoring equipment specifications, calibration certificates, exact monitoring locations (which shall be coordinated with the property owners for the buildings listed in "a." above), and protocols for data collection, reporting, alerting, maintenance and calibration, and unplanned outage. Selected monitoring systems shall be capable of unmanned operation during periods of on-site Project construction activity, with internal storage and remote data download. Systems shall be capable of measuring the inch/second PPV in all three axes (vertical and two horizontal) simultaneously. The monitoring program shall specify the protocols for threshold exceedance, including, but not be limited to, which personnel are designated to receive alerts, how the alerts shall be sent (text message, email, etc.), and how the vibration event shall be documented and reported. The program shall include regular reporting no less frequently than weekly.

c. The vibration monitoring program shall be submitted, for review and approval to the Department of Building and Safety, prior to initiating any construction activities.

d. In the event the warning level (i.e., ~~0.10~~ 0.09, 0.15, 0.25, and 0.45 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to staggering concurrent vibration-generating construction activities (if doing so would not pose a safety risk to personnel or damage risk to buildings or facilities) and utilizing lower vibratory techniques.

e. In the event the regulatory level (i.e., 0.12, 0.20, 0.30, and 0.50 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and implement feasible steps identified in Item "d" above to reduce the vibration level from construction activities to avoid or minimize damage from construction activities in the vicinity of the building. The contractor shall visually inspect the building for any damage. Results of the inspection must be logged.

~~f. 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.~~

- ~~From Category IV to Category III (0.12 to 0.2 inch/second [PPV], or equivalent level),~~
- ~~From Category III to Category II (0.2 to 0.3 inch/second [PPV], or equivalent level), or~~
- ~~From Category II to Category I (0.3 to 0.5 inch/second [PPV], or equivalent level).~~

~~If the regulatory ground vibration level is increased, the warning level shall also be increased matching the corresponding Category as follows (or equivalent levels):~~

- ~~Category I: 0.45 inch/second [PPV]~~
- ~~Category II: 0.25 inch/second [PPV]~~
- ~~Category III: 0.15 inch/second [PPV]~~
- ~~Category IV: 0.10 inch/second [PPV]~~

~~g. If new regulatory and warning levels are set pursuant to Item "f" above, they can be exceeded and increased again pursuant to the same requirements in Item "f".~~

~~h.~~ f. In the event damage occurs to the historic features of historic buildings ~~(finish materials)~~ due to construction vibration, such features/materials shall be repaired in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards.

Comment No. ORG 35-31

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. 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.

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

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

Response to Comment No. ORG 35-31

The comment asserts that Project construction vibration associated with human annoyance was not analyzed adequately, inaccurate units are used, results are inconsistent within the Draft EIR, and requests that additional mitigation measures be added to the Draft EIR. Table IV.I-18 and Table IV.I-19 of the Draft EIR have been corrected to refer to the significance threshold in units of "VdB". These corrections are simple text revisions and do not change the vibration calculations or the impacts evaluations. Please refer to Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

As stated on page IV.I-9 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses such as schools,

churches, other institutions, and quiet offices that do not have vibration-sensitive equipment but still have the potential for activity interference. The analysis of vibration human annoyance impacts to the Pantages Theatre in the Draft EIR has been updated to reflect the use of FTA Category 1 for human annoyance impacts, which provides for the most conservative analysis. The revisions are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The use of FTA Category 1 to evaluate vibration human annoyance impacts for the Pantages Theatre does not change the estimated vibration levels for Project construction as disclosed in Section IV.I, *Noise*, of the Draft EIR. Please refer to Response to Comment Nos. ORG 35-16 and 35-30 for additional information. Therefore, impacts with respect to vibration human annoyance for the Pantages Theatre were fully disclosed in the Draft EIR.

In response to the concerns raised in the comment regarding mitigation measures, Mitigation Measures NOI-MM-1 has been enhanced to include additional feasible restrictions to reduce potential construction noise and vibration near the Pantages Theatre with the inclusion of the 40-foot buffer zone from the property line of off-site historic buildings for fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas. The additional clarifications to Mitigation Measure NOI-MM-1 are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR (also refer to Response to Comment No. ORG 35-8 for the revisions to Mitigation Measure NOI-MM-1).

Furthermore, in response to the concerns raised in the comment, as previously discussed in Response to Comment No. ORG 35-16, Mitigation Measure NOI-MM-3 (page IV.I-75 of the Draft EIR) has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR to require a construction liaison to coordinate with owner/operator of the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre.

Comment No. ORG 35-32

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.

Response to Comment No. ORG 35-32

The commenter asserts that the Draft EIR does not show anticipated interior noises levels at the Pantages Theatre or other receptors and that the use of A-weighted sound levels (dBA) is not adequate to evaluate the impacts on the Pantages Theatre. The comment also requested that an analysis be done by a qualified acoustical consultant. Please refer to Response to Comment No. ORG 35-29 for a discussion of internal noise levels.

Comment No. ORG 35-33

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.

Response to Comment No. ORG 35-33

Page IV.I-34 of the Draft EIR describes the methodology used to calculate the operational traffic for the Project. Project-related traffic noise, existing traffic plus Project-related traffic noise, and other assumptions are included in Exhibit D of Appendix K-2 of the Draft EIR. As discussed on page IV.I-34 of the Draft EIR, operational roadway noise impacts were evaluated using the FHWA TNM and based on the roadway traffic volume data provided in the Project's TA, which is included in Appendix N-1 of this Draft EIR (specifically, the relevant traffic volume data is provided in "Appendix F: Lane Configurations and Volumes" of this document). Roadway noise attributable to Project operation was calculated and compared to baseline noise levels that would occur under the "Without Project" condition.

Comment No. ORG 35-34

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 LAMC 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.

Response to Comment No. ORG 35-34

The commenter states the loading dock is not enclosed or shielded from the back of the Pantages. As shown in Figures II-14 and II-15 and as discussed on page II-29 in Chapter II, *Project Description*, of the Draft EIR, the loading activity areas and trash receptacles for the East Building would be located within a covered loading bay screened by a roll down door such that noise from the loading activity areas and trash receptacles would be shielded at off-site noise-sensitive receptor locations. As loading areas for vendors, deliveries, and trash pickups would be shielded at the Pantages Theatre with respect to noise from loading/unloading and refuse operations, a detailed analysis of these noise sources is not warranted, as no significant impact would occur.

This conclusion is supported by accounting for the noise attenuation from the roll down door and distance. The roll down door would be steel and would provide a minimum 20 dBA noise reduction from the loading activity area to the exterior of the East Building.[62] The distance of 24 feet referenced in the comment is the approximate distance from the nearest side of the East Building to the Pantages Theatre property line, but not the distance from the loading activity area (i.e., the loading dock) to the Pantages Theatre property line (see Draft EIR Figure II-14, “Loading Dock”). Based on Figure II-14 of the Draft EIR, the distance from the loading dock to the Pantages Theatre is approximately 45 feet or more. Accounting for the noise attenuation that would occur from the roll down door and distance attenuation of 45 feet, the noise level at the rear side of the Pantages Theatre would be up to approximately 53 dBA Leq based on the noise level of 78 dBA at 24 feet without attenuation from the roll down door, as referenced in the comment. A noise level of 53 dBA Leq at the rear side of the Pantages Theatre would not substantially

62 FHWA, Noise Barrier Design Handbook, Chapter 3, Acoustical Considerations, Section 3.4.2, Barrier Sound Transmission.

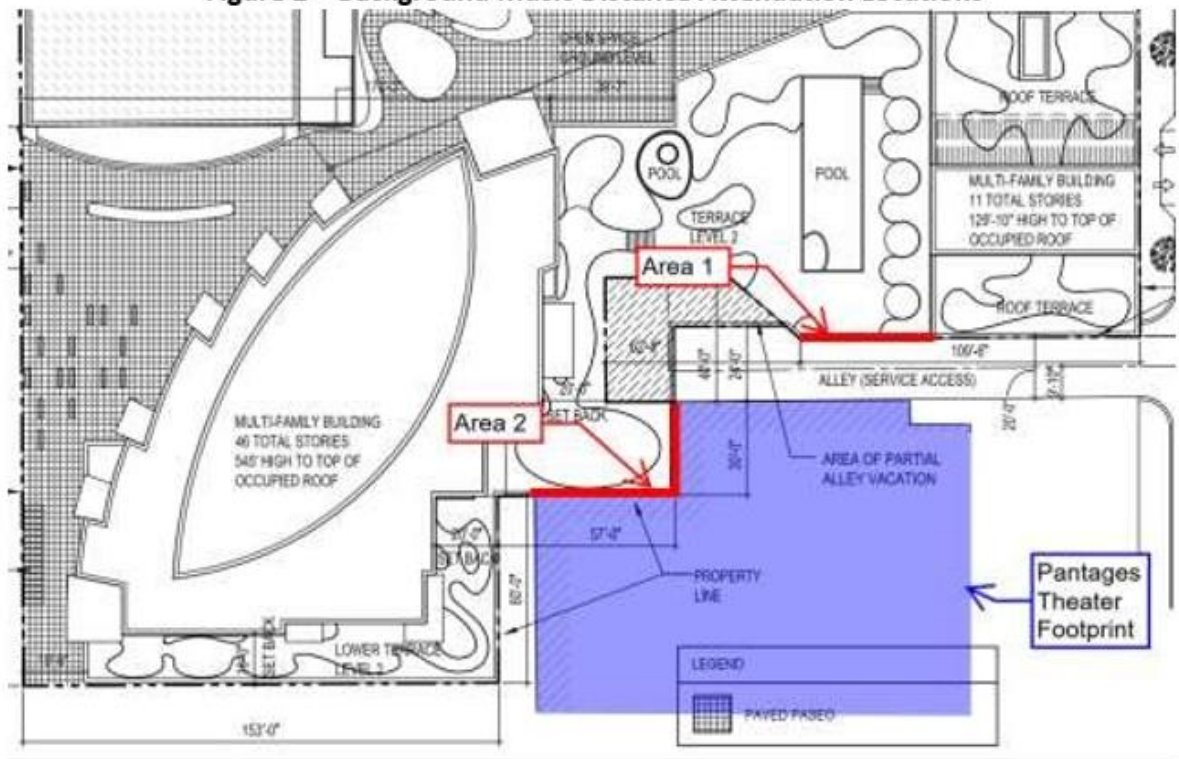
contribute to increases in the existing ambient noise environment, and, as such, impacts would be less than significant, as concluded in the Draft EIR.

Comment No. ORG 35-35

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.

Response to Comment No. ORG 35-35

The commenter asserts that ambient noise levels were not adequately measured and as such noise levels from the background music associated with the outdoor space at the Amenity Deck located on Level 2 of the East Site were not evaluated adequately at the Pantages Theatre. Refer to Response to Comment No. ORG 35-17 for a discussion of ambient noise measurements. Additionally, while Veneklasen suggests that the ambient noise at the Pantages Theatre is 56 dBA, that estimate is based on a misleading theoretical calculation because it assumes the existing parking lot currently located at the East Site does not generate any noise. However, the existing parking lot on the East Site generates its own noise as vehicles enter and exit the parking lot, people open and close their vehicle doors, and walk to and from their vehicles. It is not correct to assume that the existing parking lot on the East Site is an empty void that does not generate noise – doing so inappropriately and inaccurately results in a theoretical noise calculation that underestimates the actual noise level. Based on actual field measurements conducted, the ambient noise level representative of this location is approximately 60 dBA as reported in the Draft EIR.

The primary operational noise source from the Project Site potentially affecting the exterior noise environment of the Pantages Theatre is the East Site Amenity Deck (Level

2). The East Site Amenity Deck (Level 2) would be located to the north of the Pantages Theatre, which corresponds to the rear-side of the Pantages Theatre building. The noise levels from this source is associated with small background/ambient music speakers that may be used to provide soft ambient music for the listening enjoyment of the East Site Amenity Deck (Level 2) users. The small background/ambient music speakers would be ceiling mounted speakers, or small wall- or planter-mounted speakers, or similarly mounted speakers, and would not be loud "concert-level" entertainment speakers. Furthermore, as required in the Draft EIR via Project Design Feature NOI-PDF-3, the Project would require that these speakers be downward- or inward-facing and used for background music only. Any ambient background/ambient music speakers near the southern end of the East Site Amenity Deck (Level 2) close to the Pantages Theatre property would not face towards the Pantages Theatre. Project Design Feature NOI-PDF-3 would be enforceable by the City as a Condition of Approval. In addition, noise from the East Site Amenity Deck (Level 2) would occur from people using the amenity space. The Draft EIR provides a conservative analysis that overestimates the actual noise that would occur at off-site locations, including at the Pantages Theatre to the south. The conservative noise analysis includes assuming an occupancy that is higher than would otherwise be allowed given ingress/egress limitations, elevator and stairwell capacities, fire escape route capacities, and other capacity considerations. Additionally, the noise analysis assumes a relatively high-volume level for the background/ambient music speakers than would otherwise occur.

Operational open space noise levels were modeled using the CadnaA noise propagation program, as described on page IV.I-35 of the Draft EIR. The model considers environmental factors, such as topography, intervening structures, and distance from a noise source. The location of noise sources, such as ambient music speakers, are modeled based on reasonable assumptions. As required by Project Design Feature NOI-PDF-3, ambient music speakers for use on the Amenity Decks (Level 2) on both the East Site and the West Site will be downward- or inward-facing and used for background music only. As such, ambient music speakers will be directed downward or inward toward the Amenity Deck and not to off-site locations, and speaker noise will be directed away from the Pantages Theatre. Furthermore, the purposes of the West Site and East Site Amenity Deck ambient music speakers are for the listening enjoyment of the Project's on-site users of the respective Amenity Decks. It is unrealistic to assume that the speakers would be placed at the exterior edge of the Project Site and directed away from the West Site and East Site Amenity Deck as such placement would make it impossible for on-site users of the Project's Amenity Deck to listen to or hear the speakers. Even with the highly conservative assumptions described above, the noise level would be less than 60 dBA at the north property line of the Pantages Theatre, which is the rear-side of the Pantages Theatre building, and impacts would be less than significant. However, the noise level would likely be less than indicated in the noise analysis given the conservative assumptions built into the noise modeling as explained above. Based on the above information, the commenter's calculations are deemed inaccurate and misleading, and the Draft EIR correctly analyzes the anticipated operational noise from the West Site and East Site Amenity Deck. As such, no further analysis is required.

Comment No. ORG 35-36

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.

Response to Comment No. ORG 35-36

The commenter asserts that noise associated with outdoor space and speech was not evaluated adequately. As discussed on pages IV.I-49 and IV.I-51 of the Draft EIR, the Amenity Deck (Level 2) on the East Site and the West Site would include pool areas where guests may recreate. In addition, small background/ambient music speakers would be used on the Amenity Deck (Level 2) on the East Site and the West Site. Regarding the background/ambient music speakers, the referenced noise level of 75 dBA at 25 feet from the ambient music speaker (see page IV.I-51 of the Draft EIR) represents the assumed volume at a distance of 25 feet, and not the volume reached within the entire Amenity

Deck. Should conversations be held at distances greater than 25 feet from the speaker, the speaker volume would actually be lower than 75 dBA. The intent of background music is to provide ambient sound, not to provide loud concert-level entertainment in such a way where people would need to raise their level of speech. Ambient background music is played to provide a certain level of privacy for customers conversing on the Amenity Deck and, therefore, would not cause the so-called Lombard Effect that may occur in a loud concert-level entertainment setting. Regarding noise from people using the amenity and pool areas, the Draft EIR provides a conservative analysis that overestimates the actual noise that would occur at off-site locations, including at the Pantages Theatre to the south of the Amenity Deck (Level 2) on the East Site. The conservative noise analysis includes assuming an occupancy for the amenity and pool areas that is higher than would otherwise be allowed given ingress/egress limitations, elevator and stairwell capacities, fire escape route capacities, and other capacity considerations. Additionally, the noise analysis assumes a relatively high-volume level for the background/ambient music speakers than would otherwise occur.

Table IV.I-12 on page IV.I-47 of the Draft EIR shows the calculated noise levels at adjacent sensitive receivers from on-site operational noise sources, which included the Amenity Decks (Level 2) on both the East Site and the West Site. As shown, the combined noise levels from the Project East Site and the West Site would result in noise impacts that would be less than 5 dBA over the ambient noise levels due to noise attenuation over distance and intervening structures at the noise-sensitive receptors including at the Pantages Theatre. Therefore, impacts would be less than significant.

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding the construction and operational impacts of this option is warranted.

Comment No. ORG 35-37

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.

Response to Comment No. ORG 35-37

The commenter asserts that noise associated with outdoor performances at the East Site Plaza were not evaluated adequately and additional mitigation measure should be implemented. As discussed on pages II-58 and II-59 in Chapter II, *Project Description*, of the Draft EIR, the East Site Plaza Performance Stage would host public acoustic performances by nearby school and community music groups. There could be up to two performances daily, including one during the mid-day period and one during the afternoon, not to exceed 10 performances per week, including weekends. The performances would not allow use of an amplified sound system but could include ambient music speakers with prerecorded, low-level, background music. The performances would primarily consist of acoustic musical performances, plays or other theatrical performances, and outdoor fitness classes. Each performance would be up to approximately one to two hours in duration and shall end by dusk. When special events occur within these spaces, set-up may begin as early as 10:30 a.m., events would start no earlier than 11:00 a.m., and events would end at dusk.

As discussed on page IV.I-50 in Section IV.I, *Noise*, of the Draft EIR, the Project would implement design features for the East Site Plaza Performance Stage that would limit the volume of the performances to 85 dBA at 25 feet from the musicians. As discussed on page IV.I-50 of the Draft EIR, noise level modeling was conducted for on-site noise from the East Site Plaza Performance Stage. The results of the modeling analysis are provided in Table IV.I-12 of the Draft EIR. As shown, the combined operational noise sources from the Project East Site and West Site inclusive of the noise from the East Site Plaza Performance Stage would not generate noise levels that would exceed 5 dBA above the applicable ambient noise level at noise receivers in the project vicinity. Therefore, noise impacts would be less than significant, and no mitigation measures are required.

Comment No. ORG 35-38

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.

Response to Comment No. ORG 35-38

The commenter asserts that no information or calculations regarding the mechanical equipment for the East Site rooftop mechanical equipment area was provided. The potential for mechanical equipment noise is discussed on page IV.I-46 of the Draft EIR. In addition, Exhibit C (On-site Operational Noise Model Output (CadnaA)) of Appendix K-2 of the Draft EIR, includes the results of the modeling analysis for the Project mechanical equipment and other stationary noise sources for Project operations. As summarized in Table IV.I-12 of the Draft EIR, Project operational noise sources would result in noise levels less than 5 dBA above the applicable ambient noise level at noise receivers in the project vicinity. Therefore, impacts would be less than significant. Furthermore, as discussed on page IV.I-46 of the Draft EIR, mechanical equipment would be located on the rooftops, and, as such, the equipment noise levels would be attenuated greatly given their positions above and out of the line-of-sight from the street level. The modeling analysis as summarized in Table IV.I-47 confirms mechanical equipment noise would not contribute to increases in the ambient noise environment.

Comment No. ORG 35-39

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.

Response to Comment No. ORG 35-39

The commenter states that sound levels from emergency generators during testing operations are significant to receptors and critical listening environments and that all feasible mitigation measures should be included. As discussed on page IV.I-52 of the Draft EIR, emergency generators would be enclosed and located on building rooftops. Given the height of the proposed buildings (for instance, 35 occupiable stories for the West Site and 46 occupiable stories for the East Site [page II-14 of the Draft EIR]), sound levels from emergency generators would not interfere with operations at the Pantages. In addition, testing of the emergency generators would be done on weekdays during normal workday time periods, such as in the late morning or early afternoon time periods and would not be conducted during off-work nighttime periods or the weekends. Therefore, additional mitigation is not warranted.

Comment No. ORG 35-40

VI. <u>Conclusions</u>

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.

Response to Comment No. ORG 35-40

Please refer to Response to Comment No. ORG 35-17 for a discussion of ambient noise measurements.

Comment No. ORG 35-41

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

Response to Comment No. ORG 35-41

Please refer to Response to Comment No. ORG 35-28 for a discussion of construction traffic noise.

Comment No. ORG 35-42

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.

Response to Comment No. ORG 35-42

Please refer to Response to Comment No. ORG 35-18 for a discussion of construction mitigation.

Comment No. ORG 35-43

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.

Response to Comment No. ORG 35-43

The commenter states that given the inability to mitigate construction noise, construction activities should not occur during any theater uses. As stated on page IV.I-13 of the Draft EIR, LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, 6:00 p.m. and 8:00 a.m. on Saturday, and at any time on Sunday. Project construction would be consistent with the LAMC. Regarding the Saturday, 2:00 p.m. performance time, Mitigation Measure NOI-MM-3 (page IV.I-75 of the Draft EIR) has been updated in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR to require the construction liaison to coordinate with the Pantages Theatre to minimize disruptions to performances during the performance times starting at 8:00 p.m., Tuesday through Saturday, and 2:00 p.m. on Saturday afternoon from Project construction noise and vibration near the Pantages Theatre to minimize disruptions to performances during the performance times.

Comment No. ORG 35-44

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

Response to Comment No. ORG 35-44

Please refer to Response to Comment No. ORG 35-29 for a discussion of interior noise.

Comment No. ORG 35-45

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.

Response to Comment No. ORG 35-45

Please refer to Response to Comment Nos. ORG 35-30 and ORG 35-31 for a discussion of vibration impacts and mitigation.

Comment No. ORG 35-46

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.

Response to Comment No. ORG 35-46

Please refer to Response to Comment No. ORG 35-30 for a discussion of the n-value used for vibration calculations.

Comment No. ORG 35-47

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.

Response to Comment No. ORG 35-47

Please refer to Response to Comment No. ORG 35-34 for a discussion of loading dock impacts.

Comment No. ORG 35-48

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.

Response to Comment No. ORG 35-48

Please refer to Response to Comment No. ORG 35-35 for a discussion of Amenity Deck impacts.

Comment No. ORG 35-49

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.

Response to Comment No. ORG 35-49

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 35-50

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.

Response to Comment No. ORG 35-50

As discussed on pages II-58 and II-59 in Chapter II, *Project Description*, of the Draft EIR, the East Site Plaza Performance Stage would host public acoustic performances by nearby school and community music groups. There could be up to two performances daily, including one during the mid-day period and one during the afternoon, not to exceed 10 performances per week, including weekends. The performances would not allow use of an amplified sound system but could include ambient music speakers with prerecorded, low-level, background music. The performances would primarily consist of acoustic musical performances, plays or other theatrical performances, and outdoor fitness classes. Each performance would be up to approximately one to two hours in duration and shall end by dusk. When special events occur within these spaces, set-up may begin as early as 10:30 a.m., events would start no earlier than 11:00 a.m., and events would end at dusk.

As discussed on page IV.I-50 in Section IV.I, *Noise*, of the Draft EIR, the Project would implement design features for the East Site Plaza Performance Stage that would limit the volume of the performances to 85 dBA at 25 feet from the musicians. As discussed on page IV.I-50 of the Draft EIR, noise level modeling was conducted for on-site noise from the East Site Plaza Performance Stage. The results of the modeling analysis are provided in Table IV.I-12 of the Draft EIR. As shown, the combined operational noise sources from the Project East Site and West Site inclusive of the noise from the East Site Plaza Performance Stage would not generate noise levels that would exceed 5 dBA above the applicable ambient noise level at noise receivers in the project vicinity. Therefore, noise impacts would be less than significant, and no mitigation measures are required.

Comment No. ORG 35-51

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

Response to Comment No. ORG 35-51

Please refer to Response to Comment No. ORG 35-38 for a discussion of mechanical equipment. As discussed therein, no additional mitigation measures for mechanical equipment noise are required.

Comment No. ORG 35-52

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

Response to Comment No. ORG 35-52

As discussed in Response to Comment No. ORG 35-9, the 2006 L.A. CEQA Thresholds Guide does not require the analysis of indoor noise impacts. This is consistent with the general intent of CEQA. In *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782, the Court found that "[i]n general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Furthermore, as stated on page IV.I-76 of Section IV.I, *Noise,* of the Draft EIR, operational noise impacts would be less than significant without mitigation. Therefore, no mitigation measures were required or included, as the impact level would be less than significant.

The remainder of the Exhibit contains an appendix that shows acoustical calculation methods. No further response is warranted on this appendix.

Comment No. ORG 35-53

EXHIBIT B

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 *[sic]* 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.

Response to Comment No. ORG 35-53

This introductory comment describes the project and contents of the analysis in the Draft EIR and TA. As this comment does not address the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 35-54

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 *[sic]* 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:

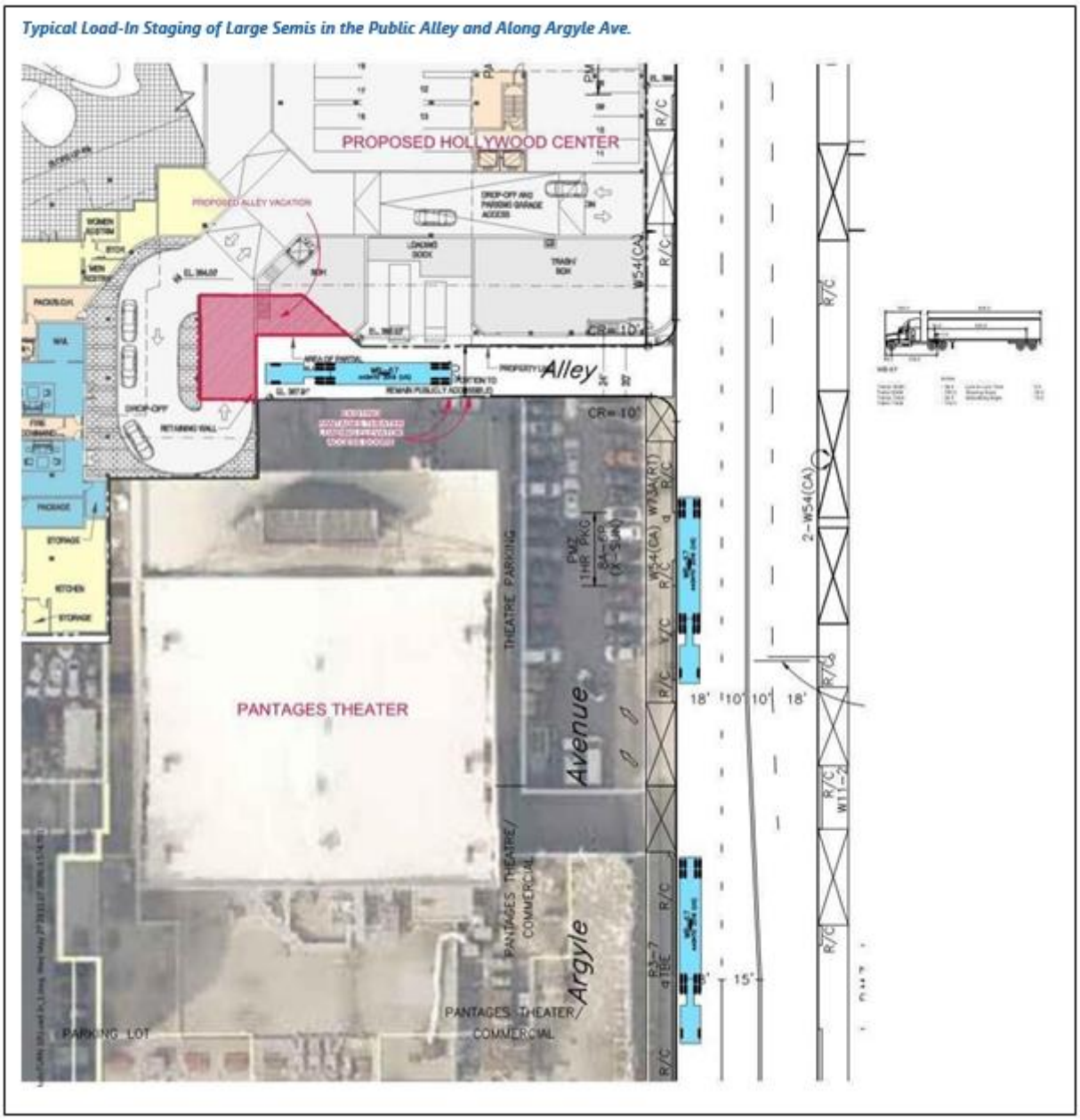


Figure Pantages Alley Access 1[63]

63 Figure names and numbers were not included in the original comment letter, but were added for response to comment purposes.

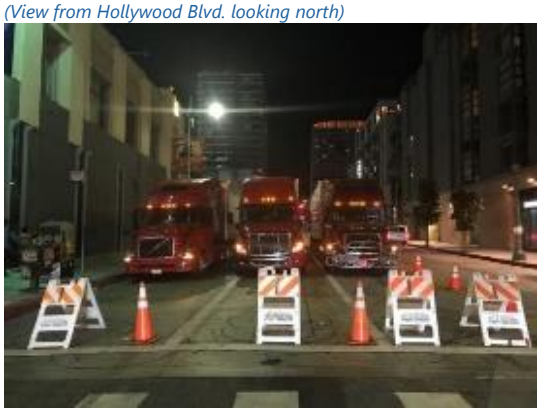
Load-Outs (typically one night)

- 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

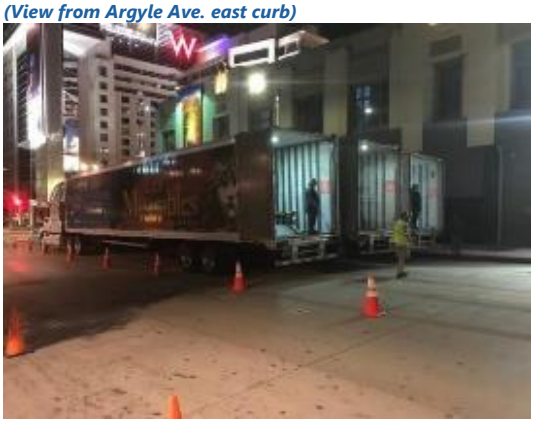
For load-out activities, the Pantages Theatre typically closes all southbound lanes on Argyle Avenue to facilitate the load-outs at the end of a show run, and temporarily prohibits through traffic except for local access for the adjacent land uses along Argyle Avenue in this block. As outlined above, 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)



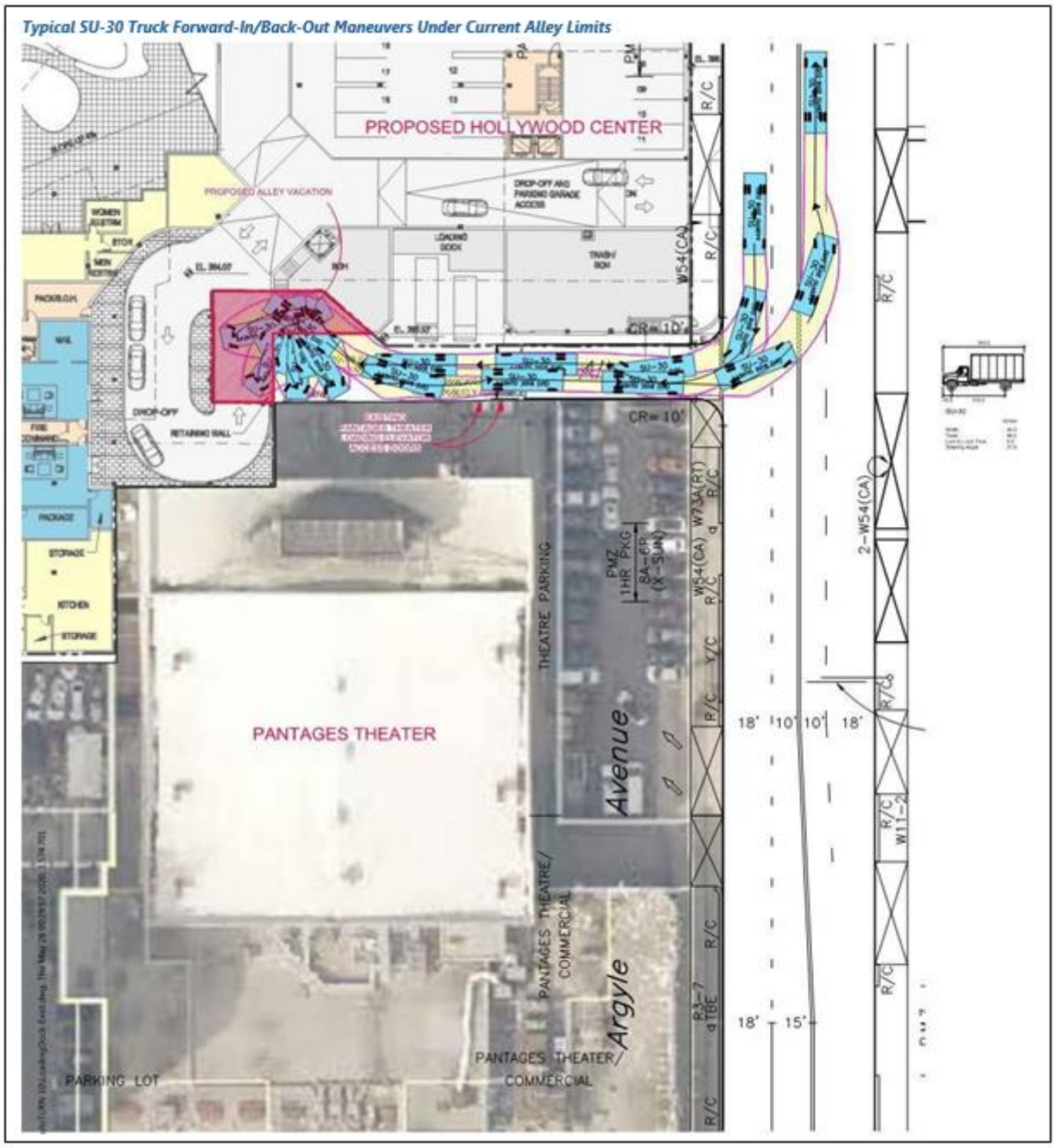
Typical Southbound Lane Closure for Load-Outs
(View from Argyle Ave. east curb)



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:

Figure Pantages Alley Access 2



Response to Comment No. ORG 35-54

The comment describes the historical Pantages Theatre load-in/load-out activities and how larger semi-trailer trucks use the public right-of-way along Argyle Avenue and the alley, as well as adjacent private parking lots. The comment also describes how smaller delivery trucks and trash trucks utilize the alley on a day-to-day basis.

The comment states that the Pantages Theatre typically obtains a Street Use Permit from the City to close all southbound lanes on Argyle Avenue to facilitate 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 those block. This is acknowledged. Access to/from the Project's Argyle Avenue driveway north of the alley would need to be via northbound Argyle Avenue during these periods, although it is possible that Project residents could be permitted to pass through the closure point to travel southbound to the Project's Argyle Avenue driveway north of the alley upon display of proof of residency to the traffic control officer.

The comment states that, 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, semi-trucks that arrive via Argyle Avenue and enter the alley for either unloading or loading activities are allowed to depart by proceeding westbound through the existing surface parking lot to Vine Street. The comment also notes that, when the adjacent parking lot is obstructed, trucks loading in the alley instead back out onto Argyle Avenue to depart. The Pantages Theatre does not have an easement or covenant providing an irrevocable ability to exit through the parking lot to the west of the alley. Since this parking lot is on the Project Site, development of the Project will necessarily end this informal use and large trucks parked in the alley would need to back out to Argyle Avenue. As noted in the comment itself, these trucks currently back out onto Argyle Avenue to depart, suggesting that this maneuver is feasible and workable for the Pantages Theatre.

As this comment does not comment on the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 35-55

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.

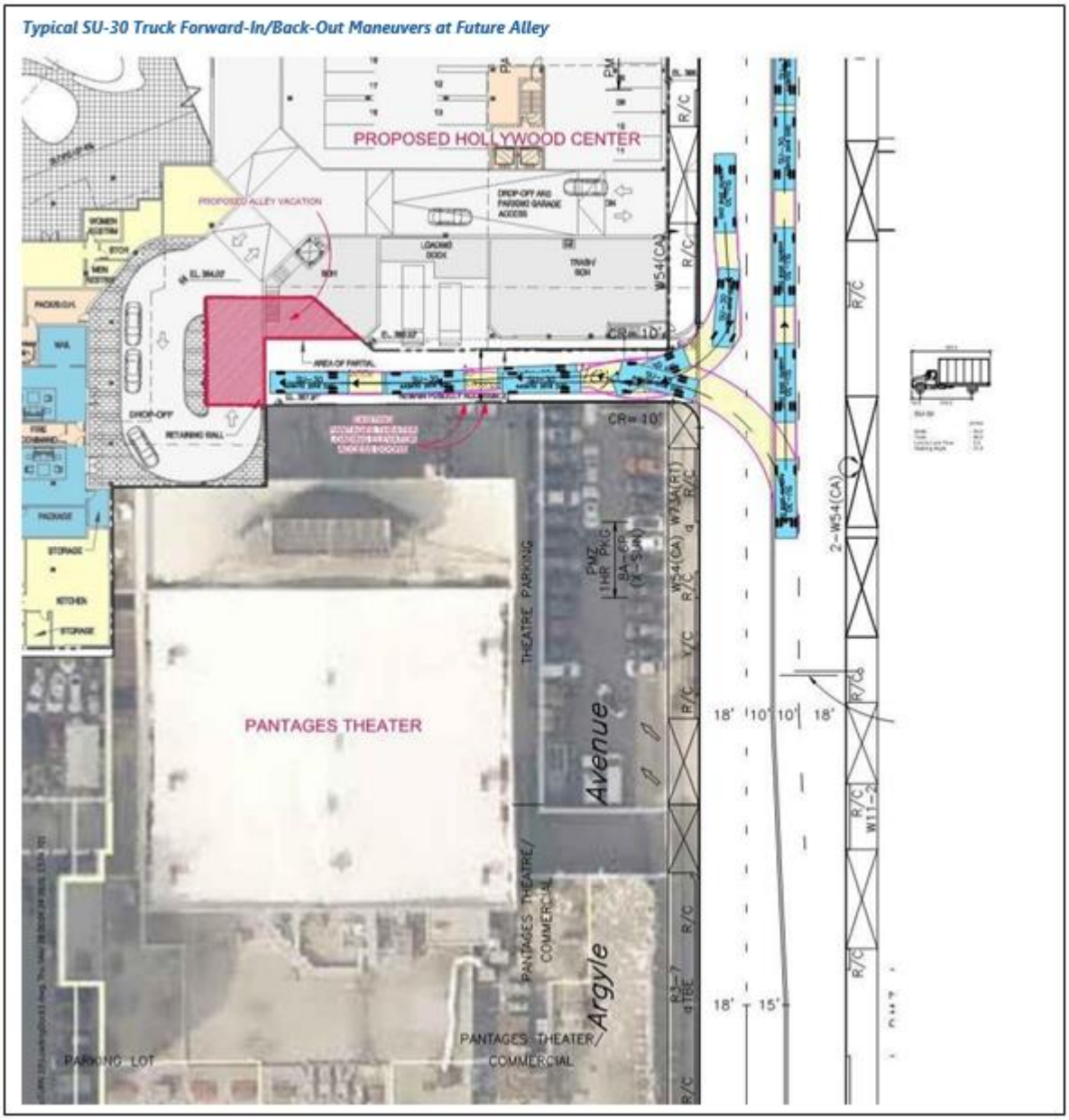
The Project Description section of the TA has not addressed the impacts to other users of this alley by proposing to partially vacate the existing alley. The proposed partial vacation effectively eliminates the capability of service trucks of all sizes to turn around and pull forward to depart the public 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:

Figure Pantages Alley Access 3



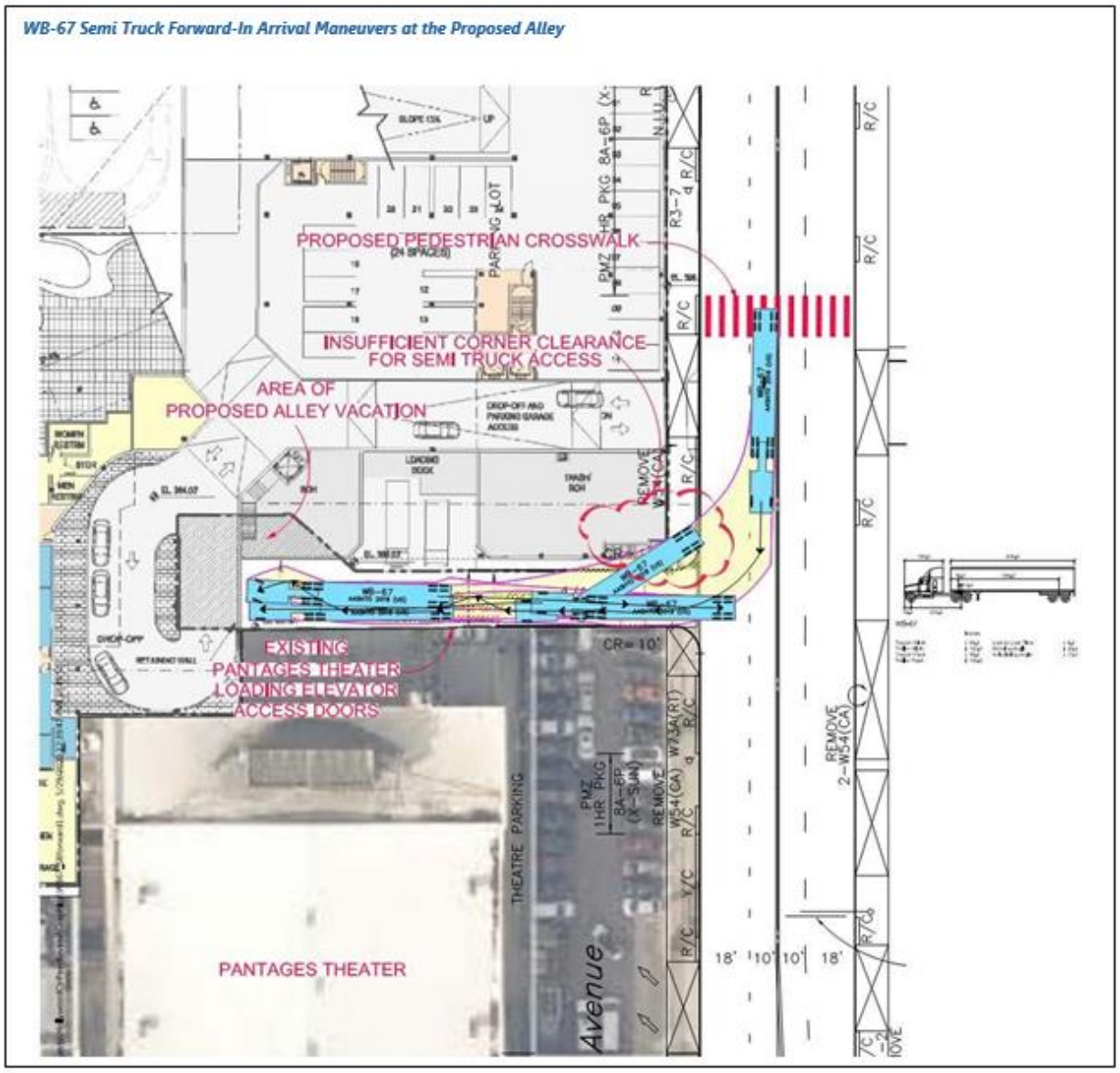
While the above proposed design may suggest that the future loading dock for the Project, as it forms a “hammerhead”-like configuration with the public alley and might serve as adequate turnaround dimensionally for service trucks for the Project, the loading dock for the Project is not part of the public 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.

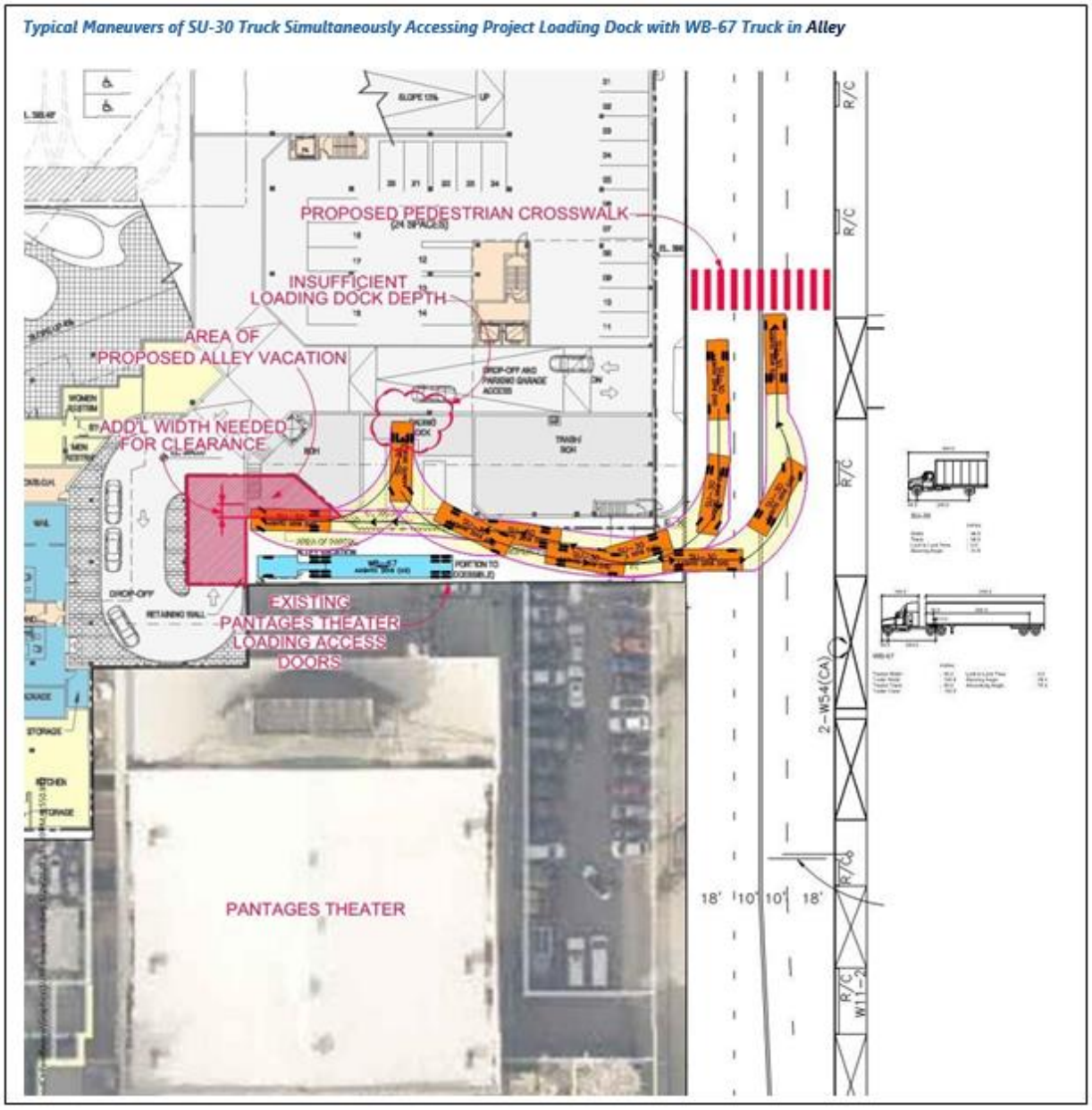
Below is a typical truck turn simulation for an AASHTO standard “WB-67” semi truck (73.5’ bumper-to- bumper in length) maneuvering within the proposed alley limits for a forward-in and back-out scenario. The need for local delivery trucks to back out onto the street is exacerbated by having a parking 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.

Figure Pantages Alley Access 4



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:

Figure Pantages Alley Access 5



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 *[sic]* 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.

Response to Comment No. ORG 35-55

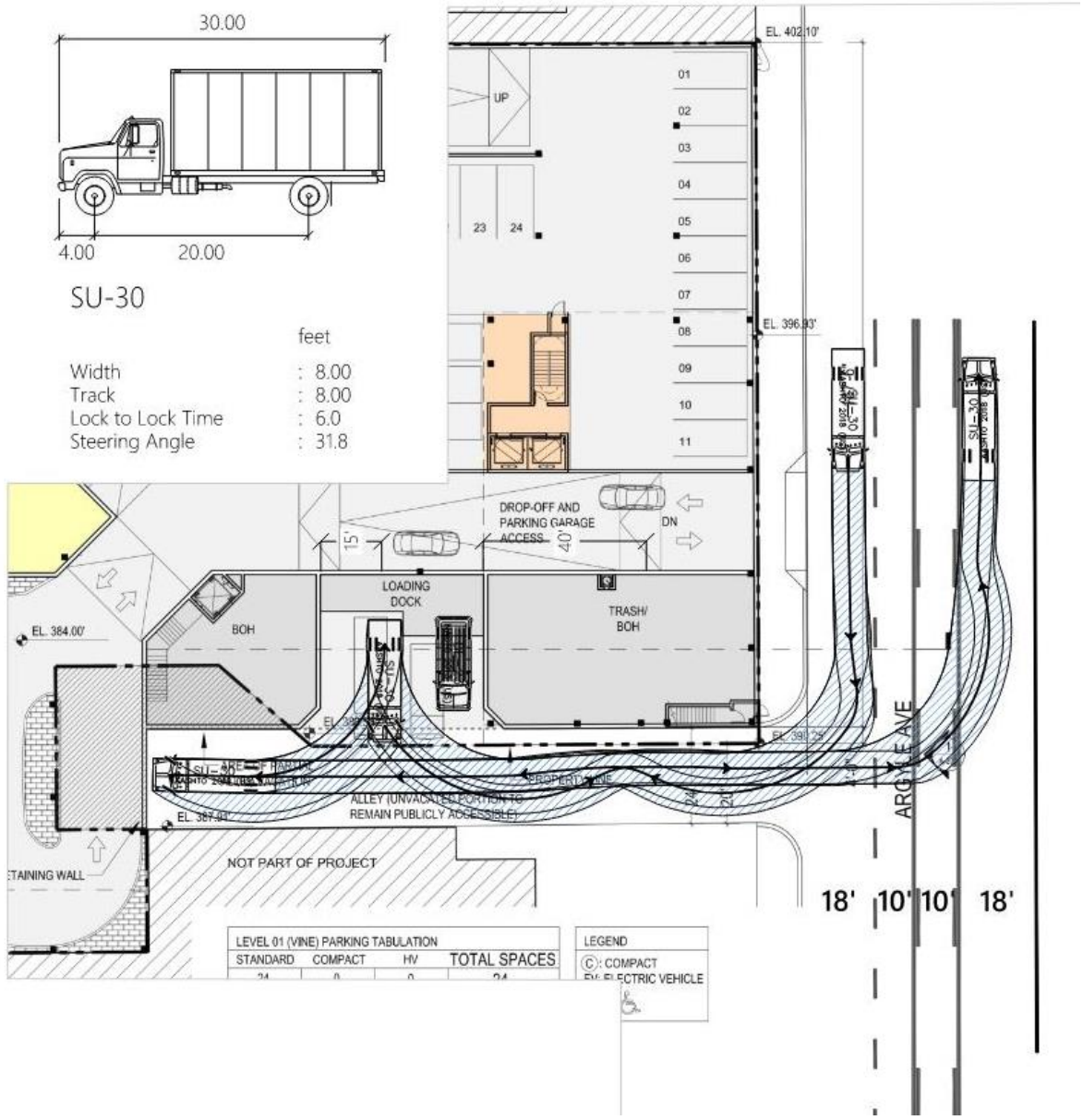
The comment discusses the commenter's assessment of how the Project's changes to the alley will affect the Pantages Theatre's use of the alley by both large trucks during load-in/load-out and small trucks on a day-to-day basis. The three primary issues raised in the comment are: the proposed vacation of a portion of the alley eliminating the ability for even smaller trucks to turn around within the alley; insufficient depth for Project trucks to enter and exit the Project loading dock when a large truck is present in the alley; and precluding the ability of large trucks to drive forward through the existing surface parking lot to Vine Street, thus, requiring them to back out onto Argyle Avenue. Responses to each of these three issues are as follows.

- Eliminating the ability for smaller trucks to turn around within the alley – In response to the comment, the Project will operate and maintain the Project loading dock so that there is available area that provides a turnaround area within the Project's loading dock which smaller trucks serving the Pantages Theatre would be able to use. The Project is already proposing to widen the alley by four feet from 20 feet to 24 feet which, in combination with the turnaround within the Project's loading area, would allow Pantages Theatre delivery trucks, trash trucks, utility service trucks, etc., to turn around in the alley and not have to back out onto Argyle Avenue. The diagram in Figure ORG 35-55(1) illustrates the ability for an SU-30 truck to be able to make this maneuver.

- Insufficient depth for Project trucks to enter and exit the Project loading dock when a large truck is present – The presence of large trucks in the alley is sporadic and mostly during off-peak periods. The Project will coordinate deliveries to the Project Site based on scheduled Pantages Theatre load-in/out activities to avoid the Project trucks from not being able to access the Project's loading area while a large truck is parked in the alley.

- Precluding the ability of large trucks to drive forward through the existing surface parking lot to Vine Street – As described in the comment, large trucks currently exit the alley via the parking lot to Vine Street through an informal agreement. As discussed in the Response to Comment No. ORG 35-54, the Pantages Theatre does not have an easement or covenant providing an irrevocable ability to exit through this parking lot. Since the parking lot is on the Project Site, development of the Project will necessarily end this informal use.

Figure ORG 35-55(1)
Typical SU-30 Truck Turning Around in Alley Within Turnaround Area



There is a logical inconsistency in the discussions of the large semi-trailer truck using the alley in the comments. The comment includes a drawing showing a simulation of an American Association of State Highway and Transportation Officials (AASHTO) standard WB-67 semi-trailer truck maneuvering within the proposed alley limits. The drawing shows the truck clipping the southeastern corner of the Project, even with the alley widened to 24 feet, and includes a text call-out saying "insufficient corner clearance for semi truck access." Yet the commenter claims in both Comment Nos. ORG 35-54 and ORG 35-55 that these trucks currently access the alley. If these trucks are able to turn into and out of the alley currently with its existing 20-foot width (which is constrained between an existing tree on the north side of the alley and the existing large billboard post immediately adjacent to the south side of the alley), then these movements would still be possible with the Project, and presumably made even easier in the future with the Project's proposed widening of the alley by four feet. Either the trucks do not maneuver in the manner shown in the drawing in the comment or smaller semi-trailer trucks than the very large WB-67 truck shown in the drawing are used. Furthermore, the commenter acknowledges in Comment Nos. ORG 35-54 and ORG 35-55 that these trucks already back out onto Argyle Avenue when the parking lot to the west of the alley is obstructed, indicating that this maneuver is feasible and workable for the Pantages Theatre.

It should be noted that the Project would be widening the alley by four feet from its current 20-foot width to 24 feet, which would provide additional flexibility for vehicles in the alley to maneuver and pass each other within the alley and to turn into and out of the alley.

The comment correctly notes that the alley modifications are shown differently in Figures 2A and 2D in the TA included in Appendix N-1 to the Draft EIR. The depiction in Figure 2A in the Draft EIR was inaccurate. A corrected version of Figure 2A is presented in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

It should be noted that the street base used in the graphics presented in the comment are inaccurate as they do not reflect the striping that is present on Argyle Avenue today. Specifically, the current striping on Argyle Avenue in the vicinity of the alley and the Project driveway provides a two-way median turn-lane and single northbound lane. As a result, a truck can swing further out toward the east when making inbound or outbound maneuvers without impeding northbound traffic than is indicated in the drawings.

As this comment does not comment on the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 35-56a

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 *[sic]* 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."*

Response to Comment No. ORG 35-56a

The comment asserts that the pedestrian crossing is cited throughout the TA as a Project feature but that it is not characterized or analyzed as it is proposed, as part of a four-legged intersection. However, the crossing is correctly cited in the TA as a Project feature and the location is clearly described as follows in the Project description section on page 2 of the TA included in Appendix N-1 of the Draft EIR: "The driveway would be signalized at Argyle Avenue & Carlos Avenue (which has been revised to James M. Nederlander Way in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR) with a pedestrian crossing across Argyle Avenue" and the location is analyzed as a four-legged intersection in the site access section of the TA. The comment takes issue with two legs being private dustpan-style driveways and states that these types of intersections are generally limited to receiving red flashing signal indicators or devices only for the pedestrian crosswalk and not full red-yellow-green signal indicators. The comment correctly uses the word "generally" as there can be exceptions. The Project Site Plan (including the dustpan-style driveway) and the driveway signal concept was discussed with LADOT at the time of LADOT review of the TA, and LADOT determined that the site plan was acceptable and that the Project would fund the implementation of the traffic signal at Argyle Avenue and the Project driveway (see the LADOT correspondence approving the TA in Appendix N-2 of the Draft EIR). The LADOT correspondence does note that the signal installation is subject to final approval by LADOT. It is expected that final details regarding driveway design at the intersection will be determined in consultation with LADOT during the design of the signal. The comment also takes issue with the Project driveway daylighting from a subterranean parking

garage. In regard to visibility for motorists exiting the Project garage via the driveway to Argyle Avenue, as indicated on Figure 2D in the TA included in Appendix N-1 of the Draft EIR, 20 feet of flat area will be provided on the Project's Argyle Avenue driveway between the sloped speed ramp further within the site and the sidewalk.

The comment then goes on to describe the private driveway serving the Eastown driveway (the east leg of the proposed signalized intersection) and the current turn restrictions at the driveway. While the comment accurately describes the driveway as restricted to right-in/right-out only, that does not reflect the actual use of the driveway. Peak period counts taken at this location show that 40 to 50 percent of cars exiting the driveways are illegal left-turns. Irrespective of the speed bumps and dead-end nature of the driveway, access is provided via a driveway located on the public right-of-way along Argyle Avenue and the proposed signal would contribute to correcting an existing safety and compliance issue rather than create one. The signal would allow full access from both driveways while providing improved pedestrian access. As the comment states:

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.

The signal would assist to alleviate access concerns and provide an enhanced pedestrian crossing and access, while resulting in additional vehicle wait time. This is exactly the type of trade-off and consideration that the City's Mobility Plan 2035 promotes and discusses to benefit the multimodal transportation system. This additional vehicle wait time is also not allowed as a significance metric as automobile delay and level of service are no longer allowed as mobility metrics in CEQA. Congestion and queueing already occurs on this segment of Argyle Avenue during peak hours and the proposed signal will help organize this activity while providing enhanced access for vehicles and pedestrians alike.

Based on the considerations above, the following statement is accurate:

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.

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

The Project's proposed access scheme is intended to facilitate access and will serve and accommodate existing and future traffic, a substantial portion of which is illegal maneuvers that create a safety issue for all roadway users and contribute to the congested conditions in a manner that negatively impacts safety. The Project access

would facilitate access in and out of the driveways while providing pedestrians a safe crossing. While the introduction of a signal with a red phase would lead to motorists needing to wait longer, that is not a significant impact.

Comment No. ORG 35-56b

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, *[sic]*

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.

Response to Comment No. ORG 35-56b

The comment discusses Argyle Avenue's street classification and relation to the ATSAC/ATCS system; suggests additional options for pedestrian safety options, such as a HAWK signal, that could potentially be used instead of a signal; and compares this location to the configuration of the existing midblock crossing on Ivar Avenue. However, the other treatment options for the crosswalk suggested in the comment, such as rectangular rapid flashing beacons (RRFBs) or a Pedestrian Hybrid Beacon (PHB; the California Manual on Uniform Traffic Control Devices[64] does not describe this treatment as a HAWK), while improving pedestrian safety, could result in even more vehicle delay during congested peak hours when pedestrians could cross without waiting, as is suggested in the comment. In addition, the comparison to the stop-controlled Ivar Avenue crosswalk is not pertinent to the Argyle Avenue location as the Ivar Avenue crossing does not have adjacent vehicle driveways, a comparable level of activity along Ivar Avenue, or experience the illegal maneuvers that contribute to existing conditions on Argyle Avenue. The comment further states that pedestrian-actuated crosswalks are consistent with the City's Vision Zero goals. The Project proposes a fully signalized pedestrian crosswalk, which is also consistent with the City's Vision Zero goals.

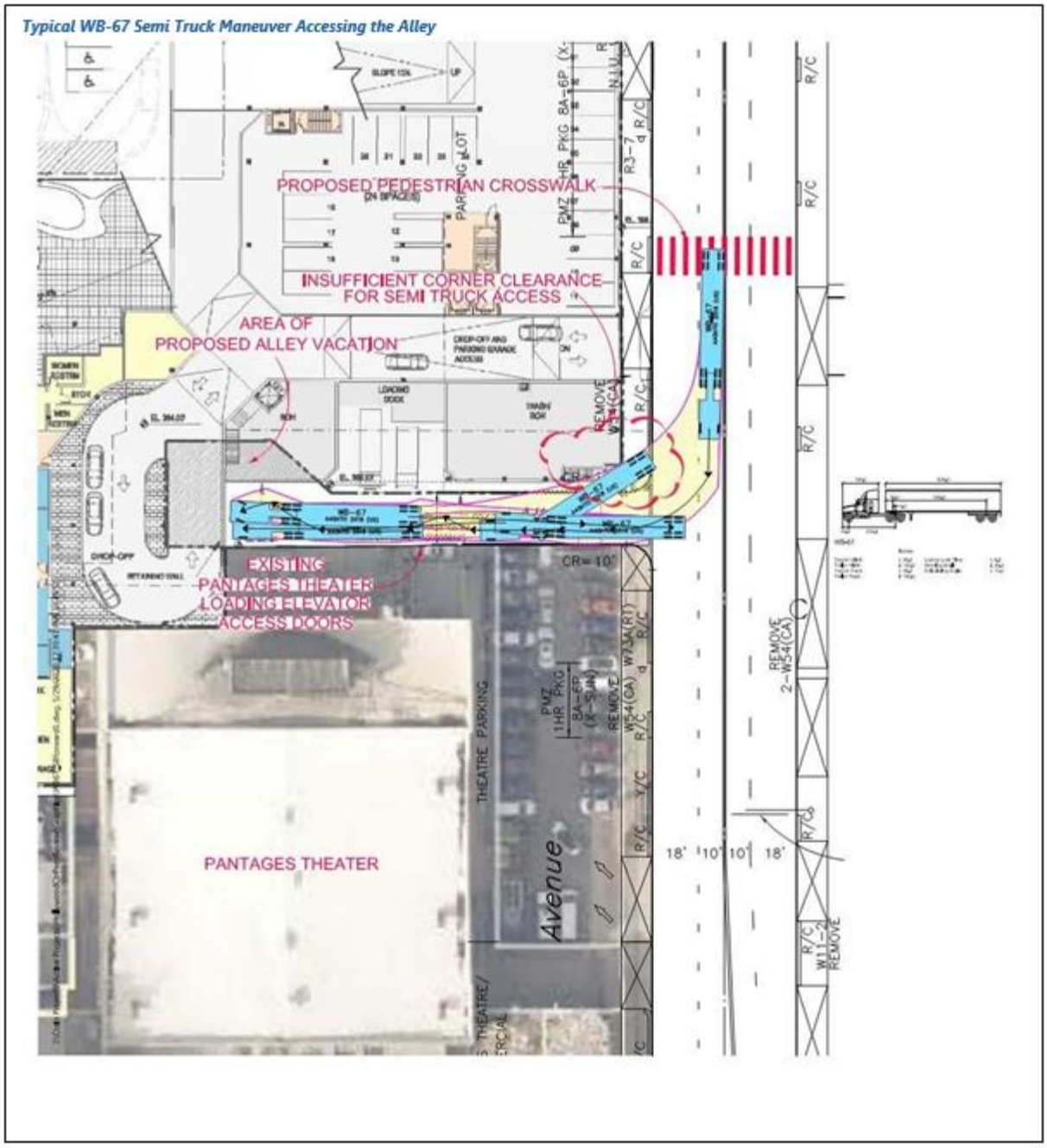
The comment also suggests that full signals are only appropriate on arterial streets and not on local streets since local streets are meant to serve all travel modes. Actually, all

64 Caltrans, California Manual on Uniform Traffic Control Devices, 2014 Edition, Revision 5, March 2020.

streets are meant to serve all travel modes, although there can be differences of emphasis on different streets. Although Argyle Avenue is indeed officially classified in Mobility Plan 2035 as a local street, it functions more as an arterial street given the volume of traffic that it serves and its connection to Hollywood Freeway on-ramps further to the north. The signal would be included in the City's ATSAC/ATCS system, as is common practice for signals in the City.

Comment No. ORG 35-56c

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 *[sic]* needed to incorporate existing operations of the Pantages Theatre.


Typical WB-67 Semi Truck Maneuver Accessing the Alley
PROPOSED PEDESTRIAN CROSSWALK
INSUFFICIENT CORNER CLEARANCE FOR SEMI TRUCK ACCESS
AREA OF PROPOSED ALLEY VACATION
EXISTING PANTAGES THEATER LOADING ELEVATOR ACCESS DOORS
PANTAGES THEATER
THEATRE PARKING
Avenue
18'
10'
10'
18'

Response to Comment No. ORG 35-56c

The comment raises a concern that large semi-trailer trucks entering the alley from the north would encroach into the proposed signalized intersection. However, they would necessarily drive through the intersection as would any other vehicle and then turn into the alley. Furthermore, any blockage of green time for the Project or Eastown driveways, were it to occur, would be short and occasional, since it would only be associated with entering trucks during show load-ins and load-outs. The comment also raises a concern that smaller service trucks backing out of the alley to depart would encroach into the proposed signalized intersection. As discussed in Response to Comment No. ORG 35-55, the Project will provide turnaround capability for the Pantages Theatre delivery and trash trucks within the Project's loading area along the alley so that smaller trucks would be able to turn around and not back out onto Argyle Avenue. Relocating the Project driveway further north, as suggested in the comment, is, therefore, not necessary based on the considerations described above.

Comment No. ORG 35-57a

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.

Response to Comment No. ORG 35-57a

The comment expresses the concern that the Draft EIR does not discuss the impacts of the Project on the Transit Oriented District, that it does not address impacts on congestion as outlined in the Transportation Assessment, and that the Project would create more vehicular access and to add more parking, which are antithetical to the "Complete Streets approach."

It should be noted that the City does not have different requirements for analysis of vehicle impacts for a Complete Streets approach. Please see Topical Response No. 2 – Transportation and Traffic regarding transportation analysis and CEQA impact criteria. Traffic analysis of vehicular activity generated by the Project is provided in Chapter 4 of the TA in Appendix N-1 of the Draft EIR. See Response to Comment No. ORG 35-22 for a discussion of the driveway trips and vehicular activity along Argyle Avenue. In addition to an analysis of traffic operations in the Project study area, a review of relevant City programs, procedures, ordinances, and policies was conducted and is available in Appendix C of the TA in Appendix N-1.

The comment states that the Project will add approximately 3,750 daily driveway trips to Argyle Avenue; as noted in Response to Comment No. ORG 35-22, this estimate is unsubstantiated and is substantially overstated. As shown on page 30 of the TA, the Project's East Site uses are estimated to generate 2,074 daily driveway trips. The comment further states that adding vehicular traffic is counterproductive to pedestrian safety and the goals of transit-oriented development. However, the comment does not provide any evidence to support this statement, as the Project's pedestrian paseo and the signalized pedestrian crossing of Argyle Avenue would enhance, not lessen, pedestrian safety, as pedestrians who cross from Argyle Avenue to Vine Street currently do so via the alley and surface parking lot that do not provide sidewalks and are also used by vehicles. With the Project, these pedestrians would be able to walk along a large landscaped area that is designed for the exclusive use of pedestrians, as shown in Figure II-29 in Chapter II, *Project Description*, of the Draft EIR. With a number of adjacent uses that generate pedestrian activity, such as residential, retail, entertainment, and major transit stops, pedestrians crossing Argyle Avenue currently do so at the intersections with

Hollywood Boulevard or Yucca Street, or cross illegally midblock. The provision of a signalized crossing would further assist with site access for various modes and correct illegal behaviors along this segment. Discussion regarding the multimodal benefits of the Project's proposed access scheme can be found in the Pedestrian Access section of the Draft EIR on page II-65. See Response to Comment No. ORG 35-56c for additional discussion of the signalized driveway and pedestrian crossing.

The notion that mixed-use infill development with a pool of parking in a context, such as Hollywood, is not consistent with a transit-oriented development (TOD) is inconsistent with the City's stated policies and priorities for efficient development and multimodal circulation in the City. The City policies encourage mixed-use development in infill areas proximate to transit, such as the Project, and the City policies also require that such projects provide sufficient parking per City code. As discussed in Response to Comment No. ORG 35-22, the access scheme is reflective of City policies and priorities around multimodal accommodations, and the prior assertions that the Project should consider adding a driveway on Vine Street or Yucca Street is incompatible with the subsequent assertion that measures to reduce access impacts are not considered. The intent of the access scheme is to enhance local multimodal circulation by prioritizing safe and efficient access for all modes, as opposed to continuing to prioritize vehicle delay and congestion. The parking policies in Mobility Plan 2035 are also addressed in the review of relevant programs, procedures, ordinances, and policies that was conducted and is available in Appendix C of the TA in Appendix N-1.

The discussion of Argyle Avenue's designation and compatibility with Mobility Plan 2035 is also addressed in Appendix C of the TA in Appendix N-1. This comment ignores the policies and designations that are pertinent to consideration of additional access points on streets, such as Vine Street and Yucca Street. Those driveways would create additional conflicts on streets that also have Mobility Plan 2035 and Vision Zero designations and are located on the City's High Injury Network (HIN). The access scheme and proposed signalization do not preclude or limit the City from installing bicycle infrastructure on Argyle Avenue. See Response to Comment No. ORG 35-22 for further discussion in response to the comment's assertion that the providing access on Yucca Street and/or Vine Street must be evaluated in the Draft EIR.

Comment No. ORG 35-57b

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.

Response to Comment No. ORG 35-57b

The comment states that the TA does not consider potential measures to directly offset the Project traffic impact at Argyle Avenue and Hollywood Boulevard. However, potential physical measures to improve traffic conditions at Argyle Avenue/Hollywood Boulevard intersection were investigated as part of preparation of the TA, but no feasible physical measures were found. As noted in the LADOT Assessment Letter provided in Appendix N-2 of the Draft EIR, however, the following corrective measures were identified that would be funded by the Project:

- One time financial contribution to the LADOT to be used in the implementation of a Mobility Hub in the general area of the Project.
- One-time financial contribution to the City's Bicycle Trust Fund to implement bicycle improvements in the vicinity of the Project.
- Financial contribution towards transportation system management improvements within the project area.
- Financial contribution to fund for constructing approved neighborhood traffic management measures within the project area.

Comment No. ORG 35-57c

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.

Response to Comment No. ORG 35-57c

The comment states that the potential for traffic shift is listed as a consideration for review in the LADOT TAG and that Hollywood Boulevard congestion could cause traffic to shift to local streets. The LADOT requirement is for the non-CEQA analysis of the potential for "cut-through" traffic on residential local streets. This analysis was conducted and is included in the TA contained in Appendix N-1 of the Draft EIR. The analysis concluded that the Project may cause an excessive burden on the residential portion of Yucca Street between Argyle Avenue and Gower Street and recommended that the Project fund the development and implementation of a neighborhood street traffic calming program. This requirement is included in the LADOT Assessment Letter in Appendix N-2 of the Draft EIR.

Comment No. ORG 35-57d

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.

Response to Comment No. ORG 35-57d

The comment correctly notes a discrepancy between the response to the Screening Criteria 2.4 question on page 3 of Appendix B and on page 20 of Appendix C to the TA in Appendix N-1 to the Draft EIR, which states that the response to the question is "no", when in fact the correct answer is "yes", as noted in Appendix C. This correction is made in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. Regardless of the answer incorrectly shown in Appendix B, Appendix B correctly concluded that the analysis of TAG Question 2.4 (CEQA Appendix G question 3) regarding the potential to substantially increase hazards due to a geometric design feature was required, conducted in Chapter 3 and Appendix C of the TA and pages IV.L-44 and IV.L-45 of Section IV.L, *Transportation*, of the Draft EIR, and found to have a less than significant impact.

Comment No. ORG 35-58

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.

Response to Comment No. ORG 35-58

The comment states that the resident and employee trips are the only trips that will be addressed by the Project's Transportation Demand Management (TDM) Program and that the TDM Program should include measures directed at hotel guests, commercial patrons, and outdoor performance space attendees since these users are projected to generate a substantial portion of the Project trips.

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, the hotel shuttle mentioned in the project description in the TA is no longer relevant and no further response regarding hotel uses is warranted.

Further, the proposed TDM Program is comprehensive, including a host of measures as listed in Project Design Feature TRAF-PDF-1 on pages IV.L-26 to IV.L-28 of Section IV.L, *Transportation*, of the Draft EIR. The Project is committed to implementation of the TDM Program as both a Project design feature (as shown in the Draft EIR) and as a requirement of the Project's Environmental Leadership Development Program (ELDP) certification by the State.

In addition, it is incorrect to presume that resident and employee trips are the only trips addressed by the TDM Program. Many of the elements in the Program will also be available for commercial patrons and performance space attendees. Examples of these include bus stop upgrades, on-site bikeshare station, bicycle parking, lockers, and showers, contribution towards the City's Bicycle Plan Trust Fund to fund additional bicycle facilities in the Hollywood area, integrated pedestrian network with external and internal multimodal wayfinding, tech-enabled mobility, and marketing and promotions. As an example of the latter, it is anticipated that materials on the Project's website would encourage all Project users (including commercial patrons, performance space attendees and other visitors, not just residents and employees) to utilize non-motorized modes of travel and direct users to the various programs and facilities implemented by the Project, the City, and Metro to encourage these modes. Nonetheless, as noted in Chapter 1, *Introduction,* in this Final EIR, the Project with the East Site Hotel Option is no longer under consideration and, therefore, would not generate additional trips.

TDM reductions were not taken in the trip generation analysis shown in Table 7 in the TA including in Appendix N-1 of the Draft EIR for the hotel guests, commercial patrons, and performance space attendees not because measures would not be applicable to these

users but because of insufficient research to support a particular assumption regarding effectiveness. The traffic analysis in the TA is, therefore, intentionally conservative.

Charging for parking is part of the TDM program and would be applicable for residential and office uses, as suggested. It is anticipated that retail patrons and performance space spectators would also be charged to park, consistent with standard practice in dense urban areas, such as Hollywood.

Comment No. ORG 35-59

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."*

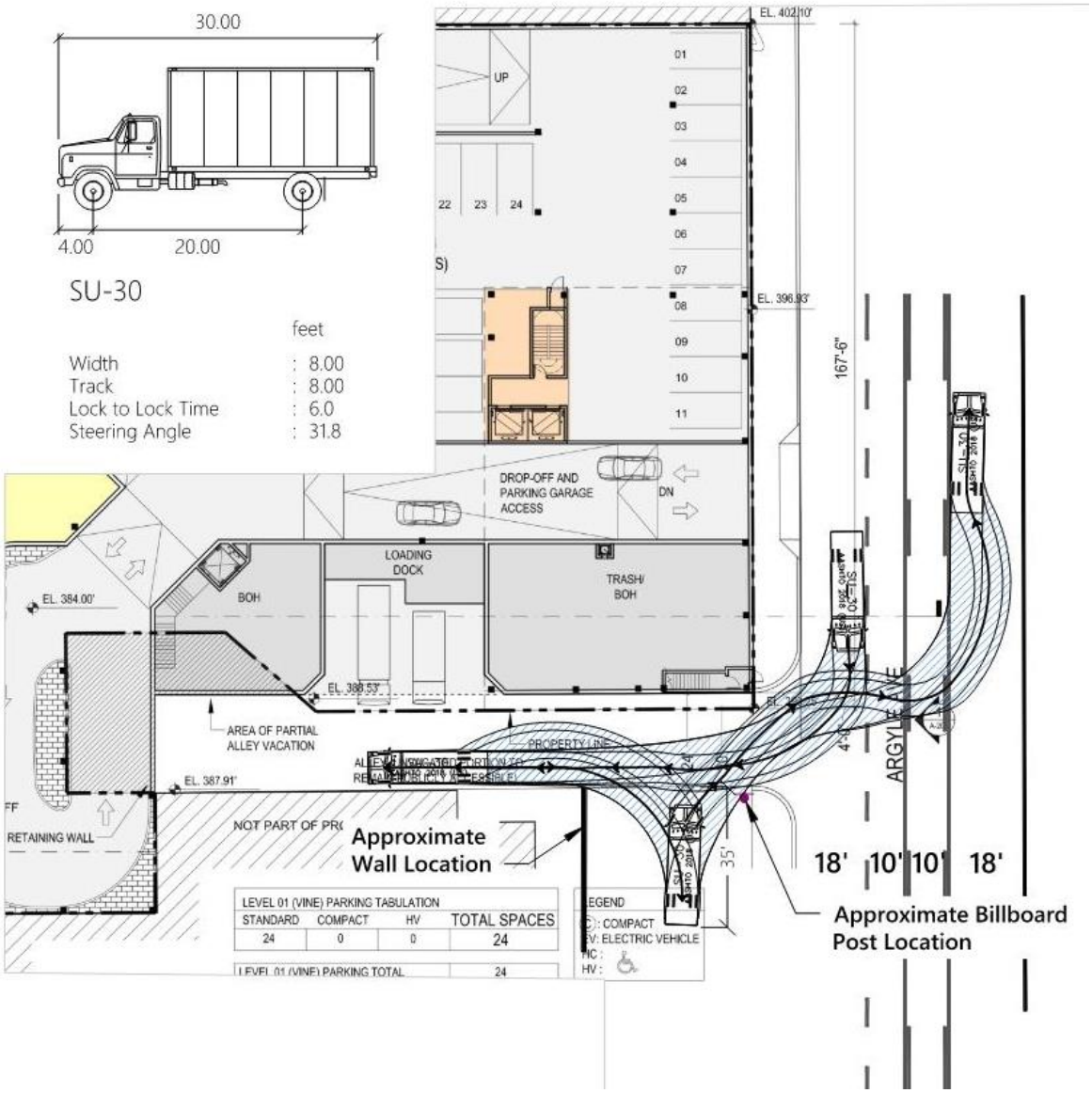
To support these statements, the alley must remain usable for Pantages Theatre deliveries, including load-ins and load-outs for the largest of its shows, and the alley remaining accessible and usable by the Pantages Theatre should be made a Project Condition of Approval. If access is not to be provided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

Response to Comment No. ORG 35-59

The comment asserts that construction work areas and blockages to the referenced alley are not directly addressed in the Project's TA and suggests that the Pantages Theatre's use of the alley must be a Condition of Approval. Although access to the alley will be available throughout Project construction, there will be effects. As shown on Figure II-30 in Chapter II, *Project Description*, of the Draft EIR, construction of the East Site is anticipated to take a total of 30 months. The ability of Pantages Theatre trucks to exit through the private parking lot to the west and the availability of the existing turnaround at the end of the alley will cease upon commencement of construction. The excavation phase is projected to take 10 months, during which the construction footprint will require narrowing the alley by approximately three feet on the north side of the alley.

Large trucks using the alley for load-in/load-out will need to back out onto Argyle Avenue during construction, similar to the ultimate condition as discussed in Response to Comment No. ORG 35-55. Until the subterranean garage portion of the Project and the grade-level loading dock and turnaround area are completed, smaller delivery trucks, trash trucks, etc., servicing the Pantages Theatre will not be able to turn around in the alley itself. At that time, the new turnaround area to be provided as part of the Project's loading area (see Response to Comment No. ORG 35-55) will be available for use while building construction continues above, subject to City approval. Before such time as the new turnaround area becomes available for use, these smaller trucks could potentially turnaround before exiting onto Argyle Avenue by backing into the existing Pantages Theatre parking lot. Figure ORG 35-59(1) illustrates this potential.

Figure ORG 35-59(1)
SU30 Truck Turning Around Via Pantages Parking Lot During Construction



Concrete trucks may be staged in the alley during the concrete pour phase (estimated at 1.5 months in total, although trucks would not be present continuously) and there may be occasional need for construction-related trucks to access the alley at other times. Such use of the alley will be coordinated with Pantages Theatre management to minimize effects on Pantages Theatre operations.

Comment No. ORG 35-60

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:

Response to Comment No. ORG 35-60

This is a summary statement that draws conclusions drawn in prior individual comments. Please see Response to Comment Nos. ORG 35-55, ORG 35-56, and ORG 35-57.

Comment No. ORG 35-61

- 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.

Response to Comment No. ORG 35-61

This comment suggests an alternative design of the referenced loading dock and shared alley. As discussed in Response to Comment No. ORG 35-55, the proposed loading area in the Project Site Plan will be constructed, operated, and maintained to provide a turnaround area so that daily Pantages Theatre delivery vehicles can use the alley without needing to back out onto Argyle Avenue. As discussed in Response to Comment No. ORG 35-55, the Project is already proposing to widen the alley four feet and additional widening is not required to allow access for larger trucks since, as stated in Comment No.

ORG 35-55, these trucks currently enter and exit the alley via Argyle Avenue with its current narrower width.

Comment No. ORG 35-62

- 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.

Response to Comment No. ORG 35-62

The comment describes the current traffic control and turn restrictions at the driveway. The commenter is referred to Response to Comment No. ORG 35-56. While the comment accurately describes the turn restrictions and traffic control, it does not accurately describe how the driveway operates. Peak period counts taken at the Eastown driveway show that 40 to 50 percent of cars exiting the driveway are illegal left-turns. Signalization will contribute to correcting an existing safety and compliance issue, rather than create one, improve access to the Project and to Eastown, and provide a safe pedestrian crossing of Argyle Avenue.

Comment No. ORG 35-63

- 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.

Response to Comment No. ORG 35-63

This comment requests an operational analysis be conducted to address the Project's impacts on local access. An operational analysis of the driveway was conducted and is presented in the TA included (see pages 95 and 96 of the TA) in Appendix N-1 of the Draft EIR. Furthermore, an evaluation of potential conflicts with City plans, programs, ordinances, and policies (including Mobility Pan 2035 and Vision Zero) was conducted as part of the Draft EIR and led to the determination of a less-than-significant impact as documented in Appendix C of the TA and Section IV.L, *Transportation*, of the Draft EIR. Also see Response to Comment Nos. ORG 35-22 and ORG 35-57.

Comment No. ORG 35-64

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

Response to Comment No. ORG 35-64

This comment suggests that the Project expand its TDM Program. Please see Response to Comment No. ORG 35-58. The TDM Program results in significant Project efficiencies and is appropriate for the land use. Mobility Plan 2035 discusses TDM in several areas

and include TDM Policy 4.8, which encourages greater utilization of TDM strategies to reduce dependence on single-occupancy vehicles. The Project is entirely consistent with that policy and implements several of the elements listed within TDM Policy 4.8. There is not any policy or language within the TDM policy stating or suggesting that a TDM program is inconsistent or inadequate if it does not apply to a majority of daily project trips. This assertion is false, and the comment provides no evidence or language from any policy supporting the claim that the TDM Program is not consistent with Mobility Plan 2035 Goals. Appendix B of the TA provides a detailed discussion of the Project's consistency with pertinent Mobility Plan 2035 and other City plans, programs, ordinances, or policies.

Comment No. ORG 35-65

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

Response to Comment No. ORG 35-65

This comment requests that the Project maintain full access of the alley to the Pantages Theatre during all construction phases. Construction effects on the alley and potential means to address these effects are described in Response to Comment No. ORG 35-59. As described in in Response to Comment No. ORG 35-59, access to the alley will be available throughout Project construction. As this comment does not address the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. ORG 36

Julie Kremkus, President
Susan Mullins, President
Nichols Canyon Neighborhood Association (NCNA)
Received May 30, 2020

Comment No. ORG 36-1

I am writing on behalf of the Nichols Canyon Neighborhood Association to strongly urge your support for an extension of the Hollywood Center Draft EIR comment period. As mentioned in the email below from the Hillside Federation, to not allow for fully informed public participation by extending the public comment period by a reasonable amount is completely unacceptable.

During these unprecedented times, it is imperative that there be adequate time for public comments. The public health, safety, and welfare of our community is at stake. The Hollywood Center project must undergo a thorough assessment and given the pandemic, delays and ample time should be honored as people are not working in normal conditions to say the least.

As noted in the documents filed with the planning department for the Hollywood Center project, there are numerous complexities and concerns as to its effects on the hillside communities and the citizens of our city. Mayor Garcetti has repeatedly implored the public to put safety first during this global pandemic. Not extending the public comment period for this complex project ignores the plea of our Mayor and the welfare of our citizens.

Thank you in advance for your consideration and ask you to put public safety before scheduling.

Response to Comment No. ORG 36-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment No. ORG 36-2

Attachment: Email from the Federation of Hillside and Canyon Associations, Inc. to the commenter.

Response to Comment No. ORG 36-2

This comment provides an attachment that is referenced in Comment No. ORG 36-1. The response above addresses the contents of this attachment. As such, no further response is warranted.

Comment No. ORG 36-3

Given the two large tragedies that our City is facing, I am going to keep this email brief. With the City COVID-19 shutdowns, working from home, and the disruption of life for all Angelenos due to this virus, it has been very hard to concentrate on the issue of the Hollywood Center Draft EIR as our neighbors are all negotiating work, family and financial matters.

That being said, this project must be delayed to give the community sufficient time to consider the impact of this huge 4.5 acre project on the site of the difficult and controversial Millennium Project. You have the discretion to change the time frame under exceptional circumstances. Can anything be more exceptional than a pandemic and, NOW, a City under siege and lockdowns.

Failure to delay this raises suspicions and reflects very badly on you and on this project. If this is approved on Monday, it will happen under the cover of a City and its citizens in severe distress. There is already a distrust factor which I doubt you would want to add to. We request an extension of the comment period so that there is an opportunity to consider what will be a major change in our Hollywood Community., *[sic]*

Response to Comment No. ORG 36-2

The comment requests that the Project's environmental review be delayed to allow sufficient time to consider the impact of the Project in light of circumstances associated with COVID-19 pandemic but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted. Nonetheless, for additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also expresses that the City's decision to not extend the public review period raises suspicion and reflects badly on the City and the Project. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 37

Eric Bescher, Ph.D., President
Broadway Hollywood Homeowners Association
1645 North Vine Street
Los Angeles, CA 90028-8839
Received May 30, 2020 (ORG 37A)
Received May 30, 2020 (ORG 37B)

Comment No. ORG 37A-1

Please find attached the comments of the Broadway Hollywood Homeowners Association regarding the Hollywood Center Draft EIR.

We reiterate that our Association, which represents 96 owners at the corner of Hollywood and Vine, is dismayed and very troubled that no extension to the June 1 deadline was granted. We are in the middle of stay-at-home order imposed by the City.

This was conveyed to you in our prior communication, and we are very unhappy with your response.

Your denial of an extension is incomprehensible and unfair. It affects the legitimacy of the approval process for a project that is already mired in significant public controversy.

Response to Comment No. ORG 37A-1

The comment notes that the City's denial of an extension for the public review period affects the legitimacy of the approval process for the Project. See Topical Response No. 1 – Public Participation and Review, for a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 37A-2

Hollywood Center Project Environmental Case: ENV-2018-2116-EIR State Clearinghouse No.: 2018051002

Project Location: 1720-1724, 1740-1768, 1745-1753, and 1770 North Vine Street; 1746-1764 North Ivar Avenue; 1733- 1741 North Argyle Avenue; 6236, 6270, and 6334 West Yucca Street, Los Angeles, CA 90028. Community Plan Area: Hollywood Broadway Hollywood Building Stakeholder and Historic Resource: The building and sign are LA Historical-Cultural Monument and the building is a contributor to the Hollywood Blvd Commercial and Entertainment District with its primary entrance now located at 1645 Vine Street, at the corner of Hollywood Blvd and identified in the EIR as:

6300 Hollywood Boulevard (B.H. Dyas Department Store Building/Broadway Department Store), Map No. B.12 This nine-story steel frame and concrete building is located half a block south of the West Site, at the southwest corner of Hollywood Boulevard and Vine Street. Constructed in 1927, the Dyas Building was designed by Parkinson & Parkinson in Beaux Arts style. The building is rectangular in plan with a symmetrical fenestration pattern and Classical tripartite differentiation of ground floor, midsection, and crown. The ground floor and mezzanine levels feature Classically detailed pilasters and a central primary entrance framed by Classical columns. A cornice separates the ground-floor from the building's brick-clad mid-section. The building's top floors have a Corinthian colonnade topped with a bracketed cornice. There is an eight-story International Style addition to the western façade, and a neon roof sign spelling out "THE BROADWAY HOLLYWOOD."

Response to Comment No. ORG 37A-2

This comment provides an excerpt of the description of the historic building located at 6300 Hollywood Boulevard founded in Section IV.C, *Cultural Resources,* of the Draft EIR. However, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 37A-3

The above captioned Draft EIR conclusion statement of no significant impacts is deeply flawed. The Project would result in significant irreversible direct and indirect impacts and avoidable operational impacts for the Broadway Hollywood Building at the corner of Hollywood and Vine.

The Broadway Hollywood Building Homeowners Association opposes this project as it is proposed.

I. Specifically, the HOA requests that the City Lead Agency provide threshold analysis for both direct and indirect impacts relating specifically to the following areas as they relate to the historic Broadway Hollywood building and rooftop neon sign located at 1645 Vine Street:

    a. Historic Cultural Resources threshold (a) Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 ?

    b. Aesthetics threshold (b) substantial adverse effect on a scenic vista.

Response to Comment No. ORG 37A-3

The commenter request that analysis be undertaken for direct and indirect impacts to the Broadway Hollywood building and rooftop sign, pursuant to thresholds of significance for historic cultural resources and aesthetics. Potential impacts to the building as a historic resource were addressed in Section IV.C, *Cultural Resources*, of the Draft EIR, and in

the Historical Resources Technical Report, provided in Appendix F of the Draft EIR. The thresholds of significance used by the City are in accordance with CEQA requirements and were used to assess impacts on the Broadway Hollywood Building and other historic resources addressed in the Draft EIR. The analysis of impacts to historical resources under CEQA focuses on whether a project would create a "substantial adverse change in the significance of an historical resource," which, in turn, constitutes a significant impact on the environment. (PRC Section 21084.1; CEQA Guidelines Section 15064.5(b).) CEQA Guidelines Section 15064.5(b) defines a "substantial adverse change" as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." This section further states that, "the significance of an historical resource is materially impaired when a project [d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, the California Register of Historical Resources…or a local register of historical resources."

Regarding effects on the cultural significance of the Broadway Hollywood building and other buildings within the Hollywood Boulevard Commercial and Entertainment District, because of the Project's proximity to the District, potential impacts were evaluated in Draft EIR Section IV.C, *Cultural Resources*, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR. As shown in Figure IV.C-1 on page IV.C-14, in Section IV.C, *Cultural Resources*, of the Draft EIR, and as shown in Figure C, on page 111 of the Historical Resources Technical Report included in Appendix F of the Draft EIR, the Project Site is not located within a designated or identified historic district. However, the potential for indirect impacts on the Hollywood Boulevard Commercial and Entertainment District—including effects associated with building heights and integrity—were fully evaluated in the Draft EIR. See pages IV.C-71, and pages IV.C-77 through IV.C-79 in Section IV.C, *Cultural Resources*, of the Draft EIR, and pages 122 through 125, in Appendix F, of the Draft EIR. The analyses provided therein state in part that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also states that features important to the significance of the District are largely contained within and are best experienced within the District and that new construction associated with the Project would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced.

Regarding analysis of aesthetic effects on the building pursuant to thresholds of significance associated with substantial adverse effects on scenic vistas, this analysis was provided in Section IV.A, *Aesthetics,* of the Draft EIR. Because impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under PRC Section 21099(d)(1), Section IV.A is provided

for informational purposes only. As discussed therein, potential effects on views of the Broadway Hollywood Building sign are evaluated on page IV.A-42 and shown in Figure IV.A-14, Key View 8 - Existing and Simulated Views of the Project Site from Just West of the Intersection of Sunset Boulevard and Ivar Avenue, on page IV.A-44. As further described in the analysis, the rooftop Broadway Hollywood sign is shown in the foreground of the Project Site in Figure IV.A-14, and, as such, the Project would be a background feature with respect to this and other signage along Hollywood Boulevard and would not reduce the importance of any signs as contributors to the aesthetic character of the Hollywood Boulevard Commercial and Entertainment District.

Regarding views from the US-101 and of the Broadway Hollywood building sign, see page IV.A-36 of the Draft EIR, which discusses east and westbound views from the US-101 of areas of Hollywood in and around the Project Site based in part on Figure IV.A-10, *Key View 4 - Existing and Simulated Views of the Project Site from the Westbound US-101*. Although effects on views of prominent features, such as the Capitol Records Building and the Knickerbocker Building rooftop sign are the primary focus of the discussion, visual effects on the Broadway Hollywood Building sign are expected to be similar to those of the Knickerbocker Building rooftop sign but less affected by the Project, as the backside of the Broadway Building Rooftop sign is what is oriented toward and visible from US-101. That is, although the focus of the discussion in the EIR Aesthetics section is on the Knickerbocker Building rooftop sign, an inference can be drawn that the visual effects on the Broadway Building sign would be less pronounced as compared to the Knickerbocker Building rooftop sign. As stated in the analysis, the limited and transient nature of view blockage associated with the Knickerbocker Building rooftop sign and the view corridor that would highlight views of the Capitol Records Building, the Project as viewed from this location would not substantially block focal views of the Capitol Records Building or other scenic features in the urban setting.

Furthermore, in the event view concerns pertain to views from private residences, as stated on page IV.A-26 of the Draft EIR, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[65] See also Response to Comment No. IND Form 3-3 for additional discussion of aesthetics impacts.

65 *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Comment No. ORG 37A-4

Below are the issues related to above thresholds:

Specific Issue: The Broadway Hollywood Building Existing/Simulated Views: EIR Figure View below is from grade point of view from Broadway Hollywood Building location looking north. There are additional visual impacts to review:

View looking south from the 101 freeway (a scenic highway) vine Exit 9A. The view of the Historic Building and Sign are iconic and a significant historic view is from the 101 freeway and at the exit elevation as one enters through the Hollywood gateway into the historic district and the iconic corner of Hollywood and Vine. The analysis shows existing/proposed views that are slightly east or west in the photos and do not capture the view of the Broadway Hollywood Building that exists. **This project will irreversibly reduce the importance of the Broadway Hollywood building and historic neon rooftop sign as an individual historic feature and as a contributor to the aesthetic character of the Hollywood Boulevard Commercial and Entertainment District. This meets potential aesthetics impact with a *Threshold (a) Would the Project substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a City designated scenic highway*?**

In addition to the building itself, the Broadway Hollywood Neon Rooftop sign is a historic sign that is a historic feature of the building and can be seen from the scenic highway. Blocking this vista requires specific compliance review under this EIR analysis and for impacts to the Broadway Hollywood Rooftop Neon Sign under the Hollywood Signage Supplemental Use District.



For context, and to capture the same line of sight from the opposite point of view from the top story of the Broadway Hollywood Building. **This project will directly impact and substantially block focal or panoramic views of and from this historic location.**



Response to Comment No. ORG 37A-4

The comment states more specific concerns associated with obstruction of views to the building and sign, including views from US 101, and associated effects to the building and sign as historic contributors to the Hollywood Boulevard Commercial and Entertainment District. As stated above in Response to Comment No. ORG 37A-3, the Draft EIR included analysis of such visual effects and the potential for impacts on historic resources, including the Broadway Hollywood Building, sign, and other buildings within the Hollywood Boulevard Commercial and Entertainment District. Regarding the assertion that the Project, due to view blockage would require specific compliance review under the Hollywood Supplemental Signage Use District, the comment does not clarify under what specific provisions this would be the case; therefore, no further response is required. However, consistency with the Hollywood Supplemental Signage Use District was addressed in Section IV.A, *Aesthetics*, of the Draft EIR. The comment also states that the building and rooftop sign would be visible from a Scenic Highway. However, the Project is not located within a State designated scenic highway corridor. Topanga Canyon State Scenic Highway (SR 27), located approximately 17 miles to the west of the Project Site, is the nearest State designated scenic highway to the Hollywood Community. The Project Site and Hollywood Community are not visible from the Topanga Canyon State Scenic Highway. However, the Project Site is located within the view field of the Jerome C. Daniel/Hollywood Bowl Overlook, a Major Vista Point on the Mulholland Drive Scenic Parkway (a City of Los Angeles scenic highway). As shown in Figure IV.A- 18, *Key View 12 - Existing and Simulated Views of the Project Site from the Jerome C. Daniel/Hollywood Bowl Overlook,* the Project Site and individual buildings would be minimally visible from this view location, located approximately 1.25 miles to the northwest of the Project Site. As stated on page IV.A-9 in Section IV.A of the Draft EIR, US-101 in the Project vicinity is not a scenic highway. The closest scenic highway to the

Project, as evaluated in Section IV.A of the Draft EIR, is the Mulholland Scenic Parkway. However, as discussed on page IV.A-11 of the Draft EIR, the outlook point from the parkway with views of the Project Site is located 1.3 miles away; accordingly, views of the Broadway Hollywood Building do not figure prominently in such distant views. Regarding effects on views from the rooftop of the Broadway Hollywood Building, as stated in the prior response, the focus of the view analysis, consistent with CEQA and City practice, is on views from public, rather than private, vantage points.

Comment No. ORG 37A-5

c) The Transportation section is missing a project design feature that would address impacts under Threshold (a) Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? And Threshold (d) Would the Project result in inadequate emergency access?

Specific Issue: Broadway Hollywood Ingress/Egress: The N-2 LADOT Correspondence dated April 10, 2020, from the City Approving the Traffic study in the EIR, rates the intersection of Hollywood and Vine as an "F" during am/pm for 2027 projections. There is no Neighborhood Traffic Management Program analysis, nor project features, traffic signal analysis, or mitigation specifically address the significant impacts to unique to the Broadway Hollywood Building. The anticipated added traffic (vehicle and pedestrian) will create undue congestion and during operations and once the project is complete will significantly limit or restrict ingress and egress to the only vehicular entrance servicing the 96 live/work units. An updated impact analysis must be conducted to determine if the impacts of this project would pose life, safety, or a government taking of access (ingress/egress) to a private property of all individual (96) unit owners.

The only vehicle entrance for all building parking is located on vine through an alley between the building and the Hollywood Plaza building. Increased pedestrian or added traffic will block the only entrance to building parking. Taking access and/or increasing the burden of access to this building is a significant impact. There is no left turn into this alley, thus there is only one-way access from Vine traveling south. Pedestrian flow impacts the ability for vehicles to enter or exit the alley onto the street.

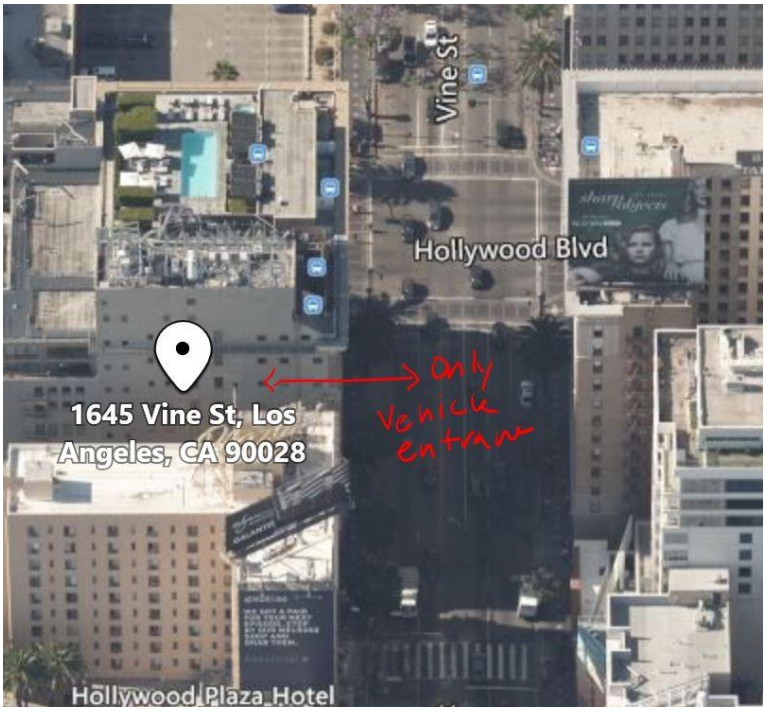


Figure 1: Bird's Eye view of only vehicle access point



Figure 2 Street view of only vehicle access point

Response to Comment No. ORG 37A-5

The commenter expresses opposition to the Project based on the alleged inadequacy of Section IV.L *Transportation*, of the Draft EIR. In particular, the commenter suggests that a project design feature is missing from the Project based on the intersection Level of Service (LOS) experienced at the Hollywood Boulevard and Vine Street. As discussed in Topical Response No. 3 – Transportation and Traffic, measures that focus on automobile delay and vehicle LOS are no longer used to measure the significance of transportation impacts for CEQA. As the site access and circulation analysis is separate from the CEQA significance criteria for transportation impacts, these concerns do not affect the transportation impact analysis or the significance findings provided in Section IV.L of the Draft EIR or require CEQA project design features or mitigation measures.

As it pertains to ingress/egress for the Broadway Hollywood Building, the comment does not provide substantial evidence to support a contention that the Project would impact the Broadway Hollywood Building. Moreover, any issues with accessing the Broadway Hollywood Building would not be an effect of the Project since the Broadway Hollywood Building is located at the southwest corner of the Hollywood Boulevard/Vine Street intersection, and the access point mentioned in this comment is the first driveway on Vine Street south of Hollywood Boulevard. This driveway is opposite a double-double yellow line, across which it is illegal to make a left-turn. Any queuing on Vine Street that affects this location would be northbound on Vine Street approaching the Hollywood/Vine intersection. While the Project would add trips to northbound Vine Street, if this queuing is affecting access at the driveway, it would only be because illegal left-turns are being made by Broadway Hollywood Building residents across the double-double yellow line along Vine Street. For all these reasons, the Project would not impact the access points for the Broadway Hollywood Building.

As it pertains to emergency response, analysis in Section IV.L, *Transportation*, of the Draft EIR determined that since (1) no policy or procedural changes to an existing risk management plan, emergency response plan, or evacuation plan would be required due to Project implementation; (2) no street widening would be necessary with the Project; and (3) all Project driveways and the internal circulation would be subject to LAFD review to confirm adequate access is provided internally for on-site emergency vehicle access, Project impacts with respect to emergency access would be less than significant. The Project Site is located in an established urban area that is well-served by the surrounding roadway network, and multiple routes exist in the area for emergency vehicles and evacuation. Drivers of emergency vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. As discussed in Section IV.F, *Hazards and Hazardous Materials*, none of the streets adjacent to the Project Site are designated disaster routes or City-selected disaster routes. During construction, the Project will implement a Construction Traffic Management Plan (Project Design Feature TRAF-PDF-2) and Construction Worker Parking Plan (Project Design Feature TRAF-PDF-3) to ensure adequate emergency access is maintained in and around the Project Site throughout all construction activities.

In addition, Section IV.K.1, *Fire Protection*, of the Draft EIR determined that despite the Project increase in traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area.

Comment No. ORG 37A-6

II. Generally, The HOA asks the Broadway Hollywood Building to be included in the analysis regarding the following areas of project controversy/issues to be resolved as already identified and described in the EIR executive summary and noted below:

- Blocked views and shade impacts on nearby uses due to scale and massing of the Project
- Impacts (noise, vibration, pollution) on the historic resources off-site
- Land use inconsistencies between the Project and plans regulating the Project Site.
- Increased traffic impacts and exacerbated parking conditions in the nearby area due to the Project.
- Cumulative growth in the Hollywood area leading to gentrification
- Increased stress on existing public services availability and aging infrastructure (e.g., wastewater, police, fire)

Response to Comment No. ORG 37A-6

The comment suggests that the Broadway Hollywood Building, located at 6300 Hollywood Boulevard and approximately half a block south of the West Site, be included in the analyses regarding scale, massing, shade/shadow; noise, vibration, and air pollution; land use inconsistencies; traffic impacts and exacerbated parking conditions; cumulative growth as it relates to gentrification; and increased stress on existing public services and utilities infrastructure.

Regarding scale, massing, blocked views, and shade/shadow, aesthetics impacts were discussed in Section IV.A, *Aesthetics,* of the Draft EIR. See Topical Response No. 4 – Aesthetics, above. Note that impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under PRC Section 21099(d)(1), and are provided in the Draft EIR for informational purposes only.

Regarding construction traffic noise, traffic noise modeling was conducted for the haul route segment on Hollywood Boulevard between Ivar Avenue and Vine Street, which is the haul route roadway segment adjacent to the Broadway Hollywood Building. As indicated in Table IV.I-11 of the Draft EIR, construction traffic noise would be less than

significant. Regarding construction noise from the Project Site, as visible from Figure II-2 in Chapter II, *Project Description*, of the Draft EIR, there are a number of multi-story buildings directly to the south of the Project Site at both the East Site and the West Site. Such intervening structures would interrupt the line-of-sight between the Project's construction area and the Broadway Hollywood Building and substantially reduce construction and noise levels from the Project. Based on the results in Table IV.I-10 on page IV.I-43 of the Draft EIR, with a maximum noise level contribution of 84.6 dBA L_{eq} at the h Club Los Angeles (formerly Redbury Hotel) located approximately 90 feet from the East Site (and just north of the Broadway Hollywood Building), the Project's noise level contribution at the Broadway Hollywood Building would be conservatively estimated to be less than 63 dBA L_{eq} based on a 6-dBA attenuation rate per doubling of distance and accounting for the additional reduction in noise from the interruption of the line-of-sight of at least 10 dBA. This noise level is below the ambient noise levels in the area and below the existing traffic noise level along Vine Street between Hollywood Boulevard and Selma Avenue and on Hollywood Boulevard between Ivar Avenue and Vine Street, which are the roadway segments adjacent to the Broadway Hollywood Building (see Table IV.I-6 and Appendix K-2 of the Draft EIR). Thus, construction of the Project would not result in an increase in ambient noise levels above the significance threshold.

Regarding operational traffic noise, traffic noise modeling was conducted for Vine Street between Hollywood Boulevard and Selma Avenue and on Hollywood Boulevard between Ivar Avenue and Vine Street, which are the roadway segments adjacent to the Broadway Hollywood Building. As indicated in Tables IV.I-14, IV.I-15, IV.I-20, and IV.I-21 and in Appendix K-2 of the Draft EIR, impacts for these segments would be less than significant.

Regarding operational noise from the Project Site, the Project's noise from operational sources are summarized in Table IV.I-12 on page IV.I-47 of the Draft EIR. As shown, the composite noise from the operational noise sources on the East Site and the West Site, when added together, at the nearby sensitive receptors would range from approximately 41.4 dBA L_{eq} to 68.6 dBA L_{eq}, with the higher end of the range associated with the noise levels at sensitive receptors located near the East Site Level 1 Performance Stage, such as the h Club Los Angeles (formerly Redbury Hotel) located approximately 90 feet west of the East Site. As discussed above, as visible from Figure II-2 in Chapter II, *Project Description*, of the Draft EIR, there are a number of multi-story buildings directly to the south of the Project Site at both the East Site and the West Site. Such intervening structures would interrupt the line-of-sight between the primary source of operational noise from the Project Site (i.e., the East Site Level 1 Performance Stage), and the Broadway Hollywood Building. Based on the results in Table IV.I-12 on page IV.I-47 of the Draft EIR, with a noise level contribution of 68.6 dBA L_{eq} at the h Club Los Angeles (formerly Redbury Hotel) located approximately 90 feet from the East Site (and just north of the Broadway Hollywood Building), which is a result of noise from the primary noise contributor of the East Site Level 1 Performance Stage, the Project's noise level contribution at the Broadway Hollywood Building would be conservatively estimated to be than 47 dBA L_{eq} based on a 6-dBA attenuation rate per doubling of distance and accounting for the additional reduction in noise from the interruption of the line-of-sight of

at least 10 dBA. This noise level is substantially below the ambient noise levels in the area and substantially below the existing traffic noise level along Vine Street between Hollywood Boulevard and Selma Avenue and on Hollywood Boulevard between Ivar Avenue and Vine Street, which are the roadway segments adjacent to the Broadway Hollywood Building (see Table IV.I-6 and Appendix K-2 of the Draft EIR). Thus, operation of the Project would not result in an increase in ambient noise levels above the significance threshold.

Based on the above clarifications, the Broadway Hollywood Building was analyzed for potential Project construction and operational noise impacts where appropriate, and construction and operation of the Project would not result in an increase in ambient noise levels above the significance thresholds.

Regarding vibration, as discussed on page IV.I-8 of the Draft EIR, the FTA's published Transit Noise and Vibration Impact Assessment Manual, which provides technical guidance for conducting noise and vibration environmental analyses, uses a screening distance of 100 feet for highly vibration-sensitive buildings and 50 feet for lesser vibration-sensitive buildings including residential uses. The screening levels recognize that vibrations caused by construction equipment diminish in strength with increasing distance from the construction equipment.[66] As the Broadway Hollywood Building, located at 6300 Hollywood Boulevard, is located approximately 350 feet south of the Project Site (as measured from the closest point, which is the Project East Site), it is well outside of the screening distances from the Project Site; as such, no quantified analysis is required for vibration impacts.

Regarding air pollution, impacts related to air pollution were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, air quality impacts, including localized air quality impacts, would be less than significant after mitigation as it relates to construction and operation of the Project. As stated on page IV.B-31 of the Draft EIR, land uses, including the Broadway Hollywood Building, located at greater distances from the Project Site than the selected receptors would experience lower impacts from potential sources of pollutants from the Project Site due to atmospheric dispersion effects. The Broadway Hollywood Building is included as part of the baseline, and no special considerations are required for historic buildings as it relates to air quality.

Regarding land use inconsistencies, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies, and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect. Therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

66 FTA, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 182.

Regarding traffic impacts, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above. In addition, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a TPA, parking impacts would not be considered significant under CEQA.

As it relates to cumulative impacts leading to gentrification, as stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Regarding public services and infrastructure for water and wastewater, the Broadway Hollywood Building is one of many existing uses that comprise the existing conditions related to services demand, including impacts on public services and utilities infrastructure. The CEQA threshold regarding public services is whether adequate public services are available to serve the Project without the development of new or expanded facilities, the construction of which would result in significant physical impacts. As evaluated in the Draft EIR, Section IV.K.1, *Fire Protection*; Section IV.K.2, *Police Protection*; Section IV.K.3, *Schools*; Section IV.K.4, *Parks and Recreation*; and Section IV.K.5, *Libraries*, existing public services are adequate and would not require the construction of new facilities due to the Project. CEQA does not require an evaluation of the effects of the Project on the quality levels of such services. However, consistent with *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833 ruling and the requirements stated in the California Constitution Article XIII, Section 35(a)(2), the obligation to provide adequate services is the responsibility of the City.

The CEQA threshold regarding utilities is whether infrastructure and/or supplies are adequate to serve the Project without the construction of new facilities. The Sewer Capacity Availability Review (SCAR), a Fire Flow Availability Request (IFFAR), and four Service Advisory Reports (SARs), described in Sections IV.N.1, *Wastewater*, and IV.N.2, *Water Supply*, were performed for the West Site and the East Site and determined that existing utilities infrastructure and water supplies are adequate. The specific level of service, such as how the use of lines or water supplies would affect existing users, is not evaluated in the Draft EIR. However, the findings of adequacy in the technical reports indicated that the use of existing facilities would not adversely affect the function of such infrastructure. Also, it is the responsibility of the City to ensure that utilities are adequate to serve all development within the City and to upgrade facilities as necessary.

Comment No. ORG 37A-7

III. The Broadway Hollywood building is a project off-site location and is clad with original character defining masonry work as described in the EIR and above that is directly and indirectly impacted or potentially by project operational vibration/noise and the Broadway Hollywood building is missing from the list of identified as impacted or potentially impacted cultural resources analysis or mitigation monitoring including damage repairs contained in Chapter IV, Environmental Impact Analysis, where the Project would result in significant and unavoidable impacts with regard to: 1) Cultural Resources: Project-level and cumulative structural vibration impacts during construction to off-site historic architectural resources. 2) Noise and Vibration: i) Construction Noise – Project-level and cumulative noise impacts to offsite noise sensitive receptors from on-site construction activities and offsite vehicle and truck travel. ii) Construction Vibration – Project-level and cumulative structural vibration impacts to adjacent off-site buildings, and human annoyance vibration impacts to adjacent sensitive receptors.

Response to Comment No. ORG 37A-7

As discussed in Response to Comment No. 37A-6, as the Broadway Hollywood Building, located at 6300 Hollywood Boulevard, is located approximately 350 feet south of the Project Site (as measured from the closest point, which is the Project's East Site), it is well outside of the screening distances from the Project Site; as such, no quantified analysis is required for vibration impacts. In addition, traffic noise impacts from construction and operation were analyzed along the roadway segments directly adjacent to the Broadway Hollywood Building. As discussed therein, construction and operation of the Project would not result in significant impacts to the Broadway Hollywood Building and the Broadway Hollywood Building was analyzed for potential Project construction and operational noise impacts where appropriate.

Comment No. ORG 37A-8

IV. There are project alternatives identified that the Broadway Hollywood Building HOA with additional consideration to the specific issues noted above could be in support of with additional mitigation measures and/or no additional height/density variances to the alternatives as outlined below:

Alternative 1: No Project/No Build Alternative In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. CEQA Guidelines Section 15126.6(e)(3)(B) states that, "in certain instances, the No Project/No Build Alternative means 'no build' wherein the existing environmental setting is maintained." Accordingly, for purposes of this analysis, the No Project/No Build Alternative (Alternative 1) assumes that no new development would occur within the Project Site. The portion of the Project Site that would have been occupied by the Project

would continue to operate as paved surface parking lots and a small storage building (West Site) and the Capitol Records Complex (East Site).

Alternative 2: Development under Existing Zoning Alternative The Development Under Existing Zoning Alternative (Alternative 2) would conform to the Project Site's existing zoning designation. The development of Alternative 2 with a mix of residential, retail, and restaurant uses would be similar to the Project, although residential uses would be proportionally reduced to reflect the reduction in floor area ratio (FAR) from 6.973:1 over the Project Site under the Project to 3:1, except for a small section in the northwest corner of the West Site, which would be developed to an FAR of 2:1. Alternative 2 would be developed with a total of 30,176 square feet of retail and restaurant uses, which is the same as the floor area of retail and restaurant uses provided by the Project. Alternative 2 would include approximately 36,141 square feet of publicly accessible open space at the ground level, which would form a paseo through the Project Site. No performance stage would be located within the paseo off of Vine Street on the East Site.

Alternative 2 would provide a total of 384 market-rate residential units and no senior affordable units. Alternative 2's residential component would be provided within two high-rise buildings, one each on the East Site and West Site, respectively. Each building would provide 192 market-rate residential units. **The East Building would be 18 stories and reach a height of 243 feet at the top of the 18th story and 293 feet at the top of the bulkhead. The West Building would be 14 stories and reach a height of 195 feet at the top of the 14th story and 235 feet at the top of the bulkhead.** The senior affordable buildings would not be constructed under Alternative 2 as this is zoning compliant alternative does not trigger Measure JJJ [Los Angles Municipal Code (LAMC) Section 11.5.11)]. A three-level subterranean parking structure containing 300 spaces would be provided on the East Site, and a two-level subterranean parking structure containing 193 parking spaces would be provided on the West Site, for a total of 493 parking spaces.

Vehicle and bicycle parking would be provided in accordance with LAMC requirements. The total floor area for Alternative 2 would be approximately 480,516 square feet, which would result in a FAR of 2.96:1, and represent an approximately 62.7-percent reduction in the Project's total floor area and a 62.3-percent reduction compared to the Project with the East Site Hotel Option.

Response to Comment No. ORG 37A-8

The comment expresses support for Alternatives 1 and 2 analyzed in Chapter V, *Alternatives*, of the Draft EIR. While this comment is noted, as it does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Also, as discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Comment No. ORG 37B-1

This comment letter supplements our prior submission and includes a copy of the Draft Environmental Impact Report (DEIR) transportation and traffic analysis submitted by experienced traffic engineering professional, Tom Brohard, PE. We agree with his DEIR project traffic analysis and summary that additional study, evaluation, and findings disclosure to the public is required. This analysis must be completed in advance of project approval for the Lead Agency to comply with CEQA's intent to evaluate the project's environmental impacts.

We ask that this report and the attached cover letter be entered in the record, and we await a response.

Response to Comment No. ORG 37B-1

This comment references a transportation and traffic analysis submitted by Tom Brohard, PE. Responses to this attachment are provided in Response to Comment Nos. IND 8I-74 to 8I-78.

Comment No. ORG 37B-2

As a homeowner at the Broadway Hollywood building on the corner of Hollywood and Vine. I am writing in opposition to the draft EIR, on the following bases.

1- **The city did not allow for an extension of the June 1 deadline.** We are in the middle of a pandemic and a stay-at-home order imposed by the City. It is unreasonable for the Planning Department to expect that a proper response could be prepared under such circumstances. Only 45 days to review a document of 1,300 pages is unacceptable. I quote your response from 5/21/20 on our request for extension:

> Per CEQA Guidelines Section 15105, the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances (emphasis added). While we agree that these are unprecedented times (emphasis added) as indicated in the Notice of Completion and Availability (NOA) for the Hollywood Center Project Draft EIR, the Draft EIR, the documents referenced in the Draft EIR, and the whole of the case file, are available for public review on our website at the following location: https://planning.lacity.org/developmentservices/eir/hollywood-center-project-1.

It is nonsensical to state that these are unprecedented time, yet a sentence earlier state that the period could be extended under unusual circumstances. Is this pandemic not sufficiently unusual, or are you expecting a worse one?

2-**This discriminates against residents who do not have a computer.** Forcing Angelenos to have access to a computer in order to file a comment is wrong.

Response to Comment No. ORG 37B-2

The comment expresses that the 47-day review period and on-line availability discriminated against reviewers without access to a computer. Please refer to Topical Response No. 1 – Public Participation and Review, regarding CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR. Note that during the public review period, CD-ROM (or USB drive) copies of the Draft EIR (including Appendix G-1) were available for delivery to interested parties upon request. In fact, one individual requested a hard copy and digital USB copy of the Draft EIR during the Draft EIR comment period, for whom legible copies were provided by the City. Further, as a last resort, a hard copy of the complete Draft EIR was also made available for viewing at the Department of City Planning, which was open to the public requesting access by appointment.

Comment No. ORG 37B-3

2 *[sic]* -**The draft EIR is deeply flawed**, as outlined in the response sent to you earlier by our Homeowner's Association. The EIR did not take into account the impact on our building, inter alia:

-impact to the only ingress/egress to our 96 unit building. This is safety hazard.

-impact on the scramble crosswalk and on the Heart of Hollywood project.

-impact on our building as a historical resource.

Furthermore, concluding that a project of this magnitude will not affect the VMT is ludicrous on its face.

Response to Comment No. ORG 37B-3

This comment reiterates opposition to the Project raised in Comment Letter No. ORG 37A. Refer to Response to Comment Nos. ORG 37A-3 to ORG 37A-7.

Comment No. ORG 37B-4

3-**This project is egregiously incongruous and out of scale for the neighborhood.** It is better suited for downtown. A 46-story building will dwarf the Capitol Records building and will block our view of the Hollywood Hills. I am not opposed to development but the magnitude of this project is simply outrageous.

Response to Comment No. ORG 37B-4

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. The size and scale of the Project is a visual character issue, in which a development project has the potential to effect the visual character of the surrounding community. While visual character is of interest to the public, CEQA Guidelines Appendix G does not provide a threshold related to visual character for

development projects located within urban areas. Therefore, this issue is not evaluated in the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Comment No. ORG 37B-5

4- **The project will decrease the value of my home.**

Response to Comment No. ORG 37B-5

The comment states that the Project will decrease the value of the commenter's residence. As stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. ORG 37B-6

5- **The project will affect trips to and from the Hollywood Bowl.**

Response to Comment No. ORG 37B-6

The comment asserts the Project will affect trips to the Hollywood Bowl. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a TA approved by LADOT and included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts.

More specifically regarding traffic effects related to the Hollywood Bowl, Highland Avenue and Franklin Avenue are the primary access routes to the Hollywood Bowl. The intersections analyzed in the TA in Appendix N-1 of the Draft EIR were selected based on guidance from the City's adopted Transportation Assessment Guidelines (TAG) that were followed for this analysis. The TAG section describing the scope of analysis states the following:

Study locations should be determined in consultation with LADOT and should include:

- All primary project driveways
- At a minimum, intersections at either end of the block(s) on which the project is located or up to 600 feet from the primary project driveway(s), whichever is closer
- Unsignalized intersections that are adjacent to the project or that are expected to be integral to the project's site access and circulation plan
- All signalized intersection in proximity to the project to where 100 or more net new peak hour trips would be added by the project

Applying the criteria above resulted in the identification of the nine intersections illustrated on Figure 6 of the TA and discussed and analyzed in the main body of the TA. None of the required study intersections are along Highland Avenue or Franklin Avenue in the vicinity of the Hollywood Bowl (the westernmost study intersection was the intersection of Cahuenga Boulevard and Hollywood Boulevard). The Cahuenga Boulevard/Hollywood Boulevard intersection was identified in this analysis as operating at LOS F, with the Project adding trips to this location. As Cahuenga Boulevard is a route to the Hollywood Bowl, the Project could affect trips to the Hollywood Bowl. However, as discussed in Topical Response No. 2 – Transportation and Traffic, intersection level of service (LOS) is no longer the CEQA significance metric for transportation impacts.

Comment No. ORG 37B-7

7 *[sic]* -**We are under lockdown, under curfew and the National Guard has been activated in the City**. Under these circumstances, granting an extension is imperative.

Your immediate response to this matter is appreciated

Response to Comment No. ORG 37B-7

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment No. ORG 37B-8

The Broadway Hollywood Building Homeowners Association opposes this project as it is proposed.

This comment letter supplements our prior submission and includes a copy of the Draft Environmental Impact Report (DEIR) transportation and traffic analysis submitted by experienced traffic engineering professional, Tom Brohard, PE. We agree with his DEIR project traffic analysis and summary that additional study, evaluation, and findings disclosure to the public is required. This analysis must be completed in advance of project approval for the Lead Agency to comply with CEQA's intent to evaluate the project's environmental impacts.

In addition, his analysis supports our general comment that The Hollywood Center (The Project) as proposed would result in significant irreversible direct and indirect transportation and traffic impacts for the Broadway Hollywood Building and its occupants located at the corner of Hollywood and Vine. After reviewing a copy of the attached May 27, 2020 Project DEIR public comment letter and analysis completed by a career California City engineer with 50 years of planning experience, below are the key impact

issues that the Broadway Hollywood Building asks the City as the Lead Agency to specifically address:

1) Hollywood/Vine traffic impacts have not been properly studied and specific existing conditions that will potentially significantly impact or block cross streets, alleys, and ingress/egress to the Broadway Hollywood Building one and only vehicle entrance. Increased vehicle and pedestrian activity need to be studied, measured, and monitored for impacts and cumulative impacts that will put an undue burden, with obvious safety issues, on the 96 unit owners, including a commercial restaurant located at the street level. Should findings after study show that there is a significant impact in blockage, it could be a type of city "taking" of access to our building.

Response to Comment No. ORG 37B-8

This comment reiterates opposition to the Project as raised in Comment Letter Nos. ORG 37A and 37B. This comment also references a transportation and traffic analysis submitted by Tom Brohard, PE. Responses to this attachment are provided in Response to Comment Nos. IND 8I-74 to 8I-78.

Specifically, as it relates to traffic impacts at Hollywood Boulevard and Vine Street, while an analysis of intersection LOS was provided in Appendix N-1, this analysis was for informational purposes and is considered a non-CEQA issue. Furthermore, see Topical Response No. 2 – Transportation and Traffic. As discussed therein, the City of Los Angeles' current applicable significance criterion uses VMT as the CEQA-required transportation impact metric in the City's TAG adopted in July 2019 and is required by State law per CEQA Guidelines Section 15064.3(c) and, therefore, no longer relies on LOS. As such, no further response is warranted.

Comment No. ORG 37B-9

2) The analysis concludes that the Transportation Demand Management plan should be required and reviewed PRIOR to the issuance of ANY permits in order to take credits for a program. This is a key issue for our specific concerns. There may not be a TDM that will remedy the blockage of the only vehicle entrance to our building. This may result in a "no project" alternative if significant enough. This analysis should include cumulative impacts that include the recent 2020 "Hollywood Walk of Fame Concept Plan" and the newly installed "scramble" crosswalks at both Hollywood and Vine and Hollywood and Highland. All planning conflicts and contradictions including but not limited to the items outlined in the May 27, 2020 Tom Brohard and Associates letter for vehicle and pedestrian traffic should be resolved prior to any credits are taken and project permits approved by the City.

Response to Comment No. ORG 37B-9

This comment suggests that the Transportation Demand Management (TDM) Program should be required and reviewed prior to issuance of any permits. The TDM Program, as

required by Project Design Feature TRAF-PDF-1 and provided in Section IV.L, *Transportation*, of the Draft EIR, would be reviewed prior to the issuance of the Certificate of Occupancy as the TDM Program would affect operational traffic and not construction traffic. For further discussion, refer to Response to Comment Nos. IND 8I-74 to 8I-78.

Comment No. ORG 37B-10

The Broadway Hollywood Building owners and occupants will be significantly impacted without a TDM plans *[sic]* drafted that include quantified and validated neighborhood traffic management measures that are identified, mitigated and agreed upon with the building's input BEFORE the project is approved and any project permits are issued.

Response to Comment No. ORG 37B-10

See Response to Comment No. ORG 38B-9 regarding the TDM Program.

Comment No. ORG 37B-11

Attachment: Tom Brohard and Associates, Hollywood Center Project – Draft Environmental Impact Report – Transportation and Traffic Issues, May 28, 2020.

Response to Comment No. ORG 37B-11

Responses to this attachment are provided in Response to Comment Nos. IND 8I-74 to 8I-78.

Comment Letter No. ORG 38

Sister Renee LaPan (ORG 38A)
Douglas Overton Blue (ORG 38B)
Vedanta Society of Southern California
1946 Vedanta Place
Hollywood, CA 90068
Received May 30, 2020 (ORG 38A)
Received May 31, 2020 (ORG 38B)

Comment No. ORG 38A-1

I am writing to you on behalf of the Vedanta Society of Southern California in accord with the California Environmental Quality Act.

Our temple is situated almost exactly across the 101 Fwy from the project. We have been here for about 90 years and we also own several rental properties closeby.

Response to Comment No. ORG 38A-1

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 38A-2

Our congregation consists largely of professional Asians of Indian ancestry. They reside mostly south of us in places like Cerritos, Torrance and Rancho Palos Verdes. Consequently they must travel to get to us. So how will **traffic** be handled during that extensive period of construction? And after construction, how much more congestion will there be on the streets?

Response to Comment No. ORG 38A-2

The comment questions the Project's potential to cause traffic impacts. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

In regard to handling of traffic during construction, pages IV.L-28 though IV.L-29 Section IV.L, *Transportation,* of the Draft EIR describe Project Design Features TRAF-PDF-2 and TRAF-PDF-3, which require the implementation of a detailed Construction Traffic Management Plan and Construction Worker Parking Plan. In regard to traffic congestion after construction, based on the location of the Vedanta Society of Southern California on

Vedanta Terrace north of US-101, the primary access routes to the location would be the Argyle Avenue/Franklin Avenue and Ivar Avenue/Franklin Avenue intersections.

As discussed in Topical Response No. 2 – Transportation and Traffic, intersection level of service (LOS) is no longer the CEQA significance metric for transportation impacts. The intersections analyzed in the TA in Appendix N-1 of the Draft EIR were selected based on guidance from the City's adopted Transportation Assessment Guidelines (TAG) that were followed for this analysis; intersections along Franklin Avenue were not required to be analyzed.

However, the Project analysis provided additional informational analysis at nine locations to conduct quantitative operational analysis for a total of 68 intersections in Appendix I of the TA. The Argyle Avenue/Franklin Avenue intersection was identified in this analysis as operating at LOS F. This analysis was not required, and, therefore, no conclusion regarding operational impacts was drawn.

Comment No. ORG 38A-3

Secondly, our temple struggles to handle the normal air pollution generated from the freeway. This construction project will likely create a lot more **particulate and non-particulate contaminants**, some of which may be carcinogenic. How will you help us mitigate this increased particulate and possibly toxic load so that we can protect our congregants when they come here for services?

Response to Comment No. ORG 38A-3

Regarding air pollution, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation. The prescribed mitigation, which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

As it relates to toxic air contaminants (TACs), a quantified construction Health Risk Assessment (HRA) was performed. As discussed on pages IV.B-70 and IV.B-71 of Section IV.B, *Air Quality*, of the Draft EIR, the findings of the HRA show that the Project, with incorporation of Mitigation Measure AQtr1, would result in cancer risk below 10 in one million for the maximum impacted air quality-sensitive receptors, which would be located directly adjacent to the Project Site. Other receptors, including the temple located across US-101 from the Project Site, would result in lower air pollutant health risk impacts from the Project due to atmospheric dispersion effects. The results of the refined AERMOD dispersion modeling provides further substantial evidence that TAC emissions

from construction activities would not expose sensitive receptors to substantial TAC concentrations.

Comment No. ORG 38A-4

Third, will **homeless** people be pushed further up into the Dell by all the construction disruption?

Response to Comment No. ORG 38A-4

The comment expresses concern about the potential for the Project to cause homeless people to move into the Dell. As stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. ORG 38A-5

Finally, although not completely, what about the **noise level** and the times of day that noise will disrupt our routines? Although the freeway and Franklin Ave separates our properties, it is still quite close. For example, our meditation periods are in the morning until 7:30 AM and again in the evening it ends approximately at 7 PM, but that is followed (at least 3 days/wk) by classes that go until beyond 8:30 PM. Will meditators have quiet times and will our speakers have to compete with noise from the project in order to be heard?

We also have Sunday lectures at 11 AM. **Will construction be going on 24/7?** You may verify our weekly schedule on vedanta.org.

I am a member of the convent which is located at 2027 Vine St. This building sits higher up on the hill, only a block away from the temple. Due to our higher elevation, noise always impacts us more than at the temple.

Response to Comment No. ORG 38A-5

This comment provides concerns about noise during construction of the Project. Noise impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the *Construction Noise and Vibration Impact Study* and the *Off-Site Construction, and On-Site and Off-Site Operational Noise Technical Appendix*, both included in Appendix K of the Draft EIR. The analysis in Section IV.I, *Noise*, of the Draft EIR, concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses (none at 2027 Vine Street); however, it should be noted that these impacts would be temporary and noise levels reduce with distance. See also Topical Response No. 7 – Noise and Vibration, above. With regard to construction hours, Chapter II, *Project Description*, states that construction activities would occur Monday through Saturday from 7:00 A.M. to 3:00 P.M., consistent with City requirements

regarding allowable construction hours. Project construction would not occur on Sunday. Therefore, Project construction would not occur 24 hours per day, seven days per week. While there may be 30 minutes of overlap in time of Project construction during the morning hours with the mediation period of the temple, which the commenter states as lasting until 7:30 a.m., as discussed in Topical Response No. 7 – Noise and Vibration, above, Project construction would not result in noise impacts north of US-101. Therefore, Project construction would not interfere with the temple meditation period during the morning construction.

Comment No. ORG 38A-6

You may respond to me at the above email.

Response to Comment No. ORG 38A-6

This comment refers to the commenter's contact information. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 38B-1

I represent and speak on behalf of the Vedanta Society of Southern California of Southern California and the residents of the various properties which comprise our religious community. We maintain and own these properties and sustain the well being, safety, and health of the people who live here on some portion of 2 blocks, right across from the Capitol Record building, on the north side of the Freeway (101.) *[sic]*

[The remainder of Comment No. ORG 38B-1 provides a list of addresses and properties as referenced within the comment. This list of addresses can be found in the original comment letter in Appendix A in this Final EIR.]

Response to Comment No. ORG 38B-1

This comment provides an introduction to the commenter's organization, Vedanta Society of Southern California. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 38B-2

We have many dimensional questions about the buildings proposed in this project case.

1) Has to do with the whole geological foundation, with the extreme risks associated with this proposal.

It does not take a rocket scientist (and I have studied geology under one of the leading scientists of his day, the textbook writer, who, incidentally taught David McCullough, author of *John Adams*, et al.) -- to realize that the extremely steep incline of Vine Street

at Yucca, the site of the heart of the construction, is the product of an earthquake fault. The senior geologist expert for the Hollywood fault systems used to bring his students over to show them what a fault looks like. 5 feet one side or the other, especially with maps that were alleged to have been doctored, does not make a difference. Would anyone want to build an enormous building 5 feet, or 50 feet from the epicenter of the San Francisco earthquake of 1906? I happen to know quite a bit about the epicenter of that quake in Olema, California. We happen to own the property, across from the Epicenter Cafe. We have no plans to build any structure of any such irrational size on that property, which is surrounded by national forest.

Imagine the impropriety of such an idea!

This is actually what lies at the base of the whole thing. Who would think of such a thing? This is a dangerously defective plan. And only a corporation headquartered thousands of miles away, based only on "take the money and run," would even *think* of such an idea.

What about the Residents? Ask them. Their opposition is 100%.

In an earlier incarnation of this ill-begotten, and ultimately ill-fated scheme, the proposal was two buildings, one 55 stories and one 50 stories high. Within feet of each other, flanking the Capitol Records building, one of Hollywood's architectural icons. Despite and contrary to everything they said, "Goodbye, Capitol Records." No more blue sky, and architectural feature of Los Angeles, no more stand out, no more honoring one of the grand features of Hollywood, its foundational relation to music.

At the time, I was pointing out that if you stood one on top of the other they would have reached one floor higher than the Empire State (104.)

This is madness.

And this, and this in the same block as the heart of the capital of the Motion Picture industry in the second largest city in America

Hollywood & Vine

Have you asked the Residents?

No, this is a direct question. Have you any idea -- *any idea* -- as to how opposed they are? No one wants it, even in its current modified, and somewhat more insidious form. It is, furthermore, unwelcome.

Unanimously

How can you, in good conscience proceed without polling the delegation, and giving us some statistics on the survey?

And before you turn away, consider this

When builders wanted to build in the air space above Grand Central Station, a personal friend of mine, Donald Elliott, the Building and Safety head in the legendary John Lindsay era, said, "It is the wrong building, in the wrong place, at the wrong time."

And stopped it.

Our highly qualified lawyer, Robert Silverstein, who won our case when they tried this before, said, "You are building a coffin."

I see no signs of sufficient erosion of the uplift and tortion of the Yucca and Vine fault zone to qualify for extending the time zone of the last earthquake to declassify it as active. The Yucca fault is fresh.

We have no reason to trust investigations which proceed from this company, even to agreeing to "independent" outside research, by anyone but the government, to justify a change from active and relatively surface -- to not "much older" and "much deeper." Much.

That means a people sponsored review.

(State of California)

In the light of new studies which have taken place, since the Millenium *[sic]* people's earlier doleful effort, which itself has the sound of a knell to it, it seems that Los Angeles and Hollywood within it especially has a fabric of earthquake lines, dangerous ones, that must be taken into account.

Higher up and more recent. (Have you heard of one beyond Palm Springs in the desert, heading straight for Hollywood, with unimaginable damage?)

Have these studies in, say, the past 3 years been analyzed and applied to this case?

We want to see the published results.

2) The second aspect of the geological foundation is this.

We have been given to understand that the north side of Vedanta Terrace, a short, one block "barrier" to the hillside above (we are at the base of the Hollywood Hills,) and totally bounded, contained by our property, is basically rock or rocky, fairly impervious to shaking during an earthquake (excepting "hillside creep" or slide.)

However, the south side of Vedanta Terrace, still completely contained by our property, is a completely different kind of soil, more porous and unstable.

This is supposed, then, to extend all the way down into the flatland of Hollywood.

QUESTION: Do we have and may we have, we now request, as part of the ongoing and by no means sufficient Environmental Impact Survey, a relative percentage of the usual

components of soil, sand, silt and clay -- the so-called triangle of soil -- in the land under the "proposed" project?

Is it, in effect, subject to liquefaction during an earthquake? Or, even, significant displacement and foundational instability for buildings?

We don't want this to be the postponed epitaph for anyone associated with this, especially the outside company which we feel, frankly, is motivated by greed.

This letter, probably, should be posted near the elevators in the lobby, along with their licenses, as a reminder of the builders' liability.

This subject is brought up, because of a recent case of some years' enduring, here at Sunset and Vine.

On the southeast corner, is a handsome building, encased in green glass instead of "walls," in a modern nod to art deco. The name is the SUNSET VINE TOWER. Some few years back, it was shut down. For a long time.

Years. It was leaning. Water problems. The owners thought the city should fix it. The city figured it the other way 'round.

The problem was resolved eventually. And our candidate to rival Pisa was relegated to history.

I found out, finally, what happened. I was told water undermined the "foundations." The building did indeed lean. The cause, however, both "stories" were true, water was leaking into the "light soil," a technical term, into the ground and unmoored it. 1480 Vine (Two blocks from the "project.")

The present building is 20 stories high. That is the limit of proportion and scale for Hollywood. For the foreseeable future, anything more is "the wrong building, in the wrong place, at the wrong time."

Is anyone going to see it from our point of view? All of us.

Please, stand with us, the residents, at Hollywood and Vine -- I was just there -- and imagine one of the proposed buildings, say, towering into the sky.

It is a MONSTROSITY

Response to Comment No. ORG 38B-2

1. Geological Foundation: The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault) and other potential geologic hazards (i.e. liquefaction and foundational instability). Impacts regarding the Hollywood Fault and geologic hazards were analyzed in

Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D, *Geology and Soils,* concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above. With regard to the commenter's question regarding the composition of the soil underlying the Project Site, pages IV.D-12 through IV.D-13 provide a detailed description of the subsurface conditions under the Project Site and were considered as part of the geotechnical analyses conducted for the Project.

2. The comment makes reference to an earlier incarnation and proposal, which is a different project that was previously proposed at the same Project Site. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for an earlier incarnation and proposal.

3. Size and Scale: The comment expresses opposition to the Project based on its size and scale. As discussed above, size and scale are visual character impacts. Under the CEQA Guidelines, visual character for development projects within an urban area is not required to be evaluated in a Draft EIR. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, the size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

4. Public Engagement: The comment expresses that the residents are opposed to the Project and asserts that public opinion on the Project was not surveyed but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. The Draft EIR's public comment period was conducted in compliance with the statutory requirements, including, but not limited to, PRC Section 21091 and CEQA Guidelines Sections 15087, 15105, and 15205. For more details on public participation, see Topical Response No. 1 – Public Participation and Review, above.

5. Yucca and Vine Fault Zone: This comment refers to a Yucca and Vine fault zone (assumed to be referencing the Hollywood Fault), which is within the area of the Project Site. The commenter provides no information or data regarding the recency of fault movement beneath the Project Site or its alleged "erosion and tortion" at the Project Site. As discussed in further detail below, it was determined that the Project Site has no history of recent fault rupture in the last at least 30,000 years. As such, no further response is warranted.

6. Investigations: The comment asserts that the investigations cannot be trusted. The Draft EIR technical support documents prepared by Group Delta Consultants (2015 and 2019) for the evaluation of surface fault rupture hazard at the Project Site remain the most relevant data pertaining to the recency of faulting below the Project Site, according to the current California Geological Survey (CGS) Special Publication 42 (*Earthquake Fault Zones, A Guide for Government Agencies, Property Owners / Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California*, 2018) and Los Angeles Department of Building and Safety (LADBS) P/BC 2020-129 (*Surface Fault Rupture Hazard Investigations*, January 1, 2020). The CGS and LABDS publications are the standard of practice in investigating the hazard of surface fault rupture. Furthermore, the fault investigations at the Project Site presented in the Draft EIR technical documents prepared by Group Delta Consultants (2015 and 2019) were performed with full transparency and witnessed by the CGS and City reviewing officials. All parties are well-respected professionals, considered experts in fault studies in Southern California. It is with cooperation with the regulatory officials and fault study experts that the Project Site was determined to have a history of no recent fault rupture in the last at least 30,000 years.

7. Palm Springs: The commenter alleges that an unnamed fault beyond Palm Springs is extending toward the Project Site. However, the commenter does not provide any information or data in support of this mentioned fault. In addition, similar to the previously discussed Metro B (Red) Line project and its associated fault studies, information and data for faults located around Palm Springs would be too far from the Project Site to provide useful information as to the conditions at the Project Site. As such no further response is warranted.

8. Sunset Vine Tower: The comment also mentions a prior development at Sunset Boulevard and Vine Street, the Sunset Vine Tower, which was damaged and remained vacant from 2001 to 2009. There is no record that the Sunset Vine Tower was abandoned because it was leaning. The original office building was renovated to apartments, and the building is currently occupied. Any building has the potential for accidental damage, although careful oversight during construction and adherence to the Los Angeles Building Code would reduce potential damage. Note that the Los Angeles Building Code has been the most stringent in the State regarding seismic loading and other regulations pertinent to the Project Site.

Comment No. ORG 38B-3

3) Which leads us to a third point.

Overcrowding. It is our view that one can only walk near Hollywood and Vine between 10 a.m. and 2:30.

If one wished to go shopping, one is likely to feel one has to take a car -- and then parking is (?), a major concern.

At night, the Pantages, featuring popular Broadway shows, is teeming with people on the street at just the location we are considering. And all the available parking spaces, just like the Hollywood Bowl, will be taken -- to avoid parking fees.

This sort of thing has serious, even dreadful consequences. Our friends on Argyle, one block east, have no parking too much of the time. Women have had to park blocks from their home, if they can find space, and can be accosted or worse.

The Castle Argyle (at 1919 Argyle Avenue), our neighbor one block east, is a center of communication, election precinct, etc. over the years. They have sent out an intensive appeal for help.

What seriously have you done to alleviate this? No, realistically, how will 1000 extra inhabitants, with guests, be a part of the solution? The answer is, they will not.

What is already a glut, will become unbearable. OVERBURDENED.

The ground problem is that these units are expected to be high scale in rent. With pigeon crumbs for a few "affordable housing" places, as few as possible.

It is not that we do not need housing in Hollywood. Just not here. And not this kind. Young couples who may work here, cannot live here. Because the rents are obsessively high. The people have the right to design the kinds of housing space they like to live in. They have the right to design their cities. We must provide laws to ensure this.

The unconscionable extreme rents, actually lead to a deficit in available housing. Two facilities near the proposed "site" for unneeded and **really unwanted** counter-productive units, 1000 of them, are a case in point.

One, the Emory, at 1800 Yucca is a recently finished building of unprepossessing design and seemingly shoddy, or at least cheap construction. Yesterday, May 29, 2020, we were informed 1 guest was in the hotel during the month of May. The other, across the street on the same block as questioned in the project case we are considering, Argyle House, at 1755 Argyle, of much more beautiful design and build, was approved by the Hollywood Dell Association, with appropriate application and size. Nevertheless, it is 70% vacant. And the reason, again, is. Rents.

Response to Comment No. ORG 38B-3

The comment expresses concerns regarding overcrowded conditions in Hollywood. This comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

The comment also expresses opposition to the Project based on impacts related to parking. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project.

Furthermore, as the Project Site is located within a TPA, parking impacts would not be considered significant under CEQA.

With regard to affordable housing, the Project's proposed residential uses would include 1,005 residential housing units comprised of 872 market-rate and 133 senior affordable housing units. The senior affordable units would be set aside for Extremely Low and/or Very Low Income households. The comment acknowledges that Hollywood needs housing but indicates "just not here" and suggests that the Project would provide high cost housing that is not needed or in demand. This comment is noted; however, as this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 38B-4

5) A closely related problem to overcrowding is Sound.

We are here dedicated to silent meditation. It is the heart and soul of our spiritual path, one which has room for endearment of all other great rivers of faith. And for one reason, they have all produced illumined souls.

Aside from the Hollywood Bowl, in the summer, which is creating decible- *[sic]* dinning (literally deafening for musicians) sound, especially percussion with its methodical boom and thump of mindless rhythm, we have a local competitor.

Just across the street from the proposed people opposed site, is the AMDA College of the Performing Arts, 6305 Yucca Street. When they wind up we cannot tell whether it is the Hollywood Bowl. Sound travels far. Except that it is much louder. Perhaps they also play outdoors. But it is, at-the-least, obtrusive.

May we be permitted to be wary of roof top and front window parties from the 1000 newcomers?

Response to Comment No. ORG 38B-4

The comment expresses opposition to the Project based on noise generated on the Project Site. Noise impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the *On-Site and Off-Site Operational Noise Technical Appendix*, included in Appendix K-2 of the Draft EIR. The analysis in Section IV.I, *Noise*, of the Draft EIR concluded that during Project operation, noise impacts would be less than significant. As part of the noise analysis, an assessment of noise from all outdoor spaces was provided on the Draft EIR on pages IV.I-49 to IV.I-51. As analyzed therein, none of the outdoor spaces, including the West Site Plaza; Amenity Deck (Level 2), West Site; Amenity Terrace (Level 2), West Senior Building; Rooftop Terrace, West Senior Building; East Site Plaza, Lounge and Garden; East Site Plaza, Performance Stage; Amenity Deck (Level 2), East Site; and Rooftop Terrace, East Senior Building, would increase ambient noise levels greater than 5 dBA, and Project impacts would be less than significant.

See also Topical Response No. 7 – Noise and Vibration, above.

Comment No. ORG 38B-5

6) This brings us to the final point. "Without vision a nation perishes."

As we were walking to collect addresses of neighboring buildings on the same street as the irrational proposed structures: in size, price, destabilizing effect on the community in innumerable ways, we had occasion to pass an encampment of the homeless underneath the freeway. They had recently put up a long plastic sheet against the fence, and could be heard having a regular conversation of people in their "tent city."

It is a moral outrage that we are condemning them to a life without running water or toilet facilitites *[sic]*, in a pandemic situation, to a life below the means of a life worth living. Have we truly descended into a third world country?

Are we willing to accept this? I say NO.

It is really beyond the pale of comprehension, that we are considering this MONSTROSITY to this inconsidered *[sic]* whim of the rich, who are not considering providing good, meaningful, reasonable housing for the people. Something we the people of Hollywood, do not want. Defiantly do not want. In our residential place of home. For no other reason, on the part of the promoters, than to "line their pockets."

In Mayor Tom Bradley's epic 16 years, at the very beginning, he offered a vision, a plan, for the remodelling of Hollywood Boulevard west of Hollywood and Vine. Phiidias would be rolling in his grave. This pre-emminent architect in Pericles' "glory that was Greece," in Athens created a symmetry and an inspiration which has not been exceeded until our own day.

Hollywood Boulevard has become a Coney Island of T-shirts and electronics and souvenirs (including license plates.) "Nothing over $5" scream the moving signs. Is this really what we want as our legacy and that of our beloved Mayor Eric Garcetti?

Hollywood & Vine, the scene of this potential disaster, has (unfortunately) become a pit of architecture. What we have delineated here is not abstract. It is a cry from the heart, a dream, which will not die. Of what Hollywood can become, of what it has been, and what it yet can be. Some of our people have been here for 75 years. It was a town of bookstores, where Aldous Huxley would move the book sideways, instead of his head, a smaller town where even the stores were stage sets in a drama of which we all were part.

On Vine Street, at the northwest corner, is a house, unscreened for impact or beauty, built not that long ago. And called the Redbury. It looked like an old Railway Express Agency warehouse. Painted the color of venous (from the veins) blood, a dull dark purple red. Fortunately it has been repainted, and probably sold. But the hue is battleship gray. Equally depressing. This is the heart of our capital city. Hollywood, the destination of

dreams -- including mine. The same street we are contemplating something that will as surely destroy Hollywood as the earthquake we are trying to defend against.

Fie!

There is an empty corner lot, currently. If we need laws to protect and define, implement the will of the people -- pass them. Give our mayor the scope, the will and the power to give substance to the dream and reclaim, reinvent Hollywood.

Give us a beautiful building on the corner of Hollywood & Vine proportional, shapely -- consonant with who we are and who we want to be.

Response to Comment No. ORG 38B-5

The comment expresses general opposition to the Project and provides opinions on the state of the community related to homelessness. Although a serious societal issue, homelessness expressed in the comment is not related to the Project or would be exacerbated by the Project. In addition, as stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment Letter No. ORG 39

Tom Davila, President
Outpost Neighborhood Association
Received May 31, 2020

Comment No. ORG 39-1

As President of the Outpost Neighborhood Association representing over 400 homeowners, I'm writing to express our strong concerns over the lack of time we have been allowed to publicly review and provide comments about the Hollywood Center project.

We stand with the Hillside Foundation that all parties have not had sufficient time to review such a lengthy 12,400 page document, especially in lieu of a major health pandemic that has affected all of our lives for the past 3 months. We feel the pandemic constitutes unusual circumstances.

We need more than 45 days to present our concerns. In fact, in the past, we have been given a longer period of time to review other matters, including the Citywide Sidewalk DEIR, and that was not during a pandemic or "unusual circumstances".

Response to Comment No. ORG 39-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. ORG 39-2

We are also concerned that traffic studies that were performed did not take in *[sic]* account the current and ongoing traffic issues during Hollywood Bowl and Hollywood Boulevard events.

Response to Comment No. ORG 39-2

The comment expresses concern that the transportation analysis provided in the Draft EIR did not take into account traffic issues during Hollywood Bowl and Hollywood Boulevard events. These event scenarios are not required to be analyzed as part of the CEQA traffic analysis in the Draft EIR, as new metrics for evaluating transportation impacts under CEQA no longer focus on measuring automobile delay and level of service (LOS) but on VMT as the primary metric for evaluating a project's impacts on the environment in order to promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal networks, and access to diverse land uses. Although event-related traffic scenarios at the Hollywood Bowl or other venue-related events were not

required by LADOT as a project traffic scenario to be evaluated as part of the non-CEQA analysis, as discussed on page IV.L-2 of the Draft EIR, an analysis was conducted as a subset of study intersection locations for informational purposes for an event scenario which assessed full closure of Hollywood Boulevard between Orange Drive and Highland Park. As this is a non-CEQA analysis, no impact determinations were required in the Draft EIR. Project effects at the analyzed study intersections under this scenario were not materially different than for the basic without closure analysis, and conditions at intersections along Hollywood Boulevard in the vicinity of the Project were improved over base conditions without a Hollywood Boulevard closure since lower volumes were traveling on Hollywood Boulevard. The Hollywood Boulevard closure was analyzed since five of the nine intersections analyzed in the non-CEQA component of the Transportation Assessment (TA), which is provided in Appendix N-1 of the Draft EIR, are along Hollywood Boulevard and the Hollywood Boulevard closures are typically for 24 hours per day across more than one day. An analysis was not conducted of conditions on days when there is an event at the Hollywood Bowl since the primary access routes to the Hollywood Bowl are Highland Avenue and Franklin Avenue, analysis of intersections along Highland Avenue and Franklin Avenue were not required in accordance with requirements of the City's TAG, and the primary periods of substantial Hollywood Bowl traffic are during the evening and weekend hours. Topical Response No. 2 – Transportation and Traffic, above.

Comment No. ORG 39-3

We urge you to take the appropriate action to provide us an appropriate amount of time for concerned parties who would be directly impacted by the Hollywood Center project to make meaningful public comments and be heard.

Response to Comment No. ORG 39-3

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment Letter No. ORG 40

David Benz, President
Kristina O'Neil, Vice President
Marina Palmier, Treasurer
Andrea Corrigan, Secretary
Lake Hollywood Homeowners Association (LHHA)
Received May 31, 2020

Comment No. ORG 40-1

We hope this email finds you well. The attached letter is from the Board of Directors representing **Lake Hollywood Estates**. A community that is located in the Hollywood Hills only a couple of miles from the proposed Hollywood Center Project site. The board attended and participated in the joint board meeting with Hollywood United Neighborhood Council and Planning and Land Use Management Committee, via Zoom, on May 28, 2020.

Joseph Mariani, Project Manager of the Hollywood Center Project, presented the attendees with an insightful look into the development and provided some great facts and history of what we can expect. However, in discussing the DEIR we have many more questions and concerns that we would like to share with the City of Los Angeles.

Our community has a vast interest in this project in that ***Lake Hollywood Park*** is directly adjacent to our community and is mentioned several times within this DEIR. Please, send us any additional information or correspondence as this project progresses.

Response to Comment No. ORG 40-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 40-2 to 40-6.

Comment No. ORG 40-2

I'm the president of Lake Hollywood HOA. I'm writing you this letter as a private citizen with some specific suggestions *[sic]* Hollywood Center, since my neighborhood park Lake Hollywood Park is mentioned more than once in the DEIR, and we are inundated with visitors to the point that that my neighborhood's safety is threatened; plus, all the new Hollywood Center residents will add another potential 1000-2000 new park users, with their vehicles which our neighborhood cannot handle – during peak season, we're already inundated to the point of a serious threat to our lives! In order to mitigate the increased number of visitors from residents of Hollywood Center that come to use Lake Hollywood Park, I'm requesting that the developer provide these concessions:

Response to Comment No. ORG 40-2

The commenter provides an overview of her observations of the existing conditions at the Lake Hollywood Park, as well as introduction to suggestions to mitigate the Project's

impact to Lake Hollywood Park, but does not raise any specific issues regarding the content and adequacy of the Draft EIR.

Impacts to park facilities, including Lake Hollywood Park, were analyzed in Section IV.K.4, *Parks and Recreation*, of the Draft EIR. As analyzed in Section IV.K.4, construction and operation of the Project would result in less-than-significant impacts to parks and recreation facilities. Operation of the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be fully accelerated. While the Project would result in an increase in the use of area public parks and recreational facilities, it is expected that Project resident use would be distributed across a number of the available recreational sites and facilities depending on the different amenities offered at each location, such that the impacts on any single location are likely to be relatively minor. In addition, as shown in Table IV.K.4-2 on page IV.K.4-21 in Section IV.K.4, *Parks and Recreation*, of the Draft EIR, the Project would exceed the total amount of open space that is required on both the West Site and the East Site and, therefore, exceed requirements for the Project as a whole (by 46,407 square feet). It is anticipated that most Project residents, as well as Project employees, would use on-site recreational amenities (e.g., pool decks, fitness areas, and residential decks) and open space (e.g., plazas, the paseo, terraces, patios, landscaped areas, etc.) more frequently than off-site public parks and recreational facilities due to convenience. In this way, the Project's provision of on-site recreational amenities and open space would reduce the use of area parks and recreational facilities by Project residents.

Moreover, through the payment of required in-lieu fees for parks and recreational facilities, the Project would be consistent with LAMC Section 12.33 parkland requirements. Therefore, demand would not cause substantial degradation of existing facilities or require a new public park.

Comment No. ORG 40-3

A. David Ryu commissioned the Dixon study at a cost to taxpayers of $120,000 to study the problems caused by visitors coming to our hillside neighborhoods to view the Hollywood sign when the infrastructure (such as narrow roads, no restrooms, no ADA, limited parking) are inadequate to handle the volume of visitors, providing distress to residents as well as tourists. The study was controversial, but the #1 idea that received uniformly positive feedback from all community stakeholders was a world class visitor center should be build *[sic]* at the penthouse level of a skyscraper in the center of Hollywood with an outstanding view of the Hollywood sign. Such a center would give tourists an excellent Hollywood sign viewing site. But also, it could provide useful information for visitors about LA's attractions, transportation, lodging etc. Tourism should again be a growth industry in LA once the crisis is behind us. The Hollywood Center, being a block away from the intersection of Hollywood and Vine and the Metro station, is a perfect location for this center. The elevator to the visitor center should be in the shopping mall, away

from the residential tower. The Burj al Khalifa (the world's tallest building) has access to its 120th floor viewing deck from inside a shopping mall, away from the office, hotel and residential elevators. David Ryu should work with Mitch O'Farrell to make this happen. This center should pay market rent and should not at all be a financial burden on the developer; in fact quite the opposite as the visitors would pass through the shopping mall and restaurants while getting to the elevator. The developer can market floors 43 – 45 as "Penthouse 1", "Penthouse 2" and "Penthouse 3". This is done in skyscrapers in New York, Hong Kong, Shanghai and other cities. If the developer intends to put in a rooftop pool for the tenants, this can still be done.

Response to Comment No. ORG 40-3

The comment suggests that one of the buildings proposed to be developed on the Project Site with a view of the Hollywood sign include a roof top visitor center. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 40-4

B. As we mentioned in our HOA's letter, our neighborhood is overrun with tourists coming to see the Hollywood sign. There are only 65 parking spaces on upper Canyon Lake Drive adjacent to the park and vista point and away from the residential neighborhood. Cars circling around narrow streets looking for a parking spot in order that the passengers can get a selfie with the sign are causing the dangerous congestion that makes us feel unsafe living here: on a peak day, it could take me 45 minutes to go by ambulance from my home to the Kaiser emergency room, if heaven forbid, I had a stroke or heart attack. I could be paralyzed for life or dead before I reach the hospital! The best proposal I've heard to limit access is to implement a reservation only parking system for these 65 parking spaces. Guests could reserve their parking for the given time slot in advance online or by app. LA implemented reservation parking when the Griffith Park Observatory was being renovated some years ago, and the Getty Museum uses one. I'd like the developer, to fund a study on how reservation only parking for our area can be implemented. This would need to be combined with a PPD for all of the residential streets of Lake Hollywood Estates.

Response to Comment No. ORG 40-4

The comment suggests that a parking reservation system be implemented for the parking spaces on upper Canyon Lake Drive and suggest the Applicant fund a study for the implementation of reservation based parking for this parking lot. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Furthermore, developing a solution to address existing issues is not the responsibility of the Applicant and is beyond the purview of CEQA. As such, no further response is warranted.

Comment No. ORG 40-5

C. The developer should cover the cost to provide attractive fencing and a self-locking gate on a timer (opening at sunrise and closing at sunset) for our neighborhood's security; in addition, the north vista, where tourists come to take selfies with the sign, should be planted with tall trees and fenced to protect the baby trees while they grow. This is an extension of a completed project that the LA Department of Recreation and Parks successfully implemented on Mulholland Highway. It will make our area a less desirable tourist destination to help limit the number of visitors.

Response to Comment No. ORG 40-5

The comment suggests that the Applicant cover the costs to provide attractive fencing and a self-locking gate for neighborhood security. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Furthermore, developing a solution to address existing issues is not the responsibility of the Applicant and is beyond the purview of CEQA. As such, no further response is warranted.

Comment No. ORG 40-6

Lake Hollywood Homeowners Association (LHHA), Board of Directors met on May 29, 2020 to discuss the **DEIR for Hollywood Center Project.** We are outraged at the city for refusing any extensions that were submitted by Neighborhood Councils, leaving them and us only 3 business days to review this lengthy document, make comments and voice our concerns. Had the DEIR and deadlines been available to us on April 16, 2020, this would have provided us ample time to have our attorneys who specialize in CEQA Law to review this document and advise us accordingly. We reserve our right to make additional comments and concerns when the final EIR is released.

As the Board of Directors representing **Lake Hollywood Estates,** a small community of 120 homes and approximately 600 residents, we have several concerns regarding this project. Our community is located directly beneath the Hollywood Sign, along-side popular hiking trails and adjacent to Lake Hollywood Park, which is mentioned and noted within the DEIR. During winter and fall months we are overwhelmed with well over 600 tourists / visitors per weekday, and over 1,000 on weekends and holidays. During our peak seasons these numbers double and sometimes triple. This project with 1005 units will impact our congestion and traffic problems substantially.

We live in a high fire hazard zone which leaves us extremely vulnerable to visitors who smoke and have no regard for the neighborhoods, parks and hillsides with considering the dry brush. We have fared through over four brushfires this year and are concerned each day about when the next one will occur. Our biggest fear is the response time for LAFD and emergency vehicles due to the overcrowded streets surrounding Lake Hollywood Park and only two points in ingress and egress to our neighborhood. These access points are surrounded by very narrow, winding and blind curved streets. In an emergency, not only will the fire department have delayed times getting into our

neighborhood, but we will not be able to get out. Additionally, this proposed project with 1005 housing units will force all emergency services, during an earthquake, to service those structures first leaving the residents of the Hollywood Hills with no relief.

Hollywood has many traffic issues and street closures on normal days; whoever, what was not noted or considered in the DEIR are the concert and theatre venues that have been part of the magic of Hollywood for decades; the Dolby Theatre, home of the Oscars, the Pantages Theatre, the palladium, Hollywood and Highland, Hollywood Bowl and Ford Theatre. The Bowl and Ford venues run all year long with seasonal schedule and an enormous number of third-party entertainers that book off season. The amount of street closures makes it extremely time consuming for residents to get home, and the addition of 1005 new housing units only increases the chaos.

The developers are suggesting that being so close to public transportation will relieve congestion as many new occupants will use this system. This is not a guarantee, especially since the COVID19 pandemic, we cannot predict how or when LA residents will feel comfortable using mass transit. Considering that these high-end units will come at a cost that typically doesn't attract the transit user.

Our board and community are reminded of the Millennium Project and why it did not move forward. It was due, in part, to the question as to whether or not the Hollywood earthquake fault line ran under the project or next to it. We are not satisfied that all the seismic concerns have been properly or independently addressed. We believe an independent geological engineer should be hired to reassess the fault line. Furthermore, the Hollywood Center Project involves extremely tall buildings, dense development and requires substantial and unusual variances which demand a greater analysis by the public.

The Hollywood Sign, the Telecommunication Towers on top of Mt. Lee that serve the entire LA region and the Lake Hollywood Dam are in seismically active zones and located within 2 miles of this proposed project. Building two enormous towers adjacent to a potentially active fault could have a devastating impact to these structures.

Lastly, we agree with the concerns that were brought up at the joint board meeting with Hollywood United Neighborhood Council (HUNC) and Planning and Land Use Management Committee (PLUM), on March 28, 2020.

We urge you to consider our concerns seriously.

Response to Comment No. ORG 40-6

The comment asserts that the Draft EIR was not made available to the commenter on April 16 and, therefore, not enough time was provided to review the document. The Draft EIR public review period began on April 16, 2020 and ended on June 1, 2020, which provided a review period that met requirements pursuant to CEQA Guidelines Section 15105(a). The public circulation period for the Draft EIR complied with the minimum 45 days required by CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State

Clearinghouse for public review by State agencies. The Draft EIR Notice of Availability was mailed out to all owners and occupants within a 500-foot radius from the Project Site. While the commenter does not reside within this radius, the Notice of Availability was also advertised in the Los Angeles Times on the first day of public review, April 16, 2020. The Draft EIR was also made available for review, a hard copy of the Draft EIR, and digital copies on CD-ROM or USB drive, were also made available to anyone who requested one, from the Department of City Planning. For additional details regarding the City's compliance with the CEQA Guidelines for the public review period, see Topical Response No. 1 – Public Participation and Review, above.

The comment expresses opposition to the Project based on overcrowding at the commenter's community, the Lake Hollywood Estates. The commenter states that the neighborhood, located beneath the Hollywood Sign, is overcrowded with tourists and visitors and that the Project would impact the community's congestion and traffic problems. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. Regarding the Project's potential to impact access to the Lake Hollywood Estates, access to the neighborhood is primarily off of Cahuenga Boulevard and Cahuenga Boulevard East, both sides of which can either be accessed off of US-101 and Mulholland Drive. These access points are located much further north than the Project Site and were, therefore, outside of the scope of the TA non-CEQA analysis of intersections due to the expectation that the limited effects on traffic at such remote locations did not warrant evaluation. In regard to increases in traffic in more proximate hillside areas, as part of the non-CEQA analysis in the TA conducted in accordance with the City's TAG, the TA evaluated the potential for the Project to create excessive burdens on the residential street segments of Argyle Avenue, Vista Del Mar Avenue, and Carmen Avenue north of Franklin Avenue. With application of the City's evaluation criteria for residential streets, none of these streets were determined to be excessively burdened by the addition of Project traffic (see pages 109 through 127 of the TA). Furthermore, as further described in Topical Response No. 2 – Transportation and Traffic, above, new metrics for evaluating transportation impacts under CEQA no longer focus on measuring automobile delay and level of service (LOS) but on VMT as the primary metric for evaluating a project's impacts on the environment. As stated on page IV.L-43, in Section IV.L, *Transportation*, of the Draft EIR, the Project would be below applicable significance thresholds and would have a less-than-significant VMT impact.

In regard to emergency response, the commenter notes concern regarding current issues with congested streets and the ability of LAFD to access the community during a fire or other emergency. The first call station for the Lake Hollywood Estates neighborhood is LAFD Station No. 76. LAFD Station No. 76 is designated as serving the Lake Hollywood area. Located at 3111 North Cahuenga Boulevard, LAFD Station No. 76 has access to the west and east to reach the Lake Hollywood Estates areas. LAFD Station No. 76 is located more than two miles north of the Project Site and would not be substantially

effected by the Project, as the more proximate LAFD Station Nos. 82 and 27, both located less than one mile from the Project Site, would be the first due fire stations for the Project. As stated within Section IV.K.1, *Fire Protection,* of the Draft EIR, pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire protection services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional fire protection services that would result in the need for new or expanded fire protection services facilities. As such, Section IV.K.1 concluded that impacts to fire services would be less than significant. Therefore, the Project would not impact emergency response for the Lake Hollywood Estates. Additionally, Section IV.F, *Hazards and Hazardous Materials*, analyzed whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As analyzed therein, these impacts would be less than significant. None of the streets adjacent to the Project Site are designated Disaster Routes or City-selected disaster routes. Further, as discussed on pages IV.K.1-17 and IV.K.1-18 in Section IV.K.1, *Fire Protection*, the Draft EIR included an evaluation of response distance and emergency access. As analyzed therein, despite the Project increase in traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the Project Site or the surrounding area. In addition, while the concern regarding existing congested conditions in the Lake Hollywood Estates neighborhood due to tourists and visitors accessing the Hollywood Sign and other hillside areas is noted, Project residents and occupants would not be tourists and would not be expected to meaningfully contribute to the traffic issues in this neighborhood. Furthermore, as stated above, the analysis of non-CEQA issues associated with traffic delay and LOS required by LADOT did not include locations, such as the Lake Hollywood Estates neighborhood, due to distance, and such effects would be limited and, therefore, did not warrant evaluation in the TA.

This comment raises traffic concerns during events at nearby venues. Refer to Response to Comment No. ORG 39-2 for a discussion of traffic scenarios addressed in the Project's TA, which is included in Appendix N-1 of the Draft EIR. Traffic-related impact during events is a non-CEQA issue that is not required to be analyzed in the Draft EIR. The traffic counts used in the non-CEQA traffic analysis in the TA were, however, conducted on a day with an event in the adjacent Pantages Theatre.

Regarding the use of public transportation due to COVID-19, CEQA does not require analysis of speculative conditions. Furthermore, the comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on public

transportation use during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above. Specifically regarding the Lake Hollywood Dam, or the Mulholland Dam, which created the Hollywood Reservoir, as stated on page IV.G-48 of Section IV.G, *Hydrology and Water Quality,* of the Draft EIR, dam safety regulations are the primary means of reducing damage or injury due to inundation occurring from dam failure. The California Department of Water Resources, Division of Safety of Dams, regulates the siting, design, construction, and periodic review of all dams in the State. If a breach were to occur at the reservoir, flood water would disperse over a large area where water flows would be redirected by intervening development and changes in topography. Reservoir water, were it to reach the Project Site, would generally flow along roadways adjacent to or within the vicinity of the Project Site. Additional measures to ensure dam safety and to prevent dam failure include seismic retrofits and other related dam improvements completed under the requirements of the National Dam Safety Program.[67] The City's Local Hazard Mitigation Plan,[68] which was adopted in July 2011 and revised in August 2017, provides a list of existing programs, proposed activities, and specific projects that may assist the City of Los Angeles in reducing risk and preventing loss of life and property damage from natural and human-caused hazards, including dam failure.

The commenter also asserts that an independent geological engineer be hired to reassess the fault line. The Draft EIR technical support documents prepared by Group Delta Consultants (2015 and 2019) for the evaluation of surface fault rupture hazard at the Project Site remain the most relevant data pertaining to the recency of faulting below the Project Site, according to the current California Geological Survey (CGS) Special Publication 42 (Earthquake Fault Zones, A Guide for Government Agencies, Property Owners / Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California, 2018) and Los Angeles Department of Building and Safety (LADBS) P/BC 2020-129 (Surface Fault Rupture Hazard Investigations, January 1, 2020). The CGS and LABDS publications are the standard of practice in investigating the hazard of surface

67 FEMA, National Dam Safety Program, https://www.fema.gov/national-dam-safety-program, accessed August 25, 2020.

68 City of Los Angeles Emergency Management Department, Local Hazard Mitigation Plan, August 2017.

fault rupture. Furthermore, the fault investigations at the Project Site presented in the Draft EIR technical documents prepared by Group Delta Consultants (2015 and 2019) were performed with full transparency and witnessed by the CGS and City reviewing officials. All parties are well-respected professionals, considered experts in fault studies in Southern California. It is with cooperation with the regulatory officials and fault study experts that the Project Site was determined to have a history of no recent fault rupture in the last at least 30,000 years.

Comment Letter No. ORG 41

Adrian Scott Fine, Director of Advocacy
Los Angeles Conservancy
523 West Sixth Street, Suite 826
Los Angeles, CA 90014
Received June 1, 2020

Comment No. ORG 41-1

Please find the Los Angeles Conservancy's comment letter for the Hollywood Center Project Draft EIR attached to this email.

Response to Comment No. ORG 41-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 41-2 to ORG 41-9.

Comment No. ORG 41-2

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Hollywood Center Project, which directly impacts the iconic 1956 Capitol Records Building and adjacent National Register of Historic Places listed Hollywood Boulevard Commercial and Entertainment Historic District.

The Los Angeles Conservancy, along with Hollywood Heritage, has long advocated for the protection of historic resources in Hollywood. In 2006, the Conservancy's Modern Committee successfully nominated the Capitol Records Building for designation as a City of Los Angeles Historic-Cultural Monument (HCM). Since the project's initial environmental review in 2011-2012, then known as the Millennium Hollywood, the developer worked closely with the Conservancy and made significant improvements to the project to accommodate the area's historic resources. We appreciate that many of these provisions are accounted for and included in the current proposed project.

The Conservancy appreciates the efforts of the project team to incorporate new construction carefully and respectfully adjacent to the Capitol Records Building. Through the use of setbacks, visual buffers, and open space between the proposed project and the Capital *[sic]* Records Building, the applicant has designed a project that accommodates significant viewsheds from the 101 Freeway to the north and the intersection of Hollywood Boulevard and Vine Street to the south.

Response to Comment No. ORG 41-2

This introductory comment is noted, including the Conservancy's nomination of the Capitol Records Building as a City Historic-Cultural Monument (HCM) and its appreciation that the Applicant has worked closely with the Conservancy and made significant improvements to the current Project proposed on this site to accommodate the area's

historic resources, including new construction that is respectful of the Capitol Records Building, and through use of setbacks, visual buffers, and open space between the buildings accommodates significant viewsheds from the Hollywood Freeway (US-101) and the intersection of Hollywood Boulevard and Vine Street. As this comment does not raise specific issues related to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 41-3

Despite the above considerations, the Conservancy continues to believe the project to be out of scale with the surrounding historic built environment. The project encompasses two project sites that are intersected by Vine Street along a north/south axis. The project proposes a 595-feet tall residential tower on the project's East Site, and a 469-feet tall residential tower on the West Site. The two towers will dwarf the 165-feet tall Capitol Records Building and adjacent Hollywood Boulevard Commercial and Entertainment Historic District. The buildings within the district's boundaries are primarily between 1-2 stories with taller buildings reaching 14 stories.

As such, the applicant should consider a lower height for its residential towers.

Response to Comment No. ORG 41-3

This comment expresses concern that the Project is out of scale with the surrounding historic built environment with a 595-foot tall residential tower on the East Site, and a 469-foot tall residential tower on the West Site, that would contrast with the 165-foot tall Capitol Records Building and adjacent Hollywood Boulevard Commercial and Entertainment Historic District, with buildings ranging between one and two stories and taller buildings reaching 14 stories.

CEQA Guidelines Section 15064.5(b)(2) states that "the significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, the California Register of Historical Resources…or a local register of historical resources." As analyzed on page IV.C-52, for the Capitol Records Building, and page IV.C-78, for the Hollywood Boulevard Commercial and Entertainment Historic District, of Section IV.C, *Cultural Resources,* of the Draft EIR, all of the physical features that convey historic significance and justify inclusion in or eligibility for historic listing would remain intact, and important physical characteristics of the historic resources located in the vicinity of the Project Site would not be altered by the Project. Further, construction of buildings taller than these resources, would not alter those characteristics that convey the historic significance of any individual historic resource or historic district in the larger vicinity.

As presented in Draft EIR Section IV.C, *Cultural Resources*, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR, the potential for indirect impacts on the Capitol Records Building associated with the design of new construction, including building heights, form and setting, were addressed on pages IV.C-

57 through page IV.C-60 in Section IV.C, *Cultural Resources*. Note the following points discussed therein:

"… the Project architecture has been purposely designed to respond to the architectural character of the Capitol Records Building…"

"…the curving façades of the East and West Buildings facing the Capitol Records Building recall the cylindrical form of the Capitol Records Building. Furthermore, the curving façades would be articulated with serrated balconies, a design feature inspired by the signature sunshades of the Capitol Records Building."

"A paseo and grade-level public plaza would create a 'buffer zone' between the East Site new development and the Capitol Records Building so that visual prominence of the building along Vine Street would be maintained (see Figure II-5, Conceptual Site Plan, in Chapter II, Project Description, of this Draft EIR)."

> *"Overall, the bulk and mass of the both the East Building and the West Building would be reduced at Vine Street and much of the massing that comprises the towers of the two buildings would be placed away from the Capitol Records Building."*
>
> *"Because the Project would construct a 46-story East Building and up to an 11-story East Senior Building immediately south and east of the Capitol Records Building (as well as similar development on the West Site), thereby adding considerable height and mass to an area currently occupied by surface parking, the immediate surroundings of the Capitol Records Building would be altered. Setting features important to the Capitol Records Building, however, are limited to the building parcel, as well as the configuration of street and sidewalk fronting the building's west-facing façade. These important aspects of the historical setting of the Capitol Records Building would remain intact, including the public right-of-way along Vine Street."*
>
> *"The larger setting is not critical to understanding the historic significance of the Capitol Records Building because it is not intrinsic to the building's architectural design, and it is through the building's architectural design that the building's architectural significance and important associations with the music recording industry are conveyed."*
>
> *"… the Project has been designed with generous setbacks and building forms … so that the unique massing, form, and architecture of the Capitol Records Building continues to be a prominent feature of the Hollywood skyline."*

Based on the above and additional information provided in the Draft EIR analysis, the analysis concluded that indirect impacts on the Capitol Records Building would be less than significant as the building would continue to convey its historic significance and maintain its eligibility for listing as a historical resource. In addition, the Capitol Records Building's National Register eligibility, its status as a resource listed in the California

Register, and its designation as a Los Angeles Historic-Cultural Monument would not be threatened.

Regarding the potential for indirect impacts on the adjacent Hollywood Boulevard Commercial and Entertainment Historic District (District), including effects associated with building heights, see page IV.C-71 and pages IVC-77 through IVC-79 in Section IV.C, *Cultural Resources*, of the Draft EIR, and pages 122 through 125, in Appendix F, of the Draft EIR. The analysis provided therein states in part that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also states that features important to the significance of the District are largely contained within and are best experienced within the District, and that new construction associated with the Project would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced. As stated in the Draft EIR, *setting* was identified as the only aspect of integrity with the potential to be affected by the Project. However, in regards to changes to the *setting* of the District, the analysis also states that such alterations would not materially impair the District in a manner where it would no longer be able to convey its historic significance. Setting features important to the District include the following: the configuration of streets and sidewalks fronting the District buildings, the pattern of tightly spaced buildings defining a linear commercial corridor, and the public circulation space delineated by a uniform building street wall. Since setting features are largely contained within the District and its immediate setting would not be altered, new background skyline elements would not adversely affect the setting of the District, such that its listing in the National Register would be threatened. Moreover, the area surrounding the District is already characterized by juxtapositions between building heights. Furthermore, the Project has been designed to maintain a clear separation at the ground level between the District boundary and new construction on the Project Site so that the distinctive urban form of the District would be maintained and the individual contributing buildings that border the new construction would continue to be understood as contributors. Based on these factors, the Draft EIR concluded that indirect impacts on the District (other than potential construction vibration impacts on certain individual properties in the event owners do not consent to implementing mitigation) would be less than significant. See also Topical Response No. 4 – Aesthetics and Topical Response No. 6 – Historical Resources, above.

Comment No. ORG 41-4

I. Modify mitigation measures to incorporate additional safeguards.

a. Design review and approval by the Cultural Heritage Commission and Office of Historic Resources.

Because of the high concentration of historic resources in the project's "Area of Potential Impact," the project warrants design review by the City's Cultural Heritage Commission (CHC) and Office of Historic Resources (OHR) prior to issuance of any building permits.

As noted above, the project is divided into two project sites referred to as the East and West Sites. Two historic resources located *[sic]* within the project's East Site: the Capitol Records Building (HCM #857) and the H.L. Gogerty Building (California Register eligible).

Immediately south of the project sites is the Hollywood Boulevard Commercial and Entertainment Historic District. Between Argyle and Ivar Avenues, the project's east and west boundaries, are nine district contributors. These include:

- Hollywood Walk of Fame (HCM #194)
- Bank of Hollywood/Equitable Building (HCM #1088)
- Pantages Theater *[sic]* (HCM #193)
- Taft Building and Neon Sign (HCM#666)
- B.H. Dyas Department Store Building/Broadway Department Store (HCM #664)
- Avalon Hollywood (immediately adjacent)
- Hollywood Knickerbocker Hotel
- Guaranty Building
- Regency Building

In addition to the Hollywood Boulevard Commercial and Entertainment District, the Hollywood North Multifamily Residential Historic District is located immediately northwest of the project's West Site. Within the residential district there are twelve district contributors, including the Halifax Apartments, an individually listed National Register property.

Mandatory review by CHC and OHR will better enable the applicant to avoid any unforeseen adverse impacts to this important concentration of historic resources.

Response to Comment No. ORG 41-4

The comment states that due to the high concentration of historic resources in the project's "Area of Potential Impact," the Project warrants design review by the City's Cultural Heritage Commission (CHC) and Office of Historic Resources (OHR) prior to issuance of any building permits. As evaluated in Section IV.C, *Cultural Resources*, of the Draft EIR, indirect impacts to on- and off-site historic resources associated with the design characteristics (non-construction related impacts) of the Project were determined to be less than significant therefore, no modification to mitigation measures to address

unforeseen adverse impacts are required. Furthermore, the analyses and mitigation measures provided in Section IV.C, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR, were reviewed and approved by OHR staff. In addition, the CHC is responsible for approving permits related to HCMs, and therefore would not have jurisdiction over a new development, as it does not include any work on an HCM. It should be noted however, that OHR involvement is specified in Mitigation Measure CUL-MM-1, provided in Section IV.C, *Cultural Resources*, which addresses impacts to the Hollywood Walk of Fame, a HCM. As stated in Mitigation Measure CUL-MM-1, OHR would participate in a formal in-person meeting with the Applicant, Chamber/Trust officials, and staff from the Department of Public Works Bureau of Engineering to discuss the process for removing, storing, and securing of the Hollywood Walk of Fame stars. The reinstallation of each affected star would be completed to the satisfaction of the OHR, along with the Chamber/Trust and the Department of Public Works Bureau of Engineering. A monitoring report would be provided to the City of Los Angeles, OHR, and the Chamber/Trust after the work conducted by the restoration contractor is complete.

Comment No. ORG 41-5

b. The final EIR should include additional mitigation measures for construction noise and vibration in recording studios and reverberation chambers.

Capitol Records is home to some of the most iconic recording studios and reverberation chambers in the world. These areas possess distinct conditions that contribute to their desirability and unique sound quality. Throughout the Draft EIR, the significance of Capitol Records' studios and chambers are noted, but no specific mitigation measures are provided to protect their unique conditions. Because sound quality is vital to their operation and historic significance, we request the applicant to include additional mitigation measures for these areas in the Final EIR. Additional measures should be differentiated from those noted in the Draft EIR for architectural monitoring. By creating new mitigation measures, the applicant will ensure continued studio operation during and beyond the project's construction phase. The new measures should include parties responsible for monitoring and protocols should sound/vibration hit the specified threshold.

Additionally, we encourage the applicant to include a detailed map of the recording studios and reverberation chambers with their proximity to new construction in the Final EIR. Several of these studios/chambers are located under the complex's parking lot outside the building footprint. Maintaining the quality of sound within these areas should be considered an equal priority to architecture.

Response to Comment No. ORG 41-5

The comment indicates that the significance of Capitol Records' studios and chambers are noted, but no specific mitigation measures are provided to protect their unique conditions, and that additional mitigation measures to ensure continued studio operation

during and beyond the Project's construction phase for these areas be provided in the Final EIR.

The Project does not involve any proposals for changes to the occupancy and use of the Capitol Records Building, and no such changes are foreseeable. As stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, the Applicant has a lease with Capitol Records that can be extended until 2026. As the Capitol Records Building's recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. Accordingly, no additional analysis or mitigation measures are required in the EIR to address the Capitol Records Building's underground recording studios and reverberation chambers. For similar reasons, the Capitol Records recording studio was not treated as a noise sensitive receptor because the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Therefore, the on-site Capitol Records Building recording studios did not need to be analyzed as a sensitive receptor for noise and vibration effects.

It should be noted, however, that potential impacts associated with structural damage to the Capitol Records Building due to construction vibration and settlement were addressed, and would be reduced to a less-than-significant level by the implementation of Mitigation Measures CUL-MM-2 and NOI-MM-4.

Regarding noise and vibration effects on other historic resources, including associated mitigation measures, see also Topical Response No. 6 – Historical Resources, and Topical Response No. 7 – Noise and Vibration, above.

Comment No. ORG 41-6

c. Completion of a preservation plan for the Capitol Records Complex, H.L. Gogerty Building, and Avalon Hollywood before permits are filed.

The Conservancy greatly appreciates all efforts by the applicant to protect the integrity of the adjacent historic resources. To add an additional safeguard for the Capitol Records Complex and H.L. Gogerty Building, we urge the applicant to complete historic preservation plans for each resource prior to the issuance of any and all construction permits. Once completed, the preservation plans should be reviewed and approved by the Cultural Heritage Commission and Office of Historic Resources.

The preservation plans are to include historic structures report (HSR) for each property. The HSR is an important tool for preservation management and planning. The HSR will assess the structures current conditions so that property owners or managers may

prioritize maintenance and select appropriate treatments. In essence the HSR serves as a guide for all changes made to a historic property during a project-repair, rehabilitation or restoration. In addition to the HSR, the preservation plan would include a greater level of detail for the connectivity between the Capitol Records Complex, Hollywood Walk of Fame, Pantages Theater *[sic]*, Avalon Hollywood and new construction. In particular, this section would analyze how the pedestrian experiences these historic resources from the Project Site's perimeters and from within the paseos.

Response to Comment No. ORG 41-6

The comment states appreciation for all efforts by the Applicant to protect the integrity of adjacent historic resources and urges the Applicant to complete historic preservation plans for the Capitol Records Building and Gogerty Building as an additional safeguard prior to the issuance of construction permits and that they be subject to review and approval by CHC and OHR.

As indicated in the Chapter II, *Project Description*, and as evaluated in Section IV.C, *Cultural Resources*, of the Draft EIR, the Project would retain and not alter the Capitol Records Building and Gogerty Building (Capitol Records Complex). See Project Objectives 1 through 4 on page II-13 in Chapter II, *Project Description*, of the Draft EIR, which identify various characteristics of the Project that serve to preserve the buildings. Also, see Figure II-5, *Conceptual Site Plan*, on page II-18 and the other plans for the Project in Chapter II, Project Description, that all reflect preservation of the Capitol Records Complex. In addition, see the discussion of Design and Architecture on pages II-51 and II-52 that describes how the Project has been designed to be compatible with the Capitol Records Complex. Accordingly, as the Project would preserve the Capitol Records Complex, it would not have a significant impact, and, therefore, no new mitigation measures beyond Mitigation Measures CUL-MM-2 and NOI-MM-4 provided in the Draft EIR are required under CEQA, including mitigation requiring preparation of historic preservation plans and a historic structures reports. Furthermore, as stated in the comment, a historic structures report serves as a guide for all changes made to a historic property during a project-repair, rehabilitation or restoration. Given that the Project does not involve repair, rehabilitation or restoration of the Capitol Records Complex, a historic structures report is not warranted.

Comment No. ORG 41-7

d. Inclusion of new historic interpretive displays.

The inclusion of new historic interpretive displays are tools used to explain the historical significance of the location and setting of new developments. Such displays work to enhance a visitor's experience by connecting them to the past. The Draft EIR does not include any potential opportunities for interpretative displays within the Project Site. We urge the applicant to work with Hollywood Heritage to incorporate design features in telling the story of the Capitol Records Complex and Hollywood as a whole.

Response to Comment No. ORG 41-7

The comment indicates that the Draft EIR does not include any potential opportunities for interpretative displays within the Project Site and that the Conservancy urges the Applicant to work with Hollywood Heritage to incorporate design features to tell the story of the Capitol Records Complex and Hollywood as a whole. While the comment is noted, it does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 41-8

II. Conclusion

The Conservancy is encouraged by the applicant's willingness to make historic preservation a priority in their project design. However, the Conservancy believes additional measures are needed in the Final EIR to maintain the integrity of area's historic resources. To summarize, we urge the applicant to include design review by the Cultural Heritage Commission and the Office of Historic Resources before permit issuance; additional mitigation measures for construction noise and vibration monitoring inside recording studios and reverberation chambers; the completion of a historic preservation plan for the Capitol Records Building and H.L. Gogerty Building; and the inclusion of historic interpretive displays in conjunction with Hollywood Heritage.

Response to Comment No. ORG 41-8

The comment summarizes the measures requested by the Conservancy for inclusion in the Final EIR, as outlined in the specific comments provided above. As detailed in Response to Comment Nos. ORG 41-4 through ORG 41-7, the Draft EIR includes appropriate mitigation measures to address identified significant impacts on historic resources, and no further mitigation measures are required.

Comment No. ORG 41-9

About the Los Angeles Conservancy:

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,000 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or afine@laconservancy.org should you have any questions or concerns.

Response to Comment No. ORG 41-9

This concluding comment provides a description of the Los Angeles Conservancy and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. ORG 42

Beverly Grossman Palmer
Strumwasser & Woocher LLP
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Los Angeles, CA 90024
Received June 1, 2020

Comment No. ORG 42-1

Please see the attached comment letter from the Lofts@Hollywood & Vine Homeowners Association. The PDF file should contain 205 pages. Please let me know if there is any problem with the attachment.

Response to Comment No. ORG 42-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 42-2 to ORG 42-16.

Comment No. ORG 42-2

This firm writes on behalf of the Lofts @ Hollywood & Vine ("LHV") Homeowners Association ("LHVHOA"). LHV is located within a block of the proposed Hollywood Center Project (hereinafter, "Project"), in the Equitable Building, which is a City of Los Angeles Historic and Cultural Monument. The LHVHOA consists of the owners of the 60 live-work units in the Equitable Building, and its members will be significantly and adversely affected by the proposed Project.

Response to Comment No. ORG 42-2

This comment provides an introduction to the commenter's organization, the Lofts @ Hollywood & Vine Homeowners Association. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 42-3

The Hollywood Center Project proposes to construct what is inarguably the largest and tallest development in the Hollywood area, consisting of two skyscrapers looming 46 stories on the east parcel and 35 stories on the west parcel. All of this development will be crammed onto roughly 4.5 acres around the historic Capitol Records Building and immediately north of the Hollywood Boulevard Historic District, in which the Equitable is located. The proposed Project generally consists of over 1.2 million square feet of structures, including over 1,000 residential housing units, over 1,500 vehicle parking spaces, and 30,000 square feet of retail and restaurant use. The Project site is located in a state-mapped Alquist Priolo Earthquake Fault Zone in the vicinity of the Hollywood Fault. The proposed development represents a massive departure from the existing

environmental conditions and will create significant adverse impacts on neighboring residents like the members of the LHVHOA.

The Draft Environmental Impact Report ("DEIR") fails to adequately analyze and disclose the full impacts of the Project. The DEIR also lacks an adequate description of the Project permitting a full evaluation of the Project's impacts, and discusses a legally inadequate range of alternatives to the Project. Finally, many impacts are inadequately mitigated by the use of improperly deferred and standardless mitigation measures. For these reasons, the DEIR must be revised and recirculated for further public review and comment.

Response to Comment No. ORG 42-3

The comment provides a brief summary of the Project and cites its location with respect to the Alquist-Priolo Earthquake Fault Zone. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The commenter expresses general concerns about the presumed failure of the Draft EIR to analyze and disclose the full impacts of the Project, asserts that the Draft EIR lacks an adequate description, contains an inadequate range of alternatives, and includes inadequate mitigation measures in that unspecified measures are deferred or have no standard, and, therefore, asserts that the Draft EIR should be revised and recirculated. However, the comment does not provide any specific facts or substantial evidence to support these general concerns on the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 42-4

I. The DEIR Contains an Incomplete and Shifting Project Description

A basic component of an adequate environmental impact report is a complete and stable project description. The EIR fails to provide an adequate project description, because the scope and critical details of the Project are not clearly articulated. Rather, a series of different options as to the overall project and the duration of construction are outlined so that it is difficult to follow and understand the intended scope of the project. The DEIR looks at two scenarios: the project with and without a hotel option, which contain different height structures, different numbers of residential units and affordable housing units, as well as different open space configurations. Moreover, the DEIR also discloses that aspects of the project's open space in general is contingent on agreements with leaseholder Capitol Records, which could reduce open space in the project by close

to 6,000 square feet, a 17 percent reduction in the limited public open space included in the project. The DEIR also analyzes the impacts of two different constructions scenarios: phased, and overlapping. So there are at least eight different possible projects all analyzed as "the project"—but does the EIR really analyze the different impacts of all eight combinations? It certainly does not do so in a manner that makes clear that there are eight different potential project outcomes. This non-stable, constantly shifting project description is much like the EIR rejected by the Court of Appeal ins *Washoe Meadows Community v. Department of Parks & Recreation* (2017) 17 Cal.App.5th 277, where the agency set forth five different projects without identifying a preferred project. Readers of the EIR cannot evaluate a proposed project without knowing the contours of the proposal. This is particularly critical for neighboring residents who will be most impacted by the scope, height, open space or lack thereof, and duration of construction.

Response to Comment No. ORG 42-4

The comment asserts that the Project description does not comply with CEQA, claiming that there are eight different possible scenarios that make the Project Description unclear. The commenter conflates design and construction phasing options as different projects. Chapter II, *Project Description*, of the Draft EIR clearly states that there are only two potential scenarios, the Project with a hotel and the Project without the hotel. However, as discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. As discussed below, characterizing design and construction schedule variables as new project descriptions is not accurate. The EIR appropriately discloses such variables but such disclosure does not render the project description unstable or indefinite.

The Draft EIR provides an accurate, stable, and finite Project description as required by CEQA and the guiding case law. The commenter is referred to Response to Comment No. IND 8I-17, addressing the Draft EIR Project description's consistency with CEQA's mandate for an accurate, stable, and finite Project description, as well as Response to Comment No. IND 8I-14, identifying how the contents and format of the Draft EIR are in compliance with CEQA. Moreover, as stated above, the commenter incorrectly asserts that the Draft EIR considers multiple scenarios and that the Draft EIR does not clearly identify these scenarios. The Draft EIR only considers two scenarios – the Project and the Project with the East Site Hotel Option (although the East Hotel Option is no longer under consideration), which is identified at the outset of the Draft EIR Project description. See Section II.1, Project Description Introduction (page II-2) of the Draft EIR. See also *South of Market Community Action Network v City & County of San Francisco* (2019) 33 CA5th 321, 332. (An EIR's project description may also present alternative development or design schemes for a single proposed project so long as the possible variations are fully described and separately evaluated, and the maximum possible scope of the project is clearly disclosed.)

The Draft EIR fully explains and compares the two Project options, in narrative, table, and illustrative form, and provides, under either scenario, the total gross and net square

footages, residential density, uses, site plans, illustrative massing, building elevations, cross-sections, and floor plans. Figures II-4 to II-24 include illustrative exhibits of the Project and the Project with the East Site Hotel Option, including Figures II-19 to II-24 which illustrate the Project with East Site Hotel Option's conceptual site plan, conceptual plot plan, Level 1 and Mezzanine Level Plans of the East Site, building sections, and the Level 2 amenity deck. See Section II.1, Introduction (page II-2); II.7(a), Project Overview (page II-14); Table II-1, Proposed Development Program (page II-14); II.7(b), Development Program (page II-17); Table II-2, Proposed Development Program for the Project with the East Site Hotel Option (page II-40); Table II-3, Comparison of Project and Project with the East Site Hotel Option (page II-47); and Table II-4, Project and Project with the East Site Hotel Option Gross and Los Angeles Municipal Code (LAMC) Floor Area Square Footages by Building (II-48) of the Draft EIR. Moreover, the Draft EIR fully analyzed the environmental impacts of both options. See Chapter IV, *Environmental Impact Analysis*, and Chapter V, *Alternatives*, of the Draft EIR which addressed both options for all impact areas. See also *South of Market Community Action Network v City & County of San Francisco* (2019) 33 CA5th 321, 333 ("In text and table format, the DEIR set forth measurements of gross square footage for both schemes, and included a table specifying the proposed uses and gross square footage for each building under both schemes. It presented site plans, illustrative massing, building elevations, cross-sections, and representative floor plans for both options. Further, the DEIR evaluated the environmental impacts of each scheme independently." As such, the Draft EIR "carefully articulated two possible variations and fully disclosed the maximum possible scope of the project. The project description here enhanced, rather than obscured, the information available to the public.")

The commenter also incorrectly conflates the two Project options with the construction phasing. The Project would remain the same under any construction phasing schedule identified in the Draft EIR. See Section II.7(g), Construction Information, Table II-6, Project Construction Schedule, and Figure II-30, Project Construction Scenarios, of the Draft EIR. As explained on page II-70 of the Draft EIR, "construction on both the West and East Sites would include eight phases that could overlap (i.e., utilities/trenching could occur while site preparation is underway). Due to the potential for phases to overlap, the overall construction duration is expected to be less than if each phase were added together. To allow for necessary flexibility in terms of construction scheduling, logistical site needs, and a conservative evaluation of potential construction-related environmental impacts, the Draft EIR considered two potential construction scenarios: a scenario where construction of the West and East Sites would have some overlap ("overlapping construction scenario" with a shorter overall construction duration), and a scenario where construction of the West and East Sites would be entirely separate (West Site going first) and have no overlap ("sequential construction scenario" with an extended construction duration)." Also, a supplemental construction air quality and noise analysis is included in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR for clarifications to address construction of the East Site prior to the West Site. As demonstrated in the analysis, construction of the East or West Site first would result in

similar environmental impacts. Also, see Appendix E in this Final EIR for supplemental air quality data that addresses this potential construction scenario.

The commenter is also referred to Response to Comment No. IND 8I-24, which addresses the "Capitol Records Lot Scenario," where a nominal open space reduction would occur if leaseholder, Capitol Records, does not grant its consent for portions of the proposed open space area on the East Site to be developed. The commenter incorrectly states that a "6,000 square feet, a 17 percent reduction in the limited public open space" would occur under this scenario. Page II-36 of the Draft EIR indicates that, "… the East Site's open space area may be reduced by up to 5,995 square feet and redesigned to accommodate Capitol Records and/or to comply with the lease." As indicated on page II-59, the publicly accessible ground floor open space on the East Site for the Project would be reduced from 24,990 square feet to 23,373 square feet (a reduction of 1,617 square feet) under the Capitol Records Lot Scenario. The "redesign" referenced on page II-36 would result in 4,378 square feet of interior building space being converted to publicly outdoor space. Figure II-27, *Comparison of East Site Capitol Records Lot Scenarios*, illustrates the extents of the building footprint under the Project and the East Site Capitol Records Lot Scenario. A clarification has been added in Chapter 3, *Revisions, Clarifications and Corrections to the Draft EIR*, in this Final EIR that depending upon negotiations on use of the space, the East Site's open space area may be reduced by up to 2,657 square feet and redesigned to accommodate Capitol Records and/or to comply with the lease. Under any scenario, the proposed open space area would comply with all applicable open space requirements pursuant to LAMC Section 12.21 G.

Comment No. ORG 42-5

II. Environmental Impacts Not Fully Analyzed Nor Disclosed

The DEIR makes numerous errors and unexplained assumptions in its analysis of nearly every environmental impact studied. Land use, cultural resources, vibration, and transportation are all inadequately or improperly studied. The DEIR therefore does not fully disclose the Project's likely impacts, and must be revised and recirculated.

Response to Comment No. ORG 42-5

The commenter asserts without any specific facts that the Draft EIR makes numerous errors and unexplained assumptions in its analysis of nearly every impact studied in the Draft EIR. As the comment does not provide any specific facts or substantial evidence to support these general concerns on the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 42-6

A. Land Use Impacts of the Hollywood Center Project's Significant Departure from Protective Land Use Conditions Are Ignored

The DEIR does not provide a complete or accurate analysis of the Project's land use impacts. The DEIR explains that the Project is zoned C4-2D-SN, and that the "D" limitation on the Project's zoning limits the FAR on this site to 3:1 FAR, or in some cases, a 2:1 FAR. As the DEIR recognizes, a threshold of significance for land use impacts is whether the project will "Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." To be clear, the project site is currently zoned for a density of 3:1 or 2:1 (a regulation), and now proposes a density of 7:1 – more than *doubling* the permissible density of construction on the site. The DEIR ignores the impact of this more than doubling in its analysis of land use impacts.

The DEIR acknowledges that the D limitation exists, but simply treats the limitation as something to be removed. "The requested removal of the 'D' Limitation would allow an increase in floor area, which is consistent with the Project Site's Regional Center designation." The land use analysis ultimately concludes that "[w]ith the approval of the requested discretionary action, the Project and the Project with the East Site Hotel Option would be consistent with and not conflict with the provisions of the LAMC governing land use and planning, and impacts related to the provisions of the LAMC governing land use and planning would be less than significant."

This "analysis" lacks any substance and ignores the purpose of the D Limitations that will be eviscerated by the Project's requested 7:1 FAR. As demonstrated in the staff report prepared in support of the adoption of the "D" limitation in 1988, those limitations were in fact imposed *specifically* for the purpose of mitigating or reducing an environmental impact. The staff report states that "The Permanent [Q] Qualified Conditions and "D" Development Limitations imposed by this action are necessary: to protect the best interest of, and to assure a development more compatible with, the surrounding property; to secure an appropriate development in harmony with the General Plan; and to prevent or mitigate the potential adverse environmental effects of the recommended change." (See Exhibit 1, p. 6.) Specifically, when discussing Subarea 180, which contains the properties at Hollywood and Vine, staff explained that the proposed recommendations were "the most appropriate for stimulating the economy of the community while also protecting the area from significant environmental impacts, especially traffic." (See Exhibit 1, p. 25.)

In addition to the 1988 staff report, the 1986 Draft Environmental Impact Report for the Hollywood Community Plan affirms that development standards like the "D" limitation imposed on the project site were intended to avoid land use impacts from the implementation of the Hollywood Community Plan: "Implementation of a Transportation Specific Plan, transportation and circulation improvements, as well as development standards to ensure that land use capacity and transportation service are in balance and that land use conflicts and incompatibilities are minimized." (Exhibit 2, p. 7.)

The D limitation of a 3:1 FAR was proposed, along with all of the other similar limitations evaluated at the time of the previous community planning effort, in order to

reduce the environmental impacts of excessive development. It is worth noting that even the draft Hollywood Community Plan Update limits the FAR on this specific property to 4.5:1. And while the current Hollywood Community Plan permits up to a 4.5:1 FAR on Regional Center properties *in general*, the Project exceeds even that limitation by requesting a 7:1 FAR through a zone change.

The DEIR ignores the mandatory Hollywood Community Plan policy that "no increase in density shall be effected by zone change . . . unless it is determined that the local streets, major and secondary highways, freeways, and public transportation available in the area of the property involved are adequate to serve the traffic generated." The removal of the D Limitation and increase in permissible FAR to 7:1 is most definitely in an increase in density effected by zone change. The Project is *inconsistent* with this mandatory limitation on approving density increases by zone change, because the transportation system including area roadways is already overburdened. Residents of the LHV have difficulty accessing their parking at the northeast corner of Hollywood and Vine because traffic is so congested at this location. Because the Project requires a zone change to more than double its density, it cannot be approved, and this conflict must be disclosed and analyzed in the DEIR.

Response to Comment No. ORG 42-6

This comment asserts that the Draft EIR does not provide a complete or accurate analysis of the Project's land use impacts. As evaluated in Section IV.H, *Land Use and Planning*, of the Draft EIR and as further supported by the Land Use Comparison Tables in Appendix J of the Draft EIR, the Project would not conflict with the policies of the City's land use plans adopted to avoid or mitigate an environmental effect. The Project would be consistent with the allowable residential density (one unit per 200 square feet of land area in conjunction with LAMC 12.22 A.18) allowed under either of these zones in the designated Regional Center.

The Draft EIR adequately analyzed the potential impacts to the environment associated with the Project, inclusive of the increase in FAR. Regarding the "D" Limitation, this zoning designation is described throughout the Draft EIR in Chapter II, *Project Description*, pages II-10, II-11, II-17, II-74, and in Section IV.H, *Land Use and Planning*, pages IV.H-10 and IV-H-23 as part of the existing zoning regulation that applies to the Project Site, and is recognized as the existing regulatory condition and land use baseline in that regard. Note that the East Site Hotel Option is no longer being pursued. Furthermore, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The Density Bonus Compliance Review would allow the Applicant to request the same FAR and uses as under the prior entitlement request. With the inclusion of at least 10 percent of the base permitted units for Very Low Income households, the Project Applicant is entitled to two incentives and the Waiver of Development

Standards.[69] However, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income to be eligible for the 35 percent FAR increase On-Menu Incentive. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. See Topical Response No. 5 – Land Use and Planning, above, which discusses the revision in the proposed entitlements and the function of the Density Bonus Compliance Review in detail.

The commenter argues that the existing on-site "D" Limitation was imposed as a mitigation measure for the 1988 Hollywood Community Plan. However, the Hollywood Community Plan does not identify the "D" Limitation as a CEQA mitigation measure, nor does it identify the specific environmental effect that those restrictions purport to mitigate. On the other hand, the LAMC is clear that "D" Limitations are zoning classifications. As such, these "D" Limitations are within the scope of the City's police powers to remove or make changes to them without making any additional CEQA findings.

Land use impacts are currently determined by evaluating whether a project conflicts with a policy adopted to address a physical consequence, such as air emissions above threshold standards, exceedance of established VMT standards, excessive GHG emissions or other adverse operational impacts identified in the Draft EIR. Such policies adopted to avoid or mitigate environmental effects are those, for instance, that support the densification of development within a Transit Priority Area (TPA). The Project would not result in significant levels of air emissions (after mitigation); it would be consistent with GHGs policy requirements; and it would be substantially below the Central Area's VMT thresholds. As such, it would not conflict with policies adopted to address physical environmental impacts.

Regarding the conclusions of the 1986 Draft Environmental Impact Report and 1986 staff report for the Hollywood Community Plan, the issue of traffic congestion related to development densities within a TPA is no longer considered a significant impact.[70] The "D" Limitation to maintain a certain building intensity does not have a specific purpose in reducing or avoiding other environmental effects. As evaluated in the Draft EIR, the density of the Project does not result in significant and unavoidable impacts with regard to traffic. The Project's significant impacts are associated with construction noise and vibration, which could potentially occur under any construction option because of the proximity of sensitive off-site land uses. Note also, that the Applicant has revised the proposed Zone and Height District Change, as discussed above.

Policies related to the reduction of traffic congestion on local streets, major and secondary highways, and freeways within a TPA are considered an obsolete measure of

[69] Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.

[70] Public Resources Code Section 21099(b)(2). See also *Citizens for Positive Growth and Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609.

transportation impacts by the LADOT and the State.[71] Parking impacts are also not a CEQA issue and are not addressed in a Draft EIR.[72] Also, please refer to Topical Response No. 5 – Land Use and Planning, for further discussion of land use issues.

It should be noted that, as discussed in Chapter 1, *Introduction,* in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project.

Comment No. ORG 42-7

B. Impacts On Cultural Resources, Including The Equitable Building and Valued Views of the Capitol Records Building, Have Not Been Disclosed or Fully Mitigated

The DEIR's discussion of cultural resources does not provide an adequate or fully reasoned analysis of the Project's impact on historic resources. Constructing a looming skyscraper in the midst of a number of historic structures, right next to the historic Capitol Records building, and largely blocking the view of the Equitable Building and other historic resources located south of the project from the north, does have an impact on historic resources. Obstructing views of resources that contribute to an historic district – such as the Equitable Building – is an impact on historic resources. While analyzing the view of the Capitol Records Building from various vantage points, the DEIR ignores the other historic resources that will be obscured from view by the Project. Moreover, the DEIR fails to address the various vantage points of the Hollywood Sign that will be obstructed by construction of the Project, including those views of the residents of the LHV. Indeed, the views of many homeowners in the building will be completely obstructed, as will view from the rooftop observatory of the building, a significant amenity.

The DEIR acknowledges that a common viewpoint for the Capitol Records Building is across the parking lot of the Equitable Building, framed by both the Equitable Building and the Pantages, representing Old Hollywood. This view point would be completely lost by the placement of the Project. The DEIR obscures this fact. In the discussion of Cultural Resources, the DEIR claims that "[t]he proposed buildings have been located and configured to preserve important views of the Capitol Records Building." The DEIR's Cultural Resources section claims "[t]he Project architecture would maximize focal views toward and through the Project Site, as discussed in Section IV.A. Aesthetics (1) Scenic Vistas, such as views of the Capitol Records Building and the Gogerty Building from sidewalks along Vine Street, Argyle Avenue, and Yucca Street, from the intersection of Hollywood Boulevard and Vine Street, and a view through a surface parking lot between the Pantages Theatre and the Equitable Building."

[71] California Governor's Office of Planning and Research, Transportation Impacts (SB 743), https://opr.ca.gov/ceqa/updates/sb-743/, accessed August 25, 2020.
[72] Public Resources Code Section 21099(b)(3), (d)(1).

The statement regarding preservation of the view through the surface parking lot is entirely false. A reader must look to the Aesthetics section, where one is immediately advised that any impacts to aesthetics are not deemed to be significant. If one proceeds to read the section nonetheless, one finds a comparison of the current view across the Equitable's surface parking with the future image of the same viewpoint.



Existing View



Proposed View

It is therefore absolutely incorrect to state as the Cultural Resources section does that the view of the Capitol Records Building from Hollywood Boulevard across the parking lot

has been preserved. The view would be destroyed, and therefore an important public vantage point of an historic resource has been eliminated. The DEIR's Aesthetics discussion addresses this, acknowledging that the Project "would block focal views of the Capitol Records Building through the driveway/parking lot from this specific viewing location." The DEIR claims that for aesthetics purposes, this is less than significant under S.B. 743, and that a "more prominent view" "would be" available at Hollywood and Vine. However, the view at Hollywood and Vine does not allow for the incredible juxtaposition of the Equitable, the Pantages, and the Capitol Records buildings, which makes this vantage point unique and irreplaceable from a cultural resources perspective. The DEIR does not address this issue at all.

The DEIR also acknowledges that potential for damage to historic structures due to the extreme vibration that will result from the extensive construction program. However, the DEIR fails to apply these principles to the Equitable Building. While the DEIR acknowledges that the Equitable Building is an historic structure and, in the Noise and Vibration discussion, that is it "extremely susceptible to damage," the DEIR fails to include the Equitable Building in the structures that are covered by Mitigation Measure CUL-MM-2. The omission means that the Project's potential impacts will not be fully mitigated.

Moreover, the mitigation measure proposed for these impacts is inadequately supported and illegally deferred. Mitigation Measure CUL-MM-2 requires the design of shoring plans, but does not set standards, leaving determinations to the project engineer at a later date. This is improper deferral of mitigation. The mitigation work must be in place prior to any excavation on the site. The work should be done now, in the DEIR, to establish standards and make the approach known to the public. There is no reason that these surveys could not be performed now, with the specific results and shoring design included in the DEIR. The surveys should be conducted *now* to disclose what kind of measures will be necessary to preserve the integrity of these structures.

Response to Comment No. ORG 42-7

The comment asserts that impacts on Cultural Resources, including the Equitable Building and valued views of the Capitol Records Building, have not been disclosed or fully mitigated in the Draft EIR. Impacts regarding historic resources were analyzed and disclosed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Gogerty Building, Pantages Theatre, Hollywood Walk of Fame, Equitable Building, and other nearby historical resources, including resources located within the Hollywood Boulevard Commercial and Entertainment District (District). The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame. Indirect impacts (focused solely on vibration during construction activities) were determined to be significant and unavoidable to off-site historic resources (Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be

implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Regarding the more specific comment that the height of the Project towers in the midst of a number of historic structures, right next to the historic Capitol Records building, would largely block the view of the Equitable Building and other historic resources located south of the Project, and that this would have an impact on historic resources is noted; however, these issues were addressed in the Draft EIR. Potential impacts on off-site historic resources, including the Equitable Building and others within the District, were evaluated in Draft EIR Section IV.C, *Cultural Resources*, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR. More specifically, the potential for indirect impacts on the District — including effects associated with building heights were fully evaluated on pages IV.C-71, and pages IVC-77 through IVC-79 in Section IV.C, *Cultural Resources*, of the Draft EIR, and pages 122 through 125, in Appendix F, of the Draft EIR. The analyses provided therein stated in part that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also stated that features important to the significance of the District are largely contained within and are best experienced within the District and that new construction associated with the Project would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced. As stated in the Draft EIR, *setting* was identified as the only aspect of integrity with the potential to be affected by the Project. However, in regard to changes to the *setting* of the District, the analysis also stated that such alterations would not materially impair the District in a manner where it would no longer be able to convey its historic significance. Setting features important to the District include the following: the configuration of streets and sidewalks fronting the District buildings, the pattern of tightly spaced buildings defining a linear commercial corridor, and the public circulation space delineated by a uniform building street wall. Since setting features are largely contained within the District and its immediate setting would not be altered, new background skyline elements would not adversely affect the setting of the District such that its listing on the National Register would be threatened. Moreover, the area surrounding the District is already characterized by juxtapositions between building heights. Furthermore, the Project has been designed to maintain a clear separation at the ground level between the District boundary and new construction on the Project Site so that the distinctive urban form of the District would be maintained and the individual contributing buildings that border the new construction would continue to be understood as contributors.

Regarding effects on views related to historic resources, visual effects related to historic resources were evaluated throughout much of the impact analysis provided in Section IV.C, with a focused discussion of Project effects on views provided beginning on page IV.C-72 in Table IV.C-5, Summary of View Analysis for Identified Historical Resources in Project Vicinity. Furthermore, see the informational analysis of effects on views provided in Section IV.A, *Aesthetics,* of the Draft EIR, and see Topical Response No. 4 – Aesthetics, above.

Regarding the comment that the Project would largely block the view of the Equitable Building and other historic resources located south of the Project from the north, and the commenter's opinion that this would have an impact on historic resources, views of the Equitable Building from vantage points to the north are currently obstructed along Yucca Street to the east of Vine Street by intervening development, including the Gogerty Building and Capitol Records Building. And while views from the northwest corner of the Yucca Street and Vine Street intersection to the north façade of Equitable Building would be largely obstructed by the East Building, other views of this façade would not be obstructed from closer vantage points along the west side of Vine Street. Furthermore, the primary façades along Hollywood Boulevard and Vine Street, as well as the east façade, would not be obstructed by the Project. Accordingly, and as stated on page IV.C-74, in Table IV.C-5, even acknowledging that certain views would be blocked, impacts on views associated with the Equitable Building, a contributor to the District, would be less than significant, as they would not result in a substantial material change to the integrity of the Hollywood Equitable Building or the District as its immediate setting would remain intact.

Regarding the assertion that the Draft EIR failed to address views of the Hollywood Sign that would be obstructed by the Project, this statement is incorrect. Obstruction of views to the Hollywood Sign was addressed in the analysis of effects on views provided in Section IV.A, *Aesthetics* of the Draft EIR. Also note, as discussed in Section IV.A, that pursuant to Public Resources Code (PRC) Section 20199 et. seq. (which codifies Senate Bill [SB] 743) and the City of Los Angeles Zoning Information (ZI) No. 2452, because the Project meets SB 743 criteria as a mixed-use infill project within a transit priority area (TPA), its aesthetic impacts regarding scenic vistas, scenic resources, aesthetic character/regulations that govern scenic quality, and light and glare as outlined in the CEQA Guidelines Appendix G, are not considered significant impacts on the environment.

As shown in the discussion and simulations of view impacts in Section IV.A, construction and operation of the Project would not significantly block views of the Hollywood Sign, which would still be visible along street corridors and other public vantage points in Hollywood. Furthermore, as stated on page IV.A-26, under the Methodology heading, although views are discussed for informational purposes, the degree of impact relative to the threshold applies to views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have

routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[73]

Accordingly, views of the Hollywood Sign were discussed in the Draft EIR, and no further analysis of such views, including views from residential properties, is required. See also Topical Response No. 4 – Aesthetics, above.

Regarding the assertion that the Draft EIR obscures the fact that the viewpoint to the Capitol Records Building across the parking lot of the Equitable Building would be completely lost with the Project, this statement is incorrect. Effects on views to the Capitol Records Building from this vantage point are fully disclosed in Section, IV.A, Aesthetics, of the Draft EIR. As stated on page IV.A-31, construction activities would block views of the Capitol Records Building from Hollywood Boulevard (Key View 13) and Argyle Avenue (Key View 14) (see Figures IV.A-19 and IV.A-20, respectively), although the view blockage would not be considered a significant impact on the environment pursuant to PRC Section 21099(d)(1). This view is similarly discussed elsewhere in Section IV.A, including on page IV.A-51, where the analysis stated in part that although this view of the Capitol Records Building is available to pedestrians walking from the Metro B (Red) Line Hollywood/Vine Station toward Vine Street, more prominent views of the Capitol Records Building would be available at the intersection of Hollywood and Vine Street, located less than 90 feet to the west of Key View 13. The broader Hollywood/Vine intersection view location (see Figure IV.A-12, *Key View 6 - Existing and Simulated Views from the Intersection of Hollywood Boulevard and Vine Street*) would be available to all pedestrians currently viewing the Capitol Records Building through the driveway/parking lot since pedestrians passing the driveway/parking lot would be walking to or from this intersection. Because the same pedestrians who would view the Capitol Records Building through the driveway/parking lot would also view the Capitol Records Building from Hollywood Boulevard and Vine Street (less than a quarter-block to the west), the view of the Capitol Records Building from Key View 13 would be considered intermittent. Accordingly, based on the above, the loss of this view was fully evaluated and disclosed in the Draft EIR, and there was no intent to obscure this effect. Regarding the discussion of views in Section IV.C, *Cultural Resources*, of the Draft EIR, the sentence on page IV.C-59 referenced by the commenter was in error by referencing this view as a view that would be maintained with the Project. Accordingly, the Draft EIR has been revised.

Please see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. Regarding the assertion that the view at Hollywood and Vine does not allow a viewer to see the juxtaposition of the Equitable Building, the Pantages Theatre, and the Capitol Records Building, this statement is incorrect. While the specific view, Key View 13, is unique and would be lost, the three buildings would still be visible from the pedestrian view at the southwest corner of Hollywood Boulevard and Vine Street. Although this is not evident in Figure IV.A-12, Key View 6 - Existing and Simulated Views of the Project Site from the Intersection of Hollywood Boulevard and Vine Street, on page

[73] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

IV.A-41, in Section IV.A, *Aesthetics*, of the Draft EIR, this is due to the narrow perspective of the lens used in the visual simulation photograph, which does not account for the variable and broader views attainable with the human eye. Accordingly, while this view of the Capitol Records Building would be lost with development of the Project, the analysis provided in Section IV.C, *Cultural Resources*, was correct in its statements that the Project's proposed buildings have been located and configured to preserve important views of the Capitol Records Building and that the Project architecture would maintain focal views toward and through the Project Site. As stated on page IV.A-54, in Section IV.A, while the Project would block some focal views of the historic Capitol Records Building from sections of Ivar Avenue, Hollywood Boulevard, and Argyle Avenue, the Capitol Records Building would continue to be visible from more prominent view locations, such as the Hollywood Hills and the intersection of Hollywood Boulevard and Vine Street, and other sections along local streets.

Regarding the comment that the Draft EIR failed to include the Equitable Building in the structures that are covered by Mitigation Measure CUL-MM-2, and the omission means that the Project's potential impacts will not be fully mitigated, this statement is incorrect. As analyzed on pages IV.I-77 and 78, in Section IV.I, *Noise*, of the Draft EIR, and as presented in Table IV.I-17, *Construction Vibration Impacts – Building Damage*, provides the estimated vibration levels (in terms of inch per second PPV) the estimated vibration velocity levels from all construction equipment would be below the building damage significance criteria at off-site building structures, including the Equitable Building, which is treated in the analysis as a historic structure. Accordingly, as no significant vibration impacts were identified for the Equitable Building, no mitigation measures are required, and no omission of relevant analysis in the Draft EIR occurred.

Regarding the assertion that Mitigation Measure CUL-MM-2 does not set standards and represents improper deferral of mitigation, this is incorrect. See Comment Letter No. ORG 15, Response to Comment No. ORG 13B-118, and Topical Response No. 7 – Noise and Vibration, above.

Comment No. ORG 42-8

C. <u>Impacts Associated With the Construction of this Massive Project Not Fully Disclosed or Mitigated, Including Significant Potential Cumulative Impacts from Concurrent Construction of Related Projects</u>

The DEIR acknowledges that the Equitable Building is located a mere 100 feet from the East site and 280 feet from the West site, in very close proximity to the massive construction site. The DEIR places the Equitable Building in "Category IV" or "buildings extremely susceptible to building damage." While the DEIR sets appropriate warning and regulatory levels for off site vibration impacts, it fails to ensure that there will not be vibration impacts on the Equitable Building because it does not include the Equitable Building in NOI-MM-4. Therefore, there will be no monitoring of potential impacts, in spite of the building's proximity to the construction.

These concerns are particularly pronounced due to potential cumulative impacts from concurrent construction of the Project and Related Project 2, which is located at 1718 Vine Street, immediately between the Project and the Equitable Building. There additionally is a project at 6220 Yucca that is also a known future project in the immediate vicinity, which must be cumulatively analyzed as well. What are the impacts of possible current construction of Related Project 2 and the Project on the Equitable Building? The DEIR provides no analysis on this critical question whatsoever. The DEIR simply claims that there would be an impact, without any quantification. This scant analysis does not live up to CEQA's standards. Moreover, since the Equitable Building is not included in the mitigation measures requiring vibration monitoring, there is no basis to conclude that there will not be significant and unmitigated impacts due to the concurrent construction.

With respect to noise, the DEIR admits that the construction phase of the project would have a significant and unmitigable impact on the residents of the Equitable Building, the members of the LHVHOA. Yet the DEIR does not quantify the duration of those impacts, and indeed, there are two widely variant possible construction scenarios ranging from 4.5 years to 7 years. It would be helpful for the EIR to disclose more precisely the number of days that residents will be subjected to noise above the significance threshold.

Response to Comment No. ORG 42-8

This comment raised concerns about construction-related vibration and noise impacts to the Equitable Building and its residents.

At a distance of 100 feet (East Site) and 280 feet (West Site) from the Project's closest boundaries, potential vibration levels that would be generated by construction equipment, such as dozers and loaders, would be well below the 0.12 in/sec PPV threshold that could potentially result in building damage.

Table 3 in the Hollywood Center Project (ESA, April 2020) Appendix K, Noise Technical Appendix, of the Draft EIR shows that, except along Yucca Street between Argyle Avenue and N Gower Street, construction traffic would not result in any significant noise impact. No receivers near the Equitable Building (along Hollywood Boulevard and Vine Street) would be exposed to significant construction traffic noise impacts from the Project.

Table 4 in the Hollywood Center Project (ESA, April 2020) Appendix K, Noise Technical Appendix, of the Draft EIR shows that, with all on-site operational noise sources combined, no significant noise impacts would occur at the Equitable Building multi-family complex would occur.

Similarly, Tables 8 and 9 in the Hollywood Center Project (ESA, April 2020) Appendix K, Noise Technical Appendix, of the Draft EIR shows that under Cumulative Conditions 2027 and 2040, respectively, no receivers at or near the Equitable Building (along Hollywood Boulevard and Vine Street) would be exposed to significant cumulative construction traffic noise.

The comment also requests that a project located at 6220 Yucca be considered as part of the cumulative analysis. The project located at 6220 Yucca is analyzed as part of the Draft EIR as Related Project No. 4, as noted in Chapter III, *Environmental Setting,* of the Draft EIR. Therefore, the project located at 6220 Yucca is already addressed as part of the cumulative analysis within the Draft EIR.

Comment No. ORG 42-9

D. <u>Increased Congestion Cannot Be Totally Ignored and Assumptions and Mitigation Measures that Depend Upon Public Transit Use Must Be Re-Evaluated In Light of the COVID-19 Crisis and Potential Long Term Reduction in Transit Use</u>

The EIR utilizes a Vehicle Miles Traveled metric to analyze the impacts of the proposed project, entirely ignoring the project's obvious contribution to the existing congestion, well-documented congestion in the area. As set forth in the Land Use discussion above, the Hollywood Community Plan does not allow the City to turn a blind eye to the impacts of congestion on the transportation system. The EIR states that a threshold of significance for transportation impact is whether the project would "conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities." The Hollywood Community Plan requires a *mandatory* finding prior to any increase in density by zone change that "the local streets, major and secondary highways, freeways, and public transportation available in the area of the property involved are adequate to serve the traffic generated." By ignoring the congestion in the area and failing to assess how the Project will increase that congestion, the DEIR fails to adequately apply its own threshold of significance: a conflict with a policy addressing the circulation system.

Response to Comment No. ORG 42-9

This comment asserts that the Draft EIR did not adequately consider traffic congestion impacts when assessing whether the Project would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

With regard to VMT, SB 743, as codified in PRC Section 21099, and CEQA Guidelines Section 15064.3 establish the thresholds upon which the Project's transportation impact analysis is based. In July 2019, the City of Los Angeles implemented the shift to VMT, as required by the State's updated CEQA Guidelines, by preparing the updated Transportation Assessment Guidelines (TAG) that provides guidance on the analysis requirements, approach, impact thresholds, and evaluation of significant transportation impacts. The VMT method currently set forth in the CEQA Guidelines and the City's TAG is based on per capita miles. The reasoning is that residents and workers in urban centers have proximity to a mix of uses that reduces reliance on the automobile and, in turn, reduces significant environmental impacts related to air emissions, energy demand, and GHG emissions. A reduction in per capita miles reduces environmental contaminants in

the air basin shared by the total population. However, under the prior Level of Service model, development in urban centers that would reduce per capita miles is penalized since all growth in compact urban areas generates local traffic increases and congestion. As such, the State abandoned this approach in the CEQA Guidelines, as directed by the Legislature, in favor of the VMT approach, which results in a broader and overall reduction in automobile reliance. The Thresholds of Significance as addressed in Section IV.L, *Transportation*, of the Draft EIR are consistent with the requirements of CEQA and the State.

Accordingly, as applicable to the Hollywood Community Plan, the determination of whether local streets, major and secondary highways, freeways, and public transportation available in the area of the property involved are "adequate" to serve the traffic generated is not determined solely on traffic congestion. In fact, the Community Plan does not define "adequate" in terms of the ability of roadways to serve the traffic generated from a zone change. While it is conceded that traffic congestion does occur near the Project Site, the Project's concentrated density in an area with numerous alternative transportation option nearby, along with the Project's proposed mix of uses and contemplated TDM measures (see Project Design Feature TRAF-PDF-1), support VMT reduction strategies. Also, Mobility Plan 2035 street standards were reviewed by Fehr & Peers (traffic consultant) as part of the Transportation Assessment (TA) prepared for the Project (see Appendix N-1 of the Draft EIR) and compared to existing and future conditions resulting from the Project, and it was determined that the Project would not conflict with street designations and classifications therein. No street widenings would be necessary with the Project. No dedications or improvements are required along Project frontages as the rights-of-way and roadway configurations are consistent and/or do not preclude the cross-sections and designations in Mobility Plan 2035. Because the Project would be consistent with VMT reduction strategies and no conflicts with the surrounding street designations or classifications in Mobility Plan 2035 would occur, no conflict with the Hollywood Community Plan's transportation-related policies would occur such that physical impact to the environment would occur. No further evaluation of traffic congestion in the EIR is required. See also see Topical Response No. 2 – Transportation and Traffic, above.

The comment also implies that the traffic analysis did not account for the effects of COVID-19 and the potential for diminished use of public transportation. The Project may be operational as early as 2024 with buildout of either the West Site or the East Site. It is not possible at this time to predict with accuracy what the status of the COVID-19 virus will be in 2024, which represents the earliest year in which either the West Site or the East of the Project would be in operation. Furthermore, the comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. CEQA does not require analysis of speculative conditions related to the potential for diminished use of public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change

which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on traffic conditions, particularly from the public's potential use of public transit or driving during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. ORG 42-10

What's more, the DEIR also misstates the threshold of significance for increased hazards due to project features. Appendix G of the CEQA Guidelines, section XVI, Transportation/Traffic includes a finding that a project will "substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)." The DEIR restates by inserting the word "geometric" before hazards, a nonsensical insertion. The analysis of this threshold also ignores the impact of area congestion on intersections and freeway on and off ramps. Similarly, in analysis of the adequacy of emergency access to the area, congestion is once again totally ignored.

Response to Comment No. ORG 42-10

This comment asserts that the Draft EIR misstates the threshold of significance for increased hazards due to project features and does not address traffic congestion under this threshold. As discussed under Response to Comment No. ORG 42-9, above, congestion is not a CEQA traffic impact standard or a threshold for hazards related to design features apply to traffic congestion. Threshold (c) "substantially increase hazards due to a *geometric* design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)") is as stated in the CEQA Guidelines set forth by the State legislature (emphasis added, added by amendment to the CEQA Guidelines November 2018). The analysis relative to this threshold is located on pages IV.L-44 to IV.L-45 in Section IV.L, *Transportation*, of the Draft EIR. The analysis, which describes driveway configurations, crosswalks, potential pedestrian/vehicle conflict, signalization, and pedestrian access, is consistent with the requirements of the CEQA Guidelines.

Non-CEQA issues, including traffic congestion, are addressed as part of the TA prepared for the Project (see Appendix N-1 of the Draft EIR). See also see Topical Response No. 2 – Transportation and Traffic, above, which further discusses the Non-CEQA traffic congestion impacts included as part of the TA. The TA also includes a supplemental assessment of freeway-related impacts requested by Caltrans, which was presented for informational purposes in Appendix I to the TA. Stated on page IV.L-50, of the Draft EIR, "As shown in Appendix I to the TA, the analyses determined that the addition of Project or the Project with the East Site Hotel Option traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not

considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters."

Comment No. ORG 42-11

Moreover, the DEIR relies on CEQA Guidelines section 15064.3, subdivision (b), as a threshold of significance, which states that "vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." This Guideline does not excuse ignorance of crippling surface street congestion and the way in which a project will significantly inhibit access to an area.

Response to Comment No. ORG 42-11

The commenter expresses general concerns regarding the current CEQA threshold standard related to Section 15064.3 and "crippling street congestion." CEQA Guidelines section 15064.3(a) states, "except as provided in subdivision (b)(2) below (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact." Accordingly, the Draft EIR's assessment of traffic impacts related to Threshold (b) on pages IV.L-42 to IV.L-44 correctly relies upon the quantitative VMT analysis for its impact findings therein and, as such, is consistent with the provisions of CEQA Guidelines Section 15064.3.

Comment No. ORG 42-12

In addition, the Project Design Features and Mitigation Measures relying upon use of transit must be revisited in light of the COVID-19 crisis brought to light significant impacts related to the proposed mitigation measures of promoting the use of mass public transit, walking and bicycling, especially in crowded places and dense city centers, which were not reasonably known or could not have been comprehended or documented before. The Project's DEIR, including as well the analysis of greenhouse gas emission impacts, largely relies on the *assumption* of the public's use of public transit, walking, and bicycling, to achieve the claimed 50 percent GHG reduction.

However, the Project assumptions or even enforceability of the proposed mitigation measures has not been supported by any substantial evidence and is even more attenuated now, in view of the recent pandemic of COVID-19. First, there is no statistics or study to support the assumption that reduced parking or more bus lines will make people use buses, walk or ride bicycles. Metro ridership has been steadily declining in all major Cities where public transit measures were improved and transit-oriented development ("TOD") policies were introduced.[1] Second, the COVID-19 crisis revealed the flipside of the proposed mitigation measures: there is now *documented* correlation between public transit and the spread of diseases, including life- threatening ones, such as COVID-19.[2] Many cities have acknowledged this threat, including the City of Carson which requested that Metro stop providing service during the COVID-19 crisis.[3]

Third, COVID-19 reality and the need for social distancing suggests that public reliance on transit will permanently change and should be discouraged.[4] Dr. Anthony S.

Fauci, Chief of Laboratory on Immunoregulation, opined that this pandemic may become seasonal.[5] It is an absolute imperative – to avoid exposure to health and safety hazards – that people have a safer choice to get to the destination rather than be forced to use mass transit in crowded or dense places.[6]

Footnote 1: See https://www.washingtonpost.com/local/trafficandcommuting/falling-transit- ridership-poses-an-emergency-for-cities-experts-fear/2018/03/20/ffb67c28-2865-11e8-874b- d517e912f125_story.html

Footnote 2: https://nypost.com/2020/04/15/mit-study-subways-a-major-disseminator-of-coronavirus- in-nyc/; http://web.mit.edu/jeffrey/harris/HarrisJE_WP2_COVID19_NYC_24-Apr-2020.pdf

Footnote 3: See https://www.dailybreeze.com/2020/04/05/carson-calls-on-metro-to-stop-service- after-bus-driver-tests-positive-for-coronavirus/; https://www.politico.com/states/new- york/albany/story/2020/04/22/with-death-toll-hitting-83-the-mta-contemplates-a-memorial-for- its-covid-fallen-1279032; https://nypost.com/2020/04/16/de-blasio-claims-he-said-early-on-to- avoid-nyc-mass-transit/

Footnote 4: See https://www.forbes.com/sites/rudysalo/2020/03/31/five-ways-covid-19-may-impact- the-future-of-infrastructure-and-transportation/; https://thefederalist.com/2020/04/22/how- public-transit-makes-the-nation-more-vulnerable-to-disasters-like-covid-19/ ; https://nypost.com/2020/05/04/mta-workers-cleaning-around-the-homeless-on-nyc-subways/

Footnote 5: https://www.businessinsider.com/fauci-coronavirus-is-likely-seasonal-after-global- outbreaks-2020-4

Footnote 6: See https://californiaglobe.com/section-2/coronavirus-spread-in-high-density-cities- halting-proposed-more-density-housing-measures/

Response to Comment No. ORG 42-12

The comment asserts that the Project Design Features and Mitigation Measures, as well as the GHG analysis, relying upon use of transit must be revisited in light of the COVID-19 crisis. CEQA does not require analysis of speculative conditions, including the effects of COVID 19. See Response to Comment No. ORG-42-9 which discusses the effects of COVID-19 and the Draft EIR analysis.

The comment states that there are no statistics or studies to support the assumption that reduced parking or more bus lines will make people use buses, walk, or ride bicycles, and that Metro ridership has been declining in all major cities where public transit measures were improved and transit-oriented development policies were introduced. The VMT analysis in the Draft EIR was conducted using the City's VMT Calculator. The VMT Calculator uses a combination of empirical trip generation rates based on actual data

collected in the City and data from ITE, the City's travel demand forecasting model (itself calibrated to local Los Angeles conditions), and empirical research from the California Air Pollution Control Officers Association (CAPCOA) and other relevant research regarding TDM measures, and importantly integrates the MXD (mixed-use) methodology from the U.S. Environmental Protection Agency (USEPA). The MXD methodology considers the combined effects of land use diversity/internalization, proximity to transit, and various built environment factors.[74] The transit mode split assumptions in the VMT Calculator are directly from the calibrated City travel demand forecasting model. As such, the analysis in the Draft EIR is based on validated and empirically-based data.

The Project's mitigation measures and design features are enforceable through the Mitigation Monitoring Program (MMP) presented in Chapter 4 in this Final EIR. The MMP outlines both mitigation measures and design features, as well as the manner of enforceability through identified monitoring agencies, consistent with the requirements of CEQA.

Comment No. ORG 42-13

Finally, the Project assumptions that mass transit is indeed ecologically "green" in general is itself based on false assumptions.[7]

In sum, COVID-19 *demonstrated* the dangers and health/safety hazards of mass transit or higher concentration of density at the Project site and radically affects the Project's baseline assumptions and derivative impacts analysis and mitigation measures. The noted health and safety concerns of Covid-19 are equally applicable to any other infection or contamination that can spread through use of mass transit and should override the questionable benefits of the "green" transit in the Project's mitigation measures.

The DEIR and the Project's feasibility needs to be re-evaluated in light of this changed reality and CEQA's mandatory findings of significant impacts to public health/safety with the proposed transit-oriented mitigation measures for traffic and GHG impacts.

Footnote 7: See the analysis of flawed assumptions behind the allegedly "green" mass transit, as reported by Tom Rubin, the Controller-Treasurer of the Southern California Rapid Transit District from 1989 until 1993, who has written many research reports on transit issues. https://reason.org/commentary/does-bus-transit-reduce-greenhouse/

Response to Comment No. ORG 42-13

The comment states that assumptions that mass transit is ecologically "green" are based on false assumptions. The comment claims, based on one source cited in the comment

[74] The USEPA MXD methodology was based on travel survey data gathered from 239 mixed-use developments in six major metropolitan regions. See https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model for further information.

(an analysis by Thomas Rubin[75]), that public transit is not "ecologically green" and, as such, more GHG emissions and air pollution will be generated by the Project than assumed in the Draft EIR.

Rubin's analysis specifically critiques the assumptions and analyses in a prior study published by Duke University.[76] However, the authors of the Duke analysis are quoted in Rubin's article as saying that the purpose of that analysis was "not to analyze fuel efficiency but rather to map out the U.S. supply chain for the manufacture of transit buses."

The commenter makes the presumption, as does the Rubin argument, that a single study with particular assumptions is the sole defining basis for whether transit is "greener" than personal auto use. However, there is an entire generation of scientific study on GHG emissions that supports the benefits of public transit over single-occupancy vehicles. Numerous studies regarding public transit and air quality/environment cite further research on emissions. One of the key takeaways from the most recent studies is the transition from high-particulate matter diesel fuel buses, which were still predominant in 2010, to compressed natural gas (CNG) and low-emissions diesel and biodiesel engines, which have been mandated across the country since around 2009-2010 and are now the predominant product. These newer engines significantly reduce (or in the case of CNG, eliminate entirely) PM2.5, one of the worst effects on air quality. These include:

- "The Route to Carbon and Energy Savings: Transit Efficiency in 2030 and 2050." McGraw, Shull, Miknaitis. November 2010. https://www.apta.com/wp-content/uploads/Resources/resources/reportsandpublications/Documents/Route_to_Carbon_and_Energy_Savings_TCRP_J11_Task9.pdf
    - Concluding that: "While researchers will continue to refine the precise numbers, it is clear that the overall inventory of GHGs in the U.S. today, and therefore the scale of the climate problem we have to contend with, is smaller than it would be if transit were not an option available to travelers."
- "Quantifying Greenhouse Gas Emissions from Transit." September 10, 2018. American Public Transportation Association. https://www.apta.com/wp-content/uploads/Standards_Documents/APTA-SUDS-CC-RP-001-09_Rev-1.pdf
- "Air Quality and Climate Impacts of Alternative Bus Technologies in Greater London." April 15, 2014. Chong, Yim, Barrett, Boies. https://pubmed.ncbi.nlm.nih.gov/24654768/
- "TCRP Synthesis 84: Current Practices in Greenhouse Gas Emissions Savings from Transit." 2010. Gallivan, Grant. Transit Cooperative Research Program.

[75] Thomas Rubin, Does Bus Transit Reduce Greenhouse Gas Emissions?, April 5, 2010, https://reason.org/commentary/does-bus-transit-reduce-greenhouse/, accessed August 25, 2020.

[76] Marcy Loew, Bengu Aytekin and Gary Gereffi, Manufacturing Climate Solutions, Carbon-Reducing Technologies and U.S. Jobs, Chapter 12, Public Transit Buses: A Green Choice Gets Greener, October 26, 2009.

https://www.nap.edu/catalog/14385/current-practices-in-greenhouse-gas-emissions-savings-from-transit

Most transit in Los Angeles has been operating with low-emission CNG buses for over a decade, which has significant benefits over the diesel buses that make up the basis of the Rubin critique. Even private charter buses based in the region are often using CNG, as many of them operate former Metro equipment (for example, Transit Systems, which is an operator of the Hollywood Bowl shuttles).

The Project would support that body of work with action through the TDM program that encourages people to choose transit even when they might have the opportunity to drive alone. Moreover, there are many reasons besides environmental benefit that someone might choose to take transit to or from the Project Site, not the least of which can include the facilities and amenities the Project would provide to residents and employees, as well as the incentives that would be part of the Project's TDM program.

Further, this comment asserts the Draft EIR uses incorrect assumptions on mass transit use and does not adequately address the effects of COVID-19 on traffic and GHG impacts. Please see Response to Comment No. ORG 42-12, above, which addresses these issues.

Comment No. ORG 42-14

III. An Inadequate Range of Alternatives is Considered Because No Alternative is Examined that Avoids the Mapped Alquist-Priolo Earthquake Fault

CEQA requires an analysis of a reasonable range of alternatives to a proposed project, with a focus on those alternatives that would reduce or eliminate significant environmental impacts of the project. While the DEIR evaluates a number of alternatives, a critical alternative has not been assessed. The State Geologist has mapped the Hollywood Fault as passing through the Project's East and West Sites. Under the state Alquist-Priolo Act, the area within 50 feet of a surface fault mapped by the state geologist may not be approved for any structures for human habitation. The Project inexplicably proposes to construct its largest tower right over the mapped surface fault trace.

Decision makers should not approve the Project as proposed without evaluating whether there is a feasible alternative that moves structures for human habitation off of the mapped fault trace. Construction over a fault trace most certainly will create an impact on the environment. A catastrophic failure of a 40-plus story skyscraper will certainly rain debris over the roadways and nearby structures, and create a risk to the health and safety of nearby residents. Failing to evaluate an alternative that is compliant with the Alquist-Priolo Act means that decision makers are acting blindly, without any awareness of how feasible it might be to reconfigure the Project site to avoid these impacts. Given the extreme consequences of a surface fault rupture here, the failure to evaluate an appropriate alternative is especially problematic.

Response to Comment No. ORG 42-14

The comment asserts that the Draft EIR includes an inadequate range of alternatives because no alternative is examined that avoids the mapped Alquist-Priolo Earthquake Fault Zone/Hollywood Fault trace. However, this comment is based on an incorrect understanding of the geological conditions underlying the Project Site.

Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. Because no active faults are beneath the Project Site, no alternative aimed at avoiding the Hollywood Fault is necessary. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Moreover, the Draft EIR does provide a reasonable range of alternatives, as well as justification as to why alternative sites and other development scenarios were considered. It should be noted that while an EIR must describe a range of reasonable alternatives to the Project, it is not required to discuss every alternative to the Project. Instead, an EIR should present a "reasonable range of potentially feasible alternatives." 14 Cal Code Regs §15126.6(a). The CEQA Guidelines do not establish ironclad rules relating to the range of alternatives to be discussed in an EIR.[77] Rather, the nature and scope of the alternatives studied in an EIR is governed by the rule of reason. 14 Cal Code Regs §15126.6(a). Under the rule of reason, an EIR need discuss only those alternatives necessary to permit a reasoned choice.[78]

The Draft EIR considered eight alternatives: Alternative 1: No Project/No Build Alternative; Alternative 2: Development under Existing Zoning Alternative; Alternative 3: Reduced Maximum Height Alternative; Alternative 4: Office, Hotel and Commercial Alternative; Alternative 5: Proposed Community Plan Update Compliant Alternative; Alternative 6: Above-Grade Parking Alternative; Alternative 7: Primarily Office Alternative; and Alternative 8: Office, Residential and Commercial Alternative. Chapter V, *Alternatives*, of the Draft EIR clearly describes each of these alternatives, provides an environmental impacts analysis, explains whether or not these alternatives would meet the Project's objectives, and describes which of the Alternatives, other than the No Project Alternative, would be the environmentally superior alternative.

CEQA, and case law, make clear that not every possible alternative must be included. The purpose of the Alternatives section of an EIR is to consider a range of reasonable alternatives which would avoid or reduce any of the significant impacts of a project. (CEQA Guidelines Section 15126.6.) Accordingly, there is no requirement to include an

[77] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.

[78] 14 Cal Code Regs §15126.6(f). See *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 CA4th 957.

alternative that addresses an alleged impact that the EIR demonstrates is not a significant project impact. For this Project, there is substantial evidence presented in Section IV.D, *Geology and Soils,* and Appendices G-1, G-2 and G-3, of the Draft EIR, that the Project would not be constructed on an active fault line. Since all the alternatives in Chapter V, *Alternatives,* of the Draft EIR, contemplate construction on the Project Site, all of them would satisfy the concern expressed in this comment as none of them would be constructed on an active fault line. As such, the Draft EIR provides a reasonable range of alternatives to the Project in compliance with CEQA.

Comment No. ORG 42-15

IV. Recirculation of the Draft EIR is Required

The DEIR must be significantly revised, and recirculated for additional review and comment. Recirculation is required because the impacts of the Project have not been adequately identified and disclosed, and feasible mitigation measures have not been analyzed. Only after the Project's full impacts are disclosed and feasible mitigation measures identified can the public and decision makers be fully aware of the ramifications if the proposed Project is to be constructed and operated in this location.

Response to Comment No. ORG 42-15

The comment suggests that the Draft EIR needs to be substantially revised. The comment, however, has not provided adequate facts or substantial evidence to support this claim. Refer to Response to Comment Nos. ORG 42-3 to ORG 42-14 which address comments included in this letter. As presented in the responses provided therein, no substantial revision and recirculation of the Draft EIR is required.

Comment No. ORG 42-16

Conclusion

The DEIR is inadequate and the included mitigation measures do not fully mitigate the impacts of the proposed Hollywood Center Project. Cultural resources, traffic, noise, and vibration all have significant unmitigated impacts, and other areas such as land use and geotechnical impacts are inadequately evaluated. A proper range of alternatives must be analyzed. The DEIR should be revised and recirculated before any additional consideration is given to the approval of this impactful project.

Response to Comment No. ORG 42-16

The comment concludes that the Draft EIR is not adequate and that mitigation measures would not mitigate the impacts of the Project. However, the prior comments in this letter did not substantially demonstrate or support the accuracy of this claim. Refer to Response to Comment Nos. ORG 42-3 to ORG 42-14 which address comments included in this letter. The comment also concludes that a "proper range of alternatives" must be analyzed. See Response to Comment No. ORG 42-14. The Project's Alternatives were

selected to reduce impacts related to the scale of the Project, reduce duration of the construction phase, or address impacts related to the Project's residential/mixed use. Alternatives include Alternative 2, Development under Existing Zoning Alternative (representing reduced scale); Alternative 3: Reduced Maximum Height Alternative (representing reduced height and view effects); Alternative 4: Office, Hotel and Commercial Alternative (representing a change in the mix of uses); Alternative 5: Proposed Community Plan Update Compliant Alternative (representing less change in entitlement and consistency with the Community's current planning policies; Alternative 6: Above-Grade Parking Alternative (to reduce the scale of excavation); Alternative 7: Primarily Office Alternative (representing a change in the proposed use); and Alternative 8: Office, Residential and Commercial Alternative (representing a change in the proposed use). The purpose of these alternatives is to determine whether any of these variations could change the impacts of the Project with respect to CEQA threshold standards. The need for additional alternatives suggested by the commenter is based on the incorrect presumption that the Project is located on an active earthquake fault, which it is not, as discussed under Response to Comment No. ORG 42-15. The suggestion that the Draft EIR should be revised and recirculated is not supported by any substantial evidence presented in the comment or prior comments.

Comment No. ORG 42-17

Exhibit 1, the Draft EIR for the 1988 Hollywood Community Plan, is attached to the comment letter.

Exhibit 2, Letter from LA City Planning to City Planning Commission RE: General Plan/Zoning Consistency Program – Plan Amendments and Changes of Zone and Height District, dated July 28, 1988.

Response to Comment No. ORG 42-17

Exhibits 1 and 2 were reviewed and considered but do not include any comments on the Draft EIR. Thus, no responses to the Exhibits are necessary.

Comment Letter No. ORG 43

Kara E. Grant
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17595 Harvard, Suite C-202
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Received June 1, 2020

Comment No. ORG 43-1

Attached, please find a letter from Kara Grant regarding the above-referenced matter.

Thank you for your time and attention to this matter

Response to Comment No. ORG 43-2

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 43-2 through ORG 43-10.

Comment No. ORG 43-2

My name is Kara Grant and I represent the Gabrieleño Band of Mission Indians – Kizh Nation (the "Tribe" or "Client"). The Tribe requested consultation with the City of Los Angeles's (the "City") on the Hollywood Center Project referenced above (the "Project") pursuant to Assembly Bill 52 ("AB 52"). That consultation commenced on or about December 5, 2018 to determine whether the Project may have a significant impact on tribal cultural resources ("TCRs"), and if so, the mitigations necessary to eliminate or minimize those impacts.

Response to Comment No. ORG 43-2

This comment provides an introduction to the commenter and to the commenter's client, the Gabrieleño Band of Mission Indians, Kizh Nation (Tribe). The commenter expresses the concern that the Project may have a significant impact on tribal cultural resources (TCRs). As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 43-3

Despite ample evidence provided to the City by the Tribe (discussed in detail below), the City ultimately dismissed the Tribe's evidence in its entirety finding it did not constitute "substantial evidence" to support the City's finding that the historic and widely recognized trade routes within which the Project is located, or the villages located immediately adjacent to the Project, constituted tribal cultural resources.

The City completely ignored the likelihood that the Project site would contain human remains/burial goods, and sensitive, historic, and irreplaceable artifacts given the Project locale. The "standard mitigations" included in the City's Draft EIR ("DEIR") for this Project

do not remedy these CEQA violations for several reasons, but most significantly because they are unenforceable and incapable of effectively mitigating the significant impacts this Project may have to TCRs. Moreover, the manner in which the City consulted with the Tribe, and the subsequent communications evidence an ongoing, pervasive pattern and practice of CEQA evasion with respect to TCRs. Finally, in 2018, the City permitted the Project applicant to conduct massive ground disturbance at the Project site in connection with Project development, with absolutely no prior consideration for TCRs and no mitigations in place, in violation of CEQA.

For each of these reasons, the City's DEIR is defective and must be revised to include enforceable, effective mitigations for TCRs pursuant to a "good faith" consultation with the Tribe, and all ground disturbing work performed in violation of CEQA, including but not limited to the trenching, shall be redone with a native American monitor from the affiliated Tribe present.

Response to Comment No. ORG 43-3

This comment asserts that the after consultation with the Tribe, the City incorrectly determined that the Tribe's evidence did not constitute "substantial evidence" to support the finding that there are certain tribal cultural resources near the Project Site, that standard mitigation measures in the Draft EIR are unenforceable and incapable of effectively mitigating potential impacts to tribal cultural resources, that the City's consultation with the Tribe were, in commenter's opinion, dismissive. The comment also expresses the concern that ground disturbance occurred at the Project Site with no prior consideration for TCRs and no mitigations in place, which the commenter asserts was done in violation of CEQA. These issues are addressed below.

(a) Allegation that the City Ignored the Evidence

The comment alleges that the City ignored the evidence presented by the Tribe by making a determination that it was not substantial evidence. Pursuant to CEQA Guidelines Section 15384, "substantial evidence" means enough relevant information and reasonable inferences from that information that a fair argument can be made to support a conclusion. As explained below, an examination of the whole record on the Project Site and vicinity, including what the City received from the Tribe, led to the reasonable determination that the evidence submitted by the Tribe did not establish that there were Tribal and Cultural Resources, as defined in Public Resources Code (PRC) Section 21074, on the Project Site.

As documented in the Tribal Cultural Resources Report, contained in Appendix O of the Draft EIR and serving as the City's Assembly Bill 52 Consultation Summary Report, and discussed below and in Response to Comment No. ORG 43-4, the City made multiple attempts to communicate with the Tribe, and requests for substantial evidence regarding the sensitivity of the Project Site with respect to TCRs. Appendix O also provided a historical summary of the Gabrieleño Band. As discussed on page 7 of Appendix O, the Gabrieleño Band is estimated to have had a population numbering around 5,000 in the

pre-contact period. Villages are reported to have been the most abundant in the San Fernando Valley, the Glendale Narrows area north of Downtown, and around the Los Angeles River's coastal outlets. A map of Gabrieleño villages, based on documents from the Portola expedition in 1769 and other ethnographic records, indicates that the closest Gabrieleño site to the Project Site is the village and sacred site of Kawegna, the source of the name for Cahuenga Boulevard. This site is located approximately three miles northwest of the Project Site in the general area of Toluca Lake and Universal City. The next closest village to the Project Site is the village of Maungna, once situated at the current location of Rancho Los Feliz, about 3.5-miles northeast of the Project Site.

Additionally, Appendix O provided a summary of database searches, which included contact with the Native American Heritage Commission (NAHC) on April 5, 2018, to request a search of the Sacred Lands File (SLF) which contains an inventory of sites of traditional, cultural, or religious value to the Native American community. The NAHC responded to the request in a letter dated April 18, 2018, that the Project Site was negative for known sacred lands.

Similarly, a records search for the Project conducted on April 3, 2018, at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) that included a 0.5-mile-radius for archaeological resources, concluded that no archaeological resources have been previously recorded within the Project Site itself, and one historic-period archaeological resource consisting of structural remains and refuse associated with a 1914 to 1945 era residential block was recorded during construction monitoring for new development, not related to TCRs.

The oral and written material provided by the Tribe did not provide sufficient information to conclude that the records search was inadequate or incorrect or establish that Project Site is likely to contain a TCR. For example, the map provided depicting the Kizh Nation Ancestral Territory included a broad geographic area, extending from Malibu to the north and Avila Creek in Orange County to the south the Channel Islands to the west, and extending east to the San Gabriel Mountains and parts of San Bernardino County. However, the map covered such a vast area that it was vague as to the Project Site; it did not identify the Project Site nor how close specific TCRs were to the Project Site. As such, the map lacked the detail and specificity needed for the City to rely on it as substantial evidence of the presence of TCRs on the Project Site. As to the oral history presentation, that too was vague. They generally spoke of two trade routes in the Hollywood area and the belief that there is the potential of artifacts and individual burial sites to located along the trade routes. However, there was no clear indication that the trade routes were on or near the Project Site and no indication of where along these trade routes TCRs may be found. Therefore, the oral history did not provide substantial evidence of the presence of TCRs at the Project Site. Nor was the oral presentation supported by any written documentation or other evidence showing the presence of TCRs at or near the Project Site. Thus, the information provided by the Tribe, when reviewed in light of the entire record, does not establish that there are identified Tribal Cultural Resources on the Project Site. Nonetheless, in light of the City's sensitivity to the

possibility of encountering TCRs on any property in the City, the City has developed standard Conditions of Approval that ensure that any inadvertent finds during construction are appropriated handled including tribal cultural resources and human remains. See Section IV.M, *Tribal Cultural Resources,* of the Draft EIR.

(b) Mitigation Related to the Recovery of TCRs

The commenter also claims that the "standard mitigations" (described in the Draft EIR as the City's "standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries") would not remedy any unanticipated impacts on tribal resources or are unenforceable is general statement not supported by specific facts or evidence.

The standard Condition of Approval is attached to the City's letter of April 8, 2020, to Chairman Andrew Salas. (See Appendix B of the Tribal Cultural Resources Report, provided in Appendix O, of the Draft EIR.) As stated in the City's letter, the Condition of Approval is enforceable through the City's police powers. In the event objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, the Condition of Approval requires that all such activities shall temporarily cease on the Project Site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

- Upon a discovery of a potential tribal cultural resource, the project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; (2) and the Department of City Planning.

- If the City determines, pursuant to PRC Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

- The project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.

- The project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.

- If the project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the

requisite professional qualifications and experience to mediate such a dispute. The project Permittee shall pay any costs associated with the mediation.

- The project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.

- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.

- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California PRC, and shall comply with the City's AB 52 Confidentiality Protocols.

Therefore, the claim that the City's Draft EIR is defective and must be revised to include enforceable, effective mitigations for TCRs is not supported by any facts demonstrating that the standard Condition of Approval that the City has applied successfully to other projects throughout the City is not effective or enforceable.

(c) Prior Ground Trenching

The comment also claims that the prior ground trenching at the Project Site violated CEQA in that it was performed without consultation with the Tribe and without Tribal presence. Consultation with California Native American Tribes is required under AB 52, for projects which require CEQA review. The primary intent of AB 52is to include California Native American Tribes early in the environmental review process, and to establish a new category of resources related to Native Americans that require consideration under CEQA.

Prior ground disturbance which included trenching and core boring was conducted at the Site in June-July 2014 (2015 Fault Activity Investigation, Appendix G-1 of the Draft EIR) in response to the February 2014 release of the California Geology Survey (CGS) Alquist-Priolo Earthquake Fault Zones of Required Investigation Map for the Hollywood Fault locally (supplemented and revised November 2014). The purpose of the 2015 Fault Activity Investigation was to evaluate the presence and recency of potential faulting for the buildability of the property. The 2015 Fault Activity Investigation, is a scientific study and did not include 'building or construction related building or significant site modification', therefore, was not subject to CEQA requirements.

In October and November 2018, an additional geological study (2019 Surface Fault Report, Appendix F-2 of the Draft EIR) was performed to evaluate the presence or the lack of presence of an active fault. As with the 2014 activity, the 2018 scientific exploration did not require a discretionary action by the City and, therefore, CEQA review was not

applicable. It should also be noted that the trenches uncovered no evidence of a TCR. Additionally, the 2018 trenching was performed in 200,000+ year old deposits, which has minimal potential to contain TCRs because the age of the majority of deposits predates human settlements in the area. During a dig, each trench site had at least four different geologists present scouring over the exposures in the trench walls. No artifacts were observed.[79] Thus, in addition to there being no CEQA requirement for Tribal consultation for ground disturbing work, including trenching related to the Geology Studies performed in 2015 and 2019, prior to the beginning of the environmental review process and no discretionary action involved in the trenching that would trigger CEQA review, the trenching was done with sensitivity to the potential for discovery of cultural and tribal resources.

(d) Good Faith Consultation

The comment alleges that the City did not consult with the Tribe in good faith. As shown in Response to Comment No. ORG 43-4, the City did in fact engage in extensive consultation including extending the time in which the Tribe could submit relevant information from their original consultation in December 2018 up to and including July 10, 2020, when the City sent a follow up email to the Tribe to obtain additional maps and literary documents that this comment letter stated to have been submitted prior to close of consultation. The comment also asserts that the City has a past pattern and practice of being dismissive of its obligations under AB 52. However, as the commenter does not provide any facts to support these claims, no further response is warranted.

Comment No. ORG 43-4

A. AB 52 CONSULTATION BETWEEN THE TRIBAL GOVERNMENT AND THE CITY

In a letter dated September 10, 2018, the Tribe timely responded to the City's invitation to consult on this Project pursuant to AB 52 (see Pub. Res. Code § 21080.3.1(d)).[1] That letter stated:

> "Your project lies within our ancestral tribal territory, meaning belonging to or inherited from, which is a higher degree of kinship than traditional or cultural affiliation. Your project is located within a sensitive area and may cause a substantial adverse change in the significance of our tribal cultural resources. Most often, a records search for our tribal cultural resources will result in a 'no records found' for the project area. The Native American Heritage Commission (NAHC), ethnographers, historians, and professional archaeologists can only provide limited information that has been previously documented about California Native Tribes. For this reason, the NAHC will always refer the lead agency to the respective Native American Tribe of the area. The NAHC is only aware of general information and are not the experts on each California Tribe. Our Elder Committee & tribal historians are the experts for our Tribe and can

[79] Group Delta, Michelle Sutherland, P.G., C.E.G., Senior Geologist, statement in email to ESA dated Wednesday, July 15, 2020. Correspondence is provided in Appendix C in this Final EIR.

provide a more complete history (both written and oral) regarding the location of historic villages, trade routes, cemeteries and sacred/religious sites in the project area."

Prior to this invitation to consult, however, the Project applicant carried out massive trenching and other ground disturbing activities on the Project site without any notice to affiliated tribes, and without any mitigations for TCRs in place in violation of CEQA.

On December 5, 2018, the Tribe's Chairman, Andrew Salas, and biologist, Matthew Teutimez, consulted with representatives of the City pursuant to AB 52. Messrs. Salas and Teutimez again informed the City that the Project is located in a place of particular significance to the Tribe – within a significant, historic trade route where it intersects with a second historic trade route, and adjacent to historic villages. Specifically, Messrs. Salas and Teutimez explained to the City that the Project is located within the Camino Real Trade Route and at the point where it converges with the Cahuanga Pass – another trade route of tribal and historical significance. As such, the Project site is itself a TCRs per the definition set forth in Section 21074(a) of the Public Resources Code. In addition, because the Project site was historically a highly utilized land area, it is very likely to be ripe with TCRs. Moreover, the Project is located adjacent to the sites of one or more of the Tribe's historic villages known as the Yangna, Sa'angna (sometimes erroneously spelled as "Suangna"), Mauanga, and Cahuenga. These villages overlapped each other within the project area, as reflected in the historic maps shared with the City during consultation (identified below). Per literary sources shared at the consultation, the Tribe's villages usually had between 500 and 1,500 huts – thus again, indicating the significant potential for TCRs at the Project site.[2] In fact, the City has recognized the presence and locations of these villages and the historic Camino Real and Chauanga Pass trade routes within which this Project is located in other project EIRs, even noting them as "well documented" in the work and maps prepared by anthropologist William McCawley (1996), and by archaeologist Gary Stickel (prepared specifically for the Gabrieleno Band of Mission Indians-Kizh Nation) (James Flaherty 2016), among others.[3]

During the consultation, Messrs. Salas and Teutimez shared their oral history, which explained how these trade routes were heavily used by the Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around them contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often isolated burials and cremations from folks who died along the trail, and are not associated with a village community burial site or ceremonial burial site. In addition to the Tribe's oral history, Messrs. Salas and Teutimez shared with the City the following maps and excerpts of other historic and expert documents including but not limited to: (1) 1938 Kirkman-Harriman Historical Map; (2) 2018 Kizh Tribal Map [indicating villages and trade routes overlapping the Project site]; (3) Lowell John Bean and Charles R. Smith, "Gabrielino," in Handbook of North American Indians: California, vol. 8, ed. by R. F. Heizer (Washington D.C.: Smithsonian Institution, 1978); (4) A View of the History of Charter Oak, California, by Jeanine Robertson (University of Claremont Press); and (5) other literary resources

describing the village locations within the area where the Project site is located. These documents contain sensitive information and were shared confidentially with the City for consultation purposes pursuant to section 21082.3(c) of the Public Resources Code.

As the Project site is located within and around sensitive, historical landscapes including two prominent trade routes and village, there is a high potential to impact the Tribe's TCRs since the trade routes and villages themselves constitute TCRs pursuant to Section 21074(a) of the Public Resources code, and because significant artifacts and even human remains and/or burial goods are likely present within the soil from the thousands of years of prehistoric activities that occurred at and adjacent to the Project site.

To avoid impacting or destroying TCRs that may be inadvertently unearthed during Project related ground disturbing activities, the Tribe proposed specific mitigation language approved by the Kizh Nation Tribal Government for inclusion in the Project EIR, Mitigation Monitoring and Reporting Plan ("MMRP"), and as a condition to Project approval. The Tribe's proposed mitigations for this Project generally included native American monitoring of all ground disturbing activities at the Project site, and protocol in the event TCRs are discovered, or human remains/burial goods are unearthed. The Tribe's proposed Project mitigations are attached hereto as Exhibit A.

During the December 5, 2018 consultation, the City neither agreed nor disagreed with the Tribe's proposed mitigations despite being asked for their thoughts and impressions. However, the very next day, December 6, 2018, the Tribe received a seemingly form email from the City requesting that the Tribe provide to the City "substantial evidence" of TCRs at the Project site in the forms listed below "within 14 days of [that] communication, or Thursday, December 20, 2018, in follow up to the information that was provided during the telephone consultation."

- Recorded maps demonstrating actual resource found within .5 mile of the project site
- What is the tribal cultural resource identified in the area
- Evidence of human remains and artifacts in the projects surrounding area
- Evidence of sacred land designated for trading routes
- Need factual written language in lieu of verbal knowledge

The Tribe provided key portions of their oral history, historical maps, and literary and expert documentation of the significance of the Project site location being where two major trade routes converge at a village site, and with several other villages adjacent thereto, the existence and legitimacy of which have been recognized by the City in other project EIRs. (*See* footnote 3, *supra*.) Thus, the Tribe provided no further documentation to the City.

Except for an additional request that the Tribe provide more "substantial evidence" that the Project site is a TCRs and/or that TCRs may exist at the Project site, no further communication was received by the City until a letter dated April 8, 2020. There, the City unilaterally "concluded" the AB 52 consultation for the subject Project asserting that substantial evidence was not provided to support the existence of a TCRs at the Project site or that the site constitutes a TCRs, and thus no mitigations were necessary. Thus, according to the City, the consultation was concluded because a mutual agreement on the Project mitigations could not be reached with the Tribe. The pertinent language is quoted below:

> "To date, no evidence has been submitted that demonstrates that the specific location of the Project Site should be considered a tribal cultural resource pursuant to Public Resources Code Section 5024.1, such that monitoring for tribal cultural resources would be required to avoid significant and unavoidable impacts. Furthermore, review of the map originally provided with the consultation request did not demonstrate that there is an existing tribal cultural resource within the Project Site."

The City's April 8, 2020 letter further states that despite the purported lack of substantial evidence of TCRs, that the City would adopt its "standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries." In short, the City has found that no mitigations for TCRs are required for the Project pursuant to CEQA. The condition of approval merely states that if an object or artifact that may be a tribal cultural resource is encountered during the course of any ground disturbance activities, all such activities shall temporarily cease on the Project site until the potential TCRs are properly assessed and addressed *by the City*. *If the City determines* pursuant to PRC Section 21074(a)(2) that the object is a TCRs, the City will allow any affected tribe a site visit.

Footnote 1: The Tribe received an invitation to consult on this Project because it is identified by the Native American Heritage Commission as a Tribe affiliated historically and ancestrally with the Project area.

Footnote 2: A View of the History of Charter Oak, California, by Jeanine Robertson (University of Claremont Press).

Footnote 3: See examples, Silver Lake and Ivanhoe Reservoirs Aeration and Recirculation System Project EIR, Appendix C; 222 West 2nd Project EIR, Appendices K and M; Trident Center Modernization Project EIR, Appendix H.

Response to Comment No. ORG 43-4

The comment partially summarizes the City's AB 52 consultation with the Tribe, including the checklist of items provided by the City that would constitute substantial evidence. The comment lists what was provided to the City during the consultation, which includes both oral history and physical evidence, and states that it constitutes substantial evidence of the presence of TCRs at or near the Project Site. The commenter also expresses the concern that prior to the AB 52 consultation the City allowed for ground disturbance within

the Project Site without consultation and insists that the Project requires the mitigation measures that were provided to the City by the Tribe. On the issues of ground disturbance and what constitutes substantial evidence, see Response to Comment No. ORG 43-3.

As discussed below, the consultation process fully complied with AB 52, the consultation process demonstrates the City's good faith consultation efforts, and the Tribe failed to provide oral and/or written material which, when reviewed in light of the whole record, would constitute substantial evidence establishing that tribal cultural resources would be found at the Project Site.

(e) Consultation Process

Pursuant to the requirements of AB 52, on September 4, 2018, the City sent consultation notification letters via certified mail to 10 California Native American Tribes on the City's AB 52 Notification List (City of Los Angeles, 2017) that are traditionally and culturally affiliated with the geographic area of the Project. On September 5, 2018, Jairo Avila, Tribal Historic and Cultural Preservation Officer for the Fernandeño Tataviam Band of Mission Indians, responded via email to the City regarding AB 52 consultation. Mr. Avila stated that the Project Site is outside of their tribal boundaries and deferred consultation to the members of the Gabrieleño Band.

On October 3, 2018, Sam Dunlap, Cultural Resources Director for the Tongva Nation, responded via email to the City and requested to engage in AB 52 consultation. On October 4, 2018, City staff responded via email to the Tongva Nation initiating consultation and requesting dates that the Tongva Nation would be available for a meeting. No response from the Tongva Nation was received. On October 10, 2018, City staff again emailed the Tongva Nation inquiring about a preferred date and time for a consultation meeting. Following a telephone conversation between City staff and Mr. Dunlap on October 10, 2018, City staff sent an email on October 11, 2018, to Mr. Dunlap confirming the meeting date, time, and location, for a meeting scheduled for October 19, 2018. City staff also requested in the October 11, 2018, email that Mr. Dunlap bring any documentation or materials that he would like to submit to the City in consideration of the analysis of tribal cultural resources in connection with the Project.

On November 1, 2018, City staff sent an email to Mr. Dunlap, summarizing the in-person consultation meeting that took place on October 19, 2018. In the email City staff noted that Mr. Dunlap discussed the background history of several tribes, and was concerned with the proper mitigation during construction activities, including monitoring for the Project. If such monitoring was warranted, he requested that the City not specify any particular tribe in the mitigation. City staff also mentioned that during the consultation meeting, staff had requested documentation that would assist the City in their analysis of tribal cultural resources, and noted that no further documentation had been provided by the Tongva Nation to date.

City staff also informed the Tongva Nation of the new point of contact (City Planner) for the Project. On March 27, 2019, City staff sent an email indicating that no information had been received and extended the deadline to provide documentary information to April 10, 2019. To date, no further documentation or response has been received and no tribal cultural resources have been identified as a result of the consultation with the Tongva Nation.

On September 10, 2018, an email was received by the City from "Admin Specialist" for the Kizh Nation, requesting AB 52 consultation. Included in the email was a formal letter response from Andy Salas, Tribal Chairman, and a map depicting the Kizh Nation Ancestral Territory. The map included a broad geographic area, extending from Malibu to the north and Avila Creek in Orange County to the south. It encompassed the Channel Islands, and extended east to the San Gabriel Mountains and parts of San Bernardino County. However, the map was vague as to the Project Site and its general vicinity. It did not identify the Project Site nor how close specific TCRs were to the Project Site. For example, it neither provided evidence that the trade route mentioned in the comment crossed, or was near, the Project Site nor that such a trade route was a TCR as defined in PRC Section 21074. Therefore, the map lacked the detail and specificity needed for the City to rely on it as substantial evidence of the presence of TCRs on the Project Site.

On September 11, 2018, City staff responded via email to the Kizh Nation initiating consultation and requesting dates that the Kizh Nation would be available for a phone conference and also requested that the Tribe submit any documentation that they would like the City to consider as part of the consultation process. On September 21, 2018, City staff sent a follow-up email to the Kizh Nation regarding a consultation appointment.

On November 7, 2018, an email from "Admin Specialist" with the Kizh Nation was received by City staff requesting to reschedule the telephone meeting that was scheduled for that day to Friday November 9, 2018. On the same date, City staff confirmed the request to reschedule and notified the Kizh Nation of the new point of contact for the Project, Mindy Nguyen. The Kizh Nation responded on November 7, 2018, via email confirming the point of contact to be notified and indicated they would be in touch with her to reschedule. On November 7, 2018, the Kizh Nation emailed City staff requesting to reschedule to the phone consultation to December 5, 2018, at 1:00 p.m. City staff confirmed this appointment and proceeded with a phone consultation on that date. Note that the consultation was telephonic only and that no documents were received by the City prior, or subsequent, to the consultation, other than the map that was provided in the initial consultation request.

On December 6, 2018, City staff emailed the Kizh Nation to confirm that the telephone conference took place on December 5, 2018, with representatives from the City and the Kizh Nation.[80] This email summarized the information exchanged during the telephonic consultation and included the following information:

[80] See Appendix C in this Final EIR for a copy of the e-mail correspondence.

- The Tribe described information regarding two existing trade routes in proximate Hollywood area; and

- The Tribe indicated the routes are considered cultural resources, and overlap the Project Site.

The email also included a table describing the information provided during the consultation and explaining what information the City needed to support the information that had been provided orally. As described below, no additional information was provided after repeated attempts by the City to obtain any information that would support the need for mitigation measures to reduce a potentially significant impact to TCRs.

Moreover, the five sources of information delineated in the comment were not presented to the City before, during, or after the telephone consultation. To verify the administrative record, and to ensure that all pieces of evidence that were submitted in a timely manner were analyzed, City staff sent a follow-up email to Kara Grant and Stephen Rapaport of Kara Grant Law, and Administration Gabrieleno Indians, to request a copy of the email wherein these documents were provided to the City, as well as the documents themselves. No response was provided by either the Law Firm representing the Tribe, or the Tribe itself. To date, the only written material presented by the Tribe was the above-mentioned map of the whole of the tribal ancestral territories.

(f) Continued Outreach and Standard Request for Substantial Evidence

As stated above, in the December 6, 2019 email the City requested that the Tribe "provide substantial evidence in writing that the trade routes relative to the Project Site are listed or eligible for listing in the California Register OR that this resource was determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1." The City further requested that the substantial evidence be provided within 14 days (December 20, 2018) of the communication. The City indicated that substantial evidence could be provided any of the following forms:

- Recorded maps of resources within 0.5-miles of the Project Site;

- Tribal Cultural Resources in the area;

- Evidence of human remains and artifacts within the vicinity;

- Evidence of sacred land for trading routes; and or

- Factual and written language in lieu of verbal knowledge.

These are the factors by which the City determines substantial evidence that a site would be sensitive with respect to TCRs and that mitigation to provide a Tribal monitor during excavation would be required.

The City contacted the Tribe on January 3, 2019, to follow up regarding the substantive evidence and extended the deadline for submission to January 17, 2019, before closing consultation. On January 5, 2019, the Tribe emailed to ask if the requested information had been received. The City responded on January 7, 2019, inquiring if the additional information had been sent, and indicating nothing had been received since the phone call on December 5, 2018. On January 9, 2019, Ms. Brandy Salas emailed that she would let Mr. Andrew Salas know that the information had not been received. City staff responded later in the day on January 9, 2019, confirming receipt of Ms. Salas' email.[81]

After again not receiving any information, on January 22, 2019, City staff emailed Ms. Salas to follow up. After not receiving any documentary information, on March 4, 2019, the City again emailed the Kizh Nation indicating that no information had been received and extended the deadline to March 18, 2019. On April 8, 2020, the City sent an AB 52 Completion of Consultation letter (Appendix B of the Tribal Resources Report, located in Appendix O of the Draft EIR), to officially close consultation, and that despite the lack of substantial evidence of TCRs, would adopt its "standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries."

On July 9, 2020, in response to the Tribe's comment letter on the Draft EIR, the City sent an email to the commenter explaining that no record of receipt, nor information in the file, indicated that any additional information had been sent to the City, including the items specifically listed in this comment letter, and requested that the commenter forward a copy of the email to the City that included this material by end of day, July 10, 2020, so that the record would be complete, and the City could respond accordingly in the Final EIR. To date, no further documentation or response has been received and no TCRs have been identified as a result of the consultation with the Kizh Nation. Accordingly, a letter confirming the closure of AB 52 Consultation was sent to the Tribe on April 8, 2020.

During or subsequent to this period, the Department of City Planning was not provided documentary materials pertinent to the Project Site or pertinent to an area within the vicinity of the Project Site or listed in this comment as having been provided to the City during the December 5, 2019, consultation. In addition to the Tribe not having provided maps showing trade routes or villages within or near the Project Site nor the listed literary sources to the City, references to information which the comment alleges was provided would not constitute substantial evidence of the potential for TCRs to be located at the Project Site. For example, neither the Camino Real nor the Cahuenga Pass are located on or near the Project Site and, therefore, references to their being recognized as historic sites in other EIRs is not relevant to the Project Site. In fact, the examples of other EIRs in the comment letter all involve projects in other areas of the City: The reservoir project is located several miles from the Project Site; the 222 W. 2nd Street Project is located in Downtown Los Angeles; and, the Trident Center is located in the western part of the City. None of these EIRs provide substantial evidence of the conditions on the Project Site in the Hollywood area. Thus, the evidence discussed in the comment, plus the oral history

[81] See Appendix C in this Final EIR for a copy of the e-mail correspondence.

provided during the phone consultation, when reviewed in light of the whole record including the evidence discussed in Appendix O, of the Draft EIR, does not constitute substantial evidence that and TCRs are present or likely to be present in the Project Site.

In summary, the City demonstrated good faith by engaging with the Kizh Nation Tribe during the course of the AB 52 consultation process, and offered the Tribe many opportunities to provide additional information to substantiate their claims, none of which resulted in the identification of potential TCRs either listed in or eligible for listing in the California Register or in a local register of historical resources as defined in PRC 5020.1(k), or a resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC 5024.1.

(g) Need for Mitigation Measures

As discussed above, when viewed in light of the entire record, the materials and oral histories provided during the consultation did not rise to the level of substantial evidence. As discussed in Section IV.M, *Tribal Cultural Resources,* of the Draft EIR, the SLF search prepared by the NAHC indicated that no sacred lands are recorded within the Project Site. The record search indicated that no archaeological resources have been previously recorded within the Project Site itself, and only one historic-period archaeological resource (not related to TCRs) has been recorded within a 0.5-mile radius of the Project Site. Since the Tribes had not presented substantial evidence of tribal cultural resources and the SLF search indicated that no sacred lands have been recorded on the Project Site, the City determined that the Project would not cause a substantial adverse change in the significance of a TCR. Therefore, impacts to TCRs were determined to be less than significant. In the absence potential significant impacts to TCRs, the implementation of mitigation measures are not required under CEQA. Accordingly, inclusion of the mitigation measures requested by the Tribe were not necessary nor appropriate since there was no evidence of a potential significant impact and since the City's standard Condition of Approval would ensure protection of tribal cultural resources should any be discovered during construction.

(h) Completion of Consultation Letter

The City's April 8, 2020, AB 52 Completion of Consultation letter (Appendix B of the Tribal Resources Report, located in Appendix O of the Draft EIR), and Section IV.M, *Tribal Cultural Resources*, in the Draft EIR, state that despite the lack of substantial evidence of TCRs, that the City would adopt its "standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries."

The purpose of the Completion of Consultation letter was to briefly summarize the City's combined efforts to engage in a meaningful and good faith consultation regarding potential impacts to TCRs as they relate to the Project, and to document the conclusion of the tribal consultation process, pursuant to PRC Section 21080.3.2. This letter was submitted to explain the City's findings and to insure the Tribe that there would be

conditions of approval that would protect any inadvertent finds during construction. Therefore, no mitigation is required.

Comment No. ORG 43-5

B. THE DEIR VIOLATES CEQA BECAUSE SUBSTANTIAL EVIDENCE OF TRIBAL CULTURAL RESOURCES AT THE PROJECT SITE WAS PROVIDED TO THE CITY, AND THE CITY ABUSED ITS DISCRETION BY REJECTING THAT EVIDENCE

The City violated CEQA by failing to engage in good faith in the AB 52 consultation process and committed an abuse of discretion by engaging in a pattern and practice whereby the City systematically rejects any and all evidence provided by consulting tribes as not amounting to "substantial evidence" to support TCRs mitigations, as the City did on the subject Project. As explained fully below, there is not substantial evidence in the record to support the City's finding that the Project site itself is not a TCRs, that TCRs are likely present at the Project site, or the City's determination that the Project will not have a significant impact on TCRs. Consequently, the DEIR is defective for failing to include proper, effective, and enforceable mitigations for TCRs.

Response to Comment No. ORG 43-5

The comment asserts that the City violated CEQA by failing to engage in good faith in the AB 52 consultation process, and that there is substantial evidence in the record that the Project will not have a significant impact on TCRs. See Response to Comment No. ORG 43-4 regarding the City's good faith effort and review of the evidence submitted by the Tribe. The only map provided to the City regarding this Project was a Kizh Nation Ancestral Territory map including a broad geographic area, extending from Malibu to the north and Avila Creek in Orange County to the south, this graphic does not provide additional detail regarding trade routes, villages, burial locations or other TCRs. However, the map did not specify where the TCRs were located with respect to the Project Site, was not to scale and, therefore, too general to determine substantial evidence related to a specific locality. No substantial evidence, including maps or written records pertinent to the Project Site or Project vicinity, or consistent with the City's criteria pursuant to PRC Section 5024.1(c), was provided to the Department of City Planning. The comment also states that the City systematically rejects any and all evidence provided by consulting tribes as "not amounting to substantial evidence" to support TCRs mitigations; however, this comment does not provide any facts to support this assertion. No evidence of TCRs applicable to the Project Site, within a 0.5-mile of the Project Site or the Project vicinity was provided to the Department of City Planning. In fact, the Department of City Planning extended the deadlines provided for the Tribe to respond multiple times, in hopes of receiving substantial evidence consistent with the oral history provided the Tribe. Therefore, the City conducted an adequate investigation into the potential presence of TCRs in that the City: (i) reviewed the material presented by the Tribe and attempted numerous times to obtain specific information regarding the Project Site from the Tribe, including after expiration of the comment period for the Draft EIR; (ii) relied on the data

base search and historical analysis provided in Appendix O, the Tribal Cultural Resources Report, to the Draft EIR, including its historical summary of Tribal activities in the region, database search of the SLF through the NAHC, and records search through the CHRIS SCCIC for archaeological resources within a 0.5-mile radius, all of which indicated that there are no known TCRs within the Project Site or Project vicinity; (iii) reviewed nearby project construction activities to determine if TCRs were uncovered during construction; (iv) considered the lack of observed TCRs during trenching of the Project Site in connection with fault investigations; and (v) examined the entire record before making a determination as explained in Section IV.M, *Tribal Cultural Resources,* of the Draft EIR, that there was no substantial evidence that TCRs were present at the Project Site and yet, in light of the City's sensitivity to the possibility of encountering TCRs on any property in the City, the City has developed standard Conditions of Approval that ensure that any inadvertent finds during construction are appropriated handled including tribal cultural resources and human remains.

Comment No. ORG 43-6

1) There is No Substantial Evidence to Support the City's Finding that the Trade Routes within which the Project is Located or the Likelihood of TCRs at the Project Site are Not TCRs.

Per section 21080.3.2(b) of the Public Resources Code, the City and the Tribe (collectively, the "Parties") were required to consult "in good faith," regarding the potential for TCRs at the Project site. Once consultation has begun, as the lead agency, the City may only certify an EIR for the subject project (which that may *[sic]* have a significant impact on a tribal cultural resource) after consultation has concluded. (PRC §21082.3(d).) Consultation is deemed concluded only when the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource, or when a party concludes, after a reasonable effort, that mutual agreement cannot be reached. (PRC §21080.3.2(b).)

CEQA defines "tribal cultural resources" as (1) "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register of historical resources or that are determined to be eligible for inclusion in the state register; and (2) resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. (Pub. Res. Code § 21074(a).)[4] Moreover, (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. (Pub. Res. Code § 21074(b).)

Footnote 4: Public Resources Code section 5024.1(c) states: "A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

(2) Is associated with the lives of persons important in our past.

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

Response to Comment No. ORG 43-6

The comment asserts that the City did not provide substantial evidence to determine that trade routes within the Project Site are not TCRs. However, the City had requested evidence to demonstrate that the subject trade routes were in the Project vicinity. The trade routes, in themselves, would not contain recoverable TCRs, unless these routes created a change in geographic character of the land, or were associated with villages, human remains, or artifacts related to habitation or trade. However, no map or written information regarding such trade routes pursuant to criteria set forth in Subdivision (c) of PRC Section 5024.1, was provided to the Department City Planning, even after several requests and follow-through by the City. While information was provided on the December 5, 2018 phone call, it was not an adequate basis on which to determine the approximate locations of trade routes, or evidence of additional TCRs associated with active trade routes, as the oral history only generally described the areas along which the trade routes traveled, and where potential TCRs may exist. In the absence of such evidence of TCRs within a 0.5-mile of the Project Site, the City could not independently conclude that TCRs potentially exist at the Project Site. This does not mean that TCRs do not occur in the area, but that evidence of any TCRs have not been provided or discovered within 0.5-mile radius surrounding the Project Site. Furthermore, TCRs were not discovered during recent excavations for construction projects area surrounding the Project Site (including the Argyle House, the Eastown Project, and the Kimpton-Everly Hotel). In addition, archaeological resources regulations for freeway construction have been in place and implemented by the California Department of Transportation (Caltrans) for more than 60 years. During the construction and repairs for the Hollywood Freeway during this period, no archaeological resources were recovered in the area. Caltrans has, however, recovered substantial evidence of prehistorical activity and TCRs during freeway development throughout the Los Angeles Basin as evidenced in the SCCIC record.

In summary, as set forth in Section IV.M, *Tribal Cultural Resources*, of the Draft, the City properly and concluded that there was no substantial evidence of TCRs on or near the Project through its investigations including: (i) reviewing the material presented by the Tribe and attempting numerous times to obtain specific information regarding the Project Site from the Tribe, including after expiration of the comment period for the Draft EIR; (ii) relying on the database searches and historical analysis provided in Appendix O, the Tribal Cultural Resources Report, to the Draft EIR, including the historical summary of Tribal activities in the region, database search of the SLF through the NAHC, and records search through the CHRIS SCCIC for archaeological resources within a 0.5-mile radius, all of which indicated that there are no known TCRs within the Project Site or Project

vicinity; (iii) reviewing nearby project construction activities to determine if any TCRs were uncovered during construction; (iv) considering the lack of observed TCRs during trenching of the Project Site in connection with fault investigations; and (v) examining the entire record before making a determination that there was no substantial evidence that TCRs were present at the Project Site. Yet, in light of the City's sensitivity to the possibility of encountering TCRs on any property in the City, the City has developed standard Conditions of Approval that ensure that any inadvertent finds during construction are appropriated handled including tribal cultural resources and human remains. Therefore, without substantial evidence from the Tribes regarding the sensitivity of the Project area, and in light of the entire record, the City cannot require additional mitigation above that provided in existing regulations and the standard Condition of Approval.

Comment No. ORG 43-7

The convergence of historic trade routes used for ages by Native American tribes meets all four of the subcategories described there. Accordingly, in rejecting this location and the likelihood of TCRs present at the Project site as to be TCRs, it relies on finding that the evidence provided by the Tribe to show the significance and likelihood of TCRs does not constitute "substantial evidence." In turn, the City demanded the Tribe to provide more "substantial evidence" following the December 5, 2018 consultation. The City made this demand in order to support its pre-planned finding that mitigation measures for TCRs are not necessary for this Project because there is no hard evidence that TCRs actually are present at the Project site. The City's position completely lacks merit.

The City improperly inverted the burden of proof regarding TCRs. CEQA does not require Tribes to substantiate with evidence the existence of TCRs at every project site on which they consult in order to justify the need for TCRs mitigation measures. To do so would require tribes to possess essentially an inventory of the location of all TCRs throughout the geographic area they are culturally and traditionally affiliated with, which for this Tribe spans several counties across Southern California, and documentation to evidence their TCRs inventory. If tribes possessed this kind of information, the Legislature would not have revised CEQA to provide for a consultation process whereby tribes are an integral part of the CEQA review process from the project outset, including proposing mitigation measures that must be included in the CEQA review document for any project that "may" have a significant impact on TCRs. Instead, the Legislature would have drafted measures whereby tribes may obtain access to project sites to retrieve their TCRs per their inventories and records. This is clearly not the case and laws shall not be given interpretations that would moot their very purpose. That intent is apparent from Public Resources Code Section 21084.2, which states that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." A project that may have a significant effect on the environment requires appropriate mitigation. (Pub. Res. Code § 21082.3(b).) CEQA "Defines "significant effect on the environment" as a substantial, or potentially substantial, adverse change in the environment." (Assembly Bill 52, Senate Floor Analysis, 8/27/2014, p. 2.)

Thus the only remaining issue as to whether mitigations should have been adopted for the Project is whether the Tribe provided the "substantial evidence" that the Project may have a significant impact on the identified TCRs thus requiring mitigations to eliminate or minimize those impacts. The CEQA Guidelines (14 Cal Code Regs §15384(a)) define "substantial evidence" as enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Under Public Resources Code Sections 21080(e) and 21082.2(c), and 14 Cal Code Regs Sections 15064(f)(5) and 15384, the following constitute substantial evidence: (1) Facts; (2) Reasonable assumptions predicated on facts; and (3) Expert opinions supported by facts.[5] In contrast, an opinion offered by a person who is not competent to render an opinion on a subject does not amount to substantial evidence. See *Jensen v. City of Santa Rosa* (2018) 23 Cal.App.5th 877, 894; *Cathay Mortuary, Inc. v. San Francisco Planning Comm'n* (1989) 207 Cal.App.3d 275.

The Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA prepared by the Governor's Office of Planning and Research (the "OPR Advisory") states that "substantial evidence" that a resource is a TCR "could include, among other evidence, elder testimony, oral history, triabl *[sic]* government archival information, testimony of a qualified archaeologist certified by the relevant tribe, testimony of an expert certified by the Tribal Government, official tribal government declarations or resolutions, formal statements from a certified Tribal Historic Preservation Officer, and historical notes, such as those found in the Harrington Papers and other anthropological records." (*Id.* at p. 4.) Interestingly, under these established definitions of "substantial evidence" pertaining specifically to TCRs, the City's Condition to Approval which allows for the opinion of an unidentified "City" personnel as definitive as to whether or not a discovered resource is in fact a TCRs does not constitute "substantial evidence."

Contrary to the City's apparent interpretation, nothing in CEQA suggests, much less states that substantial evidence of TCRs provided by a Tribe pursuant to consultation with the City may be negated and then disregarded by database studies on found historical data limited to an arbitrary distance from the project. In fact, this very issue was raised by bill opponents before AB 52 was passed. The question they posed was: "How Does One Prove A TCRs is Not a TCRs?" The opponents to AB 52 asserted:

> " ' *[sic]* While the lead agency retains the authority to make the final determination for this exception [for TCRs], it puts the lead agency in the position of trying to argue against what only tribes can truly know – what is culturally significant to that tribe.' For example, some TCRs may be based on oral history. If a tribe presents oral history as evidence that a resource is a TCRs, it seems questionable whether such evidence can ever be disputed."

The Bill opponents went on to state that this caveat "effectively mandates consideration of '[TCRs] (as broadly defined...and the importance/significance of which is determined by the tribe designating it) regardless of prior documentation and/or listing in State

surveys and registers of such resources.'" (AB 52, Senate Environmental Quality, pp. 16-17.) Consistent with this analysis, the Legislature expressly stated that California Native American tribes traditionally and culturally affiliated with the geographic area of a project have expertise concerning their tribal cultural resources. (PRC § 21080.3.1.) Accordingly, provided that the tribe provides "substantial evidence" that the project may have a significant impact on TCRs consistent with the foregoing, the project at issue is by definition one that will have a significant effect on the environment, and in turn requires an EIR or an MND.

The Tribe made this showing here. Knowledgeable representatives from the Tribe, whom the legislature deems to be "experts" on their Tribe's cultural resources, history, and places, relayed relevant portions of their oral history to explain why the project site lies within a sensitive area for purposes of their TCRs, and provided the City with documentation illustrating the geography, trade routes, and villages of their people. The Tribe's showing constitutes substantial evidence for purposes of CEQA. Thus, the Tribe has met their statutory burden according to both the express statutory language under CEQA, and to the legislative intent of AB52, as discussed herein. In turn, the Tribe's showing triggered the City's duty to complete the consultation process by one of the prescribed methods, and incorporate appropriate mitigation measures into the project. (PRC § 21082.3(b) [If a project "may have" a significant impact on a tribal cultural resource, the lead agency's CEQA document must discuss whether the project "has" a significant impact on that tribal cultural resource and whether feasible alternatives or mitigation measures, including those agreed to during consultation, will avoid or substantially lessen the impact]; see also Pub Res C §21082.3(e) [Unless the environmental document includes mitigation measures agreed on during the consultation process, "if substantial evidence demonstrates" the project "will cause" a significant effect to a tribal cultural resource, the agency must "consider" feasible mitigation measures "pursuant to" PRC § 21084.3(b)].) The City's assertion that that the Parties could not reach an agreement is devoid of merit as the City refused to discuss mitigations for the project with the Tribe.

In light of the foregoing, the City must consult with the Tribe, consider the mitigations proposed, and come to an agreement regarding those mitigations, which must be included in the EIR and MMRP for this Project for all ground-disturbing activities. Unfortunately, the City's failure to require such mitigations prior to the 2018 extensive trenching at the Project site violated CEQA and caused irreparable harm to TCRs. The Tribe requests that this "ground disturbing" work be redone with a Native American Monitor present, consistent with the mitigations attached hereto as Exhibit A.

Footnote 5: Case law makes clear that opinions can constitute "substantial evidence" when they are provided by a witness who is qualified to render an opinion on the subject. (Sierra Club v Department of Forestry & Fire Protection (2007) 150 CA4th 370; Architectural Heritage Ass'n v County of Monterey (2004) 122 CA4th 1095, 1117.)

Response to Comment No. ORG 43-7

The comment states that the burden of proof for substantial evidence is inverted and claims that the City's request for substantial evidence represents a "pre-planned finding" that mitigation measures for TCRs are not necessary for this Project because there is no hard evidence that TCRs actually are present at the Project Site.

CEQA does not require the City to prove that TCRs do not exist. Rather, the City is required to make a good faith effort in conducting a reasonable investigation to determine if a project could have a potential adverse impact on TCRs. The City makes a threshold determination under PRC Section 21074 (a)(2) as to whether there are any "identified" resources that qualify as Tribal Cultural Resources under PRC Section 5024.1(c). The "fair argument" test for whether there could be significant impacts does not apply to this threshold factual issue. See *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340, 369. Here, the City based its determination on an investigation that was conducted independently of the Tribe, as well as the information provided by the Tribe. As was concluded by the archeologists and cultural resources expert that prepared the Tribal Cultural Resources Report (Appendix O of the Draft EIR), while the Tribe described potential trade routes in the Project area, they provided no further information specifying where the trade routes were located and whether they could potentially be impacted by the Project. Therefore, the Tribe provided no substantial evidence which identified a TCR either listed in or eligible for listing in the California Register or in a local register of historical resources as defined in PRC 5020.1(k), or a resources determined by the lead agency. The lack of substantial information from the Tribe combined with the SLF search prepared by the NAHC which indicated that no sacred lands are recorded within the Project Site, and the record search indicated that no archaeological resources have been previously recorded within the Project Site itself, and one historic-period archaeological resource has been recorded within a 0.5-mile radius of the Project Site, led to the conclusion that the Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Thus, to the extent that there is a burden of proof placed on the City by CEQA, it is to ensure that it conducts a fair and impartial investigation and takes all evidence into account before making a determination on a particular site.

Further, the City does not engage in consultation with any presumptions regarding whether TCRs do or do not exist onsite. Instead, it is the City's responsibility to conduct an adequate investigation and considering whether or not other projects in the vicinity encountered any tribal or archaeological resources. See Response to Comment Nos. ORG 43-3 through ORG 43-5 regarding good faith consultation and the relevance of the information provided by the Tribe.

As previously discussed, the City requested that the Tribe provide substantial evidence that the trade routes crossing the Project Site met the requirements of PRC Section 5024.1(c), or show that they were either listed or eligible for listing in the CRHR or included in a local registry. Given that the Tribe did not respond, and the Tribal Cultural

Resources Report, Appendix O of the Draft EIR, did not disclose the presence of TCRs, including trade routes, at or near the Project Site, the City appropriately determined that the claimed trade routes did not qualify as identified Tribal Cultural Resources on the Project Site. No evidence has been provided by the Tribe to demonstrate that the Project Site is within a 0.5-mile of the convergence of historic trade routes, if the routes are indicated by geographic evidence (changes in the soils), human remains, or artifacts, or any TCRs. Furthermore, following consultation with the Tribe, the City made multiple follow-up requests for additional information to be provided to support the information the Tribe provided during the phone consultation in order to ensure that all applicable information was available to come to this determination.

The only source of information for potential undiscovered TCRs that was provided by the Tribe derives from their assertion that the Project Site is known for TCRs and the provision of a general ancestral territory map; however, as previously discussed, neither the assertions nor the map have been supported by any substantial evidence provided by the Tribe, nor is the assertion based on proven TCRs within the Project Site, or within a 0.5-mile radius of the Project Site, which constitutes a geographic area one-mile in diameter, allowing for the presence of off-site resources to inform the potentiality of resources within the Project Site. Any recovered TCRs in this radius would support the evidence provided by the Tribe. The Kizh Nation Ancestral Territory map provided by the Tribe depicted a broad geographic area, extending from Malibu to the north and Avila Creek in Orange County to the south. However, this graphic does not provide additional detail regarding trade routes, villages, burial locations or other TCRs nor does it specify where the TCRs were located with respect to the Project Site and was not to scale and, therefore, too general to determine substantial evidence related to a specific locality. Moreover, requiring substantial evidence relevant to the Project Site does not constitute a shifting of a burden of proof. However, the City is tasked with making a decision in its sole discretion and based on substantial evidence to support the conclusion that a likelihood that TCRs exist on the Project Site. The evidence considered by the City in making this determination is not limited to the information submitted by the Tribe. Considering the information that the Tribe provided in light of the entire record, including Appendix O, Tribal Cultural Resources Report, of the Draft EIR, the City made a good faith determination that there was no substantial evidence that the Project would significantly impact TCRs.

The comment also asserts that the mitigation measures proposed should be included in the EIR. The determination of whether mitigation measures should be implemented is not based on the belief that TCRs are not present at all, but on the evidence of the likelihood of TCRs being present. While the evidence did not substantiate the likelihood of TCRs, as it is understood that TCRs may be unexpectedly discovered. the City is imposing its standard Condition of Approval which requires that all discovered TCRs be recovered, pursuant to the City's existing police powers. In order to implement the requirements of AB 52, even in situations that do not indicate a high likelihood of TCRs being present, and because the Los Angeles Basin as a whole is rich in TCRs, the City enforces the standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries, as outlined in detail in the Response to Comment No. ORG 43-3. The

Condition of Approval would reduce impacts on potential TCRs if they were discovered during construction, but is not considered a CEQA "mitigation measure" since the City has determined, based on the entire record, that there is no significant impact to mitigate. As stated in CEQA Section 15126.4(a)(3): "Mitigation measures are not required for effects which are not found to be significant."

The comment further states that the Tribe relayed relevant portions of their oral history to explain why the Project Site lies within a sensitive area for purposes of their TCRs, and provided the City with documentation illustrating the geography, trade routes, and villages of their people. In addition, the comment cites the Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA prepared by the Governor's Office of Planning and Research, which defines substantial evidence of a TCR could include, among other evidence, elder testimony, oral history testimony of an expert certified by the Tribal Government. However, the oral history presented was not specific to the Project Site and while proximity to the Project vicinity was generally discussed, no written or substantiated oral information was provided that supported or clearly described the most expected location of the trade routes in the Hollywood area, or information that would support a finding that a high likelihood of TCRs associated with these routes would be potentially present within the Project Site.

The comment also asserts that substantial evidence of TCRs provided by the Tribe were negated and then disregarded based on an arbitrary distance from the Project. The 0.5-mile radius from the Project Site is not an arbitrary distance but constitutes a geographic area one-mile in diameter, allowing for the presence of off-site resources to inform the potentiality of resources within the Project Site. Any recovered TCRs in this radius would support the evidence provided by the Tribe. It should be noted that no physical evidence of any known TCRs were found within a square mile, including geologic anomalies associated with ancient pathways, midden or dark soils, human remains, or artifacts, which would indicate potentially prior trade routes, burials, or settlements in the area around the Project Site, during ground-disturbing activities for the recent construction activity around the Project Site or in the development of the Hollywood Freeway.

In regard to the trenching activities at the Project Site, refer to Response to Comment No. ORG 43-3, which discusses the prior trenching for the geologic research in 2014-2015 and 2018-2019, conducted to evaluate the presence and activity of potential faulting per the State's 2014 designation of the Alquist-Priolo Earthquake Fault Zone across the Project Site. These scientific explorations (trenching) were conducted in accordance with applicable regulations and were not subject to discretionary actions, such as building or grading permits, or planning approvals. As such, AB 52 was not applicable.

Moreover, the statement that the trenching caused irreparable harm to TCRs is not substantiated in the comments or by any evidence. State and City officials were present during the trenching, where no artifacts were observed. During a dig, each trench site had at least four different geologists present who scoured over the exposures in the trench

walls. Also, as previously mentioned, the west trench site excavation was performed in 200,000+ year old deposits, which has minimal potential to contain TCRs.[82]

Lastly, the commenter requests that the trenching be redone with a Native American be added as a mitigation measure. However, as no significant impacts to TCRs was identified, and, therefore, no mitigation measure are required.

Comment No. ORG 43-8

2) The City's Pattern and Practice of Systematically Rejecting Mitigations for TCRs Violates CEQA and Constitutes an Abuse of Discretion

There is ample evidence that the City routinely and systematically engages in a pattern and practice whereby it initiates consultation with tribes affiliated with a project such as the Project herein at issue pursuant to AB 52. The City receives the evidence provided by the tribe, which in this case was substantial oral history, historical maps, and expert and literary documentation that the Project site is located within the convergence of two major historical trade routes, and overlapping with well documented villages, within which ceremonial and burial grounds were historically located.

A review of the State Clearinghouse Database for all projects for which the City was the lead agency and adopted an EIR since at least January 1, 2018, shows that the City has never determined that the consulting tribe has provided "substantial evidence" of a TCRs for a project, and thus never adopted mitigation measures for TCRs for any such project. This, along with the boilerplate "methodology" identified for each project, as well as the form letters routinely sent to the consulting tribe(s) following the initial consultation asking for more "substantial evidence" regardless of what was provided, evidences a pattern and practice of systematically rejecting Tribal evidence to circumvent CEQA's mitigation requirements for TCRs.

Instead of engaging in good faith discussions re the proposed mitigations, the City routinely adopts the same "Conditions to Project Approval" which do not satisfy CEQA for several reasons: (1) these are not mitigations included in the Project EIR; (2) they were not agreed upon pursuant to the consultation process with the affiliated Tribe; (3) they are unenforceable since no Native American monitor possessing the knowledge and background to identify a Native American TCRs is required to monitor the ground disturbing activities, but instead, discretion is given to an unidentified "City" personnel with to determine whether a resource is a TCRs; (4) there is no means of enforcing the condition because there is no oversight to recognize noncompliance or report it.

Under CEQA, the lead agency "must 'provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.'" (*Lincoln Place Tenants Assn. v. City of Los Angeles*

[82] Group Delta, Michelle Sutherland, P.G., C.E.G., Senior Geologist, statement in email to ESA dated Wednesday, July 15, 2020. Correspondence is provided in Appendix C in this Final EIR.

(2007) 155 Cal.App.4th 425, 445.) "As part of the enforcement process, mitigation measures are subject to monitoring and reporting to ensure the measures will be implemented." (*Id.* at 446; Pub. Res. Code § 21081.6(a).) "The reporting or monitoring program shall be designed to ensure compliance during project implementation." (*Id.*) "The purpose of these [monitoring] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (*Lincoln Place*, *supra*, 155 Cal.App.4th at p. 445; *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) CEQA requires that mitigation measures adopted in the environmental review are "incorporated into the project or required as a condition of project approval in a manner that will ensure their implementation," and the failure to do so is a basis to set aside the agency's approval. (*Federation*, *supra*, 83 Cal.App.4th at pp. 1252, 1262 [finding the agency violated CEQA and thus ordering the trial court to issue a writ because the mitigation measures were not "fully enforceable"]; *Lincoln Place Tenants Assn.*, *supra*, 155 Cal.App.4th at p. 453 [holding the city violated CEQA by failing "to enforce the mitigation conditions placed on the project when it failed to monitor whether the measures were being complied with"].) This ample authority makes clear that the "standard Condition to Project Approval" the City adopted is wholly unenforceable and thus a clear violation of CEQA.

Finally, the City's pattern and practice of evading "good faith" consultation with tribes pursuant to AB 52, and systematic rejection of the substantial evidence supporting the existence of TCRs and in turn the project's potential impact on TCRs, amounts to an abuse of discretion and egregious violation of CEQA to the detriment of Tribal governments, like my Client's. In so doing, the City has repeatedly abandoned its fiduciary duties and responsibilities to the public. These violations beg the question whether bias exists against Native American tribes and in favor of project applicants. (See *Petrovich Development Company, LLC, et al. v. City of Sacramento*, et al. (C087283) [holding that the bias of one council member denied the individual challenging the project a fair hearing].)

Response to Comment No. ORG 43-8

The comment claims that the City has a pattern and practice of systematically rejecting mitigation for TCRs and that this violates CEQA and constitutes an abuse of discretion. The comment adds that the City receives evidence, but has not required mitigation measures subsequent to January 2018 EIRs, and claims that the City does not enter into "good faith" discussions and that the Condition of Approval routinely implemented by the City is not an enforceable mitigation measure. However, the commenter has not provided any evidence to substantiate this claim. In addition, and as discussed in Response to Comment No. ORG 43-7, outside of the general ancestral territorial map provided in the initial consultation request, and the telephone consultation, in which the historical importance of the region was discussed, no other evidence that Project Site is located within a convergence of two major historical trade routes, or within overlapping, well documented villages, within which ceremonial and burial grounds were historically located

has not been provided by the Tribe provided to the Department of City Planning, nor is it supported by the SCCIC record that TCRs have been recovered in a 0.5-mile radius of the Project Site. In addition, maps or literary sources listed in Comment No. ORG 43-4 were never provided to the City during, before or after the consultation with the Tribe. Therefore, based on the investigation that the City conducted as set forth in response to Comment ORG 43-5 the City has followed the AB 52 requirements and determined that no significant impacts would occur to TCRs.

The comment also states the Conditional of Approval is not sufficient because it is not a mitigation measure, is not enforceable, and was not agreed upon by the Tribe. However, as previously discussed, the City made numerous good faith efforts to obtain substantial evidence from the Tribe to support its contention that TCRs are present at the Project Site, but the Tribe failed to respond to any of these efforts. Additionally, the issue is not that TCRs are absolutely not present within the Project Site, but that there is no substantial evidence (including oral documentation) establishing identified TCRs occurring within the Project Site. As such, no mitigation measures are required or appropriated. As such, the City, having acted in good faith and after reasonable effort, concluded that a mutual agreement could not be reached and closed consultation. See Response to Comment Nos. ORG 43-3 and 43-4 for more information regarding these efforts. While mitigation is not required, the City has provided additional protection through the City's standard Condition of Approval for the treatment of inadvertent tribal cultural resource discoveries. The standard Condition of Approval would require a halt to excavation activities, require Tribal monitoring, and would require recovery of TCRs and, as such, would mitigate impacts on TCRs. Further, it is an enforceable Condition of Approval of the Project pursuant to the City's existing police powers, and has been successfully implemented throughout the Los Angeles Basin and is known to building contractors, archaeologists, and others who must comply with City regulations.

Comment No. ORG 43-9

C. CONCLUSION

My Client requests that the City comply with CEQA and all other laws, duties, and requirements. My Client demands that the trenching performed at the Project site without proper TCRs mitigations in place be redone with a Native American monitor from the Tribe present. My Client further demands that the City reengage in the AB 52 consultation process in good faith, and adopt the mitigations proposed (or a variation of those mitigations agreed upon by the Parties) as mitigations for this Project, and include those mitigations in the Project EIR and MMRP.

To be clear, my Client's only objective is to preserve and protect its TCRs. There is no public or private entity, and no governing body, that maintains an interest in respecting, preserving, and protecting the Tribe's TCRs equal to that maintained by my Client. Once their TCRs are damaged or destroyed, there is no adequate means of righting those wrongs. The Tribe wishes to effectively and efficiently work together with the City and the

Project applicant in carrying out this Project, but such "teamwork" cannot even commence if my Client's cultural resources are treated as dispensable.

Should you have any questions regarding this letter, please feel free to contact me at (949) 579-9330, or by email at kara@grant-law.net.

Response to Comment No. ORG 43-9

The conclusion statement is a request that the City comply with CEQA and all other laws, duties and requirements, and that the trenching performed at the Project site be redone with a Native American monitor from the Tribe present. The comment further requests that the City reengage in the AB 52 consultation process the as the City has not properly carried out the AB 52 consultation process.

As documented in the Tribal Cultural Resources Report, contained in Appendix O of the Draft EIR and serving as the City's Assembly Bill 52 Consultation Summary Report, and discussed in Response to Comment Nos. ORG 43-3 and 43-4, the City made multiple attempts to communicate with the Tribe, and requests for substantial evidence regarding the sensitivity of the Project Site with respect to TCRs. The commenter has not demonstrated or provided supporting evidence related to the trade routes and villages cited in the comments, nor have supporting materials with a tangential association with the resources been provided for the geographic area. In addition, the implication that the City would consider cultural resources as "dispensable" is a general statement and is not supported by facts. Also, refer to Response to Comment No. ORG 43-3 regarding the requirement for Tribal representatives during trenching activities. As explained in that Response, the trenching conducted in 2015 and 2018 was done for the purposes of determining whether there was any evidence of fault lines within the Project Site. Neither trenching investigation required a discretionary action by the City nor were they covered under AB 52 consultation requirements.

Comment No. ORG 43-10

The remainder of the comment letter includes proposed list of standard tribal cultural resources mitigation measures from the Gabrieleño Band of Mission Indians – Kizh Nation - and an attachment showing the Kizh Nation Ancestral Tribal Territory. The letter with the list of standard tribal mitigation measures is presented below.

EXHIBIT A

Most Important Things for Agencies to Know About AB52:

- An EIR, MND, or ND can not *[sic]* be certified until AB-52 tribal consultation has concluded.

- Agreed mitigation measures with the tribe, MUST be recommended for inclusion in the environmental document.

- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB52 consultation.

Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:

Note: To avoid compliance issues with the following laws, all Native American Monitoring shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area (NAGPRA Law 10.14)

- The Native American Graves Protection and Repatriation Act (NAGPRA), PublicLaw-101-601, 25 U.S.C. 3001 et seq., 104 Stat.3048.

- CEQA Guidelines Section15064.5, PRC 5097.98 (d)(1).

- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

If you are receiving these measures, The Gabrieleño Band of Mission Indians Kizh - Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleño Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.

Native American Heritage Commission (NAHC) Guidelines for Native American Monitors Consultants (approved9/13/05): By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extant of knowledge that should be expected.

Mitigation Guidelines for Tribal Cultural Resources (TCRs): CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and

conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.

MITIGATION MEASURES

Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both ancestrally affiliated with the project area and approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC) Tribal Contact list for the area of the project location. This list is provided by the NAHC. A Native American monitor shall be retained by the Lead Agency or owner of the project to be on site to monitor all project-related, ground-disturbing construction activities (i.e., boring, grading, excavation, potholing, trenching, etc.). A monitor associated with one of the NAHC recognized Tribal governments which have commented on the project shall provide the Native American monitor. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any tribal cultural or archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of

archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects: Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

Resource Assessment & Continuation of Work Protocol:

Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Acceptance of Tribal Government Recommended Mitigation Measures:

By_____ Date: _____

Lead Agency Representative Signature

Response to Comment No. ORG-43-10

The mitigation measures proposed in the attachment are not applicable to the Project because there is no substantial evidence that the Project would have a significant impact on TCRs and, as such, no mitigation is required. Furthermore, the proposed measures are not substantially different from the City's Conditions of Approval, discussed above. Therefore, no mitigation measures are required or appropriate under CEQA because no substantial evidence is available to indicate that the Project Site or vicinity potentially contain TCRs. The City has not agreed to the proposed list of mitigation measures based on Response to Comment Nos. ORG 43-2 to 43-9, above.

Comment Letter No. ORG 44

Victor De la Cruz
Manatt, Phelps & Phillips, LLP
2049 Century Park East, Suite 1700
Los Angeles, CA 90067
Received June 1, 2020

Comment No. ORG 44-1

Attached please find a comment letter on the Draft EIR for the Hollywood Center project (ENV-2018-2116-EIR) from Victor De la Cruz on behalf of AMDA College of the Performing Arts. If you have any questions, please do not hesitate to contact our offices.

Response to Comment No. ORG 44-1

The comment references an attached letter. Responses to these comments are provided in Response to Comment Nos. ORG 44-2 through ORG 44-65.

Comment No. ORG 44-2

This firm represents AMDA College of the Performing Arts ("AMDA"). On behalf of AMDA, we thank the City of Los Angeles ("City") for the opportunity to comment on the Draft Environmental Impact Report ("Draft EIR") prepared for the Hollywood Center Project ("Project"), which would be constructed directly adjacent to AMDA's approximately 2-acre campus in Hollywood. As detailed in this letter, AMDA has several serious concerns about the significant environmental impacts of the Project, especially as they pertain to AMDA's operations and how they would impact AMDA students. These concerns are compounded by the Draft EIR's faulty analysis and failure to comply with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

Based on our substantive comments, provided below, AMDA respectfully makes the following requests of the City:

Response to Comment No. ORG 44-2

This comment provides an introduction to the commenter's organization, the AMDA College of the Performing Arts. The comment expresses a general concern regarding the Project's impacts on ADMA's operations and the compliance of the Draft EIR with CEQA. However, the comment does not raise any specific issues with respect to the specific content and adequacy of the Draft EIR. More substantive comments and responses are provided below.

Comment No. ORG 44-3

1. That the Draft EIR be revised and recirculated to address AMDA's comments regarding the Draft EIR's flawed, incomplete, and legally indefensible Project

Description. (See *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16; *Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277, 288.)

Response to Comment No. ORG 44-3

The comment expresses opposition to the Project by claiming that the Project description does not comply with CEQA but does not provide any facts and, therefore, no substantial evidence to support this claim.

Nonetheless, as addressed in Response to Comment Nos. IND 8I-14, IND 8I-17, and ORG 42-4, the Draft EIR's Project description is consistent with CEQA and the guiding case law and does not require recirculation. Recirculation is warranted if significant new information is added to an EIR after notice of public review has been given but before final certification of the EIR.[83] Recirculation is generally required when the addition of new information deprives the public of a meaningful opportunity to comment on substantial adverse project impacts or feasible mitigation measures or alternatives that are not adopted.[84] "Significant new information" may include changes in the project or environmental setting as well as additional data or other information. CEQA Guidelines 15088.5(a). See also *Mountain Lion Coalition v. Fish and Game Com*., (1989) 214 Cal.App.3d 1043 ("Significant new information" requiring recirculation of a Draft EIR, includes, for example, when the Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.). However, the commenter does not provide any facts and, therefore, no substantial evidence to support the claim that the Draft EIR should be recirculated and, thus, does not raise any issues with respect to the content and adequacy of the Draft EIR.

Comment No. ORG 44-4

2. That the Draft EIR be revised and recirculated to address AMDA's comments regarding incomplete and flawed impact analyses (including, but not limited to, impacts on AMDA's operations, students, faculty, and visitors) relating to noise, aesthetics, air quality, cultural resources, greenhouse gas emissions, and transportation. Recirculation would be necessary to give AMDA, the public, and the City's decisionmakers an opportunity to evaluate the new information and the validity of the conclusions drawn from it. (See *Spring Valley Lake Association v. City of Victorville* (2016) 248 Cal.App.4th 91, 108.) Recirculation is always required when information is added to an environmental impact report, after it has been circulated for public review, that identifies a new or a substantially more severe environmental impact. (State CEQA Guidelines, § 15088.5.)

83 See Public Resources Code (PRC) Section 21092.1; CEQA Guidelines Section 15088.5. *Vineyard Area Citizens for Responsible Growth v City of Rancho Cordova* (2007) 40 C4th 412, 447.

84 CEQA Guidelines Section 15088.5(a); *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1993) 6 C4th 1112.

Response to Comment No. ORG 44-4

The comment expresses opposition to the Project based on noise, aesthetics, air quality, cultural resources, greenhouse gas emissions, and transportation, and suggests the Draft EIR be recirculated but does not provide any facts and, therefore, no substantial evidence to support these claims.

Refer to Response to Comment No. ORG 44-3 regarding requests for recirculation of the Draft EIR. As discussed therein, the Draft EIR is consistent with CEQA and the guiding case law and does not require recirculation. The commenter is also referred to Section IV.L, *Transportation,* of the Draft EIR, regarding traffic impacts; Topical Response No. 2 – Transportation and Traffic, above; Section IV.A, *Aesthetics*, of the Draft EIR, regarding scenic views, scenic resources and light/glare; Topical Response No. 4 – Aesthetics, above, for a discussion of aesthetics impacts; and Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR regarding greenhouse gas (GHG) emissions. As discussed in all these sources, the Project would not result in significant traffic, aesthetic, or GHG emissions, including at the AMDA site. As discussed in Section IV.C, Cultural Resources, of the Draft EIR and in Topical Response No. 6 – Historical Resources, the Project would result in potentially significant impacts related to noise and vibration at historical buildings if owners do not accept offered mitigation for monitoring. Because AMDA's buildings are not historical resources, the Project's historical resources impacts would not affect the ADMA campus. However, the Draft EIR, Section IV.I, *Noise and Vibration,* page IV.I-78, of the Draft EIR stated that the Project would exceed noise and vibration levels for building damage during construction at the AMDA Vine Building, which is adjacent to the West Site. Mitigation Measure NOI-MM-4 to provide monitoring during construction is offered to, but cannot be forced upon, the affected building owner. For this reason, this impact is considered significant and unavoidable. As further disclosed on page IV.1-81 of the Draft EIR, the Project's outdoor construction activities would exceed the significance threshold for human annoyance at AMDA's Vine Street building, a sensitive receptor site (Receptor Site No. 6). Because no further mitigation is available to reduce construction noise to below threshold levels, this impact would be significant and unavoidable. As the comment contains no facts to support a claim that the Draft EIR analysis relating to noise, aesthetics, air quality, cultural resources, greenhouse gas emissions, and transportation is inadequate, no further response is warranted.

Comment No. ORG 44-5

3. That the Draft EIR be revised and recirculated to modify and/or add mitigation measures that are either missing altogether or that inadequately address identified significant impacts, regardless of whether those impacts can be reduced to a less than significant level. Mitigation measures must be concrete and enforceable, and must include specific performance criteria that ensure their adequacy. Revisions to mitigation measures that are necessary to reduce potentially significant impacts to a level of less than significant require recirculation of the Draft EIR. (State CEQA Guidelines, § 15088.5.)

Response to Comment No. ORG 44-5

The comment expresses opposition to the Project by asserting that the mitigation measures are inadequate and, thus, require recirculation of the Draft EIR but does not provide any facts and, therefore, no substantial evidence to support this claim. As such, no further comment is warranted. Furthermore, CEQA Guidelines Section 15088.5(a)(3) requires recirculation if a mitigation measure considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

Nonetheless, the commenter is referred to Response to Comment Nos. ORG 44-3 and ORG 44-4, addressing recirculation of the Draft EIR and apparent inadequacies of the Draft EIR.

Comment No. ORG 44-6

4. That the Draft EIR be revised to incorporate an alternatives analysis that considers an "East Site First" construction scenario, which would feasibly and substantially reduce the Project's construction noise and vibration impacts on AMDA. (See State CEQA Guidelines, § 15126.6(c).)

Response to Comment No. ORG 44-6

The comment expresses opposition to the Project based on a claim that the Draft EIR does not consider a particular alternative to the Project but does not provide any facts and, therefore, no substantial evidence to support the claim that an "East Site First" construction alternative is necessary or how such an alternative would reduce the Project's construction noise and vibration impacts on AMDA.

With regard to the consideration of alternatives in the Draft EIR, the commenter is referred to Response to Comment No. IND 8I-53, which explains that the Draft EIR provides a reasonable range of alternatives and is not required to consider a specific alternative or different construction phasing plan raised by a public comment pursuant to CEQA and the guiding case law. It should be noted that while an EIR must describe a range of reasonable alternatives to the Project, it is not required to discuss every conceivable alternative to the Project. Instead, an EIR should present a "reasonable range of potentially feasible alternatives."[85] The CEQA Guidelines do not establish ironclad rules relating to the range of alternatives to be discussed in an EIR.[86] Rather, the nature and scope of the alternatives studied in an EIR is governed by the rule of reason. CEQA Guidelines Section 15126.6(a). Under the rule of reason, an EIR need discuss only those alternatives necessary to permit a reasoned choice.[87] Moreover, since the commenter does not explain why and how alternating the order of construction would reduce potential

85 CEQA Guidelines Section 15126.6(a) and *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 CA4th 957.

86 *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.

87 CEQA Guidelines Section15126.6(f). See *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 CA4th 957.

noise and vibration impacts to AMDA, the comment fails to present substantial evidence that the Draft EIR is inadequate.

The Draft EIR considered eight alternatives: Alternative 1: No Project/No Build Alternative; Alternative 2: Development under Existing Zoning Alternative; Alternative 3: Reduced Maximum Height Alternative; Alternative 4: Office, Hotel and Commercial Alternative; Alternative 5: Proposed Community Plan Update Compliant Alternative; Alternative 6: Above-Grade Parking Alternative; Alternative 7: Primarily Office Alternative; and Alternative 8: Office, Residential and Commercial Alternative. Chapter V, *Alternatives*, of the Draft EIR clearly describes each of these alternatives, provide an environmental impacts analysis, and explains whether or not these alternatives would meet the Project's objectives. As such, the Draft EIR provides a reasonable range of alternatives to the Project in compliance with CEQA, including a No Project/No Build Alternative, and is not required to consider an alternate phasing plan alternative.

In regard to noise and vibration concerns, the commenter is referred to Topical Response No. 7 – Noise and Vibration. As discussed in Topical Response No. 7, the Project's noise and vibration impacts were fully analyzed in the Draft EIR's Section IV.I, *Noise*, based on Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both provided in Appendix K of the Draft EIR.

Comment No. ORG 44-7

As you know, this is not the first iteration of a large-scale development project proposed on this site. In 2011, a master land use permit application was submitted to the City for the "Millennium Hollywood," a mixed-use commercial, residential, and hotel use project similarly bisected by Vine Street, and adjacent to AMDA buildings. The Millennium Hollywood project's environmental review was ultimately determined, by both the Los Angeles County Superior Court and the Second District Court of Appeal, to be significantly flawed. AMDA was intimately involved in the administrative review process for the Millennium Hollywood, pointing out the myriad flaws in that project's CEQA analysis prior to the project being approved and the defective environmental impact report certified by the City.

Response to Comment No. ORG 44-7

This comment makes a general statement about a previous project at the Project Site but does not raise a substantive issue on the content or adequacy of the Draft EIR, and, thus, no further response is warranted. Moreover, the comment addressed a prior project at the Project Site; however, this is an entirely new Project with new environmental analysis. Furthermore, see Section 3 of the Draft EIR Project Description, which states "[t]his analysis contained in this EIR is for a new Project and does not rely on the environmental review prepared for the previous project, which was invalidated." Accordingly, insofar as this comment relies on the alleged activities related to a different project, it does not raise any specific issues with respect to the content and adequacy of the Draft EIR; as such, no further response is warranted.

Comment No. ORG 44-8

I. AMDA AND ITS HOLLYWOOD CAMPUS.

AMDA is one of the country's preeminent non-profit colleges for the performing arts, with its two campuses in New York City and Hollywood recognized internationally for launching some of the most successful careers in theater, film, and television. Fully accredited by the National Association of Schools of Theater ("NAST")[1], AMDA's Hollywood campus enrolls approximately 900 students from throughout the world and offers four Bachelor of Fine Arts programs, one Bachelor of Arts program, and three Associates of Occupational Studies programs. In addition, AMDA offers a High School Summer Conservatory Program, which includes five residential performing arts programs for students in grades 8 through 12. Since 2003, AMDA's Hollywood campus has been a thriving community of young artists engaged daily in everything from general education courses typical of more traditional 4-year colleges, to musical theater, dance studios, and voice recitals.

AMDA's campus is comprised of several buildings in the immediate vicinity of the Project. The AMDA Tower Building, AMDA's main building, is located across Yucca Street from the Project and houses administrative offices, classrooms, studio spaces, a costume shop, a stage combat armory, a computer lab, the AMDA Café, and a black box theatre. AMDA's Vine Street Building, located at 1777 Vine Street shares a property line with the Project site, and is a five-story facility with 23 classrooms, 11 private voice studios, acting rehearsal rooms, a student lounge, the film production office, the scene shop, and other ancillary AMDA uses. It is AMDA's primary classroom building. An outdoor performance space, a campus piazza, a performing arts library, and film, television and editing facilities are also located on campus. Given that Yucca Street bisects the AMDA campus, AMDA students and faculty constitute a significant portion of the pedestrians crossing Yucca Street at Vine Street, and also use the surrounding sidewalks to travel the neighborhood, including to the nearest Metro station. AMDA operates 12 months out of the year, not only during the traditional academic school year. During the summer there are approximately 700 students on campus.

Footnote 1: NAST has been designated by the United States Department of Education as the agency responsible for the accreditation throughout the United States of freestanding institutions and units offering theatre and theatre-related programs (both degree-and non-degree-granting). NAST cooperates with the six regional associations in the process of accreditation and, in the field of teacher education, with the National Council for Accreditation of Teacher Education. NAST consults with the American Alliance for Theatre and Education, the Association for Theatre in Higher Education, and similar organizations in the development of NAST standards and guidelines for accreditation.

Response to Comment No. ORG 44-8

The comment is a general description of the year-round operation of the AMDA campus and the configuration of the campus, located at both sides of Yucca Street. It is understood that the Vine Street Building campus is located at the southwest corner of Vine Street and Yucca Street, and the Tower Building campus is located at the northwest corner of Vine Street and Yucca Street. The comment states that students and faculty need to frequently cross Yucca Street and use adjacent sidewalks to access the nearest Metro Station. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 44-9

II. THE HOLLYWOOD CENTER DRAFT EIR FAILS TO COMPLY WITH CEQA'S PROCEDURAL AND SUBSTANTIVE REQUIREMENTS, AND FAILS AS AN INFORMATIONAL DOCUMENT IN SEVERAL KEY RESPECTS.

A. <u>The Draft EIR's Project Description Is Legally Indefensible.</u>

A "finite project description is indispensable to an informative, legally adequate EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192.) Where a project description is inadequate, it necessarily follows that the impact analyses based upon that flawed project description are also inadequate. Here, the Draft EIR's failure to present an accurate, stable, and detailed project description stymies the ability of the public, and the City's decisionmakers, to understand the actual magnitude of the proposed Project, and the magnitude of its true environmental impacts.

1. The Project Description is unstable and invalid because it describes eight different potential projects with varying construction schedules, land use mixtures, building footprints, and open space configurations.

As discussed above, the EIR prepared for the Project's prior iteration, the Millennium Hollywood, substituted a wide range of potential options in lieu of the "accurate, stable and finite" project description required by CEQA—a strategy the courts found legally indefensible. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 16.) As a result, the Millennium Hollywood EIR and project approvals were struck down, thrown out, and vacated.

Yet, here we are again. CEQA has not changed. An accurate, stable and internally consistent project description remains an indispensable prerequisite to a legally sufficient EIR. (County of Inyo v. City of Los Angeles, supra, 71 Cal.App.3d at p. 192.) The law is clear that an EIR providing a range of possible project iterations does "not describe a project at all," and cannot meet the basic requirements of CEQA. (*Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17 Cal.App.5th 277, 288 ("*Washoe Meadows*".)

Today, the Hollywood Center's Draft EIR has narrowed the range of what the potential project could be as compared to the invalidated Millennium Hollywood Draft EIR, but the new range is still too broad to satisfy the requirements of CEQA. The Draft EIR proposes ***eight distinct possible projects and construction scenarios for Hollywood Center***, leaving a reader to guess which Project will ultimately be constructed in the future. Further, the correspondingly complex interactions between the potential environmental impacts of each potential scenario are for the most part ignored by the Draft EIR.

The Draft EIR, at first, seemingly presents a menu of only two project versions of the Hollywood Center Project. The first is termed the "Project" while the second is referred to as the "Project with the East Site Hotel Option." No discussion is provided for when the choice between the two iterations would be made, or whether the choice is up to the applicant, or the City, to decide. However, given that the "Project with the East Site Hotel Option" is not presented as a Project alternative in the Draft EIR's alternatives analysis, we assume that the applicant intends its entitlements to enable it to make the decision between the "Project" and the "Project with the East Site Hotel Option" on the applicant's own time, at some point in the future, and out of the public review and participation process.

While it is problematic to have two project iterations within a single project description in connection with this Project (for reasons further explained below), what this Draft EIR presents as a neat binary conceals a far more complex, shifting, and amorphous project description just below the surface. The Draft EIR goes on to describe a second and third set of "scenarios," each arguably with as great a potential effect on the potential environmental impacts as the first. But characterizing these options as "scenarios" instead of the true options and project alternatives that they are is nothing more than tricky semantics. This difference in name conceals a similarity in fact.

The second option is whether to invoke the "Capitol Records Lot Scenario," in which open space proposed on the East Site would be reduced, and building setbacks around Capitol Records would be increased, if Capitol Records declines to consent to "certain proposed improvements." (Draft EIR, p. II-59.) Even though the applicant has had more than a decade to address setback issues with Capitol Records, the Draft EIR provides no explanation as to why this issue cannot be determined now, prior to the completion of environmental review. Noise and vibration impacts on Capitol Records and its historic echo chambers are critically important, yet the DEIR obfuscates whether and how these impacts will occur or not by creating confusion on the actual construction setback from this building. More importantly, by placing this scenario here in the Project Description, rather than in the actual Project Alternatives section where it belongs, the Applicant can avoid adopting an alternative as legally required by CEQA to mitigate the Project's actual impacts on Capitol Records.

The third option is between the "Overlapping Construction Scenario" and the "Sequential Construction Scenario," two vastly different construction schedules. As with the first "option" between the "Project" and the "Project with the East Site Hotel Option,"

no information is provided as to when decisions regarding the second and third options will be made, by whom, what factors will determine which options are ultimately selected, and why this decision cannot be made now.

The full panoply of potential projects and construction schedules therefore amounts to eight distinct projects:

1. Project – Overlapping Construction Scenario
2. Project – Sequential Construction Scenario
3. Project Capitol Records Lot Scenario – Overlapping Construction Scenario
4. Project Capitol Records Lot Scenario – Sequential Construction Scenario
5. The Project with the East Site Hotel Option – Overlapping Construction Scenario
6. The Project with the East Site Hotel Option – Sequential Construction Scenario
7. The Project with the East Site Hotel Option, Capitol Records Lot Scenario – Overlapping Construction Scenario
8. The Project with the East Site Hotel Option, Capitol Records Lot Scenario – Sequential Construction Scenario

The problems with providing a "menu" of eight different projects are serious and two-fold. First, it violates established CEQA case law that prohibits using a Draft EIR as a scoping document and forbids presenting a range of project alternatives as a stable project description. (*Washoe Meadows*, *supra*, 17 Cal.App.5th at p. 288.) Second, it prevents the public and the City's decisionmakers from being able to fully understand and identify the potentially significant impacts associated with each and every project iteration.

Response to Comment No. ORG 44-9

The comment expresses opposition to the Project by claiming that the Project description does not comply with CEQA.

As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

The commenter is referred to Response to Comment Nos. IND 8I-14, IND 8I-17, and ORG 42-4, which address the Draft EIR's Project description consistency with CEQA and the guiding case law, the Project's two considered options – the Project and the Project with the East Site Hotel Option (although the Project with the East Site Hotel Option is no longer under consideration), and addresses the Project's construction phasing. The commenter is also referred to Response to Comment No. IND 8I-24, which addresses the

"Capitol Records Lot Scenario" in the event leaseholder Capitol Records does not provide consent for certain construction on the East Site, which would only result in a nominal decrease in the Project's open space, even though the Project's open space would still meet the Los Angeles Municipal Code (LAMC) open space requirement.

Further, the commenter conflates the two Project options with the construction phasing. The Project would remain the same under any construction phasing schedule identified in the Draft EIR. See Section II.7(g), Construction Information, Table II-6, Project Construction Schedule, and Figure II-30, Project Construction Scenarios, of the Draft EIR. The construction phasing identified in the Draft EIR is an attempt to look at the reasonable range of construction schedules to ensure that the public and decision makers understand the environmental impacts of potential construction scenarios.

Moreover, the commenter asserts that a Draft EIR cannot consider multiple design options. CEQA and the guiding case law allow a Draft EIR to consider multiple design options so long as the project description is definitive and the environmental analysis includes a discussion of all the impacts of both options to allow the public to be on notice of all potential environmental impacts. See *South of Market Community Action Network v City & County of San Francisco* (2019) 33 Cal.App.5th 321, 332. (An EIR's project description may also present alternative development or design schemes for a single proposed project so long as the possible variations are fully described and separately evaluated, and the maximum possible scope of the project is clearly disclosed.)

The Draft EIR only considers two scenarios – the Project and the Project with the East Site Hotel Option (although the Project with the East Hotel Option is no longer under consideration), which is identified at the outset of the Draft EIR Project Description. See Subsection II.1, Project Description Introduction (page II-2) of the Draft EIR. As explained in Response to Comment No. ORG 42-4, the Draft EIR fully explains and compares the two Project options, in narrative, table, and illustrative form, and provides, under either scenario, the total gross and net square footages, residential density, uses, site plans, illustrative massing, building elevations, cross-sections, and floor plans. As such, the that Project description does not comply with CEQA is unsubstantiated. The Draft EIR also analyzes the environmental impacts of both options. See generally, Chapter IV, *Environmental Impact Analysis*, of the Draft EIR.

As to the potential noise and vibration impacts to the Capitol Records Building, please refer to Section IV.I, *Noise,* of the Draft EIR. Rather than obfuscate potential impacts to the Capitol Records building, the Draft EIR carefully discusses the potential impacts and provides detailed mitigation measures to reduce the noise and vibration impacts to the Capitol Records building to less than significant (e.g., pages IV.I-74 through IV.I-66 and IV.I-84 through IV.I-87 of the Draft EIR). The comment presents no facts or substantial evidence, and, therefore, no further response is warranted.

Comment No. ORG 44-10

2. The Project Description's failure to identify a single, defined and stable project impairs the public's right and ability to participate in the public review process.

In *Washoe Meadows*, *supra*, 17 Cal.App.5th 277, the Court of Appeal expressly held that providing different alternatives as part of the project description does not meet CEQA's requirement for a stable, finite project description. The project at issue in Washoe Meadows was the "Upper Truckee River Restoration and Golf Course Reconfiguration Project," but the EIR's project description proposed five different iterations of the project – none of which were identified as a preferred project. At some future date, the EIR stated, one of the project iterations would be selected and implemented. The Court rejected this approach as being wholly contrary to CEQA's requirements, determining that the EIR "functioned more as a scoping plan… which should be formulated *before* completion of a DEIR for the purpose of identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR" and holding that "***[a] range of alternatives simply cannot be a stable proposed project.***" (*Id.* at p. 288, emphasis original.) Here, the Hollywood Center Draft EIR takes this same, flawed approach, laying out a "menu" of project iterations. However, worse than even the draft EIR at issue in *Washoe Meadows*, where the lead agency seemingly always intended to select one of the project iterations prior to project approval (but after circulation of the draft EIR), here there is no timeline presented for making such a decision. The plan seems to be to approve "the Project" and leave it to the applicant to select from ***eight different project scenarios*** and option combinations at some undetermined point in the future. In other words, the applicant is given free range, ***just as with the Millennium Hollywood Project***, to fashion an actual project description in the future, out of sight from the public, out of the control of the City decisionmakers, and in violation of CEQA. The only way to remedy this issue is to redraft the Project Description to present a single, stable, actual description of the Project that will move forward, redraft the environmental impact analyses to reflect the revised project description, and recirculated the Draft EIR.

Response to Comment No. ORG 44-10

The comment expresses opposition to the Project by claiming that the Project description does not comply with CEQA but does not provide any facts and, therefore, no substantial evidence to support this claim.

Nonetheless, the commenter is referred to Response to Comment Nos. IND 8I-14, IND 8I-17, ORG 42-4, and ORG 44-9, which address the Draft EIR's Project description consistency with CEQA and the guiding case law, the Project's two considered options – the Project and the Project with the East Site Hotel Option (although the Project with the East Site Hotel Option is no longer under consideration), and the Project's construction phasing.

The comment also ignores CEQA authority and guiding case law, which allows a Draft EIR to consider multiple design options so long as the project description is definitive and the environmental analysis includes a discussion of all the impacts of both options to allow the public to be on notice of all potential environmental impacts. See *South of Market Community Action Network v City & County of San Francisco* (2019) 33 Cal.App.5th 321, 332. (An EIR's project description may also present alternative development or design schemes for a single proposed project so long as the possible variations are fully described and separately evaluated, and the maximum possible scope of the project is clearly disclosed.)

The facts in the case cited by the commenter, *Washoe Meadows*, *supra*, 17 Cal.App.5th 277, are entirely different from the facts in the Draft EIR here. The project in the *Washoe Meadows* case included five very different alternative projects in its EIR without the designation of a preferred project.[88] As explained in *Washoe Meadows*, to be sufficient, an EIR's project description must include: (i) the precise location and boundaries of the proposed project, (ii) a statement of project objectives, (iii) a general description of the project's technical, economic, and environmental characteristics, and (iv) a brief statement of intended uses of the EIR. A project description must be accurate, stable, and finite to avoid confusing and misleading decision makers and the public about the nature of the project.[89]

The Draft EIR's Project Description includes: (i) the precise location and boundaries of the Project (see Section II.2, Project Location and Surrounding Uses of the Draft EIR, including Figure II-1, Regional and Site Location Map and Figure II-2, Aerial Photograph of Project Site and Vicinity); (ii) a statement of project objectives (See Section II.6, Project Objectives of the Draft EIR); (iii) a general description of the project's technical, economic, and environmental characteristics (see Draft EIR Section II.3, Project Background; Section II.4, Existing Project Site Conditions; Section II.5, Land Use and Zoning Designations; Section II.7, Description of the Project, including Table II-1, Figure II-5, Figure II-6, Figure II-7, Figure II-16, Figure II-8, Level 1 Plan, Figure II-9, Figure II-10, Figure II-11, Figure II-12, Figure II-13, Figure II-14, Figure II-15, Figure II-16, Figure II-17, Figure II-18, Table II-4, Project and Project with the East Site Hotel Option Gross and LAMC Floor Area Square Footages by Building, Figure II-25, Figure II-26, Figure II-27, Figure II-28, Figure II-29, and Chapter III, *Environmental Setting*); and (iv) a brief statement of the intended uses of the EIR (see Draft EIR Section I.1, Purpose of the Draft EIR). As such, the commenter's assertion that the Project description does not comply with CEQA is unsubstantiated.

88 *Washoe Meadows Cmty. v. Dep't of Parks & Recreation*, 17 Cal. App. 5th 277, 290.

89 *Washoe Meadows Cmty. v. Dep't of Parks & Recreation*, 17 Cal. App. 5th 277, 287; *S. of Mkt. Cmty. Action Network v. City & Cty. of San Francisco* (2019) 33 Cal. App. 5th 321, 332; and CEQA Guidelines Section 15124.

Comment No. ORG 44-11

3. The Project Description's failure to identify a single, defined and stable project hides the development's true impacts.

In *Washoe Meadows*, the lead agency argued that its multiple project permutations were not misleading because the EIR provided a thorough analysis of the environmental effects of the project version ultimately approved as the project. (*Ibid.*) The Court flatly rejected this argument, given that an agency's failure to propose a stable project is not confined to the informative quality of the EIR's environmental forecasts, noting that when an EIR contains unstable or shifting descriptions of the project, meaningful public participation is stultified because "the public is presented with a moving target, and commenters are required to offer input on a wide range of project combinations." (*Ibid*, citing to *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197.) Regardless, the Hollywood Center Draft EIR does ***not*** provide a thorough analysis of each of the eight permutations that would be permitted with Project approval.

Here, a member of the public knows only that one of ***eight*** Project iterations will ultimately be undertaken, but has no idea which one, and has no sense of what the various interactions of potential impacts would be in any given scenario. The Draft EIR's attempt to shoehorn these eight distinct iterations into a traditional Project Description format means that none of the eight has been adequately analyzed.

For example, the Draft EIR attempts to characterize the Capitol Records Lot Scenario as a difference in open space only. But a footnote on p. II-59 and Figure II-27 of the Draft EIR clearly indicate that the Capitol Records Lot Scenario also includes differences in uses, a reduction in ground floor restaurant square footage, and a reduction in the building envelope. The Capitol Records Lot Scenario's reduction in the building footprint on the East Site is not shown in any Project simulations, diagrams showing massing or building design, or analyzed in any way by the Draft EIR. Will the Capitol Records Lot Scenario result in changes to the views depicted in the Draft EIR? Will the applicant use the loss of massing here as justification to increase massing elsewhere on the site? Will it reduce the noise and vibration impacts on Capitol Record's historic echo chambers? Will the change result in different trip generation rates, as a result of a different land use mix? For example, will the reduction in community- serving retail and restaurant uses mean that Project residents would increase their vehicle usage? Will pedestrian connectivity, or operational noise associated with outdoor uses change? What impacts will this have on AMDA students, who constitute a significant portion of the pedestrians utilizing surrounding sidewalks and crosswalks to access AMDA's various campus buildings and the nearby Metro station? Will the footprint change result in different construction staging or stockpiling locations, or provide additional opportunities for noise mitigation measures? How does the Capitol Records Lot Scenario interact with the "Project" versus the "Project with the East Site Hotel Option"? ***A reader has no way of knowing the impacts of any of the Capitol Records Lot Scenario project iterations—of which there are four—because the Draft EIR provides absolutely no analysis.***

Similarly, there is no full analysis of the differences in the "Overlapping Construction Scenario" and the "Sequential Construction Scenario." For example, if the Sequential Construction Scenario moves forward first, how can the public be assured that the East Site will actually be developed? This is important because the DEIR states that "[a]s the East Site is larger than the West Site, the West Site would be the recipient of the proposed averaging of floor area and residential density. The West Site would utilize approximately 64,300 square feet of floor area from the East Site, which would permit an additional 97 to 98 units on the East Site." (Draft EIR, p. II-17.) Putting aside the fact that it appears the DEIR actually intended to state that the additional 97 to 98 units would go to the ***West Site*** (yet another example of the unstable, enigmatic Project Description), it should follow that development should start on the East Site first to ensure that the Project that ultimately gets built is a true Unified Development. Otherwise, the West Site may receive all the additional FAR and density transfers without a Unified Development ever being built. And while the Draft EIR's air quality and noise analyses purport to, at least at a high level, consider the differences in the two scenarios in terms of maximum daily emissions and noise from overlapping construction equipment, no other differences in the scenarios are analyzed. If the concurrent construction schedule is chosen, how does this affect pedestrian hazards (especially on AMDA students and faculty crossing Yucca Street, and walking between the AMDA campus and the nearby Metro station), construction staging, and the feasibility of placing temporary sound barriers? Does the concurrent construction schedule permit more construction staging and stockpiling to be placed onsite, further from adjacent sensitive uses, instead of on surrounding roadways? What happens to pedestrian connectivity if the sequential construction schedule is chosen? Under the sequential construction schedule, will the West Site's new residents be subjected to higher levels of pollutant emissions during the East Site construction phase? ***Again, a reader has no way of knowing, given none of these issues were addressed in the Draft EIR.***

This is a complex project with a combination of uses, several massive structures, and open space on multiple levels, undertaken on two large parcels separated by a public street and surrounded with sensitive land uses and historic resources. CEQA requires the full analysis of the potential environmental impacts of not only the components of the project and its various iterations, but the interaction of all of the various improvements and uses. Here, the public is being asked to dig through the Draft EIR to piece together distinct analysis for what in fact amounts to eight different projects. "[I]nconsistencies in a project's description, or…the failure to identify or select any project at all, impairs the public's right and ability to participate in the environmental review process. A description of a broad range of possible projects, rather than a preferred or actual project, presents the public with a moving target []."[2] (*Washoe Meadows, supra,* 17 Cal.App.5th 277 at p. 288.) CEQA forbids such an approach. The Draft EIR must be revised and recirculated after the applicant chooses one true Project from the menu of eight presented.

Footnote 2: For an example of the burden that the "moving target" of so many project iterations places on the public and the City's decisionmakers, see Table IV.E-7 of the Draft EIR, which identifies ***ten different permutations of the Project*** for purposes of

disclosing the greenhouse gas emissions that will occur. Of course, a reader has no idea which of the 10 different greenhouse gas emissions disclosed will actually come to pass as a result of the Project's approval – will it be 4,825 metric tons of CO2e? 10,795? 7,867? We know only that it will be somewhere within this broad range, and disclosing only a range amounts to no true disclosure at all.

Response to Comment No. ORG 44-11

The comment expresses opposition to the Project by claiming that the project description does not comply with CEQA and poses questions and hypotheticals without any facts to support the contention that any of these hypotheticals have the potential to have a significant environmental impact.

The commenter is referred to Response to Comment Nos. IND 8I-14, IND 8I-17, ORG 42-4, and ORG 44-9, which address the Draft EIR's Project Description consistency with CEQA and the guiding case law, the Project's two considered options – the Project and the Project with the East Site Hotel Option (although the Project with the East Site Hotel Option is no longer under consideration), and the Project's construction phasing.

As explained in the above-referenced response to comment sections, the Draft EIR's Project Description is accurate, stable and finite, and presents the information required by CEQA to provide a meaningful basis for environmental review. The Project Description complies with the requirements set forth in Section 15124 of the CEQA Guidelines. An EIR requires an accurate and stable project description as described by the commenter. This does not mean, however, that the project description must be rigid or inflexible.[90] Moreover, an EIR's project description may also present alternative development or design schemes for a single proposed project so long as the possible variations are fully described and separately evaluated, and the maximum possible scope of the project is clearly disclosed.[91] The Project is a single proposed project with a Hotel Option on the East Site (although the Project with the East Site Hotel Option is no longer under consideration), and any possible variations are fully described and separately evaluated, with the maximum possible scope of the project is clearly disclosed.

Also, as explained in the above-referenced response to comment sections, the construction phasing and loss of open space discussions in the Draft EIR are set forth so that the public is made aware of all currently foreseeable potential variables in the development and design schemes and so that the public is not misled about potential impacts. Other than nominal loss of open space, the Project would not change whether or not the "Capitol Records Lot Scenario" occurs, and, similarly, the construction phasing would remain the same. The Draft EIR provides a reasonable worst-case impact analysis for each category of impact under both Project options. For each category, the Draft EIR

90 See *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 199.

91 *South of Market Community Action Network v City & County of San Francisco* (2019) 33 CA5th 321, 332.

uses the scenario that would produce the greatest impact to provide a conservative analysis of the Project's potential impacts.

Regarding the assertion that the development should start on the East Site first to ensure that the Project that ultimately gets built is a true Unified Development, this comment does not raise an issue on the content or adequacy of the Draft EIR; as such, no further responses is warranted. Nonetheless, the commenter is also referred to Topical Response No. 5 – Land Use and Planning, above, which explains the Project's updated list of entitlements, including the request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. As one of the incentives is for FAR and density averaging across the Project Site, the Project shall be conditioned to build a single project on the Project Site, comprised of the East Site and West Site, in substantial conformance with the Exhibit A. Whether the Project is built under the "Overlapping Construction Scenario" or the "Sequential Construction Scenario" has no bearing on whether the full Project would be built.

Regarding the assertion that other than the Draft EIR's air quality and noise analyses, no other differences in the construction scenarios are analyzed, such as how the differences in the construction schedule might affect construction staging/stockpiling, the feasibility of placing temporary sound barriers, and pedestrian hazards. The differences in how construction is carried out between the East Site and West Site does not change the analysis for most of the issues addressed in the Draft EIR, and the issues of most consequence related to construction, are air quality and noise, which rely on worst-case assumptions between the two construction scenarios for their analysis. Under both construction scenarios, construction staging would still occur on the Project Site, and no matter which site or where on the Project Site construction staging would occur, worst-case/maximum assumptions were used in the Draft EIR for equipment use, proximity of activities to adjacent sensitive uses, and associated noise and air quality effects. Furthermore, the construction sequence would in no way influence the ability of placing temporary sound barriers in the manner prescribed in the mitigation measures provided in Section IV.I, *Noise*, of the Draft EIR. Regarding concerns about how pedestrian hazards in the area would be addressed under the different construction scenarios, these details would be appropriately covered once the specifics of construction activities are developed prior to issuance of a building permit. In addition, as analyzed in the Section IV.L, *Transportation*, of the Draft EIR, the safety of pedestrians in the area under either construction scenario would be ensured through the implementation of a Construction Management Plan (CMP), as presented on page IV.L-28 of the Draft EIR. As stated therein, the CMP would be subject to City review and approval and would formalize how construction will be carried out and identify specific actions required to reduce effects on the surrounding community. The CMP would be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site.

Regarding the Project's greenhouse gas (GHG) emissions, the comment expresses a concern that the level of GHG emissions that would result from the Project is unclear and cites to the reported GHG emissions in Section IV.E, *Greenhouse Gas Emissions*, of the

Draft EIR. Table IV.E-7 in the Draft EIR provides modeled GHG emissions for the Project and the Project with the East Site Hotel Option (although as previously stated the Project with the East Site Hotel Option is no longer under consideration). For informational purposes, Table IV.E-7 also provides, for comparison, GHG emissions of the Project without GHG emissions reductions that would be incorporated into the Project's design and location. The table has 10 columns with numerical GHG emissions values; however, each column is clearly labeled at the top describing what the values in each of the 10 columns represent. For instance, Table IV.E-7 clearly labels the GHG emissions level of 4,825 $MTCO_2e$ as emissions that would occur from buildout of the Project's West Site without reduction features. Furthermore, the Methodology subsection of Section IV.E of the Draft EIR fully explains the comparison of the Project's GHG emissions to the emissions that would occur without GHG emissions reductions that would be incorporated into the Project's design and location. This explanation is provided on pages IV.E-40 and IV.E-41 of the Draft EIR. As explained above, the Project's evaluation of air quality, noise, and GHG emissions for the Project under the overlapping and sequential construction scenarios have been discussed, clearly labeled, and analyzed in the respective sections of the Draft EIR.

The commenter is also referred to Topical Response No. 7 – Noise and Vibration, for a discussion of noise impacts, and Section IV.B, *Air Quality*, of the Draft EIR, for a discussion of air quality impacts, and Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, for a discussion of GHG impacts.

Comment No. ORG 44-12

4. The Project Description omits key details necessary for a full assessment of potentially significant impacts.

In addition to providing too many menu options to constitute a true stable and finite Project Description, the Draft EIR also omits the details necessary to fully and accurately assess the Project's environmental impacts. A complete project description is necessary to ensure that all of the Project's environmental impacts are considered. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.) Yet, here, the Project Description fails to disclose numerous key aspects of the Project that affect the assessment of environmental impacts. These details include, but are not limited to:

- Identification and description of construction staging areas, which is relevant to the Draft EIR's analysis of aesthetics, air quality, noise, traffic and pedestrian hazard impacts. The identification of construction staging areas cannot be deferred.

- Whether the dwelling units will be rental or for-sale units. This aspect of the Project Description affects the Draft EIR's analysis of consistency with land use plans and policies, and the ability of the Project to qualify for the myriad development concessions sought by the applicant.

- The full nature of surrounding uses, which are inaccurately described in the Project Description. For example, AMDA residential uses are located at the northwest corner of Yucca Street and Ivar Avenue, yet this building is described as a commercial use in Figure II-2 of the Draft EIR. This error results in a flawed impact analysis, as residential uses are more sensitive to air quality, human health, and noise impacts than are commercial uses.

- The type and location of planned commercial retail. The Project's commercial uses are described only as "restaurant/retail space" which is inconsistent with how the uses are later described in the Draft EIR's land use and planning impact analysis. "Retail" and "commercial" uses are not all the same – the impacts associated with a grocery store are vastly different from the impacts associated with a movie theater which are vastly different from the impacts associated with an upscale restaurant which are vastly different from the impacts associated with a drive through restaurant. These details are pertinent to the Draft EIR's analysis of traffic, noise, air quality, odor, and land use planning analyses. Further, the Project seeks issuance of a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption within 12 establishments, but no description of what types of uses are planned to sell or dispense alcoholic beverages is provided, or where these uses will be located. Because these details are clearly known to the Project applicant, the Project Description must identify where these establishments are, and what kind of commercial uses are proposed. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213 ["When the particular type of retail business planned for a proposed project will have unique or additional adverse impacts, then disclosure of the type of business is necessary in order to accurately recognize and analyze the environmental effects"].)

- A breakdown of the number of housing units that will be reserved for Extremely Low Income and the number of units that will be reserved for Very Low Income, under each of the eight Project iterations. This is germane to the Draft EIR's analysis of the Project's consistency with land use plans and policies, as well as the calculation of the numerous development concessions sought for the Project, which affect building height and FAR.

- A detailed description of the terms of the 20-year Development Agreement sought as part of the Project's entitlements. Physical improvements, offsite improvements, restrictions on or required land uses are all relevant to the assessment of physical environmental impacts. All provisions of the Development Agreement that affect these issues must be disclosed, and analyzed, in the Draft EIR.

- Description of any and all off-site improvements, including, but not limited to, utility improvements, roadway improvements, or offsite park improvements, whether directly contemplated by the Project or included within or funded by the

Development Agreement. An accurate accounting of off-site improvements is relevant to all impact analyses contained within the Draft EIR.

Other missing, but procedurally required, aspects of the Project Description include a description of the intended uses of the EIR (State CEQA Guidelines, § 15124(d)) and a list of responsible and trustee agencies (State CEQA Guidelines, § 15124(d)(1)).

Because the omissions listed above are so fundamental to the ability of the Draft EIR to act as a meaningful information document, the Project Description must be revised and recirculated for public review, and each impact analysis chapter of the Draft EIR must be revised to accommodate a full accounting of potentially significant impacts arising from all aspects of the Proposed Project, including those details that were omitted from the Draft EIR circulated for public review.

Response to Comment No. ORG 44-12

The comment expresses opposition to the Project by making several assertions that the Draft EIR, particularly the Project Description does not comply with CEQA but does not provide substantial evidence to support this claim. Nonetheless, the following discusses each of the areas of deficiency alleged in the comment:

1. Project Description: The commenter is referred to Response to Comment Nos. IND 8I-14, IND 8I-17, ORG 42-4, ORG 44-9, and ORG 44-11 for a discussion of the Draft EIR Project Description's consistency with CEQA, including providing an accurate, stable, and finite project description, and a discussion of what warrants recirculation of an EIR.

2. The commenter specifically states that the Project Description does not identify the construction staging areas. However, Section II.g(2), Construction Overview of the Draft EIR provides that: "All construction staging activities would be located within the West and/or East Sites. No import of soil, additional staging or use of off-site areas is proposed)." The exact location of the staging areas within the West and East Sites is not known at this time since the areas would change as Project construction evolves. Accordingly, the entirety of each site was considered in the evaluation of potential environmental impacts. For example, as to noise impacts, the analysis conservatively assumes that noise causing activities would occur at the edge of the construction site closest to the effected receptor (see Section IV.I, *Noise,* page I-39, of the Draft EIR). CEQA does not require extensive detail beyond that needed for the evaluation and review of potential impacts (CEQA Guidelines Section 15124). Having identified the two on-site locations for staging and specified that no off-site locations would be used, the Draft EIR has satisfied CEQA requirements. Therefore, the construction overview in Section II.g(2) and construction environmental impact analysis in general were not deferred but adequately identified the Project's construction staging areas and potential impacts of all construction activities. 2. Dwelling units for sale or rent: The commenter also states that the Project Description does not identify whether the Project's dwelling units will be rental or for-sale units as this may affect the Draft EIR's

analysis of consistency with land use plans and policies and the ability of the Project to qualify for certain development concessions sought. However, the commenter does not provide any facts that such a breakdown is required to determine consistency with land use plans and policies and, therefore, no substantial evidence to support this claim or identification of what land use policies would be violated. With regard to qualifying for the requested development incentives, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which explains the Project's requested Density Bonus affordable housing incentives and affordable housing requirement pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. As explained therein, the Project would provide 13.2 percent of the total base permitted density for Very Low Income units Government Code Section 65915 and pursuant to LAMC Section 12.22 A.25, whether or not the Project's residential units would be for-sale or for-rent. The State Density Bonus Law permits a developer to request a waiver or reduction of development standards. With the inclusion of at least 10 percent of the base permitted units for Very Low Income households, the Project Applicant is entitled to two incentives and the Waiver of Development Standards.[92] (However, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income households to be eligible for the 35 percent FAR increase On-Menu Incentive.) The distinction between the for sale or for rent units would have no bearing on the Project's entitlements and environmental analysis.

3. Nature of the surrounding uses: The commenter further states that the full nature of surrounding uses is inaccurately described in the Project Description, including identifying the AMDA building at the northwest corner of Yucca Street and Ivar Avenue as a commercial use in Figure II-2 of the Draft EIR. However, the Draft EIR identifies the referenced AMDA building as a mixed-use building. According to the Los Angeles County Assessor map,[93] the property located on the northwest corner of Yucca Street and Ivar Avenue is zoned as commercial with no listed dwelling or bedroom units. Nonetheless, regarding noise impacts, even if the use contains residential uses as indicated by the commenter, contrary to the information from the Los Angeles County Assessor map, the use at the northwest corner of Yucca Street and Ivar Avenue is located near the off-site noise-sensitive receptors 1 and 13, as described in Section IV.I, *Noise*, of the Draft EIR, and would result in similar noise levels from the Project as reported for receptors 1 and/or 13. As stated in Table IV.I-8 and Table IV.I-9 of the Draft EIR, the estimated noise levels for receptors 1 and 13 would exceed the significance threshold, and noise impacts at both the West Site and East Site would be potentially significant. As stated, even with mitigation measures, impacts would be lessened but would remain significant and unavoidable. Since the use in question is located within the same area as receptors 1 and 13 and that area is already

92 Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled

93 Los Angeles County Officer of the Assessor, Property Assessment Information System, http://maps.assessor.lacounty.gov/, accessed August 25, 2020.

determined to have a significant construction noise impact, no new impact has been identified.

4. Regarding air quality and human health, even if the AMDA building contains residential uses as indicated by the commenter, contrary to the information from the Los Angeles County Assessor map, localized air quality impacts were analyzed for the closest air quality sensitive receptors, which are directly adjacent to the Project Site. The use at the northwest corner of Yucca Street and Ivar Avenue is located diagonally across the intersection of Yucca Street and Ivar Avenue from the Project's West Site, which provides a buffer distance of approximately 120 feet and is clearly a farther distance away than a directly adjacent air quality-sensitive receptor. As stated on page IV.B-31 of the Draft EIR, air quality-sensitive uses located at greater distances from the Project Site than the specifically listed locations would experience lower air pollutant impacts from potential sources of pollutants from the Project Site due to atmospheric dispersion effects. Thus, localized air quality impacts at the use at the northwest corner of Yucca Street and Ivar Avenue would be less than the localized air quality impacts disclosed in the Draft EIR. Therefore, since the analysis in the Draft EIR, page IV.B-65, demonstrated that the maximum localized construction and operational emissions under the Project would not exceed the localized thresholds for NO_x, CO, PM10, or PM2.5, construction and operational emissions impacts to sensitive receptors would be less than significant. Regarding human health, while the City is not required to conduct a quantified health risk assessment (HRA) for mixed-use residential and commercial projects, such as the Project, a quantitative construction HRA was prepared for the Draft EIR. The HRA included the sensitive receptors identified in Figure IV.B-2 of the Draft EIR nearest to the Project Site, which included the AMDA Vine Building and the AMDA Tower Building. The findings showed that the Project would result in cancer risk below 10 in one million for the maximum impacted air quality sensitive receptors with implementation of feasible mitigation measures, including for the AMDA receptor. The calculation details of the HRA are provided in Section 4 of Appendix E-1 of the Draft EIR. As discussed on pages IV.B-71 and IV.B-72 of the Draft EIR, Project operations would comply with applicable SCAQMD rules that are specifically developed to minimize and control toxic air contaminant (TAC) emissions, such as Rule 1138 for restaurant charbroiling and Rule 1470 for emergency generators. Furthermore, the Project does not include the installation of industrial-sized stationary sources of TAC emissions; therefore, potential long-term operational impacts associated with the release of TACs would be minimal, regulated, and controlled, and would not exceed the SCAQMD thresholds of significance. As such, the Draft EIR addressed human health in the air quality analysis, and no additional analysis is required.

5. Types of retail/commercial uses proposed: The commenter also states that the Project Description does not identify the type and location of planned commercial uses. However, Chapter II, *Project Description*, of the Draft EIR, clearly identifies the location, square footage, and potential types of commercial uses proposed (i.e., retail and restaurant) within the Project and the Project with the East Site Hotel Option

(although the Project with the East Site Hotel Option is no longer under consideration). Figures II-8, II-9, II-14, II-15, II-21, II-22, II-27 all illustrate the commercial spaces under the Project and Project with the East Site Hotel Option, as applicable. Moreover, Table II-1, Proposed Development Program of the Draft EIR provides a detailed calculation of the Project's commercial uses, including the square footage and whether it is located within the East Site or West Site, and Table II-2, Proposed Development Program for the Project with the East Site Hotel Option. Section II.7(b)(1), Development Program, West Site, and Figures II-8 and II-9 of the Draft EIR provide a detailed explanation of the Project's commercial uses on the West Site, and Section II.7(b)(2), Development Program, East Site, and Figures II-14 and II-15 of the Draft EIR provide a detailed explanation of the Project's commercial uses on the East Site. While it is currently unknown what type of tenants will occupy each commercial space within the Project, the Draft EIR includes conservative development analyses for the Project's commercial component to identify the potential impacts. For example, the Project's trip generation assumptions conservatively utilized trip generation rates that assume 15 percent "fast-food restaurant without drive thru window" and 85 percent "high-turnover restaurant", which provides a conservative trip generation estimate (as compared to lower trip generating retail and restaurant uses), which are used in calculations for determining operational air quality and vehicular mobile-source noise impacts. With respect to odors, as discussed on pages IV.B-18 and IV.B-19 of the Draft EIR, South Coast Air Quality Management District (SCAQMD) Rule 402 prohibits the discharge of air contaminants that cause nuisance to any considerable number of persons or to the public and Rule 1138 requires controls for particulate matter, volatile organic compound (VOC), and odorous emissions for commercial cooking operations that use chain-driven charbroilers to cook meat. Furthermore, SCAQMD Rule 1113 limits the amount of VOCs in architectural coatings and solvents, and the California Air Resources Board (CARB) Air Toxics Control Measure that specified idling limitations for diesel trucks. These rules would ensure that Project operations, as well as construction, would not result in other emissions, such as those leading to objectionable odors, affecting a substantial number of people. Additionally, Project operations would not include any uses identified by the SCAQMD as being associated with substantial odors. As a result, Project operation or construction is not expected to discharge contaminants into the air in quantities that would generate objectionable odors, affecting a substantial number of people. No information in the Draft EIR implies that the Project's commercial uses would be grocery stores or drive-thru restaurants. In addition, the quality of space available for lease along the paseo within the Hollywood/Vine location would indicate high quality restaurants and outside dining, or boutique shopping. However, the identification of specific tenants at the completion of the Project in several years would be speculative and not appropriate for inclusion in an EIR. For high quality restaurants, requesting a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption within three or more establishments, in this case 12 establishments, is standard practice for any uses anticipating restaurants and would be available for any indoor and outdoor dining establishments. Given the character of the Project and because the specific tenants and locations of restaurant uses are not

currently known, the Master Conditional Use Permit would provide that restaurants leasing any of the commercial spaces would be able to dispense alcohol. As such, the Draft EIR clearly identified the type and location of planned commercial uses and conservatively analyzed potential impacts by assuming the most impactful uses for these locations.

6. Breakdown of Housing Units: The commenter states that the Project Description does not provide a breakdown of the number of housing units that will be reserved for Extremely Low Income and Very Low Income as this information may be germane to the Draft EIR's analysis of the Project's consistency with land use plans and policies, as well as the calculation of the numerous development concessions sought for the Project, which affect building height and floor area ratio (FAR). However, the commenter does not provide any facts that such a breakdown is required to determine consistency with land use plans and policies and, therefore, no substantial evidence to support this claim. Moreover, Section II.1 and Table II-1, *Proposed Development Description*, in Chapter II, *Project Description*, of the Draft EIR, clearly identified the number and location of affordable units. As such, the commenter's assertion that the Draft EIR did not provide a breakdown of the number of affordable housing units is incorrect. With regards to qualifying for the requested development incentives, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which explains the Project's updated list of entitlements, including the request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. As explained therein, the Project is only required to set aside 10 percent of the base permitted density residential units for Very Low Income households to qualify for the requested development incentives and waivers, although the Project's provided affordable housing would exceed the requirement by setting aside approximately 13.2 percent of the total proposed residential units for Very Low Income households (however, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income households to be eligible for the 35 percent FAR increase On-Menu Incentive). The Project does not request a development incentive to increase the Project's height.

7. Development Agreement: The commenter states that the Draft EIR must provide a detailed description of the terms of the 20-year Development Agreement sought as part of the Project's entitlements as the physical improvements, offsite improvements, restrictions on or required land uses are all relevant to the assessment of physical environmental impacts. All the physical improvements, off-site improvements, restrictions on or required land uses relevant to the assessment of physical environmental impacts of the Project are provided and discussed in the Draft EIR. Section II.7(g) of the Draft EIR also provides that, although the Project Applicant expects to construct the Project prior to the expiration of the Development Agreement, the Project Applicant would have the legal ability to develop the Project through 2040. Accordingly, where 2040 conditions would be the worst-case scenario, a 2040 buildout is assumed and utilized in the Draft EIR. However, 2040 conditions would be the

worst-case scenario for the analysis of noise impacts only. For all other issue areas, in which impacts are quantified, including air quality, energy, and greenhouse gas emissions, either the overlapping construction scenario with an anticipated buildout year of 2025, or the sequential construction scenario with an anticipated buildout year of 2027, is assumed. CEQA does not require any further detail in regard to the entitlements requested. (CEQA Section 15124(d)(1)(B)). The exact details of the Development Agreement will be determined through the entitlement process. However, since approval of the Development Agreement is contingent on certification of the EIR, the Development Agreement would not involve a different project than what is approved and could not contain conditions that would create environmental impacts that were not analyzed in the certified EIR. Accordingly, all impacts related to the worst-case buildout year have been disclosed in the Draft EIR.

8. Off-site Improvements: Regarding the assertion that the Project Description fails to disclose numerous key aspects of the Project, such as off-site improvements, including, but not limited to, utility improvements, roadway improvements, or off-site park improvements. There was no failure to disclose such improvements, as alterations to sidewalks and the Hollywood Walk of Fame, curb cuts, and street tree replacement, were identified in the Chapter II, *Project Description*, of the Draft EIR. In addition, as presented in Section IV.K.4, *Parks and Recreation*, no new parks are proposed or foreseeable in association with the Project. Furthermore, as presented in Section IV.L, *Transportation*, Section IV.N.1, *Wastewater*, Section IV.N.2, *Water Supply*, and IV.O, *Energy Conservation and Infrastructure*, other off-site improvements would be minor, such as provision of a traffic signal, pedestrian cross walks, and connections to wastewater, sewer, and utility lines in the public right-of-way. Such minor improvements would not involve construction not already accounted for within the maximum construction assumptions used in the Draft EIR. Accordingly, there was no omission of required information in the Project Description, and the Draft EIR provided a full accounting of potentially significant impacts associated with the Project. As such, recirculation of the Draft EIR is not warranted.

9. Uses of the EIR: Lastly, the commenter states that the Draft EIR does not identify a description of the intended uses of the EIR and a list of responsible and trustee agencies. However, Section I.1., Purpose, of the Draft EIR, stated the EIR will be used in connection with all other permits and all other approvals necessary for the construction and operation of the Project and identified the list of agencies that are expected to use the EIR in their decision making. However, CEQA Guidelines Section 15124(d)(1) does not require a list of responsible and trustee agencies to be provided. Furthermore, see the discussion under the heading “Anticipated Project Approvals,” on page II-74 and II-75, in Chapter II, *Project Description*, of the Draft EIR, and note as stated therein that beyond the environmental requirements being carried out in association with the EIR and to the extent known, there are no other related federal, State, or local environmental review and consultation requirements that need to be integrated with this CEQA review.

Comment No. ORG 44-13

5. The Project Description provides no assurances that the full Project will actually be constructed.

In both construction scenarios presented in the Project Description, the West Site is constructed first, and the East Site completed second. The Project Description fails to account for, and protect against, the possibility that only the West Site, or even worse, only part of the West Site, will actually be constructed. The Project seeks a conditional use permit ("CUP") to allow Floor Area Ratio ("FAR") to be averaged and residential density to be transferred between the East and the West Sites – but without controls in place, there is nothing to stop the applicant from constructing only that portion of the Project that is most lucrative, while the City and surrounding community see nothing in the way of benefit. Were that to happen, it would not be the first time the City has been left holding the bag. Take for example the New Tradition digital billboard at the The Reef, a state-of-the-art entertainment, residential, and commercial mixed use project in South Los Angeles. There, the applicant ultimately constructed only an acre's worth of lucrative digital display, aimed directly at the freeway. The community has seen none of the project's true purported benefits and possibly never will, but the applicant there has made a multimillion dollar windfall by building the massive digital billboard only. To avoid that same outcome here, the Project Description must include controls that require the Project's benefits to be constructed first (i.e. the two senior housing towers and the public open space) before the applicant is permitted to benefit from any FAR averaging or development concessions. And since all the extra FAR and density will be transferred from the much larger East Site, yet the West Site is being built first (or is it, given that the DEIR Project Description has another option?), assurances need to be made that the East Site will actually be developed to make for a Unified Development Project. Or is this the reason why an East Site-first construction possibility is not contemplated? In other words, is this all geared at transferring development rights from one parcel to the other under false pretenses? If no controls are going to be added, the Draft EIR should consider the potential impacts of a scenario where only half the Project is actually constructed. Likewise, the Statement of Overriding Considerations for the Project should consider the various Project permutations, since all the supposed benefits of the Project touted by the Applicant may never materialize.

Response to Comment No. ORG 44-13

The comment requests that controls be added to the Project approvals to ensure that the entire Project is constructed. As such, this is not a comment on the content or adequacy of the Draft EIR and no further response is warranted. Nonetheless, on the adequacy of the Project Description, see Response to Comment Nos. ORG 44-9 through ORG 44-11. With regard to the Conditional Use Permit (CUP) for a Unified Development request, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which introduces an update to the Project's proposed entitlement program. The Project Applicant has revised the request for the proposed Zone and Height District Change to allow, under a JJJ concession pursuant to LAMC Section 11.5.11(e), a floor area ratio

(FAR) increase up to 7:1, as presented in Chapter II, *Project Description*, of the Draft EIR, to a Density Bonus Compliance Review pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. Pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. The Project's updated list of entitlements also includes revision of the CUP for a Unified Development to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, with an Off-Menu Incentive to allow FAR and density averaging across the Project Site.

Comment No. ORG 44-14

B. The Draft EIR's Noise Analysis Violates CEQA.

AMDA, as an adjacent sensitive receptor, is seriously concerned about the noise and vibration impacts of the Proposed Project on AMDA operations, classes, performances, students, instructors, and residence halls. Every day, the AMDA campus is a thriving hub of productions, recitals, rehearsals, and classes from early morning until about 11:30 p.m., and in summer months AMDA's outdoor stage hosts multiple productions. The Draft EIR, for all of its flaws and inaccuracies, still makes clear that AMDA operations will not be able to continue while construction takes place just feet away, ***for a period of up to seven years***.

Pursuant to the Draft EIR's analysis, which, as discussed below, grossly underestimates the true construction noise impacts, AMDA will experience extreme and near-continuous noise impacts throughout the seven year construction period. The Draft EIR admits that average—not even maximum—construction noise levels on the AMDA campus will frequently exceed 100 dBA L_{eq}, which is louder than a gas lawn mower operating three feet away, louder than the inside of a New York subway train, and nearly as loud as a low jet flyover—but taking place at a constant level, throughout the entire day. Worse yet, for all the reasons outlined below, the Draft EIR actually significantly underestimates the actual noise and vibration impacts that AMDA will experience, through the mis-categorization or omission of sensitive uses and the application of incorrect standards of significance.

AMDA operations are not just noise-sensitive—they are ***wholly dependent*** upon a quiet environment. Theaters, acting rehearsal rooms, dance studios, private voice rooms, musical studio spaces, classrooms, film production rooms, outdoor performance space, and residence halls operate on a daily basis, immediately adjacent to the Project site and directly across Yucca Street. Yet despite the onerous construction noise impacts described in the Draft EIR, which nonetheless downplay and hide even greater impacts, the mitigation measures identified are wholly insufficient to address the impacts on any

scale. AMDA requires, and it is the City's duty to ensure, specific mitigation that deals with AMDA as a sensitive receptor.

Because the Draft EIR's noise analysis fails to adequately identify and correctly categorize noise-sensitive receptors adjacent to the Project Site, and fails to mitigate the noise and vibration impacts of the Project to the extent that is technically feasible, the analysis must be revised to disclose additional significant impacts, substantially more severe environmental impacts than were previously disclosed, and identify revised and new mitigation measures. These revisions would trigger the need for recirculation under State CEQA Guidelines, section 15088.5.

Response to Comment No. ORG 44-14

The commenter asserts that the Draft EIR minimized the construction noise impacts at the AMDA facility immediately adjacent to the Project site and directly across Yucca Street (also referenced in Section IV.I, *Noise*, of the Draft EIR as the AMDA Tower Building) and hid impacts, and that the mitigation measures are insufficient.

As stated on page IV.I-39 of the Draft EIR, construction noise levels experienced at a receptor would fluctuate throughout a given workday as construction equipment move from one location to another within a project site. Therefore, the average noise level (L_{eq}) of construction equipment is the appropriate metric from which to calculate construction noise impacts at each receptor. As shown in Table IV.I-8 and Table IV.I-9 in the Draft EIR, the estimated construction noise levels under the sequential construction scenario at the off-site noise-sensitive receptors for construction activities at the West Site and East Site were analyzed. The Draft EIR presents a conservative impact analysis by assuming that the multiple noisiest pieces of construction equipment would operate simultaneously at construction areas nearest to the affected receptors (the fence line of the Project Site nearest of the receptor) (see Appendix K-1 of the Draft EIR). This is a conservative assumption because, in reality, multiple pieces of equipment cannot occupy the same physical space at the same time, and, as such, construction equipment are mobile and are physically spaced throughout a construction site. In addition, the analysis accounts for overlapping construction phases that would occur on each of the individual sites (i.e., the West Site and the East Site) to provide maximum construction noise levels from on-site construction activities on each site. Therefore, noise impacts at the AMDA facility located across Yucca Street were not minimized or hidden. Because Section IV.I, *Noise*, of the Draft EIR presents a conservative noise impact analysis by assuming that the multiple noisiest pieces of construction equipment would operate simultaneously at construction areas nearest to the affected receptors (the fence line of the Project Site nearest of the receptor) (see Appendix K-1 of the Draft EIR), the Draft EIR does not state or imply anywhere that the conservatively estimated maximum noise levels would "frequently exceed 100 dBA L_{eq}" as stated in the comment. The Draft EIR discloses maximum potential construction noise levels in order to avoid underestimating maximum noise impacts. Accordingly, the commenter's assertion that noise levels would "frequently exceed 100 dBA L_{eq}" is not based on fact.

As discussed on page IV.I-8 of the Draft EIR, the Federal Transit Administration's (FTA) published Transit Noise and Vibration Impact Assessment Manual, which provides technical guidance for conducting noise and vibration environmental analyses, uses a screening distance of 100 feet for highly vibration-sensitive buildings and 50 feet for lesser vibration-sensitive buildings including residential uses. The screening levels recognize that vibrations caused by construction equipment diminish in strength with increasing distance from the construction equipment.[94] The AMDA Vine Building, which is immediately adjacent and north of the West Site is within the screening distance and was therefore included in the vibration analysis. Maximum vibration impacts were estimated based on the assumption that vibration-generating equipment would be used very close to (within 2 feet of) the AMDA Vine Building. The AMDA Tower Building is located approximately 125 feet from the West Site and 295 feet from the East Site construction area, therefore it is outside of the screening distances from the Project Site and no quantified analysis is required for vibration impacts.

The noise and vibration analyses used conservative assumptions and were presented in the Draft EIR. The commenter states that the mitigation measures are insufficient and should be more specific; however, additional feasible mitigation measures were not presented by the commenter. The mitigation measures presented in the Draft EIR, as revised (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR), would reduce construction noise impacts and include clear and specific performance standards, and no additional analyses are required.

Comment No. ORG 44-15

1. Multiple factual errors and omissions relating to AMDA downplay significant impacts and result in a legally indefensible analysis.

The Draft EIR fails to identify the AMDA dormitories located at the corner of Yucca Street and Ivar Avenue as a residential, noise-sensitive receptor. Instead, this parcel is identified, in error, as a commercial use. (Draft EIR, pp. IV.I-15, -16.) As a result of this omission, the full extent of noise and vibration impacts on an adjacent, noise-sensitive residential use is wholly ignored by the Draft EIR's analysis. The Draft EIR must be revised to identify the AMDA residences on this parcel as a noise-sensitive receptor both within the list of noise-sensitive uses on page IV.I-15, and on Figure IV.I-3. The AMDA residential use on this parcel must be given its own identification number, like the other noise-sensitive uses identified in Figure IV.I-3, and the noise impacts on this parcel must be calculated and added to each noise impact table of this chapter of the Draft EIR. If impacts to this newly-added residential use are significant, all feasible mitigation measures that could reduce these impacts to a level of less than significant must be identified. Such measures could include, but certainly are not limited to, relocating the residences to another location for the duration of construction on the West Site, construction of additional temporary or permanent sound barriers, and additional monitoring and/or notification. We point out that identification and disclosure of a ***new***

94 FTA, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 182.

potentially significant impact, after a draft environmental impact report has already been circulated for public review, triggers the need for recirculation. (See State CEQA Guidelines, § 15088.5(a)(1), (a)(2).)

The Draft EIR also mischaracterizes the building type of both the AMDA Vine Building and the AMDA Tower Building (noise-sensitive receptor #6 and #7). These buildings are both unreinforced, non-ductile, concrete buildings. It should be noted that the City is aware that these two buildings are unreinforced non-ductile concrete buildings, and in fact, was the party responsible for bringing this issue to AMDA's attention. (See **Exhibit A**.) In error, the Draft EIR characterizes these buildings as "Category I: Reinforced concrete, steel, or timber," which they are not. This mis-categorization results in the application of the wrong threshold of significance for building damage, and as a result, greatly minimizes the level of significance of construction vibration impacts and the likelihood that AMDA's buildings will be severely damaged by the Proposed Project.

For example, Table IV-17, Construction Vibration Impacts – Building Damage, applies a significance threshold of "0.50 dBA(L_{eq})" to the AMDA Vine Building. Assuming that the table actually meant to apply a threshold of "0.50 inch/second (PPV)" instead of dBA, the correct threshold should be no more than 0.3 inch/second (PPV). Table IV.I-17 indicates that, with application of the wrong threshold, the AMDA Vine Building will experience vibration levels ***nearly seven times the acceptable level***. However, in actuality, if the correct threshold for a Category II building had been applied, this table would have disclosed that ***the AMDA Vine Building will actually experience vibration levels more than eleven times the acceptable level***. We again point out that where information discloses a ***substantial increase*** in the severity of an environmental impact already disclosed, after a draft environmental impact report has already been circulated for public review, recirculation is required. (See State CEQA Guidelines, § 15088.5(a)(2).) This is particularly important here, where it is unclear if vibration levels this high would jeopardize the building's structural integrity and the life and safety of its occupants.

Separate from the mischaracterization of the AMDA buildings for purposes of building structural damage (i.e. the FTA Building Category), the analysis also mis-categorizes the AMDA buildings for purposes of vibration annoyance. FTA's vibration thresholds associated with the potential for human annoyance are based on land use sensitivity to vibration. Category 1 is assigned to land uses with high sensitivity to vibration, "where vibration would interfere with interior operations." (Draft EIR, p. IV.I-9.) Given the types of activities that occur in AMDA's buildings (e.g., breathing exercises, music classes, ballet), AMDA should be considered a Category 1 Building and a 65 VdB threshold must be applied (not the Category 3 threshold of 83 VdB) to determine the significance level of vibration impacts on human activities.

Finally, the noise analysis fails to account for the location of any construction staging, construction vehicle waiting areas, and construction equipment warm up areas. Instead, these key details which would have direct impacts on adjacent noise-sensitive receptors are punted to a future date, to be decided out of the public eye. Instead of disclosing and

analyzing construction staging activities, the Draft EIR references only a future construction traffic management plan, to include haul routes and a staging plan. (Draft EIR, p. IV.I-76.) The past iteration of this Project, the Millennium Hollywood, proposed construction vehicle staging and waiting on Yucca Street, directly adjacent to ***both*** AMDA buildings, literally dividing AMDA's main campus area. Given that the Hollywood Center Project is completely silent on its plans for construction staging, there is no reason to think that Yucca Street will not be used. The Draft EIR must identify, describe and analyze the direct and indirect noise and vibration impacts from staging—or, in the alternative, incorporate a mitigation measure prohibiting construction staging near noise-sensitive uses.

The failure to identify an existing residential use at Yucca Street and Ivar Avenue, the mischaracterization of the AMDA buildings as Category I Buildings for purposes of vibration analysis and a Category 3 use for purposes of human annoyance from vibration, and the failure to identify construction staging areas indicates that the Draft EIR has failed to identify all significant impacts, and the true severity of the impacts it does disclose. The only way to remedy this is to revise the noise analysis and recirculate it for public review.

Response to Comment No. ORG 44-15

The commenter states the Draft EIR did not identify the AMDA dormitories located at the corner of Yucca Street and Ivar Avenue as a residential noise-sensitive receptor but instead listed it as a commercial. According to the Los Angeles County Assessor map[95] the properties located on the northwest, northeast, and southwest corners of Yucca Street and Ivar Avenue are zoned as commercial with no listed bedroom units. Nonetheless, even if the uses contain residential uses, contrary to the information from the Los Angeles County Assessor map, these uses identified as commercial in the Draft EIR are located near off-site noise-sensitive receptors 1 and 13 and would result in similar noise levels from the Project as reported for receptors 1 and 13. As stated in Table IV.I-8 and Table IV.I-9 of the Draft EIR, the estimated noise levels for receptors 1 and 13 would exceed the significance threshold, and noise impacts at both the West Site and East Site would be potentially significant. Even with mitigation measures, impacts would be lessened but would remain significant and unavoidable. Since the use in question is located within the same area as receptors 1 and 13 and that area is already determined to have a significant construction noise impact, no new impact has been identified and recirculation is not required.

The commenter asserts that the AMDA Vine Building and the AMDA Tower Building were mischaracterized as Category I, reinforced concrete, steel, or timber since they are not reinforced. As discussed on page IV.I-15 of the Draft EIR, the AMDA Tower Building is located on the northwest corner of Yucca Street and Vine Street and approximately 125 feet from the West Site and 295 feet from the East Site construction area.

95 Los Angeles County Officer of the Assessor, Property Assessment Information System, http://maps.assessor.lacounty.gov/, accessed August 25, 2020.

Regarding the AMDA Vine Building, as stated in Table IV.I-17 of the Draft EIR, the estimated vibration velocity levels from all construction equipment would exceed the Category I threshold of 0.5 inch/second PPV at the AMDA Vine Building. As per the information supplied in the comment regarding the structural characteristics of the AMDA Vine Building, including the information in commenter's Exhibit A, the AMDA Vine Building has been changed from FTA Category I to a Category II for the structural damage analysis with a significance threshold of 0.3 inch/second PPV. The revision is provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. However, this change does not affect the calculations provided in the vibration analysis for the Draft EIR and would result in the same vibration level disclosed in the Draft EIR and the same impact determination as provided in the Draft EIR. Therefore, no new or substantially more significant impact has been identified.

Regarding human annoyance vibration impacts, as stated on page IV.I-9 of the Draft EIR, FTA Category 1 are buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses, such as schools, churches, other institutions, and quiet offices, that do not have vibration-sensitive equipment but still have the potential for activity interference. AMDA states in Comment No. ORG 44-8 that they are "accredited by the National Association of Schools of Theater" and that "AMDA offers a High School Summer Conservatory Program." Since AMDA is a school, the potential for human annoyance vibration impacts is based on the FTA Category 3. No revision to the human annoyance vibration impact analysis presented in the Draft EIR is required.

As discussed on page IV.I-8 of the Draft EIR, the FTA's published Transit Noise and Vibration Impact Assessment Manual, which provides technical guidance for conducting noise and vibration environmental analyses, uses a screening distance of 100 feet for highly vibration-sensitive buildings and 50 feet for lesser vibration-sensitive buildings, including residential uses. The screening levels recognize that vibrations caused by construction equipment diminish in strength with increasing distance from the construction equipment.[96] As the AMDA Tower Building is outside of the screening distances from the Project Site, no quantified analysis is required for vibration impacts.

The commenter also claims that the Draft EIR did not identify construction staging areas or haul routes. The construction haul routes and staging areas were identified on page II-73 in Chapter II, *Project Description*, of the Draft EIR. As discussed, there are two proposed haul routes. The first haul route would have inbound and outbound trucks heading to and from US-101 utilizing entry and exit ramps north of the Project Site (e.g., entry ramps on Argyle Street and exit ramps on Gower Street. The second haul route

96 FTA, Transit Noise and Vibration Impact Assessment Manual, 2018, p. 182.

option for both outbound and inbound trips would utilize entry and exit ramps to and from US-101 on Hollywood Boulevard and not on Franklin Avenue or Argyle Avenue. Additionally, all construction staging activities would be located within the West and/or East Sites. No additional staging or use of off-site areas is proposed. Section IV.I, *Noise*, of the Draft EIR presents a conservative noise and vibration impact analysis by assuming that the multiple noisiest pieces of construction equipment would operate simultaneously at construction areas nearest to the affected receptors (the fence line of the Project Site nearest of the receptor) (see Appendix K-1 of the Draft EIR). This conservative analysis fully accounts for noise and vibration from staging areas, as well as construction activity areas. Construction traffic noise impacts were also fully analyzed in the Draft EIR, inclusive of the haul routes, and were summarized in Table IV.I-11 of the Draft EIR.

Comment No. ORG 44-16

1. Additional factual errors and omissions relating to non-AMDA sensitive receptors result in inaccurate analysis.

The Draft EIR's mischaracterizations are not limited to only AMDA facilities. On page IV.I-36 of the Draft EIR, vibration susceptibility categories applied to nearby non-AMDA buildings is also contradictory and misleading. For example, the text states that both the Capitol Records Building and the Gogerty Building are evaluated based on the significance threshold for FTA Building Category I (meaning the most lax vibration threshold for building damage will be applied to these historic buildings). Yet later in the same paragraph, the text states that historic structures are evaluated based on the vibration significance threshold for FTA Building Category IV (which mandates that the most conservative vibration threshold for building damage be applied). As with the AMDA buildings, mischaracterization of buildings considerably downplays the significance of the vibration impacts. As historic buildings, the more conservative 0.12 inch/second (PPV) threshold should be applied to both the Capitol Records Building and the Gogerty Building, to ensure the true magnitude of the Project's impacts is considered by both the public and the City's decisionmakers. Yet Table IV.I-17, Estimated Vibration Velocity Levels at the Nearest Off-Site Structures from the Project Construction Equipment, indicates that the most lax significance threshold of 0.50 inch/second (PPV) was applied to these historic resources.[3] The analysis should be redone to apply the correct threshold and disclose the true magnitude of potentially significant impacts.[4]

Footnote 3: Further, given that the FTA Building Categories for vibration impacts assigned to the AMDA buildings were incorrect, the building categories for all other sensitive receptors identified in Figure IV.I-4 should be re-confirmed.

Footnote 4: Even if Table IV.I-17 discloses a potentially significant impact when applying the more lax significance threshold, this is not enough to overcome the need to revise and recirculate the analysis. Stating that an impact will be significant is not enough – an EIR's analysis must also ***correctly*** disclose ***how*** significant an impact will be. Here, an exceedance of a lower threshold by a greater amount is not the same as disclosing the exceedance of a higher threshold by a smaller amount. Under State CEQA Guidelines,

section 15088.5, when information indicates that an environmental impact will be substantially more severe than was previously disclosed in a circulated draft EIR, recirculation to correct the error is required.

Response to Comment No. ORG 44-16

The commenter asserts that the Draft EIR's analysis of nearby non-AMDA building sensitive receptors is inaccurate. The commenter is correct in stating that both the Capitol Records Building and the Gogerty Building were evaluated based on the significance threshold for a FTA Building Category I. As discussed on page IV.I-36 of the Draft EIR, the FTA building category for vibration-sensitive receptors were determined based on their building type and not simply the age of the structure. The Capitol Records Building and Gogerty Building are constructed of reinforced concrete with no plaster. Plaster is a material that is susceptible to vibration damage. Thus, these buildings are considered Category I. Therefore, building categories of vibration-sensitive structures have been properly categorized in the Draft EIR. Implementation of a vibration monitoring program would ensure that potential damage to adjacent structures would be avoided, and/or repaired in the event that Project construction results in cosmetic damage. However, the text on page IV.I-36 of the Draft EIR states that historic structures, which includes the Capitol Records Building and Gogerty Building, were evaluated based on the vibration significance threshold for FTA Building Category IV. This statement is intended to refer to the off-site historic structures and has been clarified in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*). Similarly, The Historic Structures section of Table IV.I-4 of the Draft EIR has been corrected in this Final EIR to reference FTA Building Category I for the Capitol Records Building and Gogerty Building (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*). With the clarifications and corrections, no new significant impact has been identified and recirculation is not required.

This is a conservative assumption because, in reality, multiple pieces of equipment cannot occupy the same physical space at the same time and as such, construction equipment are mobile and are physically spaced throughout a construction site. In addition, the analysis accounts for overlapping construction phases that would occur on each of the individual sites (i.e., the West Site and the East Site) to provide maximum construction noise levels from on-site construction activities on each site.

Comment No. ORG 44-17

2. The construction noise methodology is flawed, flatly mischaracterizes the thresholds of significance in the *2006 L.A. CEQA Thresholds Guide*, and must be revised and recirculated.

The Draft EIR fails to fully disclose Project impacts by only reporting L_{eq} and not the full range of dBA increases that would result from the Project. To hide this flawed methodology, the Draft EIR blatantly misstates the thresholds established in the *2006 L.A. CEQA Thresholds Guide*.

L_{eq}, or the equivalent energy noise level, "is the ***average*** sound level." (Draft EIR, p. IV.I-4, emphasis added.) The Draft EIR is required to not only disclose the average dBA over a period of time, but the full range of dBA, including L_{max} (the maximum, instantaneous noise level experienced during a day). Disclosure of the full range of dBA is important for many reasons. First, LAMC section 111.02 defines a noise violation as a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line. (Draft EIR, p. IV.I- 13.) Second, the *2006 L.A. CEQA Thresholds Guide* provides that a Project will have a significant impact if "construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise-sensitive use." (*2006 L.A. CEQA Thresholds Guide*, p. I.1-3.) Similarly, the *2006 L.A. CEQA Thresholds Guide* provides that a Project will also have a significant impact if "construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use." (*Ibid.*) These thresholds are not based on L_{eq} — they are based on dBA alone.

Despite the plain text of the *2006 L.A. CEQA Thresholds Guide*, the Draft EIR mischaracterizes and just plainly revises these thresholds and states that the *2006 L.A. CEQA Thresholds Guide* identifies the following criteria to evaluate construction noise: "Construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA L_{eq} or more at a noise sensitive use; [and] [c]onstruction activities lasting more than 10 days in a three-month period would exceed existing ambient exterior noise levels by 5 dBA L_{eq} or more at a noise sensitive use." (Draft EIR, p. IV.I-31.) ***The 2006 L.A. CEQA Thresholds Guide does not establish Leq thresholds. In fact it does not even reference Leq except in the context of traffic volume noise.*** The fact that the Draft EIR tries to rewrite the City's noise thresholds to downplay the environmental impacts experienced by surrounding noise-sensitive uses is an egregious violation of CEQA and results in an EIR that fails to disclose and inform the public and City decisionmakers. As such, the noise analysis must be revised and recirculated to disclose the true impacts of the proposed Project.

Even under the Draft EIR's flawed methodology, AMDA will experience construction noise levels of more than 100 dBA L_{eq}. Again, as discussed above, L_{eq} is the ***average*** noise experienced—L_{max}, one would assume, would be much higher. However, a reader would not know, given that L_{max} impacts are not reported or measured against a threshold. Thus, impacts to AMDA are grossly underreported by the Draft EIR.

Response to Comment No. ORG 44-17

The commenter asserts that the Draft EIR's noise analysis is inaccurate by claiming the Draft EIR misstates the 2006 L.A. CEQA Thresholds Guide. The 2006 L.A. CEQA Thresholds Guide Exhibit I.1-1 and I.1-2 (pages I.1-8 and I.1-9 of the Draft EIR) cite construction noise levels from the United States Environmental Protection Agency (USEPA) research and documentation.[97] As noted on page 12 of the USEPA document,

[97] USEPA, Noise from Construction Equipment and Operations, Building Equipment and Home Appliances, PB206717, 1971.

engine noise typically predominates, with exhaust noise using being most significant. Other sources of noise from construction equipment includes mechanical and hydraulic transmission and actuation systems, and cooling fans. According to the USEPA, the typical operating cycles of construction equipment includes one or two minutes of full-power (and therefore full power noise levels) followed by three or four minutes at lower power. Fluctuating engine power levels combined with the fact that construction equipment would be mobile throughout the Project Site, the average (L_{eq}) noise level of construction equipment is the appropriate metric to use for construction noise analyses. The L_{max} or the maximum, instantaneous noise level experienced during a given period of time is not appropriate since it assumes construction equipment is operating at full power for the entire construction period, which is not consistent with USEPA research which, as stated above, assumes a majority of the noise cycle is at a lower engine power. Additionally, to ensure that construction noise is not underestimated, the Draft EIR presents a conservative impact analysis by assuming that the multiple noisiest construction equipment would operate simultaneously at construction areas nearest to the affected receptors (at the fence line of the Project Site nearest the noise-sensitive receptor) (see Appendix K-1 of the Draft EIR). This is a conservative assumption because, in reality, multiple pieces of equipment cannot occupy the same physical space at the same time, are mobile, and are physically spaced throughout a construction site. In addition, the analysis accounts for overlapping construction phases that would occur on each of the individual sites (i.e., the West Site and the East Site) to provide maximum construction noise levels from on-site construction activities on each site.

Comment No. ORG 44-18

In addition to the above noted issues, AMDA has several other questions and comments relating to the noise and vibration analysis methodology, the responses to which are necessary for a full understanding and assessment of the impacts analysis. These include:

Response to Comment No. ORG 44-18

The comment introduces additional questions related to noise and vibration methodology, which are addressed in Response to Comment Nos. ORG 44-19 through ORG 44-35, below.

Comment No. ORG 44-19

- **Methodology for identifying existing ambient noise levels is unclear.** Neither the Draft EIR nor the Construction Noise & Vibration Impact Study clearly identify how existing ambient noise levels were measured. When were the noise measurements taken? How long were noise measurements taken for on the survey days? How does this adequately represent true existing conditions? What methodology was used to determine the location of noise measurement locations identified in Figure IV.I-4? Why is no noise measurement location identified at the

Capitol Records Building? Why were no noise measurement locations identified east of Argyle Avenue?

Response to Comment No. ORG 44-19

This comment asserts that the Draft EIR's methodology for identifying existing ambient noise levels is unclear. As discussed on page IV.I-20 of the Draft EIR, the predominant existing noise source near the Project Site is roadway noise from Yucca Street, Vine Street, Hollywood Boulevard, and other major roadways in the surrounding area. Additionally, US-101 located approximately 380 feet north of the East Site's northernmost boundary contributes to ambient noise levels. Other noise sources include general residential and commercial-related activities associated with trash collection activities, loading and unloading activities, and surface parking lots. Ambient noise measurements were taken at eight locations along or near the public right-of-way. The measured environmental noise levels at R1 through R8 represent the current ambient noise levels in the vicinity of the Project Site and are used to establish the existing ambient noise level at the noise-sensitive receptors within the Project area. The ambient noise measurements at all measurement locations exceed the City's requirement for ambient noise as defined in LAMC Section 111.01. As described on page IV.I-13 of the Draft EIR, the LAMC clearly identifies the location (at an adjacent property line), length of time period (at least 15 minutes L_{eq}), and thresholds (an increase of 5 dBA over the existing average ambient noise level for noise occurring more than five but less than fifteen minutes in any one-hour period and an increase of 10 dBA for noise occurring five minutes or less in any one-hour period). Please see below for the relevant sections from the LAMC.

- LAMC Sections 111.01(a) and 111.03 define the ambient noise as the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. The actual ambient noise level is the measured noise level averaged over a period of at least 15 minutes L_{eq}.

- LAMC Section 111.02 provides procedures and criteria for the measurement of the sound level of "offending" noise sources. In accordance with the LAMC, a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line is considered a noise violation. To account for people's increased tolerance for short-duration noise events, the Noise Regulation provides a 5-dBA allowance for noise occurring more than five but less than fifteen minutes in any one-hour period and an additional 5-dBA allowance (total of 10 dBA) for noise occurring five minutes or less in any one-hour period.

The noise measurements represent the nearby land uses in the vicinity of the Project Site and were used to establish ambient noise levels as shown in Figure IV.I-3 on page IV.I-16 of the Draft EIR. The ambient noise measurement locations are described in detail on pages IV.I-15 and IV.I-16. The locations were selected because they are considered representative of the noise environment of the existing off-site noise-sensitive receptors, including residential, hotel, performance venue, and institutional uses, such as the AMDA. As shown in the monitoring data files provided in Appendix K (specifically, please refer to

Appendix K-2, Exhibit A), the monitoring occurred on Wednesday-Thursday, May 23-24, 2018, for durations that meet or exceed the LAMC as listed above. The dates May 23-24, 2018 did not correspond to a holiday or unique event day that would cause elevated noise above typical conditions in the Project area. Thus, this location and time period for the ambient noise level measurement comply with the LAMC specifications and provide representative ambient noise data measured in the Project area.

As previously mentioned, the predominant existing noise source surrounding the Project Site is traffic noise from Yucca Street, Vine Street, Hollywood Boulevard, and other major roadways in the surrounding area. All ambient noise measurement locations near the Project Site are placed along the nearby streets and the nearby noise-sensitive receptors; therefore, these locations are representative of the ambient noise levels surrounding the Project Site, and no additional analysis is required.

The ambient noise level was measured for a period of 15 minutes consistent with the requirement of LAMC Section 111.01. Some of the noise measurement locations represent noise levels at multiple noise sensitive receptor locations, as noted in Table IV.I-5 of the Draft EIR. Therefore, the selection of the measurement locations and time period in which the ambient noise level measurements were collected complies with the LAMC specifications.

The commenter asks why noise measurements were not collected at the Capitol Records Building. As stated on page IV.I-17 of the Draft EIR, the Capitol Records Building was not treated as a noise sensitive receptor because it is an applicant-controlled facility and is located within the Project Site boundary. The Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Therefore, the on-site Capitol Records Building does not need to be analyzed as a sensitive receptor in the noise impact assessment.

Ambient noise measurement locations R3 and R8 are located along Argyle Avenue and are used to represent the ambient noise levels at the approved hotel site and approved multifamily residential buildings on the east side of Argyle Avenue. Noise measurements were not collected further east from Argyle Avenue since those receptors would experience lower noise levels from potential sources of noise on the Project Site due to distance loss. In addition, as noted on page IV.I-88 of the Draft EIR, the 2006 L.A. CEQA Thresholds Guide identifies a distance of 500 feet as the screening criterion with respect to construction activities. Therefore, receptors located greater than 500 feet from the Project Site have not been evaluated and ambient noise levels at distances greater than 500 feet are not required.

Comment No. ORG 44-20

- **No information specific to each vibration-sensitive receptor is provided, even though it is wholly feasible to have completed inspections prior to releasing the Draft EIR for public review.** Have the Capitol Records Building, the Gogerty Building, and other adjacent historic buildings been recently inspected for vibration-related damage or susceptibility? If so, what were the findings of those inspections? If not, such inspections should be completed now, and the findings included in a recirculated Draft EIR in order to fully disclose the potential impacts to these historic resources caused by vibration levels that exceed, by several times, the FTA threshold for building damage. While we note that Mitigation Measure NOI-MM-4 requires a building inspector or structural engineer "to visit" these buildings prior to the start of construction, such inspections must be done ***now*** because the findings of these inspections will indicate the likelihood and extent of vibration impacts. The Draft EIR's deferral of this analysis violates CEQA, which permits deferral only when it is wholly infeasible to complete a meaningful analysis during the environmental review, which is not the case here.

Response to Comment No. ORG 44-20

The commenter asserts that no information specific to each vibration-sensitive receptor is provided in the Draft EIR. As stated on page IV.I-17 of the Draft EIR, structures in close proximity to the Project Site, including a number of historic structures, are considered vibration sensitive receptors. Table IV.I-4 of the Draft EIR lists the surrounding vibration receptors categorized by those near the West Site and the East Site, while also separately listing those that are historic structures. Although the Capitol Records Complex, which includes the Capitol Records Building and the Gogerty Building, is located within the Project Site, it is included in the vibration analysis due to the potential for structural damage to a historical resource.[98] Table IV.I-17 of the Draft EIR presents the estimated vibration levels from all construction equipment to off-site vibration-sensitive receptors and the Capitol Records Complex.

Pages IV.C-24 through IV.C-45 of the Draft EIR include detailed descriptions of potentially historical architectural resources within the Project Site vicinity. As described on page IV.C-50 of the Draft EIR, field examinations of these resources were conducted in addition to the review of historic building permits, Sanborn Fire Insurance maps, historic photographs, aerial photos, and local histories. Detailed examination of existing building condition and damage cannot be conducted without permission from property owners to enter private property. There are no known reports of inspections specifically for vibration-related damage or susceptibility for the Capitol Records Building, the Gogerty Building, and other adjacent historic buildings. Thus, as discussed on page IV.I-84 of the Draft EIR,

[98] The Capitol Records Complex is located on-site within the Project's East Site and is an Applicant-controlled facility. Therefore, the Capitol Records Complex is not considered an off-site receptor for evaluating impacts to the environment. For the purposes of the noise and vibration analysis in the Draft EIR, the Capitol Records Complex is evaluated for potential structural vibration damage as it is a historical resource.

Mitigation Measure NOI-MM-4(a) states that prior to the start of construction, the Applicant shall retain the services of a licensed building inspector or structural engineer, or other qualified professional as approved by the City, to visit the buildings which are located adjacent to the Project Site and to the west, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. This includes both historic buildings and non-historic buildings in proximity to the Project Site. For the historic buildings identified in (a), inspection and documentation shall also be carried out by, and in coordination with, a qualified preservation consultant. The timing of building inspections required by Mitigation Measure NOI-MM-4 is appropriate because upon certification of the EIR and approval of the Project, the Applicant will coordinate with neighboring property owners to gain access for inspection. Further, it is not reasonable to conduct inspections prior to certification of the EIR and approval of the Project as the Project has no responsibility to provide repairs that are caused by existing conditions in the absence of the Project and that are not caused by the Project. The timing of building inspections required by Mitigation Measure NOI-MM-4 provides for a baseline determination of building conditions that exist prior to the onset of Project construction. The known facts of vibration-sensitive receptors have been utilized in the noise and vibration analysis. The estimated extent of vibration impacts has been summarized in the Draft EIR, and mitigation has been identified to reduce and minimize those impacts. Therefore, mitigation and the timing of inspections identified in the Draft EIR are adequate and are not deferred. Furthermore, in consideration of public comments received on the vibration-related mitigation measures in the Draft EIR, additional detail has been added to Mitigation Measure NOI-MM-4 to clarify monitoring and reporting requirements (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*; please also refer to Response to Comment No. ORG 44-34 below for the revisions to Mitigation Measure NOI-MM-4, shown in double-underlined text).

Comment No. ORG 44-21

- **The analysis fails to analyze noise and vibration impacts of on-site historic resources.** What are the Project's impacts on the Capitol Records recording studios and historic echo chambers? This City-designated Historic Cultural Monument cannot be ignored simply because it is located on the Project site. The Draft EIR provides no impact analysis and no mitigation related to these sensitive resources, which would be rendered wholly unusable for the entire duration of construction, and possibly beyond if vibration damage is sustained. No valid study (or any study, at all) has been done on the likely impacts that construction will have on the echo chambers so that potential mitigation measures can be developed. No acoustical engineer has analyzed both short term and long term effects on the chambers, and no analysis has been done to determine whether other feasible construction methods are available that could reduce impacts. These are basic requests and ones that Capitol Records/EMI Music North America has made in relation to development projects in the past when it has not been related in some fashion to the project applicant. (See **Exhibit B**, attached.) As Capitol Records has stated in relation to other adjacent construction projects, "The sound in the [Capitol

Records] Studios is one that cannot be replicated anywhere else in the world. The echo chambers are as much a part of the Hollywood history as the Capitol Tower and the Hollywood sign. One of [Capitol Record's] concerns is that when the chambers have to be shut down due to the construction noise and vibration interference, they may never be able to reopen due to the lost revenue. This would be a huge detrimental impact…." (See **Exhibit B**, pp. 5, 7; see also **Exhibit C** [regarding the historic and unique nature of the echo chambers].)

Response to Comment No. ORG 44-21

This comment asserts that the Draft EIR failed to analyze noise and vibration impacts on-site historic resources. Please refer to Response to Comment No. ORG 44-20 and the discussion of vibration impacts and the on-site Capitol Records Complex.

Regarding the Capitol Records Complex reverberation chambers located underground beneath the associated (rear) surface parking lot, the Capitol Records Complex is an Applicant-controlled facility on the Project Site, as stated on page IV.I-17 of the Draft EIR (see footnote 27). As stated on page II-36, in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease between the Project Applicant and Capitol Records, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As such, any interference with on-going activities within the building, including the reverberation chambers, would be coordinated directly with the building occupants. The Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Additionally, the regarding Project's potential effect on the use of the Capitol Records Complex reverberation chambers and recording studios, as stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease between the Applicant and Capitol Records that can be extended until 2026, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As the Capitol Records Building's underground recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements.

Comment No. ORG 44-22

- **The analysis fails to account for operational noise impacts from truck loading and idling.** The operational noise analysis states that "[l]oading areas for vendors, deliveries, and trash pickups would be completely enclosed at both sites and would shield the surrounding sensitive receptors from any noise…" What is the substantial evidence supporting this conclusory statement? Where will the loading docks be located? How will they be enclosed and shielded? Were the noise

impacts associated with loading modeled at all, or completely omitted from the operational noise analysis on grounds the noise would be "shielded"? Were refrigerated trucks ("TRUs"), which generate more noise than non-refrigerated trucks, taken into consideration?

Response to Comment No. ORG 44-22

This comment asserts that the Draft EIR fails to account for operational noise impacts from truck loading and idling. As discussed on page II-23 in Chapter II, *Project Description*, of the Draft EIR, the loading areas and trash receptacles for the West Building would be located in the parking garage for the West Building, and all trash pickup areas would be in enclosed interior areas. Similarly, the loading areas and trash receptacles will be located in the parking garage for the East Building as stated on page II-29 of the Draft EIR. These loading areas for the West Site and the East Site would incorporate noise shielding to the off-site environment via barriers, such as solid building walls. Furthermore, the loading area for the West Site is to the south of the West Senior Building and for the East Site on the south side of the East Building (please refer to Figures II-9 and II-15 of the Draft EIR), which are located away from the AMDA Tower and AMDA Vine buildings, and there would be no direct line-of-sight from the AMDA buildings to the access and loading areas at both sites. Since loading areas for vendors (including vendor trucks that may or may not contain potential transportation refrigeration units [TRUs]), deliveries, and trash pickups would incorporate noise shielding at both sites, which would block the surrounding sensitive receptors from Project-related noise from loading/unloading and refuse operations, an analysis of these noise sources is not warranted as there would be no significant impact.

Comment No. ORG 44-23

- **The analysis fails to account for operational noise impacts from emergency generators.** The operational noise analysis also states that "[t]he emergency generators would be located on the building rooftops within an enclosure that would substantially minimize noise levels to the environment." What is the substantial evidence supporting this conclusory statement? Will the generators be fully or only partially enclosed? Where will they be located? Were the noise impacts associated with the generators modeled at all, or completely omitted from the operational noise analysis?

Response to Comment No. ORG 44-23

This comment asserts that the Draft EIR failed to account for operational noise impacts from emergency generators. As stated in Project Design Feature NOI-PDF-4 on page IV.I-37 of the Draft EIR, the Emergency generators will be designed to meet the requirements of LAMC Chapter XI, Section 112.02. Section 112.02 of the LAMC requires that any mechanical system within any zone of the City not cause an increase in ambient noise levels on any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit to exceed the ambient noise level by more than 5 dBA.

As discussed on page IV.I-46 of the Draft EIR, noise level modeling was conducted for on-site mechanical equipment, including the emergency generators that would be located on the building rooftops. The results of the modeling analysis are provided in Table IV.I-12 of the Draft EIR. As shown, the combined operational noise sources from the Project East Site and West Site would not generate noise levels that would exceed 5 dBA above the applicable ambient noise level at noise receivers in the project vicinity. Therefore, noise impacts from mechanical equipment, including emergency generators would be less than significant.

Comment No. ORG 44-24

- **The analysis downplays operational traffic noise by omitting any analysis of impacts in 2025.** The operational noise analysis wholly omits any analysis of off-site traffic noise impacts under the concurrent construction scenario, which would result in an opening year of 2025, not 2027. The Draft EIR states that evaluating only off-site roadway noise impacts for the buildout year 2027 provides for a more conservative analysis. But the impact is determined by the delta between the "Future + Project" and the "Future" CNEL levels. Future CNEL is likely to be lower in 2025 than in 2027, therefore the increment between Future and Future + Project would be greater. Thus, a more conservative analysis would consider the impacts of the Project's traffic in 2025. Please either revise Table IV.I-14 in the Draft EIR, or provide a new, additional table, that discloses off-site traffic noise impacts in 2025.

Response to Comment No. ORG 44-24

This comment asserts that the Draft EIR underestimates operational traffic noise impacts by omitting any analysis of impacts in 2025. The commenter states that the incremental increase from the future CNEL in 2027 would be lower than the future CNEL in 2025, and, therefore, provides a more conservative analysis. However, the Draft EIR summarizes the most conservative traffic noise impacts analysis based on existing and existing plus Project traffic conditions. As discussed at the bottom of page IV.I-34 of the Draft EIR, with respect to operational traffic noise, impacts are evaluated for the buildout year 2027 under the sequential construction scenario, which provides for a more conservative analysis compared to buildout year 2025 under the overlapping construction scenario since total roadway traffic volumes are generally assumed to increase in future years. As discussed at the top of page IV.I-53 of the Draft EIR, the maximum increase in Project-related traffic noise levels over existing traffic noise levels would be approximately 0.8 dBA CNEL (from 61.4 to 62.2 dBA CNEL) along Yucca Street between Argyle Avenue and North Gower Street and would not exceed the significance threshold of a 5-dBA CNEL increase for the "conditionally acceptable" category. Therefore, even under the most conservative analysis, increases in traffic noise along this segment or any of the analyzed segments would not be significant. It is noted that Section IV.I, *Noise*, of the Draft EIR inadvertently omitted Table IV.I-13, which would have provided the numerical results of the traffic noise modeling for existing and existing plus Project conditions for the individual roadway segments. Nonetheless, this information is provided in Table 5 of Appendix K-2 of the Draft EIR, which was publicly circulated as part of the Draft EIR. Furthermore, as

discussed above, the top of page IV.I-53 of the Draft EIR contains an accurate summary of the traffic noise modeling results for existing and existing plus Project traffic conditions. Therefore, Project traffic noise impacts are fully evaluated in the Draft EIR, and traffic noise impacts are not downplayed. No new information is presented, and no additional analysis is required. The inadvertent omission of Table IV.I-13 in Section IV.I, *Noise*, of the Draft EIR has been corrected in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*).

Comment No. ORG 44-25

- **The analysis fails to consider impacts on nearby residential streets.** Are there residential streets that may be impacted by traffic noise, even if those streets will not receive the most Project traffic? Ignoring the potential for residential roadways, which have a lower significance threshold than major arterials, masks potentially significant construction and operational noise impacts.

Response to Comment No. ORG 44-25

This comment asserts that the Draft EIR failed to consider impacts on nearby residential streets. As stated on page IV.I-52 of the Draft EIR, existing roadway noise levels were calculated along various roadway segments within the study area. The 162 roadway segments analyzed for traffic noise impacts include street segments with residential uses. The roadway segments are provided in Tables IV.I-14 and IV.I-15 of the Draft EIR. As shown, off-site traffic for Future Plus Project in 2027 and Future plus Project in 2040 would not result in increases in traffic noise in excess of City standards along any of the analyzed roadway segments, and impacts would be less than significant. Traffic noise impacts from Project construction were also analyzed in the Draft EIR on pages IV.I-44 and IV.I-45 with the results summarized in Table IV.I-11, with potentially significant construction traffic noise impacts identified for Yucca Street between Argyle Avenue and Gower Street. The commenter incorrectly claims that residential streets have a lower significance threshold than major arterials. The increase in ambient noise thresholds, as described on page IV.I-32, applies to all roadway types.

Comment No. ORG 44-26

We anticipate that to adequately respond to the above questions and comments, significant new information must be added to the Draft EIR. As you know, any revision to the Draft EIR to incorporate new, significant information, triggers the need for recirculation of the Draft EIR. (State CEQA Guidelines, § 15088.5.)

Response to Comment No. ORG 44-26

This comment makes a general statement that the commenter believes the issues raised require recirculation of the Draft EIR. As discussed in Response to Comment Nos. ORG 44-19 through 44-25, no new or significant information has been introduced to address the comments or questions raised in the comment letter. Therefore, recirculation of the Draft EIR is not warranted.

Comment No. ORG 44-27

3. The noise-related Project Design Feature and Mitigation Measures are internally inconsistent, fail to include performance standards, fail to meaningfully reduce impacts to adjacent properties, and fail to include a variety of technically feasible measures.

CEQA mandates that an environmental impact report propose mitigation measures that will minimize a project's significant environmental impacts. Here, the Draft EIR relies on NOI-PDF-2 to reduce construction noise impacts. However, this measure is, like many others in the Draft EIR, internally inconsistent. NOI-PDF-2 states that temporary diesel and gasoline generators will not be used during construction. But then the PDF goes on to state that if diesel or gasoline powered generators are used, such equipment will be located at least 100 feet from off-site sensitive land uses. A reader is left unsure whether such generators are permitted, or not permitted. This measure must be revised to clarify that generators will not be permitted. Further, this measure is clearly drafted to reduce an identified environmental impact, making it a mitigation measure, and not a project design feature. (See *Salmon Protection and Watershed Network* (2005) 125 Cal.App.4th 1098, 1106 [conditions placed upon a project in response to its potential impacts constitute mitigation measures].)

Response to Comment No. ORG 44-27

The commenter states that Project Design Feature NOI-PDF-2 is inconsistent and does not provide clarity as to whether or not generators are permitted or not permitted during construction. The purpose of Project Design Feature NOI-PDF-2 is not to prohibit diesel or gasoline generators. Project Design Feature NOI-PDF-2 states that, among electric-powered, solar-powered, and gasoline/diesel-powered temporary generators, the Project construction site will elect to use electric-powered (where power poles are available) or solar-powered generators. However, under the circumstance that neither of these options is available, temporary gasoline or diesel-powered generators may be used. If temporary gasoline or diesel-powered temporary generators are used on the Project Site, they will be placed at least 100 feet away from off-site sensitive land uses, whenever possible, and flexible sound control curtains will be placed around the equipment when in use as per Mitigation Measure NOI-MM-2, as revised for clarification in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*) and shown below with the additional information provided in double-underlined text below.

> **NOI-MM-2: Equipment Noise Shielding, Mufflers, and Stationary Curtains.** The Project contractor shall use power construction equipment with ~~state-of-the-art~~ factory-installed noise shielding and muffling devices. In addition, no impact pile driving shall be utilized; augured, or drilled piles are permitted. Flexible sound control curtains that achieve a performance standard of a minimum 12-dBA insertion loss with appropriate open access points or gates to allow for adequate and safe worker, vehicle, and equipment access shall be placed around all drilling

apparatuses, drill rigs, stationary concrete pumps, stationary generators, and jackhammers when in use.

Therefore, Project Design Feature NOI-PDF-2 clearly states that, when necessary, gasoline/diesel-powered temporary generators will be used and provides distance limits to be imposed to avoid noise impacts to adjacent sensitive receivers, whenever possible. Moreover, flexible sound control curtains will be placed around the equipment when in use as per Mitigation Measure NOI-MM-2, as updated in this Final EIR (see *Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR*). Therefore, temporary construction generators are appropriately evaluated, and feasible mitigation is required as discussed above. No additional analysis is required.

Comment No. ORG 44-28

Mitigation Measure NOI-MM-1 is also flawed. It requires that construction equipment "whose specific location on the Project Site may be flexible" be either located away from the nearest off-site sensitive land uses (at least 100 feet away), "or natural and/or manmade barriers (i.e., intervening construction trailers) shall be used to screen propagation of noise from such equipment." Yet this measure lacks any meaningful detail or performance criteria. Which pieces of construction equipment are "flexible" in terms of location? Who shall decide? Where a "natural and/or manmade barrier" is required, what performance standards must be met? What materials must the barrier be made of? How distant from either the source or the receptor must the barrier be located? How tall must the barriers be? What quantifiable noise reduction must be achieved and how will the reduction be verified? Without these details it is impossible to determine whether such barriers will actually attenuate noise in any way. Further compounding the failure of this measure is the fact that, under a straight reading of the measure's text, it would seem that barriers are only required for construction equipment that is flexible in terms of location. For equipment that is not flexible in terms of location, are no noise barriers required? This is counterintuitive, and renders the measure nonsensical. Mitigation Measure NOI-MM-1 must be revised to: (1) identify which pieces of construction equipment it actually applies to; and (2) clearly establish what types of effective noise barriers are permitted and what standards those barriers must meet. Without these details, the measure is ineffective, meaningless, and fails to meet CEQA's requirements for enforceable, effective, and concrete mitigation measures. Worse, it fails to show that the mitigation measure will reduce impacts to the greatest extent feasible.

Response to Comment No. ORG 44-28

The comment expresses concern regarding performance criteria and lack of detailed information in Mitigation Measure NOI-MM-1. Mitigation Measure NOI-MM-1 has been clarified to include additional details regarding performance standards and noise reduction levels from implementation of the measures. Specifically, Mitigation Measure NOI-MM-1, as revised, provides clarifying information on the noise reduction levels for the temporary construction noise barriers and the locations and durations the barriers shall be installed. The additional clarifications to Mitigation Measure NOI-MM-1 are incorporated in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections*

to the Draft EIR) and shown below with the additional information provided in double-underlined text below.

> **NOI-MM-1: Setback Distances and Boundary Noise Curtains.** Noise and vibration construction equipment whose specific location on the Project Site may be flexible (e.g., compressors and generators) 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. Even with natural and/or manmade barriers, in no case shall fixed stationary equipment, stockpiling of construction materials, equipment warm-up areas, water tanks, and equipment storage areas be within 40 feet from the property line of off-site historic buildings. If manmade barriers are to be used, the contractor shall be required to use temporary construction noise barriers, such as sound deadening blankets or curtains, with a height up to 20 feet above ground that shall achieve a performance standard of a minimum 12-dBA insertion loss along the Project Site's boundary where significantly impacted noise-sensitive land uses are within 500 feet of the Project Site. The temporary construction noise barriers shall be installed on or around the Project Site perimeter and/or along soldier piles that shall be drilled and cast in place during shoring activities. Open access points or gates leading to street frontages, including along Ivar Avenue, Vine Street, and Argyle Avenue, shall be permissible to allow for adequate and safe worker, vehicle, and equipment access to the construction area. The temporary construction noise barriers installed on or around the soldier piles shall remain in-place during ground disturbance activities until exterior vertical building construction commences, when the use of on-site noise-generating heavy-duty construction equipment is prevalent.

Additionally, as stated on page IV.I-75 of the Draft EIR, Mitigation Measure NOI-MM-3 requires that a construction liaison will be provided to inform nearby receptors 1, 3, and 5 through 13 when peak noise and vibration activities are scheduled to occur. The construction liaison would also notify the nearby receptors of construction two weeks prior to the commencement of the construction, the construction schedule, and the various types of activities and equipment that would be occurring throughout the duration of the construction period. Implementation of Mitigation Measure NOI-MM-3 in addition to Mitigation Measure NOI-MM-1, as revised, would reduce construction noise to the extent feasible and are not ineffective or meaningless and meet CEQA's requirements for enforceable, effective, and concrete mitigation measures.

Comment No. ORG 44-29

Similarly, Mitigation Measure NOI-MM-2 requires the use of "state-of-the-art noise shielding and muffling devices." But what constitutes "state-of-the-art"? Again, who shall decide? Does the reference to "noise shielding" devices include structural noise barriers, such as temporary sound walls? The measure also requires the use of "flexible sound control curtains" but as with the noise barriers referred to in NOI-MM-1, not a single performance standard is incorporated into the measure to ensure that the noise curtains

will be effective (e.g., curtain height, properties, materials, distance, and quantified noise reduction). This measure must also be revised.

Response to Comment No. ORG 44-29

The comment expresses concern regarding performance criteria in Mitigation Measure NOI-MM-2. Mitigation Measure NOI-MM-2 has been clarified to include information regarding performance standards and noise shielding and muffling devices. The additional clarifications to Mitigation Measure NOI-MM-2 are incorporated in this Final EIR (see Chapter 3*, Revisions, Clarifications, and Corrections to the Draft EIR*) and are shown with the additional information provided in double-underlined text in Response to Comment No. ORG 44-27. Please refer to Response to Comment No. ORG 44-28 regarding Mitigation Measure NOI-MM-1.

Comment No. ORG 44-30

Mitigation Measure NOI-MM-3 also fails to meet CEQA's requirements given that it does nothing to address the impacts disclosed in this chapter. While we agree that AMDA should be notified of the Project's construction activities in advance, we note that this measure does not reduce the levels of noise experienced by AMDA sensitive receptors and thus does not actually mitigate any noise impacts.

Response to Comment No. ORG 44-30

The commenter states that Mitigation Measure NOI-MM-3 fails to meet CEQA's requirement since it does not reduce the noise levels experienced by AMDA sensitive receptors. Mitigation Measure NOI-MM-3 is provided to require notification and disclosure of the Project construction schedule and activities to the noise and vibration sensitive receptors specified in the measure. Notification will be provided to AMDA as an entity, which will serve as adequate notice for its noise- and vibration-sensitive receptors in the Project vicinity. The purpose of Mitigation Measure NOI-MM-3 is to provide information in advance of scheduled Project construction activities, which would allow occupants of the specified locations to make their own decisions regarding future plans and activities to reduce their exposure. Mitigation Measure NOI-MM-3 is consistent with the general CEQA premise that an "environmental impact report is an informational document" (see CEQA Guidelines Section 21061). Mitigation Measure NOI-MM-3 is provided in tandem with Mitigation Measures NOI-MM-1 and NOI-MM-2, which have been clarified to include information on the implementation of the mitigation measures, specifically to clarify how the noise impacts would be reduced. Please refer to Response to Comment Nos. ORG 44-28 and ORG 44-27 regarding Mitigation Measures NOI-MM-1 and NOI-MM-2.

Comment No. ORG 44-31

In regards to vibration impacts, Mitigation Measure NOI-MM-4 is woefully inadequate. This measure establishes a monitoring system, ***but then proceeds to allow construction activities that result in vibration several times the significance threshold for building damage***. Nothing in NOI-MM-4 actually reduces vibration

impacts at any sensitive receptor. Instead, it includes only a generic statement that, when certain vibration triggers are hit, the contractor shall "provide feasible steps to reduce the vibration level." There is no discussion of whether there actually are feasible ways to do so. Regardless, NOI-MM-4 allows vibration above the trigger levels, and above the significant thresholds, to proceed, only requiring the contractor to "visually inspect the building for any damage." What about non-visible damage? Worse, the measure seems to only result in any action on behalf of the developer if visible damage occurs to ***historic*** buildings. When visual damage to a historic building is observed, NOI-MM-4 requires that the building be repaired, but makes no similar commitment for non-historic buildings damaged by vibration, and of course there is no commitment to repair non-visible damage in any building. Further, historic buildings that are damaged by vibration ***may*** be restored consistent with the Secretary of the Interior's Standards for Historic Buildings, but only "if warranted." There is no explanation or performance standards included to determine when the Standards for Historic Buildings are "warranted" or who makes such a determination. Further, the Draft EIR concludes that because it is up to the private property owners affected to participate or not in the monitoring program, impacts will remain significant. However, ***even if AMDA or other property owners participate in the monitoring program, significant impacts will still be experienced, and in AMDA's case, these impacts are more than eleven times the acceptable significance threshold.***

Response to Comment No. ORG 44-31

This comment expresses concern regarding Mitigation Measure NOI-MM-4 of the Draft EIR, which the comment asserts establishes a monitoring system, but then proceeds to allow construction activities that result in vibration several times the significance threshold for building damage. The estimated construction vibration impacts to the nearest off-site structures, both historic and non-historic structures, to the Project Site are presented in Table IV.I-17 on page IV.I-79 of the Draft EIR.

Mitigation Measure NOI-MM-4 (see page IV.I-84 of the Draft EIR) requires that structural vibration monitoring be performed during Project construction. Prior to the start of construction, investigations of each vibration-sensitive receptor would be conducted of both historic and non-historic buildings to document the physical condition of those buildings' readily-visible features. The Applicant is also required to prepare and implement a vibration monitoring program during site demolition and grading/excavation. Vibration monitoring systems will be placed at receptor building façades (with the permission of property owners) or other appropriate locations to measure and document vibration velocities during construction activity. The vibration monitoring systems will be set to transmit notifications and warnings (via text, email, etc.) prior to the vibration threshold being reached. The commenter claims that there is no discussion of whether there are feasible ways to reduce vibration if vibration triggers are hit. This is incorrect. The mitigation measure lays out the steps to be taken should the warning and/or regulatory vibration thresholds be reached. Steps include making feasible adjustments to construction activities in the vicinity of the receptor, such as staggering concurrent

vibration-generating construction activities and utilizing lower vibratory techniques (see Section d. of Mitigation Measure NOI-MM-4). Conducting visual inspections if the regulatory vibration threshold is reached would ensure that any visual signs of damage are logged and can be addressed. Should Project construction result in damage to vibration-sensitive receptor buildings (both historic and non-historic), Mitigation Measure NOI-MM-4 requires that repairs be conducted. For historic buildings, repairs would be conducted pursuant to the Secretary of the Interior's standards, if warranted. This provision is intended to ensure that historic buildings are restored pursuant to the Secretary of the Interior's Standards. Mitigation Measure NOI-MM-4 does not limit repairs to historic structures alone. Non-historic structures would be repaired but would not be required to meet the Secretary of the Interior's Standards for historic buildings.

In addition, the commenter states that non-visible damage is not addressed. However, the vibration monitoring equipment would transmit notifications and warnings (via text, email, etc.) prior to the vibration threshold being reached. By definition, it is not possible to visually detect non-visible damage to structures. Nonetheless, the transmission of notifications and warnings by the vibration monitoring equipment does not rely on the presence of visible damage to structures. Therefore, the Draft EIR analyzes and proposes adequate and feasible mitigation regarding potential structural vibration impacts to both historic and non-historic buildings.

As discussed on page IV.I-86 of the Draft EIR, the conclusion of "significant and unavoidable" was based on the reason that Mitigation Measure NOI-MM-4 requires the consent of other property owners. The impact conclusion of "significant and unavoidable" was determined not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts. If damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), vibration impacts would be reduced to less than significant. As vibration impacts are fully discussed and feasible mitigation provided in the Draft EIR, no additional analysis is required.

Additionally, the commenter expresses concern regarding the protection of non-historic buildings. Mitigation Measure NOI-MM-4 applies to structural damage from Project construction vibration to both historic and non-historic buildings that would be potentially affected.

In response to the concerns raised in the comment, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, in response to concerns raised in Comment Letter No. ORG 35-30 that the proposed process in Mitigation Measure NOI-MM-4 for increasing the vibration monitoring warning and threshold levels if no damage has occurred under the established warning and threshold levels could increase the risk of damage to the buildings, parts "f." and "g." have been removed to ensure no potential for increased risk to buildings from increasing the vibration monitoring warning and threshold levels even if no damage has occurred

under the current warning and threshold levels; thus, "h." has been renumbered as "f." Vibration warning and threshold levels have also been made more protective for the AMDA Vine Building. The clarifications and revisions to Mitigation Measure NOI-MM-4 are also provided in double-underlined and strikeout text below:

NOI-MM-4: Vibration Monitoring. The Applicant shall perform structural vibration monitoring during Project construction as follows:

a. Prior to start of construction, the Applicant shall retain the services of a licensed building inspector or structural engineer, or other qualified professional as approved by the City, to visit the following buildings, which are located either on-site or immediately adjacent to the Project Site ~~and to the west~~, to inspect and document (video and/or photographic) the apparent physical condition of the building's readily-visible features. This includes both historic buildings and non-historic buildings in proximity to the Project Site. For the historic buildings listed below, inspection and documentation shall also be carried out by and in coordination with a qualified preservation consultant. The non-historic buildings are as follows:

   - AMDA Vine Building
   - Argyle House
   - Single-story commercial building at 1718 N. Vine Street (if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2, the provisions of this mitigation measure do not apply to this structure).

   The historic buildings are as follows:

   - Capitol Records Building (on-site)
   - Gogerty Building (on-site)
   - Pantages Theatre (off-site)
   - Avalon Hollywood (off-site)
   - 6316-24 Yucca Street/Art Deco Building Storefront (off-site)

b. The Applicant shall retain the services of a qualified acoustical engineer and/or structural engineer to develop and implement a vibration monitoring program during the site demolition and grading/excavation, capable of documenting the construction-related ground vibration levels at the buildings listed above. The vibration monitoring systems shall be placed at receptor building façades closest to Project construction activity or placed at a representative location if a receptor building façade is not accessible and shall continuously measure (in vertical and horizontal directions) and store the peak particle velocity (PPV) in inch/second. The systems shall also be programmed for two preset velocity levels: a warning level of ~~0.10~~ 0.09 inch/second (PPV) for the off-site historic structures, 0.15 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not

required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.25 inch/second (PPV) for the AMDA Vine Building, and 0.45 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House and a regulatory level of 0.12 inch/second (PPV) for the off-site historic structures, 0.2 inch/second (PPV) for the single-story commercial building at 1718 N. Vine Street (not required if this building has been issued demolition permits or has already been demolished as part of Related Project No. 2), 0.30 inch/second (PPV) for the AMDA Vine Building, and 0.50 inch/second (PPV) for the Capitol Records Building, Gogerty Building, ~~AMDA Vine Building~~ and the Argyle House. In cases where a receptor building façade is not accessible, the two preset velocity levels shall be programmed at equivalent levels based on distance and soil characteristics that affect vibration transmission over that distance. The systems shall also provide real-time alert when the vibration levels exceed the two preset levels. The noise and vibration monitoring program shall include a description of the monitoring equipment specifications, calibration certificates, exact monitoring locations (which shall be coordinated with the property owners for the buildings listed in "a." above), and protocols for data collection, reporting, alerting, maintenance and calibration, and unplanned outage. Selected monitoring systems shall be capable of unmanned operation during periods of on-site Project construction activity, with internal storage and remote data download. Systems shall be capable of measuring the inch/second PPV in all three axes (vertical and two horizontal) simultaneously. The monitoring program shall specify the protocols for threshold exceedance, including, but not be limited to, which personnel are designated to receive alerts, how the alerts shall be sent (text message, email, etc.), and how the vibration event shall be documented and reported. The program shall include regular reporting no less frequently than weekly.

c. The vibration monitoring program shall be submitted, for review and approval to the Department of Building and Safety, prior to initiating any construction activities.

d. In the event the warning level (i.e., ~~0.10~~ 0.09, 0.15, 0.25, and 0.45 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and provide feasible steps to reduce the vibration level, including but not limited to staggering concurrent vibration-generating construction activities (if doing so would not pose a safety risk to personnel or damage risk to buildings or facilities) and utilizing lower vibratory techniques.

e. In the event the regulatory level (i.e., 0.12, 0.20, 0.30, and 0.50 inch/second [PPV], or equivalent levels) is triggered, the contractor shall identify the source of vibration generation and implement feasible steps identified in Item "d" above to reduce the vibration level from construction activities to avoid or minimize damage from construction activities in the vicinity of the building.

The contractor shall visually inspect the building for any damage. Results of the inspection must be logged.

~~f. 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.~~

- ~~From Category IV to Category III (0.12 to 0.2 inch/second [PPV], or equivalent level),~~
- ~~From Category III to Category II (0.2 to 0.3 inch/second [PPV], or equivalent level), or~~
- ~~From Category II to Category I (0.3 to 0.5 inch/second [PPV], or equivalent level).~~

~~If the regulatory ground vibration level is increased, the warning level shall also be increased matching the corresponding Category as follows (or equivalent levels):~~

- ~~Category I: 0.45 inch/second [PPV]~~
- ~~Category II: 0.25 inch/second [PPV]~~
- ~~Category III: 0.15 inch/second [PPV]~~
- ~~Category IV: 0.10 inch/second [PPV]~~

~~g. If new regulatory and warning levels are set pursuant to Item "f" above, they can be exceeded and increased again pursuant to the same requirements in Item "f".~~

f.~~h.~~ In the event damage occurs to the historic features of historic buildings ~~(finish materials)~~ due to construction vibration, such features/materials shall be repaired in consultation with a qualified preservation consultant, and, if warranted, in a manner that meets the Secretary of the Interior's Standards.

Furthermore, as stated on page IV.I-78 of the Draft EIR, the Project would be subject to LAMC Section 91.3307.1 (Protection of Adjoining Property) which states adjoining public and private property would be protected from damage during construction, remodeling and demolition work. This regulation applies to properties of all types, not just historic structures. Therefore, potential damage to historic and non-historic structures would be controlled through regulatory compliance and implementation of feasible mitigation measures.

Comment No. ORG 44-32

The Draft EIR concludes that implementation of Mitigation Measures NOI-MM-1 and NOI-MM-2 "would reduce the Project's on-site construction noise impacts at the off-site noise sensitive receptors, to the extent technically feasible." This is false. As discussed above, there are several revisions that could be made to these measures that would increase their effectiveness and further reduce impacts, such as including performance standards and criteria for noise barriers. No reason is given in the Draft EIR for why performance standards cannot be incorporated into the measures.

Response to Comment No. ORG 44-32

The comment asserts that the Draft EIR's analysis regarding the implementation of Mitigation Measures NOI-MM-1 and NOI-MM-2 are incorrect. Please refer to Response to Comment Nos. ORG 44-28 and No. ORG 44-29 for discussion and clarifications regarding performance standards for Mitigation Measures NOI-MM-1 and NOI-MM-2, respectively.

Comment No. ORG 44-33

The Draft EIR similarly concludes that with implementation of Mitigation Measure NOI-MM-4, any potentially significant vibration impacts to the historic Capitol Records Building and Gogerty Building would be reduced to less than significant. This conclusion is not supported by any evidence, ignores the fact that impacts to the Capitol Records echo chamber and recording studios were omitted from the analysis, and ignores the fact that while Mitigation Measure NOI-MM-4 requires monitoring, it does not reduce the potential for significant and unavoidable impacts. If these historic buildings are damaged by construction vibration, there is potential for that damage to be unrepairable. Even where damage is repairable, there is no guarantee that the necessary repairs would not adversely impact the historic integrity of either building. Impacts would remain significant and unavoidable, even after incorporation of Mitigation Measure NOI-MM-4. The Draft EIR's conclusion to the contrary is wrong.

Response to Comment No. ORG 44-33

The comment asserts that the Draft EIR's analysis that Mitigation Measure NOI-MM-4 would reduce any potentially significant vibration impacts to the historic Capitol Records Building and Gogerty Building to less than significant is incorrect. The Capitol Records Complex is located within the Project Site (within the East Site) and is Applicant-controlled. As stated on page II-36, in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease between the Applicant and Capitol Records, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As such, any interference with on-going activities within the building, including the reverberation chambers, would be coordinated directly with the building occupants. Additionally, regarding the Project's potential effect on the use of the on-site Capitol Records Complex reverberation chambers and recording studios, as stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, pursuant to a lease between the

Applicant and Capitol Records that can be extended until 2026, Capitol Records must consent to certain proposed improvements that may impact their use of the property. As the Capitol Records Building's underground recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements. Further, the Project's effect on an on-site use is not considered to be an impact under CEQA and need not be analyzed in the Project's EIR. See, e.g., *Parker Shattuck Neighbors v. Berkeley City Council* (2013) 222 Cal.App.4th 768, 782 ("In general, CEQA does not regulate environmental changes that do not affect the public at large: "the question is whether a project [would] affect the environment of persons in general, not whether a project [would] affect particular persons." [Citations omitted]). Therefore, the on-site Capitol Records Complex does not need to be analyzed as a sensitive receptor. Nonetheless it was conservatively included in the in the vibration analysis, as discussed on page IV.I-17 of Section IV.I, *Noise*, of the Draft EIR due to the potential for structural damage to a historical resource.

As stated in Mitigation Measure NOI-MM-4 on page IV.I-84 of the Draft EIR, the Capitol Records Building is listed as a historic building and is included as part of the mitigation measure. As discussed in Response to Comment No. ORG 44-31, the purpose of the vibration monitoring program is to minimize structural damage impacts that could result from Project construction. As stated in Mitigation Measure NOI-MM-4, should Project construction result in damage to vibration-sensitive receptor buildings (both historic and non-historic), Mitigation Measure NOI-MM-4 requires that repairs be conducted. For historic buildings, the repairs would be conducted pursuant to the Secretary of the Interior's Standards, if warranted. This provision is intended to ensure that historic buildings are restored pursuant to the Secretary of the Interior's Standards. Therefore, Mitigation Measure NOI-MM-4 provides sufficient requirements to mitigate potential building damage due to Project construction-related vibration to the Capitol Records Building and Gogerty Building. As discussed in Response to Comment No. 44-31, Mitigation Measure NOI-MM-4 has been clarified as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The clarifications to Mitigation Measure NOI-MM-4 are also shown in Response to Comment No. ORG 44-31, above.

Comment No. ORG 44-34

Finally, the Draft EIR concludes that despite the incorporation of all feasible mitigation measures, construction noise and vibration impacts to offsite buildings remain significant and unavoidable. However, there are a myriad of other mitigation measures that are available to be incorporated into the Draft EIR, and that would substantially reduce these impacts, in particular the impacts to AMDA facilities. These include, but are certainly not limited to:

- Installation of protective sound walls and barriers around the Vine Street Building for the duration of Project construction. The sound walls must be required to meet specific performance standards relating to acceptable materials, thickness, placement, orientation, and maintenance. Monitoring must be required to confirm the sound walls' effectiveness.

- Temporarily relocate all AMDA classrooms and dormitories to another location for the duration of Project construction.

- Prohibit the use of stationary construction equipment, equipment warm-up areas, construction truck staging, and other noise-generating equipment and activities within a given buffer area adjacent to the site boundary, and identifying specific and limited locations where tower cranes, personnel lifts, construction staging, materials stockpiling, etc. may occur.

- Pause and/or limit construction during peak class hours.

- Identify specific construction equipment that may not operate simultaneously.

- Prohibit any construction and vehicle staging for the Project on Yucca Street, between Ivar Avenue and Vine Street.

- Identify specific locations for sound walls, barriers, and sound curtains, and specifying the height, materials, and other properties of the sound walls and curtains necessary to result in a reduction in noise levels at all adjacent noise-sensitive uses.

- Provide acoustical retrofits of AMDA buildings, such as window replacements and improved installation, to reduce construction noise impacts on residence halls and classrooms.

- Provide seismic retrofits of AMDA buildings, to protect against construction vibration, which has the potential to result in the loss of both property and life.

Each of the above proposed mitigation measures would dramatically reduce significant noise and vibration impacts that are disclosed (and yet, underestimated) in the Draft EIR. Where a feasible mitigation measure, considerably different from others previously analyzed would clearly lessen the significant environmental impacts of a project, but the project's proponents decline to adopt it, recirculation of the Draft EIR is required. (State CEQA Guidelines, § 15088.5(a)(3).)

Response to Comment No. ORG 44-34

The comment provides suggestions regarding mitigation measures. Regarding the measures in the first, seventh, and eighth bullets for the installation of protective sound walls, barriers and curtains, as discussed in Response to Comment No. ORG 44-28, Mitigation Measure NOI-MM-1 has been clarified to include additional details regarding

performance standards and noise reduction levels from implementation of the measures. Specifically, Mitigation Measure NOI-MM-1, as revised, provides clarifying information on the noise reduction levels for the temporary construction noise barriers, barrier height, and the locations and durations the barriers shall be installed. The additional clarifications to Mitigation Measure NOI-MM-1 are incorporated in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*). Mitigation Measure NOI-MM-1, as revised, would provide for sound reduction barriers that would help reduce noise at the AMDA Tower and AMDA Vine buildings.

As discussed in Response to Comment No. ORG 44-27, Mitigation Measure NOI-MM-2 has been clarified to include information regarding performance standards and noise shielding and muffling devices. The additional clarifications to Mitigation Measure NOI-MM-2 are incorporated in this Final EIR (see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*).

Regarding the measure in the second bullet, relocation of all AMDA classrooms and dormitories to another location is not feasible. No location is identified that would serve all of the needs for classrooms and dormitories.

Regarding the measure in the third bullet, as provided in Response to Comment No. ORG 44-28, Mitigation Measure NOI-MM-1 includes a buffer distance requirement for construction equipment whose specific location on the Project Site may be flexible.

Regarding the measure in the fourth bullet, times for peak class hours are not provided. Therefore, this measure cannot be implemented. As discussed in Section IV.I, Noise, of the Draft EIR, LAMC Section 41.40 prohibits construction between the hours of 9:00 p.m. and 7:00 a.m., Monday through Friday, 6:00 p.m. and 8:00 a.m. on Saturday, and at any time on Sunday. Project construction would be consistent with the LAMC. Mitigation Measure NOI-MM-3 is provided to require notification and disclosure of the Project construction schedule and activities to the noise and vibration sensitive receptors specified in the measure. The purpose of Mitigation Measure NOI-MM-3 is to provide information in advance of scheduled Project construction activities, which would allow occupants of the specified locations to make their own decisions regarding future plans and activities to reduce their exposure. Mitigation Measure NOI-MM-3 is consistent with the general CEQA premise that an "environmental impact report is an informational document" (see CEQA Guidelines Section 21061). Mitigation Measure NOI-MM-3 is provided in tandem with Mitigation Measures NOI-MM-1 and NOI-MM-2, which as stated above, have been clarified to include information on the implementation of the mitigation measures, specifically to clarify how the noise impacts would be reduced.

Regarding the measure in the fifth bullet, as explain on page IV.I-119 of the Draft EIR, this measure is not feasible. As stated therein, measures to reduce the types and numbers of construction equipment were considered. The noise analysis considered the expected types and numbers of construction equipment that would need to be used during the various construction activities and also considered the closest distances the

construction activities would need to occur relative to the noise-sensitive uses in order to construct the proposed Project uses and achieve the Project objectives identified in Chapter II, *Project Description*, of the Draft EIR. Given the logarithmic nature of sound and the decibel scale, reducing the types and numbers of construction equipment by a few pieces of equipment would not result in a substantial reduction in noise levels. A 3-dBA reduction in noise requires a halving of the sound energy. Thus, there would be little benefit in terms of the construction noise levels by requiring a reduction in the types and numbers of construction equipment by only a few pieces of equipment. Given that a 3-dBA reduction in noise would require a halving of the construction sound energy, it would not be feasible to construct the proposed Project by substantially reducing the types and number of construction equipment used by half or more without severely impacting the ability to build the proposed Project within a reasonable schedule and the ability to safely and adequately construct the proposed Project buildings and facilities without access to the full range of the needed equipment.

Regarding the sixth bullet, Section II.g(2), Construction Overview, of the Draft EIR provides that: "All construction staging activities would be located within the West and/or East Sites. No import of soil, additional staging or use of off-site areas is proposed." Therefore, staging will not occur on the referenced streets, and no mitigation is required.

Regarding the ninth bullet, as provided by the commenter in Comment No. ORG 44-15 (and in Exhibit A of the commenter's letter), AMDA states both of their buildings (AMDA Tower and AMDA Vine buildings) are required by the Los Angeles Department of Building and Safety to meet seismic standards. Since existing City regulations require seismic improvements, no additional mitigation measure is required.

With respect to Project vibration impacts, page IV.1-86 of the Draft EIR states that:

> *With implementation of mitigation measures, structural vibration impacts would be reduced to less-than-significant levels for the Capitol Records Building and Gogerty Building. However, while implementation of Mitigation Measure NOI-MM-4 would provide the same or similar protections to the other buildings subject to potential structural damage from vibration which would reduce impacts to less-than-significant levels, because Mitigation Measure NOI-MM-4 requires the consent of other property owners, who may not agree, 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.*

The conclusion of "significant and unavoidable" was based on the reason that Mitigation Measure NOI-MM-4 requires the consent of other property owners. The impact

conclusion of "significant and unavoidable" was determined not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts. If all affected property owners agree to coordinate and work with the project contractors, should damage occur, as documented by the required inspections, the implementation of appropriate repairs would correct the building damage impact. Nonetheless, Mitigation Measure NOI-MM-4 has been clarified to describe how the mitigation measures would be implemented, as detailed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. In addition, in response to concerns raised in Comment Letter No. ORG 35-30 that the proposed process in Mitigation Measure NOI-MM-4 for increasing the vibration monitoring warning and threshold levels if no damage has occurred under the established warning and threshold levels could increase the risk of damage to buildings, parts "f." and "g." have been removed to ensure no potential for increased risk to buildings from increasing the vibration monitoring warning and threshold levels even if no damage has occurred under the current warning and threshold levels; thus, "h." has been renumbered as "f". The clarifications to Mitigation Measure NOI-MM-4 are also shown in Response to Comment No. ORG 44-31, above.

Comment No. ORG 44-35

4. The Draft EIR makes no attempt to quantify, or even qualitatively describe, how and in what degree noise and vibration impacts will actually be reduced.

Even if the above described Project Design Feature and Mitigation Measures were effective—and, as discussed, they are not—there is no discussion provided showing the extent to which noise and vibration impacts will actually be reduced by their implementation. CEQA requires that environmental impact reports include evidence that identified mitigation measures will be effective in reducing potentially significant impacts. Courts ***do not defer to a city's determination that mitigation measures will work when their efficacy is not apparent*** and there is no evidence in the record showing the measures will actually be effective in reducing or remedying the identified environmental problem. (See, e.g., *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168.)

Here, absolutely no effort at all has been made to identify and describe the actual reduction in noise levels that will result from any of the identified PDFs or Mitigation Measures. Without post-mitigation noise projections, community members and stakeholders affected by the Project have no way of knowing with any certainty if the mitigation measures are, in fact, effective in reducing noise levels, or to what extent noise levels will be reduced. As described above, the identified PDFs and Mitigation Measures are rife with issues. They will not be effective at reducing noise and vibration impacts, and the Draft EIR does not even attempt to show otherwise. As such, significant additional analysis is required before the public, or the City's decisionmakers, can determine the true noise and vibration impacts, and the feasibility of mitigating these impacts to the extent possible.

Response to Comment No. ORG 44-35

The comment asserts that the Draft EIR had no discussion showing the extent to which noise and vibration impacts will actually be reduced by their implementation. The level of significance for construction noise impacts after Mitigation Measures NOI-MM-1 through NOI-MM-3 are qualitatively discussed on pages IV.I-75 and 76 of the Draft EIR. While no substantial changes to Mitigation Measure NOI-MM-1 were made, this measure has been clarified to include details on performance standards assumed in the analysis and the implementation of the measures. Specifically, Mitigation Measure NOI-MM-1, as revised, requires that temporary construction noise barriers achieve a performance standard of a minimum of 12 dBA at the Project Site's boundary (see Response to Comment No. ORG 44-28 for revised Mitigation Measure NOI-MM-1). As discussed on page IV.I-75 of the Draft EIR, reducing the types and number of construction equipment by a few pieces would provide minimal benefit in terms of noise reduction due to the logarithmic nature of noise. Due to the proximity of sensitive noise receptors to the Project Site, impacts would remain significant and unavoidable.

The level of significance for construction structural vibration impacts are discussed after Mitigation Measure NOI-MM-4 is discussed on page IV.I-86 of the Draft EIR. The conclusion of "significant and unavoidable" for Mitigation Measure NOI-MM-4 was based on the reason that Mitigation Measure NOI-MM-4 requires the consent of other property owners. The impact conclusion of "significant and unavoidable" was determined not because Mitigation Measure NOI-MM-4 does not have adequate measures to reduce the potential vibration impacts. However, if damage occurs as a result of Project construction, and if all affected property owners agree to coordinate and work with the Project contractors on repairs (should repairs be needed), the implementation of appropriate repairs would correct the building damage impact from vibration.

As described above, the level of significance for construction noise and structural vibration impacts were discussed in the Draft EIR, and feasible mitigation measures for reducing or remedying the identified environmental problems were presented. Therefore, no further analysis is required.

Comment No. ORG 44-36

C. <u>The Draft EIR Impermissibly Ignores Aesthetic Impacts to Historic and Cultural Resources and Aesthetics-Related Land Use Policies.</u>

According to the Draft EIR, the Project is a "mixed-use residential development located on an infill site…within an urban area that [has] been previously developed," and therefore the Project's aesthetic impacts "would not be considered significant" pursuant to Public Resources Code, section 21099(d)(1). (Draft EIR pp. II-12, IV.A-1.) But section 21099(d)(1) is modified by Public Resources Code section 21099(d)(2)(B), which provides that "aesthetic impacts," as used in section 21099(d)(1), do not include impacts on historical or cultural resources. This means that aesthetic impacts to historical or cultural resources are still considered significant for projects that meet the criteria of

section 21099(d)(1), such as the Project. Further, nothing in section 21099 excuses a lead agency from analyzing a project's consistency with land use policies and programs addressing aesthetics, building massing, shade/shadow, etc., or the ability for a lead agency to make findings necessary for a project's entitlements. Here, the Draft EIR sidesteps analysis of all of these issues, and impermissibly attempts to hide behind section 21099 to excuse its failure to provide a full accounting of Project impacts.

The Draft EIR acknowledges that "aesthetic impacts do not include impacts to historic or cultural resources," and provides that "[s]uch impacts are evaluated pursuant to CEQA in Section IV.C, Cultural Resources, of [the DEIR]." But Section IV.C provides no analysis of the Project's aesthetic impacts to nearby historical resources. The Draft EIR incorrectly conflates the requirement to analyze cultural resources impacts with the requirement to analyze the aesthetic impacts to cultural and historical resources. CEQA requires not only the independent analysis of the Project's cultural resources impacts, but also the analysis of the Project's potential aesthetic impacts to nearby historical resources, including shade and shadow and view impacts. As described below, the Draft EIR fails to analyze and disclose aesthetic impacts to historic resources, and as such, must be revised and recirculated.

Response to Comment No. ORG 44-36

This comment asserts that the Draft EIR ignored aesthetic impacts to historic and cultural resources and aesthetics-related land use policies. However, changes in the CEQA Guidelines under Public Resources Code (PRC) Section 21099(d)(1) provide that aesthetic impacts of mixed-use projects within a transit priority area (TPA) are not significant with respect to scenic vistas, scenic resources, visual character/conflicts with regulations governing scenic quality, and light and glare. Shade/shadow impacts are not identified in CEQA Guidelines Appendix G and are not currently evaluated in the City's Draft EIR. As such, the discussions in Section IV.A, *Aesthetics*, of the Draft EIR are provided for informational purposes only (not required by CEQA).

PRC Section 21099(d)(2)(B) provides that that aesthetics impacts shall not be considered significant impacts on the environment. However, this does not apply to impacts on historical or cultural resources. Although historical resources are included as scenic resources under CEQA Guidelines Appendix G, Aesthetics Threshold (b), the full evaluation of historical and cultural resources is provided in Section IV.C, *Cultural Resources*, of the Draft EIR. The approach to provide the full analysis of direct and indirect analyses of historical resources in Section IV.C is because the evaluation of urban projects within a TPA under PRC Section 21099(d) does not require the evaluation of scenic resources (which includes historical buildings) under the Aesthetics category of CEQA Guidelines Appendix G. The exemption of the urban Project from the evaluation of visual character is consistent with the CEQA Guidelines Appendix G, Aesthetics question (c) and is not "impermissible," as stated in the comment. The provision of an analysis of impacts on historical resources in Section IV.C ensures that a full evaluation of these resources is provided in the Draft EIR, including referencing the Project's impacts

on views of the Capitol Records Building partly based on information provided in simulations presented in Section IV.A, *Aesthetics,* of the Draft EIR. The analysis in Section IV.C included the evaluation of other indirect impacts, such as potential conflicts in scale or size and other aesthetic concerns.

Because of the evaluation of the Project's direct and indirect impacts on historical resources, including aesthetic effects in Section IV.C, the Draft EIR does analyze and disclose aesthetic impacts to historic resources. The comment does not demonstrate that indirect and direct aesthetic impacts were not adequately addressed in the Draft EIR and does not support the revision and recirculation of the Draft EIR.

Comment No. ORG 44-37

1. The Draft EIR fails to analyze shade and shadow impacts.

The Draft EIR correctly notes that the Project Site is surrounded by dozens of historical resources. (Draft EIR Table IV.C-2.) Given the close proximity of the Project Site to so many historical resources, including two historical resources located within the East Site itself, the Capitol Records Tower and the Gogerty Building, the Project's impacts to those resources must be fully disclosed and analyzed. The Draft EIR provides no analysis whatsoever of potential shade and shadow impacts on the Capitol Records Tower, the Gogerty Building, or any of the other historical resources located near the Project Site. The Draft EIR therefore cannot adequately consider or disclose the potential for the significant shade and shadow impacts that could be caused by the construction of two massive towers (469 feet and 595 feet) which as a matter of simple geometry will certainly cast massive shadows.

Further, the Project's shade and shadow impacts on AMDA must also be addressed. Even if all of AMDA's buildings are not considered historic buildings, the public and the City's decisionmakers must analyze the Project's consistency with myriad land use plans and policies, many of which seek to preserve the scale and character of established neighborhoods, promote and protect the entertainment industry in Hollywood—of which AMDA is a significant part— and encourage compatible adjacent development. Not only would the Project's shade-shadow effects impact historic buildings nearby, they would create significant shadows in the key outdoor areas of the AMDA campus, including those used for performances. The aesthetics analysis in the Draft EIR is therefore inadequate and must be revised and recirculated.

Response to Comment No. ORG 44-37

This comment asserts that the Draft EIR failed to analyze shade and shadow impacts. In the past, Draft EIR threshold standards were based on the 2006 City of Los Angeles CEQA Thresholds Guide. This document provided a threshold standard related to shade/shadow impacts. The City currently uses the threshold standards set forth in the 2020 CEQA Guidelines Appendix G, which does not provide a threshold standard for

shade/shadow impacts. Therefore, shade/shadow is not evaluated as a CEQA impact in the Draft EIR.

Comment No. ORG 44-38

2. New visual simulation renderings of the Project and view impacts on the Capitol Records Tower are required.

As explained above, the Draft EIR is required to provide an analysis of the potential view impacts to historic resources, including the Capitol Records Building and Gogerty Building. The Draft EIR includes an analysis of view impacts to the Capitol Records Building, but incorrectly asserts that such an analysis is required only pursuant to City regulations and for information purposes. The Draft EIR's analysis of visual impacts to the Capitol Records Building and Gogerty Building are inadequate because they are based upon misleading and inaccurate visual simulations.

The Draft EIR's visual simulations minimize the size of the Capitol Records Tower, making it appear extremely small in most images provided. Without accurate visual simulations that convey the potential impacts to views of this iconic landmark, the Draft EIR cannot provide the public with a meaningful opportunity to evaluate those impacts, as required by CEQA. Most of the Draft EIR's view simulations are based on photographs taken from inappropriately great distances that minimize the appearance of the Capitol Records Tower. Any visual impact can appear to be reduced by taking the photograph from farther away, but CEQA requires accuracy and true mitigation rather than obfuscation. As such, additional analysis must be completed and circulated to the public for review and comment.

Response to Comment No. ORG 44-38

This comment asserts that new visual simulation renderings of the Project and view impacts on the Capitol Records Tower are required. The Draft EIR is required to evaluate direct and indirect impacts on historical resources, which may include view impacts. This includes the historical impacts analysis in Section IV.C, *Cultural Resources,* of the Draft EIR and, where applicable, the evaluation of impacts on historical resources as scenic resources.

Specially, the comment claims that view impacts based on photographs were taken from inappropriately great distances that minimize the appearance of the Capitol Records Tower are unsubstantiated. A great effort was made to find public views of the Capitol Records Building for the EIR. Outside of elevated areas, such as the hillsides (which are more distant from the Capitol Records Building as shown in the simulations) and US-101, the areas around the Capitol Records Building are relatively flat and does not accommodate direct views of the Capitol Records Building. As shown the simulations in Section IV.A, *Aesthetics* of the Draft EIR, views of the Capitol Records Building a block or two from the Project Site are generally obstructed by intervening existing buildings.

Public views of the Capitol Records Building are so limited that two of the clearer views from the hillside areas were from private property, with no available views from the public streets. With the exception of US-101 and streets adjacent to the Capitol Records Building, few existing closer public views of the Capitol Records Building are available. As previously mentioned, the simulations also illustrate that closer views of the Capitol Records Building from surrounding blocks are limited because of intervening buildings.

However, the simulations provided in the Draft EIR show that recognizable, existing public views of the Capitol Records building are available from the eastbound US-101 (Draft EIR, Figure IV.A-9, Key View 3), and from the intersection of Hollywood Boulevard and Vine Street (Draft EIR, Figure IV.A-12, Key View 6). Views from Yucca Street at Vine Street adjacent to the Project Site are also available but are not depicted in the Draft EIR. As further shown in Figures IV.A-9 and IV.A-12 of the Draft EIR, these recognizable, existing views would be preserved. Also note that Draft EIR Figure IV.A-20 (Key View 14 from Argyle Avenue) shows that the East Senior Building on Argyle Avenue would block the existing view of the Capitol Records Building from Argyle Avenue. However, views of the Capitol Records Building through the Project's open paseo, located a few steps to the north of the Senior Building, would continue to be available. The publicly-accessible paseo would also afford more near views and visual enjoyment of the Capitol Records Building than under existing conditions. No other representative view sites are available in the area that were not represented in the Draft EIR, and, as such, no additional analysis of view impacts on the Capitol Records Building would be required.

In addition, the simulations presented in Section IV.A, *Aesthetics*, of the Draft EIR, are provided also for informational purposes so that the public has the opportunity to see the visual effects of the Project compared to the existing setting. The simulations in the Draft EIR were not just to evaluate the effects of the views on the Capitol Records Building but to show the effects of the Project on the skyline views of Hollywood, of which the Capitol Records Building is a component. The simulations from the Hollywood Bowl Overlook is a requirement of CEQA since it is one of the nearest public park with a direct view of the Hollywood skyline and the Capitol Records Building. The purpose of the simulation is to demonstrate the distance of the Project Site and the Capitol Records Building from the nearest, important view location.

Because impacts related to scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare for mixed-use projects within a TPA shall not be considered significant impacts on the environment under PRC Section 21099(d)(1), in order to ensure that scenic historical resources are addressed in the Draft EIR, a full evaluation of the direct and indirect impacts on the aesthetic character of historical resources is provided in Section IV.C, *Cultural Resources*, as cross-referenced in Section IV.A. of the Draft EIR. With respect to view impacts, Section IV.C. referenced the simulations provided in Section IV.A, *Aesthetics*, of the Draft EIR.

The comment does not cite any specific regulations applicable to architectural massing and scale that would apply to regulations that govern scenic resources. Such regulations

are not provided in the City Code or in enforceable plan policies and would not be pertinent to CEQA Guidelines Appendix G Aesthetics Threshold (c).

The comment does not demonstrate with fact that superior photographs of the Capitol Records Building setting would be obtainable from the surrounding area or that any mitigation with respect to scenic vistas would be required. It also does not support the claim that the Draft EIR obfuscated data. As such, based on the aforementioned reasons, no further response is warranted.

Comment No. ORG 44-39

3. Even though the Draft EIR's aesthetics analysis is insufficient, it is nonetheless clear that aesthetic impacts relating to historic resources will occur.

Although the Draft EIR concludes that views will not be adversely impacted, the visual simulations, despite being misleading as detailed above, clearly indicate that several views, including those of the Capitol Records Building, will be adversely impacted. Figure IV.A-18 shows that the Project does block view of the Downtown Los Angeles Skyline. While the analysis on Draft EIR page IV.A-48 states that the Project's 35-story West Building and 46-story East Building "would not substantially diminish this broad scenic view or views of notable visual features" this is flatly contradicted by the simulation itself, which shows the towers dominating the middle ground of the view. This same impact would occur from other mountainous parts of the community, including other views and open space areas in the vicinity of Mulholland Drive, a City of Los Angeles Scenic Parkway.

Similarly, Figure IV.A-19 shows that the historically and culturally significant Capitol Records Building will be completely blocked from views from Hollywood Boulevard. The analysis makes the nonsensical conclusion that because viewers elsewhere will be able to still view the Capitol Records Building, impacts to this historic resource are "considered intermittent." Figure IV.A-20 shows another completely blocked view of the Capitol Records Building.

Even if these impacts could be ignored under Public Resources Code section 21099(d)(1)—and, as described above, they cannot—these visual simulations show a clear conflict with several land use plans and policies promoting the preservation of views, the protection of historic buildings, the compatibility of architectural massing and scale, just to name a few. Inconsistencies and conflicts with land use plans and policies is discussed in more detail, *infra*.

Response to Comment No. ORG 44-39

This comment asserts that the Draft EIR's aesthetics analysis is insufficient and that aesthetic impacts relating to historic resources will occur. The comment also claims that views, particularly views of the Capitol Records Building, would be adversely impacted.

As discussed in Section IV.A, *Aesthetics,* and illustrated in Figures IV.A-7 through IV.A-20 of the Draft EIR, because of the setbacks of the East and West Buildings, the Project would retain existing views of the Capitol Records from Hollywood Boulevard and Vine Street, Yucca Street, US-101, and hillside neighborhoods to the north of the freeway. Protected are public locations, such as streets, public open space, and public buildings. Although the Project would partially close the existing view of the Capitol Records Building from Argyle Avenue, the open paseo at Argyle Avenue would maintain a direct view of the Capitol Records Building, as well as provide direct public access and closer views of the Capitol Records Building than currently available to the public. Existing views of the Hollywood Hills from public streets are generally available through the open corridors of the north/south-oriented roadways, such as Gower Street, Argyle Avenue, and Vine Street. Because of the setbacks of the East and West Buildings from the streets, existing north-facing views of the hills would continue to be available. The commercial area to the south of the Project Site offer limited views of the hills across the Project Site and, as such, the Project would not significantly affect such views. It is also noted that the evaluation of view impacts (with the exception of views of the historic Capitol Records Building or views from historical buildings) are not applicable to a development project within a TPA. The Draft EIR correctly concluded that impacts on such historical resources would be less than significant. Please refer to Response to Comment No. ORG 44-38 for a discussion regarding photographic data.

PRC Section 21099(d)(1) provides that aesthetic impacts of residential projects on an infill site in a transit priority area, which would include impacts on scenic vistas, scenic resources, visual character/regulations governing scenic quality, and light and glare, shall not be considered significant impacts on the environment. As such, these issues were evaluated in the Draft EIR for informational purposes only.

Because impacts related to aesthetics shall not be considered significant impacts on the environment, in order to ensure that scenic historical resources are addressed in the Draft EIR, the full evaluation of historical and cultural resources is now provided in Section IV.C, *Cultural Resources*, of the Draft EIR, as cited in Section IV.A of the Draft EIR. The evaluation of impacts on historical resources relative to view blockage of the Capitol Records Building, includes a reference to the simulations provided in Section IV.A of the Draft EIR. The evaluation in Section IV.C of the Draft EIR also includes the evaluation of other indirect historical resources impacts, such as potential conflicts in scale or size and other aesthetic concerns. The approach to provide the full analysis of direct and indirect impacts on historical resources in Section IV.C of the Draft EIR is because the PRC Section 21099(d) provides that urban projects in a TPA have no significant impact on scenic resources (which may include historical buildings) and are, thus, not evaluated in the Aesthetics section of the Draft EIR. The provision of the analysis of historical resources in Section IV.C of the Draft EIR ensures that a full evaluation is provided in the Draft EIR.

Section IV.A of the Draft EIR illustrates that some view blockages of the Capitol Records Building would occur. Based on this information and the preservation of most existing

public views of the Capitol Records Building (as supported by the provided simulations), based on the reference to the information provided in Section IV.A of the Draft EIR, the environmental analysis of direct and indirect impacts on the Capitol Records Building in Section IV.C of the Draft EIR determined this impact to not be significant. Therefore, the impact analysis with relation to this resources met the requirements of CEQA for such disclosure.

Comment No. ORG 44-40

A. **The Draft EIR's Air Quality Analysis Is Flawed, Ignores Adjacent Sensitive Receptors, Fails To Explain Choices in Methodology and Data Manipulations, and Makes Conclusions Unsupported by Substantial Evidence**.

AMDA is a sensitive receptor located both immediately adjacent to the Project, and across Yucca Street. AMDA includes several outdoor spaces that are used by students, and several student residence halls. As such, AMDA is extremely concerned about the myriad failings of the air quality impact analysis. As a threshold matter with respect to air quality impacts, all of AMDA's buildings must be accurately identified in the DEIR as sensitive receptors and studied as such, including the Vine Street Building which hosts high school students during summer programs.

Response to Comment No. ORG 44-40

This comment expresses concern that the Draft EIR's air quality analysis is inaccurate, and should have analyzed AMDA as a sensitive receptor. The Project's air quality analysis provides a conservative analysis of potential impact to sensitive receptors surrounding the Project Site. Figure IV.B-2 of Section IV.B, *Air Quality*, of the Draft EIR, presents the air quality sensitive receptor locations nearest to the Project Site. Air quality sensitive receptors include residential land uses and schools, including those utilized by the AMDA as seen in the shaded areas and labeled as "Multi-family residential", AMDA Tower Building and AMDA Vine Building. Air quality-sensitive uses that are located at greater distances from the Project Site than those called out in Figure IV.B-2 of the Draft EIR would experience lower air pollutant impacts from potential sources of pollutants from the Project Site due to atmospheric dispersion effects from being located at greater downwind distances.

As stated on page IV.B-40 of Section IV.B, *Air Quality*, of the Draft EIR, Project construction activities have the potential to create local air quality impact from on-site Project construction emissions to the nearby sensitive receptor locations. The localized effect from the on-site construction emissions were evaluated in accordance with the SCAQMD Final Localized Significance Threshold Methodology and used the most conservative screening criteria since sensitive receptors are located adjacent to the Project Site.[99] As shown in Table IV.B-13 on page IV.B-66 of the Draft EIR, maximum

99 SCAQMD, Final Localized Significance Threshold Methodology, June 2003 and revised July 2008.

localized construction emission impacts for sensitive receptors would be below the localized screening thresholds for NO_X, CO, PM10, and PM2.5, and the Project's maximum localized construction emissions would not exceed the localized thresholds; therefore, impacts to sensitive receptors would be less than significant.

The localized effects from the on-site portion of the maximum daily emissions from Project operation were evaluated at the nearby sensitive receptor locations that would be potentially impacted by operation of the Project according to the SCAQMD's Final Localized Significance Threshold Methodology.[100] As with the construction analysis, operations used the most conservative screening criteria since sensitive receptors are located adjacent to the Project Site. As shown in Tables IV.B-14 through IV.B-16 of the Draft EIR, on pages IV.B-67 and IV.B-68 of the Draft EIR, the maximum localized operational emissions of the Project would not exceed the localized thresholds operational emissions impacts to sensitive receptors would be less than significant.

While the City is not required to conduct a quantified HRA for mixed-use residential and commercial projects, such as the Project, a quantitative construction HRA was prepared and included in Section 4 of Appendix E-1 of the Draft EIR. The HRA included the sensitive receptors identified in Figure IV.B-2 of the Draft EIR nearest to the Project Site, which as previously stated, included the AMDA Vine Building and the AMDA Tower Building. The findings show that the Project would result in cancer risk below 10 in one million for the maximum impacted air quality sensitive receptors with implementation of feasible mitigation measures, including for the AMDA receptor. The calculation details of the HRA are provided in Section 4 of Appendix E-1 of the Draft EIR. As such, the Draft EIR has accounted for the AMDA receptor in the air quality analysis, and no additional analysis is required.

Comment No. ORG 44-41

1. Health risks to sensitive receptors, including AMDA and the Project's own future residents, are not properly disclosed.

Both a freeway Health Risk Assessment ("HRA") and a construction HRA were completed for the proposed Project. However, neither HRA's results are meaningfully described or summarized in the air quality chapter of the Draft EIR. Instead, the Draft EIR states that "the City is not required to conduct a quantified health risk assessment (HRA) for mixed-use residential and commercial projects" but that "in the spirit of the Project proving environmental leadership from the ELDP program, a refined quantitative construction HRA has been prepared and is included in Appendix E of this Draft EIR." (Draft EIR, pp. IV.B-43, -45.) Absolutely no mention of the freeway HRA is made in the chapter at all.

In regards to the construction HRA, the Draft EIR ***only discloses the post-mitigation findings***, and makes no mention of the pre-mitigation health risks that would be

[100] SCAQMD, Final Localized Significance Threshold Methodology, June 2003 and revised July 2008.

experienced by nearby sensitive receptors, including AMDA. Worse yet, even the technical appendix containing the construction HRA requires a reader to dig through various output tables to try and determine the actual unmitigated cancer risk calculations. Instead of providing a forthright disclosure, Appendix E-1 contains pages of "unmitigated" cancer risk calculations, some of which are barely legible. This makes it impossible for a reader to determine actual health risk impacts associated with ***seven straight years of construction emissions***. However, if armed with patience and a magnifying glass, a reader can find a table appended to the appendix entitled "Maximum Individual Cancer Risk Calculations – Sensitive School Receptor" which seems to identify an unmitigated cancer risk of 12.45, which exceeds the threshold of 10 in one million. ***This impact must be disclosed in the Draft EIR.*** The Draft EIR's statement on page IV.B-70 that "the Project and the Project with the East Site Hotel Option, with incorporation of Mitigation Measure AQ-MM-1… would result in cancer risk below 10 in one million for the maximum impacted residential and worker receptors" does not fix this omission. CEQA requires that the potentially significant impacts without mitigation be disclosed, not just the impacts after mitigation.

Further, the construction HRA's hidden unmitigated impacts are likely grossly underestimated. The construction HRA utilized a methodology that is based on outdated Office of Environmental Health Hazard Assessment ("OEHHA") guidance. Using an outdated methodology significantly undercounts the actual health risks that will be experienced by students, faculty and student residents of AMDA, as well as persons at other surrounding properties. To provide a full and accurate reporting of true health effects resulting ***from seven years of construction***, the 2015 OEHHA Guidance, not the outdated 2003 OEHHA Guidance, must be applied. While Draft EIR Appendix E-1 attempts to support its choice to apply the outdated 2003 OEHHA Guidance with citations, these citations ***predate the 2015 OEHHA Guidance***, and are therefore irrelevant to the question of whether the 2015 OEHHA Guidance is more accurate.

In regards to the freeway HRA, it found a carcinogenic risk of ***9.83 in one million for future residents of the Project***, and did not identify a single mitigation measure to reduce this risk. Notably, this cancer risk will be borne by the Project's most vulnerable residents, the seniors living in the East Senior Building on Argyle Avenue. Of course, there is no way for a reader to know this by reading only the Draft EIR's air quality analysis, because this potentially significant impact is not disclosed.[5] It is also not clear if the freeway HRA in any way accounted for the increased vulnerability of seniors, or whether the analysis treated the residents of the East Senior Building as healthy adults. This information must be disclosed.

Footnote 5: Any argument that the Draft EIR is not required to analyze the impacts of the freeway on the Project's future residents fails, as the Draft EIR acknowledges that the Project's greatest source of air quality emissions is mobile sources. (Draft EIR, p. IV.B-43.) Under *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, the California Supreme Court has held that where a Project

will ***exacerbate*** an existing hazard (here, freeway emissions exacerbated by the Project's increased traffic), analysis is required.

Response to Comment No. ORG 44-41

The comment asserts that the Draft EIR failed to provide a meaningful discussion regarding the freeway HRA conducted in the Air Quality Section of the Draft EIR. However, the freeway HRA is discussed on page IV.B-36 of Section IV.B, *Air Quality*, of the Draft EIR and further directs the reader to the location of the analysis in Section IV.H, *Land Use and Planning*, of the Draft EIR. As discussed on page IV.H-16 of the Draft EIR, the City does not require an HRA, however in response to the City's Zoning Information (ZI) File No. 2427, as well as recommendations from CARB, an HRA was prepared to assess the proposed siting of new residential land uses in proximity to US-101. The HRA analyzes potential health impacts of siting future sensitive receptors (in particular future residents of the Project, including senior residents) in proximity to US-101 on the Project Site.

As discussed on page IV.B-43 of the Draft EIR, the City is not required to conduct a quantified HRA for mixed-use residential and commercial projects, such as the Project. The Project's emissions are largely from mobile sources, and, while the Project would generate localized TAC emissions during construction, the associated activities and exposures would be short- rather than long-term. However, the commenter states that a quantitative HRA was completed for the Project and, with incorporation of Mitigation Measure AQ-MM-1, would result in cancer risk below 10 in one million for the maximum impacted residential and worker receptors. While the results of the unmitigated values are not in the body of the report, they are included in Appendix E of the Draft EIR fulfilling the requirements of CEQA.

CEQA Guidelines Section 15147 provides that "[t]he information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public." Consistent with this guideline, relevant summarized information was provided in the Section IV.B, *Air Quality*, of the Draft EIR, including information not required, such as a construction HRA. CEQA Guidelines Section 15147 goes on to recommend that "[p]lacement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR." Consistent with CEQA Guidelines Section 15147, additional detailed information was presented in relevant Draft EIR appendices. For example, Draft EIR Appendix E-1 includes detailed modeling results of both mitigated and unmitigated construction HRA results. Draft EIR Appendix E-2 includes detailed modeling results for the freeway HRA.

The commenter also asserts the construction HRA was underestimated and relied on an outdated version of the Office of Environmental Health Hazard Assessment ("OEHHA") guidance. The 2015 Guidance Manual, the most recent version, was developed by OEHHA, in conjunction with the CARB, for use in implementing the Air Toxics "Hot Spots"

Program. The Air Toxics "Hot Spots" Program requires stationary sources (e.g., power generation facilities, refineries, and chemical plants) to report the types and quantities of certain substances routinely released into the air. The intent in developing the 2015 Guidance Manual was to provide health risk assessment procedures for use in the Air Toxics Hot Spots Program or for the permitting of new or modified stationary sources. The Project is not a "Hot Spots" Program project but rather involves the construction and operation of a mixed-use development that includes residential, office and retail.

The guidance states:

> *The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation. Frequently, the issue of how to address cancer risks from short-term projects arises. Cancer potency factors are based on animal lifetime studies or worker studies where there is long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime. (Page 8-17)*

While OEHHA provides limited guidance on how to conduct HRAs for short-term projects, it acknowledges the "considerable uncertainty" in evaluating cancer risk over short-term durations. In addition, the guidance document does not identify short-term projects or non-stationary source projects that warrant the preparation of a HRA recommend the preparation of HRAs for short-term construction projects or non-stationary source projects, such as the proposed mixed-use development. Therefore, the most relevant HRA guidance for short-term construction was used, and the results are not underestimated. Lastly, the commenter incorrectly asserts the results of the freeway HRA were not disclosed in the Draft EIR. The assumptions and results of the freeway HRA were provided on pages IV.H-25 to IV.H-27 in Section IV.H, *Land Use and Planning*, of the Draft EIR with supporting calculations provided in Appendix E-2 of the Draft EIR. As discussed on page IV.H-26 of the Draft EIR, the Project's maximum impacted multi-family residential receptor would be located at the northeastern corner of the West Building. The maximum modeled cancer risk at this location would be approximately 9.02 in 1 million for the 30-year residential exposure scenario. The Project's maximum impacted senior building receptor would be located at the northeastern corner of the East Senior Building. The maximum modeled cancer risk at this location would be approximately 9.83 in 1 million for the 30-year residential exposure scenario. Both scenarios are below the 10 in 1 million significance threshold. The health risk factors used in the long-term freeway HRA are conservative by design and, thus, likely overpredict health risk impacts. The freeway HRA incorporates health-protective risk assessment assumptions, such as assuming future Project residents, including those residents in the senior affordable units, would experience long-term exposure to freeway TAC emissions for 30 years at the Project Site location, which corresponds to the SCAQMD-recommended long-term residential exposure period. The conservative factors included in the freeway HRA provide reasonable assurance that impacts would not be underestimated. In addition, the

freeway HRA results discussed above do not account for the effect of indoor air filtration from the required installation of MERV 13 filters, which would lower indoor air concentrations of diesel particulate matter (DPM) and lower the cancer risks. Thus, the analysis provided is conservative, likely overestimates the impact, and is, thus, a health protective analysis.

As previously discussed in Section IV.H.2, *Regulatory Framework,* of the Draft EIR, the City adopted pollutant control requirements in LAMC Sections 99.04.504 and 99.05.504, which require the installation of MERV 13 filters in residential and non-residential uses with mechanically ventilated buildings within 1,000 feet of a freeway. The ASHRAE 52.2 standard provides removal efficiencies for mechanical filtration. According to the ASHRAE 52.2 standard, MERV 13 filters have reduction efficiencies of 50, 85, and 90 percent for particles with diameter ranges of 0.3 to 1.0 micrometers (µm), 1.0 to 3.0 µm, and 3.0 to 10.0 µm, respectively.[101] As a conservative assumption, the assessment assumed a 50-percent control efficiency even though the portion of DPM between 1.0 µm and 3.0 µm would be controlled at 85 percent and the portion of DPM between 3.0 µm and 10.0 µm would be controlled at 90 percent. With incorporation of MERV 13 indoor air filters, the maximum cancer risk from TAC emissions for the maximum impacted multi-family residential receptor would be reduced to approximately 5.64 in 1 million, which would be below the 10 in 1 million significance threshold. With incorporation of MERV 13 indoor air filters, the maximum impacted senior building residential receptor would be reduced to approximately 6.13 in 1 million, which would be below the 10 in 1 million significance threshold. Therefore, the Draft EIR adequately provided sufficient disclosure of the freeway HRA and accounted for the on-site sensitive receptors.

Comment No. ORG 44-42

2. Numerous revisions and adjustments are needed to truly account for all air quality impacts.

In addition to the above noted issues, AMDA has several other questions and comments relating to the air quality analysis methodology and underlying assumptions. These include:

Response to Comment No. ORG 44-42

This comment asserts that numerous revisions and adjustments are needed to truly account for all air quality impacts in the Draft EIR. The specific issues referred to in this comment are provided by the commenter in Comment Nos. ORG 44-43 through ORG 44-48. Responses to these specific issues are provided in Response to Comment Nos. ORG 44-43 through ORG 44-48 below.

[101] National Air Filtration Association, Understanding MERV, https://www.nafahq.org/understanding-merv-nafa-users-guide-to-ansi-ashrae-52-2/, updated October 2018, accessed August 25, 2020.

Comment No. ORG 44-43

- **Explanation of hauling trip manipulation is missing.** On page IV.B-39 of the Draft EIR, the text explains that the number of days of hauling activities was manipulated from the CalEEMod default assumptions, but does not explain what assumptions were made in place of these defaults. How and why were the CalEEMod hauling trip assumptions manipulated, and how does this provide an accurate account of Project impacts? How many days of haul activities were assumed? How is the assumption consistent with the amount of export anticipated for the Project?

Response to Comment No. ORG 44-43

The commenter asserts the worker and vendor trips were manipulated in the Draft EIR; however, the comment does not provide substantial evidence to support their claims. As stated on page IV.B-39 of Section IV.B, *Air Quality,* of the Draft EIR, emissions from haul trucks and concrete trucks were estimated outside of the California Emissions Estimator Model software (CalEEMod) software because the software assumes the number of heavy-duty truck trips would occur across the entire length of the applicable construction phases. Since the applicable construction phases would not have hauling activities and haul trucks on-site every day within each particular phase, the emissions calculations were performed outside of CalEEMod to account for the varying maximum numbers of daily haul truck and concrete truck trips within each of the demolition, grading/excavation, foundations/concrete pour, and building construction phases. Since the number of haul trips would be calculated based on a maximum number of trucks within each phase instead of being spread across the entire 4.5 years or 7 years of construction, this method portrays a more accurate and conservative account of haul trip emissions associated with the Project since number of daily haul truck trips would actually be higher than under default CalEEMod assumptions (i.e., fewer hauling days which equates to more haul truck trips per day than under CalEEMod default assumptions). As indicated in Appendix E of the Draft EIR (specifically, please refer to Section 2 of Appendix E), the number of hauling days for the West Site and the East Site would be 209 days and 194 days, respectively. Additionally, the CalEEMod model worker trips and vendor truck trips were estimated outside of CalEEMod to account for the CARB 2017 on-road vehicle emissions factor (EMFAC2017) model because EMFAC2017 has not yet been incorporated in the current version of CalEEMod, instead CalEEMod uses EMFAC2014.

As stated on page IV.B-39 of the Draft EIR, the Project would export approximately 542,300 cubic yards of soil and approximately 1,616 cubic yards of demolition debris based on excavation volumes obtained from the Project's construction representative. Haul trip estimates were based on 14 cubic yard soil capacity haul trucks and 9 cubic yard concrete capacity for concrete trucks. Truck capacities, export amounts, amount of concrete, and duration of each construction phase where haul trips were required were the basis for the number of haul days required for the Project. A detailed listing of the Project's construction phasing and equipment list, is provided in Appendix E-1 of the Draft EIR.

Comment No. ORG 44-44

- **Reductions from project design features are not quantified.** On page IV.B-45 of the Draft EIR, the text claims that Project Design Feature GHG-PDF-1, which requires LEED Gold Certification, "will minimize building energy demand and associated air pollutant emissions." But the text does not provide any meaningful explanation of how much air pollutant emissions are reduced by this feature, and which specific criteria pollutants will be reduced.

Response to Comment No. ORG 44-44

This comment asserts that reductions from project design features are not quantified. On page IV.B-45 of the Draft EIR, the first sentence of the paragraph to which the commenter quotes from refers the reader "to Project Design Feature GHG-PDF-1 (Green Building Features) in Section IV.E, *Greenhouse Gas Emissions*, of this Draft EIR" where additional information regarding the Project's LEED Gold Certification can be found. In Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, project design features are discussed on pages IV.E-41 and IV.E-42 of the Draft EIR. As discussed therein, details regarding certain measures that would be implemented towards the LEED Gold Certification and that would minimize building energy demand and associated air pollutants include optimizing "building energy performance with a 20 percent reduction from the LEED Version 4 (v4) baseline consistent with LEED requirements (equivalent to approximately 11.6 percent reduction from the 2016 Title 24 standards)." Another measure includes reducing "water consumption by 40 percent for indoor water and 100 percent for outdoor water from the LEED v4 usage baseline" which "would be achieved through potential strategies such as the installation of water efficient fixtures that exceed applicable standards and water efficient landscaping.

Air pollutant emissions from building energy demand for operation of the Project are provided in Table IV.B-7 of the Draft EIR in the row labeled "Energy." An 11.6-percent reduction from the 2016 Title 24 standards equals a reduction of approximately one-half pound of NO_X per day, approximately one-third pound of CO per day, and less than one-tenth pound per day of VOC, SO_2, PM10, and PM2.5. These reductions are included in the values shown in Table IV.B-7 since they would occur as a result of the Project's proposed design.

Comment No. ORG 44-45

- **Unsupported statements regarding differences in air pollutant emissions under the "Project with the East Site Hotel Option" scenario.** Page IV.B-46 of the Draft EIR states that, during operation, "the Project and the Project with the East Site Hotel Option would result in nominally different daily emissions." However, absolutely no substantial evidence in support of this conclusion is provided, and the analysis that follows under Threshold (b) of the air quality chapter specifically shows that operational emissions differ between the two land use scenarios. Additional discussion of how the pollutant emissions under the

"Project with the East Site Hotel Option" will be only "nominally" different from the Project scenario, when hotel uses have different trip generation rates, different water and energy demands, etc., must be provided.

Response to Comment No. ORG 44-45

The commenter asserts that the Draft EIR did not provide substantial evidence characterizing the operational emissions difference between the Project and the Project with the East Site Hotel Option; however, this assertion is incorrect.

Although the Project with the East Site Hotel Option is no longer under consideration, as shown in Table IV.B-7 and Table IV.B-8 in Section IV.B, *Air Quality*, of the Draft EIR, the difference in maximum daily regional emissions for each of the modeled pollutants is no greater than approximately 4 pounds per day. As noted in Table IV.B-7 and Table IV.B-8 of the Draft EIR, detailed modeling calculations are provided in Appendix E of the Draft EIR (beginning on page 9 of Section 1 of Appendix E-1, Air Quality/Greenhouse Gas Emissions Technical Documentation). Appendix E contains all technical information such as assumptions, emissions calculations, modeling outputs for both land use scenarios. Specifically, the following lists the location in the Draft EIR that Project information used in the air quality analysis can be found.

- Trip Generation - As noted on page IV.B-57, daily trip generation and vehicle miles traveled (VMT) for both Project land use scenarios were provided in the Project's Transportation Assessment (TA) (Appendix N-1 of the Draft EIR). Table 7 and Table 8 of the TA summarize the daily trip generation estimates of the Project (5,987 driveway trips and 4,931 external trips) and the Project with the East Site Hotel Option (6,671 driveway trips and 5,633 external trips), respectively.
- Electricity Demand – As discussed on page IV.O-27 of the Draft EIR, full buildout of the Project and would increase annual electricity consumption by approximately 11,768,088 kWh per year and full buildout of the Project with the East Site Hotel Option would increase annual electricity consumption by approximately 12,252,572 kWh.
- Natural Gas Demand - As discussed on page IV.O-28 of the Draft EIR, full buildout of the Project and would increase annual natural gas consumption by approximately 16,535,490 kBtu per year and full buildout of the Project with the East Site Hotel Option would increase annual electricity consumption by approximately 18,448,420 kBtu.
- Water Supply – Table IV.N.2-3 of the Draft EIR indicates that the Project would result in additional water demand of 182.71 acre-feet per year (afy) and Table IV.N.2-4 indicates that the Project with the East Site Hotel Option would result in additional water demand of 204.89 afy.

As shown by the data above, Project with the East Site Hotel Option would result in additional daily trips and require additional electricity, natural gas, and water during operations. This is reflected in the differences in maximum daily operational emissions, where the operation of the Project with the East Site Hotel Option would result in nominally

greater criteria pollutant emissions, as shown in Tables IV.B-7 and IV.B-8 of the Draft EIR.

Comment No. ORG 44-46

- **Unsupported statements regarding SO_x emissions.** On page IV.B-46 of the Draft EIR, the text states that SO2 emissions "would be negligible" during both construction and operations, but the analysis provides no backup for this conclusory statement and admittedly does not analyze any SO_x emissions from the Project.

Response to Comment No. ORG 44-46

The commenter asserts that SO_2 emissions from the Project have not been analyzed in the Draft EIR. Construction- and operation-related SO_2 emissions for the Project were calculated (see Appendix E-1 of the Draft EIR for modeling assumptions and outputs) and shown in Tables IV.B-5 through IV.B-12 in Section IV.B, *Air Quality*, of the Draft EIR. These tables clearly show that SO_2 emissions would be less than 1 pound per day for the modeled scenarios. Therefore, page IV.B-46 of the Draft EIR is correct in stating that SO_2 emissions "would be negligible," and the Draft EIR did not make a conclusory statement without substantial evidence as support.

Comment No. ORG 44-47

- **Analysis ignores and omits any demolition activities on the East Site.** Pursuant to Table IV.B-5 on page IV.B-55 of the Draft EIR, no demolition on the East Site is accounted for in the air pollutant emissions calculations. Similarly, Table IV.B-9 on page IV.B-61 of the Draft EIR does not seem to consider East Site demolition. Demolition of pavement and structures on the East Site will be required, and would increase construction NO_x emissions from the levels disclosed, which, notably, already exceed the SCAQMD construction threshold. Given that omission of East Site demolition will result in an increase in NOx emissions above what is disclosed, recirculation is required.

Response to Comment No. ORG 44-47

The commenter asserts that the Draft EIR did not include a "Demolition" phase of construction for the East Site. Although the East Site would not require the demolition of any buildings, the removal or demolition of pavement on the East Site has been accounted for in the "Site Preparation" phase of the modeled construction activity. As shown in the *Construction Schedule and Vehicle Data* included in Appendix E of the Draft EIR (Section 2 of Appendix E-1 of the Draft EIR), the removal of 704 cubic yards of material (i.e., pavement material) has been properly accounted for within the construction "Site Preparation" phase for the Project East Site. Accordingly, haul trips and off-road construction equipment required have been accounted for in the analysis. Therefore, no increase in NO_X emissions above what was disclose in the Draft EIR would result.

Comment No. ORG 44-48

- **Inconsistent impact conclusions regarding NO_x emissions.** Page IV.B-56 of the Draft EIR states, "construction-related daily emissions would exceed the SCAQMD thresholds of significance for NO_x and emissions levels would be below the applicable thresholds of significance." This statement is nonsensical and internally inconsistent, and misleads a reader on the issue of whether SCAQMD thresholds are exceeded during construction.

Response to Comment No. ORG 44-48

The commenter identifies an error on page IV.B-56 of the Draft EIR. As shown in Table IV.B-5, Project construction would exceed the significance threshold for NO_X. The text following the table contains an error that has been corrected as follows:

> As shown in Table IV.B-5, construction-related daily emissions would exceed the SCAQMD thresholds of significance for NO_X ~~and emissions levels would be below the applicable thresholds of significance~~.

Because the impact determination for NO_X has been correctly identified in Table IV.B-5 of the Draft EIR and in the conclusion of the section, the correction of the error in the text does not result in a change in a significance determination and does not result in a significant impact not identified in the Draft EIR. The above correction has been incorporated into this Final EIR (see *Chapter 3, Revisions, Clarifications, and Corrections to the Draft EIR*).

Comment No. ORG 44-49

3. Mitigation Measure AQ-MM-1 fails to meet CEQA's requirements.

As is the case in numerous places throughout the Draft EIR, Mitigation Measure AQ-MM-1 is internally inconsistent such that its effectiveness cannot be confirmed. AQ-MM-1 requires that "construction equipment, such as tower cranes, shall utilize electricity from power poles of alternative fuels (i.e., non-diesel) rather than diesel power generators and/or gasoline power generators." But then the same measure goes on to state that "if stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated… they shall be located at least 100 feet from sensitive land uses…" As a result, it is wholly unclear whether diesel- or gasoline-powered generators are permitted, or whether, as the measure states, equipment "shall utilize electricity from power poles or alternative fuels." Do the construction emissions calculations shown in Table IV.B-9 contemplate the use of any diesel- or gasoline-powered generators? If not, how is this consistent with Mitigation Measure AQ-MM-1, which seems to permit diesel and gasoline-powered construction equipment? Mitigation Measure AQ-MM-1 must be revised to address these inconsistencies, and the emissions calculations shown in Table IV.B-9 must be confirmed to adequately account for whether diesel- or gasoline-powered generators will or will not be permitted.

Response to Comment No. ORG 44-49

The comment asserts that Mitigation Measure AQ-MM-1 is inconsistent with CEQA, as its effectiveness cannot be confirmed. Mitigation Measure AQ-MM-1 (second bullet) of the Draft EIR requires construction equipment, such as tower cranes, to utilize electricity from power poles or alternative fuels (i.e., non-diesel) rather than diesel power generators and/or gasoline power generators. Should diesel-powered generators be required and the only option, the measure requires that they be located at least 100 feet from sensitive land uses. While the commenter claims that the measure is inconsistent, the measure provides for further restrictions should non-diesel generators be unavailable or infeasible. Recognizing that non-diesel generators may not always be available or feasible, construction emissions calculations account for the use of diesel generators (See CalEEMod Output files included in Appendix E-1 of the Draft EIR) as a conservative analysis. Therefore, Mitigation Measures AQ-MM-1 does not need to be revised. However, the first paragraph on page IV.B-60 of the Draft EIR has been revised to clarify the use of diesel-powered generators under the mitigated case as follows:

> Although Mitigation Measure MM-AQ-1 requires the utilization of non-diesel generators, in the event that non-diesel generators are not available or feasible, use of diesel-powered generators has been accounted for. By implementing mitigation that requires Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (including diesel-powered generators), employs construction equipment, such as tower cranes that utilize electricity from power poles or alternative fuels (i.e., non-diesel), daily construction equipment emissions would be reduced compared to construction equipment without these features.

The above text additions have been incorporated into Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. Since the above text additions clarify information in Section IV.B, *Air Quality*, of the Draft EIR to make consistent with the quantitative emissions modeling analysis, no changes are needed to the emissions modeling calculations or impact determinations.

Comment No. ORG 44-50

B. The Draft EIR's Cultural Resources Analysis Violates CEQA.

1. The mitigation measures identified to address vibration impacts on historic structures are ambiguous, ineffective, nonsensical, and fail to reduce impacts in any way, let alone to the extent feasible.

More sinister than impacts relating to views of the historic buildings is the Draft EIR's failure to meaningfully protect the Capitol Records Building from vibration damage. Page IV.C-59 of the Draft EIR states, without support, that if vibration damage to the Capitol Records Building occurred, "such damage would likely be surficial and repairable based

on industry practice and knowledge of construction activities in similar settings." But no information on the current structural integrity of the Capitol Records Building is provided.

As discussed above in relation to the Draft EIR's failure to adequately analyze and disclose noise and vibration impacts, no acoustical engineer has analyzed both short term and long term effects on the historical Capitol Records echo chambers, and no analysis of whether other construction methods are available that would reduce impacts has been provided. These are basic requests and ones that Capitol Records/EMI Music North America has made in relation to other projects proposed in the vicinity. (See Exhibit B, attached.) In Capitol Records' own words, "The sound in the [Capitol Records] Studios is one that cannot be replicated anywhere else in the world. The echo chambers are as much a part of the Hollywood history as the Capitol Tower and the Hollywood sign. One of [Capitol Record's] concerns is that when the chambers have to be shut down due to the construction noise and vibration interference, they may never be able to reopen due to the lost revenue. This would be a huge detrimental impact…." (See Exhibit B, pp. 5, 7.) The attached submittals by Capitol Records/EMI Music North America are hereby explicitly incorporated into AMDA's comments on this Project's Draft EIR.

As discussed in the Draft EIR's noise chapter, the analysis relies on Mitigation Measure NOI-MM-4 to reduce impacts associated with vibration, but for all the reasons discussed above, NOI-MM-4 does nothing to actually prevent vibration that far, far exceeds the threshold for structural damage, and if damage does occur, there is no guarantee that the historic integrity of the building can be maintained. The same can be said of the Gogerty Building, the Pantages Theatre, the Avalon Hollywood, and the Art Deco Commercial Building/6316-6324 Yucca Street.

Response to Comment No. ORG 44-50

This comment asserts that the mitigation measures identified in the Draft EIR fail to address vibration impacts on historic structures, are ambiguous, ineffective, nonsensical, and fail to reduce impacts in any way. Although the Capitol Records Complex is located within the Project Site (within the East Site) and is Applicant-controlled, it was included in the in the vibration analysis, as discussed on page IV.I-17 of Section IV.I, *Noise*, of the Draft EIR due to the potential for structural damage to a historical resource. Vibration effects on the Capitol Records Complex were also evaluated on pages IV.C-59 through IV.C-61, in Section IV.C, *Cultural Resources*, of the Draft EIR. The Capitol Records Building and Gogerty Building are constructed of reinforced concrete. Although the potential for damage to the Capitol Records Building and the Gogerty Building due to construction-related vibration and settlement is considered a significant impact, with implementation of Mitigation Measures CUL-MM-2 and NOI-MM-4 during construction, indirect impacts on these resources would be less than significant. As stated in Mitigation Measure NOI-MM-4, the measure requires monitoring of the vibration levels during construction; establishing vibration warning levels that, if triggered, would provide real-time notification to the contractor to investigate the construction sources or activities generating vibration affecting the subject building; and providing feasible steps to reduce

the vibration level, including, but not limited to, staggering concurrent vibration-generating construction activities and utilizing lower vibratory techniques. Should Project construction result in damage to vibration-sensitive receptor buildings (both historic and non-historic), Mitigation Measure NOI-MM-4 requires that the Applicant provide for repairs. For historic buildings, including the Capitol Records Complex, the repairs would be conducted pursuant to the Secretary of the Interior's Standards, if warranted. This provision is intended to ensure that historic buildings are restored pursuant to the Secretary of the Interior's Standards. However, similar protections to other off-site buildings subject to potential structural damage from vibration and settlement, require the consent of other property owners, including the Pantages Theatre, Avalon Hollywood, and the Art Deco Building (6316-6324 Yucca Street), who may not agree to participate in the mitigation measure; therefore, it was conservatively concluded that structural vibration and settlement impacts on certain historical resources adjacent to the Project Site would remain significant and unavoidable. If consent is not obtained for placing vibration monitoring equipment at off-site structures, part "b." of Mitigation Measure NOI-MM-4 states: "In cases where a receptor building façade is not accessible, the two preset velocity levels shall be programmed at equivalent levels based on distance and soil characteristics that affect vibration transmission over that distance." This would allow for vibration monitoring equipment to be placed in an accessible location to represent the inaccessible off-site structure.

Comment No. ORG 44-51

2. The mitigation measure identified to address impacts to the Hollywood Walk of Fame is unenforceable and ineffective.

To address impacts to the Hollywood Walk of Fame, the Draft EIR identifies Mitigation Measure CUL-MM-1. However, this measure fails in a number of ways. First, the Hollywood Chamber of Commerce/Hollywood Historic Trust ("Chamber/Trust") is not a government branch of the City of Los Angeles and therefore is not bound by the Draft EIR's mitigation measures. Should the Chamber/Trust fail to carry out the duties identified in the mitigation measure (e.g., reply via letter with required alteration procedures, conduct formal consultation meetings, etc.), there is no valid enforceable mechanism by which an individual or entity can compel the Chamber/Trust to act in accordance with the measure. Further, while the mitigation measure identifies "general procedures" (e.g., photographic and documentary recordation, removal, reinstallation) to be followed, it does not specify who or what entity will be responsible for these procedures – is it the Chamber/Trust? The applicant? The construction contractor? The City? The measure similarly fails to identify who will determine whether any given construction or demolition activity shall "have the potential to damage the sidewalk along Vine Street." Further still, the measure does not specify a time for when reinstallation of each affected star will take place. The measure only specifies that "following completion of Project construction" such reinstallation will occur. But construction may take up to seven years to complete. Will stars be reinstalled when construction work in the immediately vicinity is completed? Or at the end of the entire Project's construction? If the Project is never completed as

described in the EIR, when will stars will be replaced? Mitigation Measure CUL-MM-1 provides no direction on any of these points. Finally, the measure requires "monitoring" of excavation and construction activities in the vicinity of the Hollywood Walk of Fame but it is unclear what "in the vicinity" means. Arguably, the entire Project occurs "within the vicinity" of Vine Street, given that Vine Street bisects the West Site and East Site. Further, it is unclear what impact completion of a monitoring report (where no monitoring report contents are specified in the measure) actually mitigates, or how. Given these uncertainties, Mitigation Measure CUL-MM-1 cannot be relied upon to effectively reduce impacts to the Walk of Fame to a less than significant degree.

Response to Comment No. ORG 44-51

The comment asserts that Mitigation Measure CUL-MM-1 cannot be relied upon to reduce impacts to the Hollywood Walk of Fame to a less than significant level, questioning the involvement of the Chamber/Trust and raising numerous other questions regarding monitoring and involvement with implementation of the measure. In response, alterations to the Walk of Fame that have occurred regularly and successfully over the years in Hollywood have been coordinated with input from the Chamber/Trust, with the direct involvement of the City, and with the contractors implementing procedures specified in the Draft EIR. While the comment suggests that no government branch would be involved and that the Chamber/Trust alone would be responsible for the measure, the comment fails to account for details provided in the Draft EIR and in the cited mitigation measure itself. The omitted details include specific reference in the mitigation measure to direct involvement by staff from the Office of Historic Resources and the Department of Public Works Bureau of Engineering, and that work would be completed to the satisfaction of these City departments. In addition, as stated on page IV.C-55, in Section IV.C, *Cultural Resources*, of the Draft EIR, all restoration work within the Hollywood Walk of Fame will be reviewed and approved by the Bureau of Engineering as required by LAMC Section 62.105, in conjunction with the review of the City Cultural Heritage Commission and in accordance with LAMC Section 62.110 that all work shall be performed under a Public Works (A or B Permit) work permit, issued by the Bureau of Engineering. Accordingly, given the details provided in the Draft EIR and in the mitigation measure, involvement of various City departments, a long record of success with the Hollywood Walk of Fame with Chamber/Trust involvement, and required conformance with LAMC Sections 62.105 and 62.110, there is no basis for the statement that Mitigation Measure CUL-MM-1 cannot be relied upon to effectively reduce impacts to the Hollywood Walk of Fame. Furthermore, regarding other details associated with monitoring responsibility for Mitigation Measure CUL-MM-1, see the Mitigation Monitoring Program (MMP) prepared pursuant to Public Resources Code Section 21081.6, provided in Chapter 4, *Mitigation Monitoring Program*, in this Final EIR.

Comment No. ORG 44-52

C. <u>The Draft EIR's Greenhouse Gas Emissions Analysis Relies On Offsets To Reduce Its Impacts, But Provides No Enforceable, Meaningful Commitment To Purchase Offsets.</u>

The Draft EIR's analysis of greenhouse gas ("GHG") emissions relies solely on the argument that under the *Jobs and Economic Improvement Through Environmental Leadership Act*, it can be determined that the Project would not result in any additional emission of GHGs. There is absolutely no factual or legal justification provided for this conclusion.

On page IV.E-83, the Draft EIR states that "the Project will incorporate GHG emission offsets as necessary to achieve a net zero increase in site GHG emissions, relative to the baseline annual GHG emissions, for the estimated Project lifetime." This alleged commitment to purchase offsets ***is not a mitigation measure*** and therefore cannot be relied upon under CEQA. Further, there are no details provided as to when the offsets will be purchased, and no standards are provided as to the quality of emission reductions credits that will be deemed acceptable by the City. Will the credits come from mitigation banks that have demonstrated emission reductions that are real, permanent, verifiable, enforceable and not otherwise required by law or regulation? Without these details, the Draft EIR provides no explanation as to how the applicant's purchase of offset credits would ensure actual reductions in GHG emissions.

Draft EIR Table IV.I-7 identifies ***10 different land use scenarios***, each with their own calculated total of GHG emissions. These range from 3,757 MTCO2e to nearly 11,000 MTCO2e. As discussed above in the comments relating to the Project Description's failings, a reader has no way of knowing the extent of the GHG emissions that will actually occur as a result of Project approval, because a reader cannot know which iteration of the Project the applicant will ultimately carry out. Similarly, a reader has no way of knowing how many GHG offsets will be purchased. As such, the Draft EIR's GHG analysis both fails to adequately disclose the impacts that will occur as a result of the Project, and fails to mitigate those impacts. The only way to correct these failings is to revise the GHG analysis and recirculate it for public review.

Response to Comment No. ORG 44-52

The comment asserts that the Draft EIR's analysis of GHG emissions relies solely on the argument that under the *Jobs and Economic Improvement Through Environmental Leadership Act*, it can be determined that the Project would not result in any additional emission of GHGs. The comment also raises issues regarding the real, permanent, verifiable, enforceable, and not otherwise required by law or regulation reduction in GHG emissions from the purchase of offset credits. The comment also raises issues regarding the Project's GHG emissions in Draft EIR Table IV.I-7.

Regarding the Draft EIR's analysis of GHG emissions, the comment is incorrect in asserting that the EIR relies solely on the argument that under the *Jobs and Economic Improvement Through Environmental Leadership Act*, it can be determined that the Project would not result in any additional emission of GHGs. As discussed on page IV.E-79 of the Draft EIR, the Project would generate an incremental increase in GHG emission over existing conditions. However, the Project's design and transportation efficiency features and location would reduce the Project's GHG emissions by approximately 22 to

25 percent (depending on the buildout scenario) compared to a project without the Project-specific designs and transportation efficiencies. The Project's Environmental Leadership Development Program (ELDP) Application provides a discussion of potentially utilizing GHG offsets or credits to further reduce GHG emissions and achieve no net increase in GHG emissions from the Project emissions.

Furthermore, regarding the real, permanent, verifiable, enforceable, and not otherwise required by law or regulation reduction in GHG emissions from the purchase of offset credits, CARB has approved the Project's ELDP Application (see Appendix B of the Draft EIR), which outlines carbon offset measures to be followed to reduce GHG emissions to no net additional GHG emissions, which are binding and enforceable. If the Project were to purchase offset credits to meet the ELDP certification, only CARB Registry Offset Credits would be purchased, per the CARB certification documents, which are "real, additional, quantifiable, permanent, verifiable, and enforceable" under the California Code of Regulations (CCR) Title 17, Section 95970. As carbon offsets would be purchased through a CARB-approved registry, the Project would follow CARB-approved protocols, including the listing, reporting, and verification of offset projects and issue registry offset credits. Additionally, as an enforcement tool, the City of Los Angeles will issue the Certificate of Occupancy, CARB will issue a final determination that the Project will not result in any net additional GHG emissions, and OPR will certify the Project once emissions and offsets have been determined and contracts for offsets have been put in place.

Exhibit 3 in Appendix B of the Draft EIR described how the GHG offsets would be enforced. The Applicant proposes to meet the requirement set forth in PRC Section 21183(c), which requires that the Project demonstrate that it will not result in net additional emissions of GHG, through the implementation of GHG-reducing Project Design Features and/or acquisition of voluntary carbon credits sufficient to offset all projected additional emissions, in the following manner:

1. No later than six (6) months after the issuance of a Temporary Certificate of Occupancy for the Project, the Applicant shall commit to providing to the lead agency, the City of Los Angeles, a calculation of the net additional emissions resulting from the construction of the Project (the "Construction Emissions"), to be calculated in accordance with the methodology agreed upon by CARB in connection with the AB 900 certification of the Project (the "Agreed Methodology"). The Applicant shall provide courtesy copies of the calculations to CARB and the Governor's Office promptly following transmittal of the calculations to the City of Los Angeles. The Applicant shall enter into one or more contracts for the implementation of GHG-reducing Project Design Features and/or purchase voluntary carbon credits from a recognized and reputable carbon registry in an amount sufficient to offset the Construction Emissions. The Applicant shall provide courtesy copies of any such contracts to CARB and the Governor's Office promptly following the execution of such contracts.

2. Prior to issuance of any Certificate of Occupancy for the Project, the Applicant or its successor shall commit to entering into one or more contracts to purchase carbon credits from a recognized and reputable carbon registry (to be selected from an accredited registry), which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in an amount sufficient to offset the Operational Emissions attributable to the Project, and shall be calculated on a net present value basis for a 30-year useful life.

   Prior to execution of the contract(s), the Applicant and its consultant shall calculate the Operational Emissions, in accordance with the methodology described in the Applicant's "Application for Environmental Leadership Development Project," specifically the "Greenhouse Gas Emissions Methodology and Documentation" prepared by Environmental Science Associates (ESA).

   Once the City has had an opportunity to review and approve the methodology and associated calculations, the Project Applicant shall provide copies of the calculation methodology to the CARB and Governor's Office of Planning and Research (OPR), which is then subject to a determination signed by the Executive Officer of CARB pursuant to the procedures set forth in Section 6 of OPR's Guidelines. The City will issue a Certificate of Occupancy upon receipt of the following: (1) a fully executed copy of the carbon offset purchase agreement(s); (2) a final CARB Determination that the Project will not result in any net additional GHG emissions; and (3) a copy of OPR's Certification Letter for the Project.

   Prior to execution of the contract(s), the Applicant and its consultant shall calculate the Operational Emissions, in accordance with the methodology described in the Applicant's "Application for Environmental Leadership Development Project," specifically the "Greenhouse Gas Emissions Methodology and Documentation" prepared by Environmental Science Associates (ESA).

   Once the City has had an opportunity to review and approve the methodology and associated calculations, the Project Applicant shall provide copies of the calculation methodology to the CARB and Governor's Office of Planning and Research (OPR), which is then subject to a determination signed by the Executive Officer of CARB pursuant to the procedures set forth in Section 6 of OPR's Guidelines. The City will issue a Certificate of Occupancy upon receipt of the following: (1) a fully executed copy of the carbon offset purchase agreement(s); (2) a final CARB Determination that the Project will not result in any net additional GHG emissions; and (3) a copy of OPR's Certification Letter for the Project.

Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, fully disclosed and described the adequacy of the threshold used to determine Project GHG impacts for all the Project scenarios and how the Project's GHG impacts are less than significant. As stated on page IV.E-29 of the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the

discretion to determine whether to assess those emissions quantitatively or qualitatively." Additionally, as stated on page IV.E-30 of the Draft EIR, "Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project…Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions." Therefore, in the absence of any adopted quantitative threshold by CARB, SCAQMD, and the City, the significance of the Project's GHG emissions was sufficiently determined to be less than significant as it was consistent with CEQA Guidelines Section 15064.4(b)(2) as the Project complies with applicable plans, policies, regulations and requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions. As presented in Section IV.E.3.d)(1)(a), *Project Consistency with Applicable Plans and Policies*, of the Draft EIR, the Project is shown to be consistent with CARB's 2017 Climate Change Scoping Plan, Southern California Association of Government's (SCAG's) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), L.A.'s Green New Deal (Sustainable City' pLAn 2019), and the Los Angeles Green Building Code. In addition, as stated in Section 15126.4(a)(3) of the CEQA Guidelines, "Mitigation measures are not required for effects which are not found to be significant". In addition, as discussed in the impact discussion in Section IV.E.3.d of the Draft EIR, the Project is less than significant under all the thresholds of significance that are presented in Section IV.E.3.a of the Draft EIR. Thus, no mitigation measures are presented in Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR.

In addition, the purpose of the comparison to a Project scenario without GHG reduction characteristics, features, and measures was clearly discussed on page IV.E-74 of Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, where in order to evaluate the efficacy of the GHG reduction characteristics, features, and measures that would be implemented as part of the Project as required by these GHG reduction plans and policies, the analysis compared the Project's GHG emissions to the emissions that would be generated by the Project without implementation of GHG reduction characteristics, features, and measures. This comparison was provided to evaluate the Project's efficiency with respect to GHG emissions but was not the threshold of significance used for impact analysis. The analysis assumed the Project without implementation of GHG reduction characteristics, features, and measures would incorporate the same land uses and building square footage as the Project and did not include certain VMT reductions from the Project's TA and land use characteristics, such as increased destination accessibility and increased transit ability, or reductions resulting from the Project's Transportation Demand Management (TDM) program. Therefore, the Project scenarios presented without GHG reduction characteristics, features, and measures were strictly hypothetical projects that would not be built out and were used only for comparison and informative purposes.

Exhibit 8 of Appendix B of the Draft EIR includes the signed Project Applicant's acknowledgement of the ELDP obligations under PRC Section 21183 with the City (Acknowledgment). The Acknowledgment provides that the Project Applicant agrees, amongst other obligations, that all mitigation measures required pursuant to CEQA to certify the Project will be conditions of approval, and those conditions will be fully enforceable by the City, or another agency designated by the City, and those mitigation measures will be monitored and enforced by the City for the life of the obligation.

Regarding the 10 operational scenarios referenced by the comment, this statement is in regard to Table IV.E-7 on pages IV.E-72 and IV.E-73 in the Draft EIR, which provides modeled GHG emissions for the Project and the Project with the East Site Hotel Option. The Project with the East Site Hotel Option is no longer under consideration. For informational purposes, Table IV.E-7 also provides, for comparison, GHG emissions of the Project without GHG emissions reductions that would result from the Project's design and location. The table has 10 columns with numerical GHG emissions values; however, each column is clearly labeled at the top describing what the values in each of the 10 columns represent. For instance, Table IV.E-7 clearly labels the first two columns with numeric values as applicable to buildout of the West Site without Project reduction features and buildout of the West Site under the Project (i.e., with Project reduction features). The next four columns apply to the overlapping construction scenario and provide full Project buildout (i.e., West Site and East Site) for the two options, without and with Project reduction features. The last four columns apply to the sequential construction scenario and provide full Project buildout (i.e., West Site and East Site) for the two options, without and with Project reduction features. Furthermore, the Methodology Subsection of Section IV.E of the Draft EIR fully explains the comparison of the Project's GHG emissions to the emissions that would occur without GHG emissions reductions that would result from the Project's design and location. This explanation is provided on pages IV.E-40 and IV.E-41 of the Draft EIR.

Comment No. ORG 44-53

D. <u>The Land Use and Planning Analysis Downplays the True Enormity of the Entitlements Sought for the Proposed Project, Fails to Show How the Project Qualifies for the Myriad Development Concessions Sought by the Applicant, and Is Rife with Consistency Determinations Not Supported by Substantial Evidence.</u>

This Project is massive. It will construct two high-rise towers, 469 feet and 595 feet, in the middle of Hollywood, ***where no other buildings even close to this size and scale are permitted, let alone constructed***. Draft EIR Figures IV.A-7, IV.A-8, IV.A-15, IV.A-16 clearly show just how out of place and gargantuan these buildings will be. Yet, the Draft EIR flatly mischaracterizes and downplays the nature of the entitlements sought, leaving the impression that it is seeking only small concessions, only tiny changes, only minute increases from what is currently permitted. Such statements mislead the public and the City's decisionmakers, and violate CEQA.

In fact, the Project seeks approval of no less than eight varied entitlements, including a vesting zone change, removal of height limitations, development concessions that include a floor area bonus, multiple conditional use permits, site plan review, a vesting tentative tract map, and a development agreement.

Response to Comment No. ORG 44-53

This comment asserts that the Draft EIR misrepresents the scale of entitlement requests needed for Project approval. However, the Draft EIR presents the entitlements and scope of the Project in multiple descriptions and renderings. All of the proposed approvals needed to develop the Project are clearly listed on pages II-72 and II.75, Section 8 of Chapter II, *Project Description*, of the Draft EIR. The commenter is also referred to Topical Response No. 5 – Land Use and Planning, above, which explains the Project's updated list of requested entitlements and affordable housing incentives and requirements. As explained therein, the Project Applicant revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. These revisions have also been addressed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

With regard to the Project's floor area ratio (FAR), consistency with the applicable zoning and land use plans, the commenter is also referred to Topical Response No. 5 – Land Use and Planning, above. As discussed in Topical Response No. 5, the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans, along with related land use and planning impacts, were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR was supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Regarding the issue of scale, the scale of the Project is clearly set forth throughout the Draft EIR, including Chapter II, *Project Description*¸ of the Draft EIR. However, since scale or mass is a component of the discussion of a project's compatibility to its surroundings, it is a part of the aesthetics analysis. Aesthetics impacts, other than as they relate to historical or cultural resources, are not significant impacts since the Project is an in-fill, mixed-use project within a Transit Priority Area (TPA) in an urbanized area. As such, the Draft EIR is not required to evaluate the significance of scale or any of the aesthetics issues, such as impacts with respect to scenic vistas, scenic resources (with the exception of impacts to historical buildings, which are evaluated in Section IV.C, Cultural Resources, of the Draft EIR), scenic quality/conflicts with regulations governing scenic quality, and light and glare. Nonetheless, Section IV.A, *Aesthetics,* of the Draft EIR, provided an overview discussion of the Project's effects on scenic vistas, scenic resources, conflicts with regulations governing scenic quality, and light and glare for informational purposes only. Please refer to Draft EIR pages IV.A-57 *et. seq*.

With respect to the entitlements, these are approval vehicles through which the City's decision-makers can review and determine the need for additional development conditions to protect the interests of the community. Approval of the requested

entitlements are all dependent on certification of the EIR and, therefore, cannot involved a project other than what is approved by the City after certification of the EIR and, as such, cannot contain any conditions that would create environmental impacts not disclosed and analyzed in the EIR.

With regard to the Project's requested Conditional Use Permits, as explained in Topical Response No. 5 – Land Use and Planning, above, the Project is no longer requesting approval of a Conditional Use Permit for a Unified Development to average FAR and density across the Project Site and, instead, requests approval of a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, including an Off-Menu Incentive to allow FAR and density averaging across the Project Site. With regard to the Project's requested Conditional Use Permit to allow for the service of alcoholic beverages in the Project's future restaurants, this entitlement is typical for a project with commercial uses and would not be excessive. The comment asserts that the Draft EIR makes consistency determinations that are not supported by substantial evidence but does not identify the policies to which the consistency determinations would apply. More importantly, the comment letter does not substantiate that the Draft EIR violates CEQA.

Comment No. ORG 44-54

1. The Draft EIR grossly downplays the true extent of the FAR increase sought for the proposed Project.

On page IV.H-22, the Draft EIR claims that the Project is seeking an increase in FAR from 6:1 to 7:1, but this is completely misleading. ***The zoning controls on the Project site currently limit the FAR to 3:1 and 2:1. Thus the Project is seeking an increase in FAR from 3:1 and 2:1 to 7:1.*** (See Draft EIR, pp. II-10, -11.)

The increase in FAR is subject to City findings that the Project would further the goals and intent of the Hollywood Redevelopment Plan, by meeting such objectives as providing new development which compliments existing buildings in areas with architecturally and/or historically significant structures, and protecting entertainment oriented uses. (Draft EIR, p. IV.H-22.) But here, the Project ***dwarfs*** existing historically significant structures—in fact it dwarfs ***all*** surrounding structures as shown in the Project's visual simulations. The Project's inconsistency with the scale and character of the surrounding neighborhoods, and the Project's negative impacts on AMDA (and, by extension, the entertainment industry) mean that no finding of consistency with the Hollywood Redevelopment Plan can be made. By downplaying the true increase in FAR the Draft EIR fails to adequately disclose key aspects of the Project, hides the true impacts resulting from the increase in FAR, and ignores the Project's inconsistency with land use policies that require certain findings be made before FAR can be increased.

Response to Comment No. ORG 44-54

The comment expresses opposition to the Project by claiming that the Draft EIR Project Description did not accurately describe the existing zoning controls but does not provide any facts and, therefore, no substantial evidence to support this claim.

Nonetheless, the commenter states that page IV.H-22 of the Draft EIR claims that the Project is seeking an increase in FAR from 6:1 to 7:1, but the comment is misleading because the commenter fails to note that pages IV.H-10 and IV.H-23 of the Draft EIR provide a detailed description of the Project Site's existing zoning designations, including the existing 3:1 and 2:1 FARs and how the requested entitlements would allow the Project to obtain the desired FAR increase to 7:1. The commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which addresses the Project's updated list of requested entitlements and the Project's affordable housing obligations. As explained therein, the Project Applicant has revised the Zone and Height District Change request and, instead, has requested a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. By providing at least 11 percent of the total units for Very-Low Income Households (although the Project would exceed this requirement), the Project would qualify for an FAR of 7:1 through the requested development incentives pursuant to the State Density Bonus law, a State-mandated law intended to promote the development of affordable housing.

Moreover, page IV.H-22 of the Draft EIR explains that the increase in FAR beyond 6:1 would be subject to City findings that the Project would further the goals and intent of the Hollywood Redevelopment Plan by meeting such objectives as: concentrating high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities; providing new development which compliments existing buildings in areas with architecturally and/or historically significant structures; and, providing focal points for entertainment, tourism and pedestrian oriented uses. The Project would meet these objectives by providing a mixed-use, higher-density development within a Regional Center and near public transit, including the Metro B (Red) Line Hollywood/Vine Station, with a design that complements the architecturally and historically significant Capitol Records Building. The Project would also provide a focal point for entertainment and tourism through a design that includes restaurants, outdoor dining areas, plazas, and a two-block paseo between Argyle Avenue and Ivar Avenue, with improved access to the adjacent Hollywood Walk of Fame and Capitol Records Building.

In regard to density and consistency with planned development in Hollywood, see Topical Response No. 5 – Land Use and Planning. As discussed in Topical Response No. 5, the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans, along with related land use and planning impacts, were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 44-55

2. The Draft EIR fails to explain how the Project qualifies for the multiple development concessions sought by the applicant.

Page IV.H-23 of the Draft EIR states that the Project is seeking several development concessions under LAMC section 11.5.11. However, the Draft EIR does not explain how the Project will qualify for these concessions, making it impossible for a reader to determine if the Project is in fact consistent with the relevant code sections and planning policies. Absolutely no details are provided here, or in the Project Description, regarding the breakdown of unit affordability levels, whether the units are for rent or for sale, or how the Project will comply with the percentage affordable unit requirements identified in LAMC section 11.5.11(a)—all facts necessary to determine whether the Project qualifies for the requested density bonus. Further, nearly half of the Project's affordable units are proposed on the East Site, which will be constructed after the West Site—at the very end of the seven year construction period. Will the applicant be permitted to take advantage of multiple development concessions prior to the construction of half of the affordable units? What happens if Project construction halts during the seven year construction period, and the East Senior Tower is never constructed?

Also, it is unclear at what time the applicant could choose to forgo a significant number of residential units on the East Site and replace them with hotel rooms under the "Project with East Site Hotel Option." These ambiguities beg the question of whether the Project will be taking advantage of development concessions based on units that may never get built until some time far into the future, or, in the worst case scenario, never get built at all. This analysis is wholly relevant to the question of whether the Project is consistent with land use plans and policies adopted for the purpose of protecting the environment, and must be addressed.

Response to Comment No. ORG 44-55

The comment expresses opposition to the Project by claiming that the Draft EIR fails to explain how the Project qualifies for the multiple development concessions sought by the Applicant but does not provide any facts and, therefore, no substantial evidence to support this claim.

Nonetheless, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which addresses the proposed Density Bonus Compliance Review and the revised entitlement requests in detail. As explained therein, the Project would provide 133 senior affordable housing units reserved as affordable for Very Low Income households (or approximately 13.2 percent), in excess of the 10 percent for Very Low Income households required to qualify for the requested affordable housing incentives and waivers under California Government Code Section 65915 and LAMC Section 12.22 A.25 (however, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income households to be eligible for the 35 percent FAR increase On-Menu Incentive).

The commenter is also concerned about the Project's construction phasing, which the commenter asserts may result in certain affordable housing units being built at a later phase. With regard to construction phasing, the commenter is referred to pages II-70 to II-74 in Chapter II, *Project Description,* of the Draft EIR, and also Response to Comment Nos. ORG 42-4, ORG 44-6, ORG 44-10, and ORG 44-11. As explained therein, the Project is a single project proposed on the East Site and West Site and construction phasing is necessary due to the logistical site needs.

The commenter also asserts that the Project can choose to forgo a significant number of residential units on the East Site and replace them with hotel rooms under the "Project with East Site Hotel Option." However, the Project with East Site Hotel Option is no longer under consideration.

Refer also to Topical Response No. 5 – Land Use and Planning, for a discussion of the Project's consistency with land use plans and policies adopted for the purpose of protecting the environment. As discussed in Topical Response No. 5, the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans, along with related land use and planning impacts, were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H of the Draft EIR is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. ORG 44-56

3. The Project conflicts with numerous land use plans and policies, and the Draft EIR's conclusions to the contrary are not supported by substantial evidence.

The Draft EIR's land use and planning analysis, and Draft EIR Appendix J, purport to consider whether the Project is consistent with or in conflict with the relevant goals, objectives and policies of the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"), the City's Framework Element, the Hollywood Community Plan, and the Hollywood Redevelopment Plan. However, the analysis, and the tables prepared in support, contain numerous flaws, as detailed below:

- **The Project does not improve housing opportunities for all income and age groups.** Page IV.H-21 of the Draft EIR states that the Project "would both increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes…" But nearly 90 percent of the Project's units are market rate units that will not be reserved for low or moderate income households. The only affordable units proposed are for seniors. Thus, the Draft EIR's findings that the Project is consistent with plans and policies that encourage additional housing opportunities for all income and age groups are unsupported.

Response to Comment No. ORG 44-56

The comment asserts that the Project conflicts with numerous land use plans and policies, and the Draft EIR's conclusions are not supported by substantial evidence.

The Draft EIR compares the Project with the applicable policies of the SCAG 2016-2040 RTP/SCS, the General Plan Framework Element, the Hollywood Community Plan, and the Hollywood Redevelopment Plan within Section IV.H, *Land Use and Planning,* and Appendix J of the Draft EIR, and correctly concludes that the Project would not conflict with the policies of this adopted plan. The Project would be developed in compliance with the provisions of applicable land use plans and policies. The comment provides only one example of presumed conflict with land use plans and policies. The referenced policy is Policy 9 of the Hollywood Redevelopment Plan, discussed in Table LU-4, *Consistency of the Project with Applicable Sections of the Redevelopment Plan*, in Appendix J of the Draft EIR, which states: "Provide housing choices and increase the supply and improve the quality of housing for all income and age groups, especially for persons with low and moderate incomes; and to provide home ownership opportunities and other housing choices which meet the needs of the resident population."

In determining that the Project would not conflict with this policy, the Draft EIR states:

> *"No Conflict. The Project would provide up to 1,005 new housing units, including up to 133 senior affordable housing units to meet housing needs established in SCAG's Regional Housing Needs Assessment and the Housing Element of the General Plan. The Project would increase the supply of ownership and rental units in the neighborhood and provide quality housing for a range of income and age groups. The Project would include senior affordable housing units that would be set aside for Extremely Low and Very Low Income households."*

Thus, the assertion that the Project would conflict with the stated Redevelopment Plan policy is not fully supported in the comment or by the facts.

Comment No. ORG 44-57

- **The Draft EIR is not consistent with the RTP/SCS on multiple grounds.** Table LU-1 of Appendix J claims that the Project is consistent with the RTP/SCS goal of protecting the environmental health of residents. However, the analysis relies on greenhouse gas offsets, which, as discussed above, ***are not incorporated into any binding mitigation measure***. Further, the analysis claims that the Project would reduce air quality impacts, consistent with the RTP/SCS, but this generic statement is not based on any substantial evidence. Reduce air quality impacts from what baseline? "EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount." (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 210.)

Response to Comment No. ORG 44-57

The comment expresses opposition to the Project by claiming the Project is inconsistent with the 2016-2040 RTP/SCS goal of protecting the environmental health of residents but does not provide any substantial evidence to support this claim and, thus, does not raise any issues with respect to the content and adequacy of the Draft EIR.

The commenter further asserts that the ELDP provisions are not binding to the Applicant. On August 16, 2018, Governor Brown certified that the Project meets the criteria set forth in the statute, including the applicable updated requirements in AB 246. In order to be certified as an ELDP, the Governor determined that the Project would result in a minimum investment of $100 million, would create high-wage jobs, and would not result in net additional greenhouse gas (GHG) emissions, as determined by the CARB. Further, a mixed-use project, such as the Project, must meet additional requirements. [emphasis added] Specifically, it must be located on an infill site, be designed to achieve Leadership in Energy and Environmental Design (LEED) Gold certification, be consistent with the relevant regional sustainable communities strategy, and exceed by at least 15 percent the transportation efficiency for comparable projects. The Governor's certification determined that the Project complies with all of these applicable requirements. The Governor's certification and related documentation are provided in Appendix B of the Draft EIR. See Section II.7(e)(1), page II-68 of the Draft EIR.

Exhibit 8 of Appendix B of the Draft EIR includes the signed Applicant's acknowledgement of the ELDP obligations under PRC Section 21183 with the City (Acknowledgment). The Acknowledgment provides that the Project Applicant agrees, amongst other obligations, that all mitigation measures, including the GHG obligations, required pursuant to CEQA to certify the Project will be conditions of approval, and those conditions will be fully enforceable by the City, or another agency designated by the City, and those mitigation measures will be monitored and enforced by the City for the life of the obligation. As such, the commenter's assertion that the Project's GHG obligations are not binding is unsubstantiated.

Regarding GHG emission offsets, as discussed on page IV.E-79 in Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, Project GHG emissions would be less than significant based on the Project's proposed design and its transit-oriented infill location. Relevant Project Design Features are listed on pages IV.E-41 and IV.E-42 of the Draft EIR and include LEED Gold energy and water saving features and electric vehicle and carpool parking provisions. The Project's transit-oriented infill location benefits that would minimize VMT are discussed in detail on pages IV.E-54 through IV.E-60 of the Draft EIR. GHG emission offset credits are not required as CEQA mitigation for the Project since GHG emissions are less than significant. However, GHG emission offset credits may be used to achieve no net increase in GHG emissions as required under the ELDP Application, which the Applicant has voluntarily committed to meeting.

The commenter is also referred to Section IV.B, *Air Quality*, of the Draft EIR, which addressed air quality impacts with supporting data provided in Appendix E of the Draft

EIR. Pages IV.B-48 and IV.B-49 of the Draft EIR provide specific analysis of consistency with SCAG's 2016-2040 RTP/SCS growth projections based on quantified values. As analyzed therein, the Project's proposed 1,005 housing units would comprise approximately 0.9 percent of SCAG's estimated increase of households within the City at opening year for 2027. The Project's proposed 1,005 housing units would comprise approximately 0.4 percent and 0.3 percent of SCAG's 2040 estimated increase of households within the City. The Project would result in a slight increase in the number of employees on the West and East Sites of approximately 206 and 445 employees, respectively, and would comprise approximately 0.1 and 0.3 percent of SCAG's estimated increase of jobs within the City at opening year, respectively, and approximately 0.1 and 0.1 percent of SCAG's year 2040 estimated increase of jobs within the City, respectively. As such, the Project would have a very small effect on the overall housing and employment projections for the City and Hollywood area. Therefore, the Project's contribution to housing and employment would be consistent with SCAG housing and employment projections for the City. The increases in population, housing, and employment would, therefore, be consistent with SCAG's 2016-2040 RTP/SCS goals and would be consistent with the growth projections contained in SCAG's 2016-2040 RTP/SCS, which form the basis of the growth projections in the SCAQMD 2016 Air Quality Management Plan (AQMP). As such, the Draft EIR concluded that since the Project would be consistent with the 2016-2040 RTP/SCS, the Project would be consistent with the 2016 AQMD. As such, air quality impacts would be less than significant for assumptions and growth projections in the 2016-2040 RTP/SCS, which form the basis of the growth projections in the 2016 AQMP.

Comment No. ORG 44-58

- **The Project is not consistent with City Framework Element Policy 3.2.1 or 3.2.4.** Table LU-2 of Appendix J analyzes the Project's consistency with Framework Element Policy 3.2.1, which directs the City to provide for "a pattern of development consisting of distinct districts, centers, boulevards and neighborhoods that ***are differentiated by their functional role, scale, and character***." Yet here, the Project inserts two enormous high rise buildings in the middle of a smaller scale, historic neighborhood. Table LU-2 even admits that regional center neighborhoods, of which the Project site is a part, are characterized by buildings only six to 20 stories high, ***while this Project proposes a high rise of 46 stories***. The analysis focuses on the fact that this Project, alone and unto itself, will provide a "center," but ignores the surrounding neighborhood, which is the focus of Policy 3.2.1. Similarly, Framework Policy 3.2.4 directs the City to "provide for the siting and design of new development that maintains the prevailing scale and character" of existing neighborhoods. The Project is inconsistent with this policy on the same grounds.

Response to Comment No. ORG 44-58

The comment asserts that the Project is not consistent with Framework Element Policy 3.2.1 or 3.2.4. The Draft EIR adequately evaluated the related objective, goals, and

policies in the Framework Element and correctly concluded that the Project would not conflict with the policies of this adopted plan. The comment cites only portions of the policies the commenter claims the Project would conflict with. The Project is compared to Framework Element Policies 3.2.1 and 3.2.4 in Table LU-2, *Comparison of the Project to Applicable Objectives of the General Plan Framework*, in Appendix J of the Draft EIR. Policy 3.2.1 states in full:

> *Provide a pattern of development consisting of distinct districts, centers, boulevards, and neighborhoods that are differentiated by their functional role, scale, and character. This shall be accomplished by considering factors such as the existing concentrations of use, community oriented activity centers that currently or potentially service adjacent neighborhoods, and existing or potential public transit corridors and stations.*

The Project was determined to not conflict with Policy 3.2.1 because the Project would introduce high-density, mixed-use buildings and stand-alone senior residential housing that would be compatible within an area designated as a TPA and Regional Center. The Project is located in an area that is targeted for high-density growth on the Framework Element Land Use Diagram and a district that has been evolving into an increasingly mixed-use area. Typical characteristics and uses of a Regional Center are focal points of regional commerce, identity, and activity characterized by six to 20 stories (or higher) buildings, including mixed-use structures and multifamily housing (independent of commercial). The Project would include four new buildings constructed around the existing Capitol Records Complex and connected by a series of public open spaces on the ground level. The West Site would be developed with the 35-story West Building and 11-story West Senior Building and would contain ground floor open space, including the paseo, where visitors can view the Capitol Records Building. Under the Project, the East Site would preserve the existing Capitol Records Complex and include development of a 46-story East Building and 11-story East Senior Building and would provide distinct ground floor open space areas and amenities, including an outdoor performance area with a stage to host local acoustic performances. Shopping, outdoor seating, landscaping, open-air dining, public performances, art installations, and special events would be available in the East Plaza. The Project would provide higher density development and a broader range of uses on parcels primarily operated as surface parking, thereby creating a more concentrated, transit-oriented center and providing additional residential, commercial, open space and entertainment opportunities for residents, employees, and visitors to the Project Site.

Policy 3.2.1 does not dictate compatibility of building scale but recommends that new development be created in distinct districts that take into consideration existing concentrations of uses. The Hollywood and Vine area has been an iconic location with respect to the entertainment business, world-known, and originally (going back to the 1930s) one of the City's most concentrated high-rise districts. The Project would build upon this by modernizing the public element, introducing vibrant and notable architecture and tall buildings, and providing publicly accessible, landscaped open space and a paseo

linking three streets; thus, bringing greater distinction to an area that has been a tourist destination and commercial center for the City.

Policy 3.2.4 states in full:

> *Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts.*

The Project was determined to not conflict with this policy because the Project Site is surrounded by residential, commercial, and mixed-use buildings that vary in building style and scale. The Project would be consistent with the on-going mixed-use redevelopment in the area and targeted growth policies applicable to Regional Centers and TPAs and would be sited and designed to enhance the character of the Regional Center mixed-use, commercial district. The Project is sited and designed to focus greater intensity development adjacent to Vine Street, with the 35-story West Building and 46-story East Building located toward the center of the development. The 11-story West Senior Building would be located at the corner of Ivar Avenue and Yucca Street and would provide a transition between the West Building and the lower-scale (one- to two-story) buildings located to the north across Yucca Street and west across Ivar Avenue. Under the Project, the 11-story East Site Senior Building would be located along Argyle Avenue, providing a transition from the East Building to the 18-story Argyle House located at the corner of Yucca Street and Argyle Avenue and the seven-story Eastown project located to the east across Argyle Avenue. While the West and East Buildings would have a substantially greater height and intensity than existing development in the area, the Project is consistent with the higher density, mixed-use redevelopment trend in Hollywood and would boost residential densities, significantly increasing housing opportunities in the Hollywood Community Plan area. The Project would also provide ground level dining and open space uses for residents, employees, and visitors. These ground level uses and the proposed mix of uses within the Project would increase the diversity of uses consistent with the Regional Center designation and would improve the pedestrian experience at the Project Site. The Project would enhance the urban character of the area, with an emphasis on activating Vine Street for pedestrians and bicyclists and create a stronger connection to the Hollywood Walk of Fame and Capitol Records Complex.

Policy 3.2.4 does not mean that buildings cannot be constructed taller than existing structures but that maintain the prevailing scale and character (in this case, a Regional Center) to prevent encroachment into stable neighborhoods. The Hollywood Commercial District went through decades of stasis, in which tourism and the vibrancy of the area declined. The current rejuvenation of interest in the area, with the concentration of development around the Metro B (Red) Line Hollywood/Vine Station, is consistent with designation of the Project Site as Regional Center. Although the Project is taller than adjacent development it would be consistent with the FAR for the Project Site provided by the zoning and Redevelopment Plan. The taller buildings and notable architecture

would also be consistent with the Hollywood and Vine location. Please also refer to Topical Response No. 4 – Aesthetics, regarding the issue of building scale.

Comment No. ORG 44-59

- **The Project is not consistent with Hollywood Redevelopment Plan Goals relating to the preservation of and adherence to architectural and urban design standards.** Table LU-4 of Appendix J considers whether the Project is consistent with the Hollywood Redevelopment Plan Goals. However, it is clear that the Project is not consistent with Goal 5(b), which directs the City to promote architectural and urban design standards, including standards for height and compatibility of new construction with existing structures. Here, the Project obliterates the FAR limitations of 3:1 and 2:1 on the Project site, and instead is requesting approval of a FAR limitation of 7:1. The Project is inconsistent with Goal 6, which requires the preservation of landmarks related to the entertainment industry, as indicated by the Project's dwarfing of the Capitol Records Building, and myriad adverse impacts on AMDA.

Response to Comment No. ORG 44-59

This comment asserts that the Project is not consistent with Hollywood Redevelopment Plan Goals relating to the preservation of and adherence to architectural and urban design standards. Pursuant to PRC Section 21099(d)(1) and City of Los Angeles Zoning Information File No. 2452 (ZI No. 2452), the aesthetic impacts, including impacts associated with scenic vistas, scenic resources, aesthetic character/conflicts with regulations governing scenic quality, and light and glare, of a residential, mixed-use residential, or employment center project on an infill site within a TPA shall not be considered significant impacts on the environment. As described in Chapter II, *Project Description*, of the Draft EIR, the Project meets these conditions, and, as such, aesthetic impacts associated with the Project would not be considered significant. Thus, evaluation of the Project's physical impacts associated with aesthetics is not required in the EIR and was provided in the Draft EIR for informational purposes only. The provisions of PRC Section 21099 are also discussed in detail in Section IV.A, *Aesthetics*, of the Draft EIR, and in Topical Response No. 4 – Aesthetics, above.

With regard to the Project's requested development incentives, including the FAR increase, the commenter is referred to Topical Response No. 5 – Land Use and Planning, which addresses the Project's updated list of requested entitlements and the Project's affordable housing obligations. As explained therein, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, and would seek Density Bonus Incentives and Waivers of Development Standards to allow for an increase in FAR pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance. The proposed FAR of 7:1 would exceed the Project Site's existing zoning designation ("D" Limitation), which limits FAR to 3:1 for most of the Project Site and 2:1 FAR for one parcel.

With the inclusion of at least 10 percent of the base permitted units for Very Low Income households, the Project Applicant is entitled to two incentives and the Waiver of Development Standards[102] for the requested increase in FAR (however, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income to be eligible for the 35 percent FAR increase On-Menu Incentive).

Pursuant to the State Density Bonus Law, a city shall grant a density bonus, and, if requested by the applicant and consistent with the applicable requirements of Government Code Section 65915, incentives or concessions, and waivers or reductions of development standards. The State Density Bonus Law supersedes any local ordinances, including the "D" Limitations pursuant to Ordinance No. 165,659. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing.

The Project would not conflict with Goal 6 of the Redevelopment Plan since it would not directly or indirectly adversely impact the Capitol Records Building. It would preserve the well-known views of the Capitol Records Building from the eastbound US-101 and from the intersection of Hollywood Boulevard and Vine Street; it would create a publicly-accessible landscaped plaza around the Capitol Records Building to enhance public enjoyment of and access to the building; and it would be designed with distinctive architecture that is sensitive to the design theme of the Capitol Records Building. Please also refer to Topical Response No. 6 – Historical Resources for additional information regarding this historical resource.

Comment No. ORG 44-60

- **The Project is not consistent with Hollywood Redevelopment Plan Goals centered on supporting and promoting Hollywood as the center of the entertainment industry.** Table LU-4 of Appendix J assesses the Project's consistency with goals aimed at protecting entertainment industry uses within the area. As described throughout this comment letter, AMDA is a key part of the entertainment industry in Hollywood, Los Angeles, and the country at large. Yet, this Project disrupts and nearly annihilates AMDA's ability to continue providing theater, dance, film and art classes for the ***next seven years***. Similarly, the Project is likely to have massive, and yet undisclosed, impacts on the Capitol Records Building located on the Project site. These negative impacts result in an inconsistency with Hollywood Redevelopment Plan goals centered on protecting Hollywood's entertainment industry. These include, but are not limited to, Section 300, Goal 6 and Section 506.2.1(4).

[102] Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.

Response to Comment No. ORG 44-60

This comment asserts that the Project would not support or promote Hollywood as the center of the entertainment industry, as the Project would disrupt AMDA's ability to continue providing theater, dance, film and art classes for the duration of the Project construction. However, the comment does not explain how the Project's intermittent construction activities would disrupt AMDA's ability to continue providing theater, dance, film and art classes. Pedestrian and vehicle access to the AMDA site would be maintained, and construction activities would be intermittent and non-continuous adjacent to the AMDA's Vine Building campus. It would not adversely impact AMDA's Tower Building Campus, located to the north of Yucca Street. No encroachment into the AMDA property would occur. Furthermore, as shown in Table II-5, *Project Construction Schedule*, in Chapter II, *Project Description*, of the Draft EIR, demolition would occur over a period of two months, utilities and trenching would occur over a period of 0.5 months, site preparation would occur over a period of one month, grading and excavation (the greatest noise generator) would occur over a period of 11 months, foundation/concrete pour would occur over a period of 2 months, paving would occur over a period of 3 months. These activities, some of which would be overlapping would be the greatest relative to off-site annoyance. Architectural coatings and total building construction (which would have fewer noticeable off-site effects), would be completed in 15.5 months and 24.5 months, respectively. The period of time in which a construction activity would occur adjacent to AMDA's Vine Building campus would not approach the seven years cited in the comment. Although construction activities would create an intermittent annoyance, it is not anticipated to bring the AMDA campus to a close or permanently affect Hollywood's entertainment industry.

Comment No. ORG 44-61

- **The Project is not consistent with the objectives of the Hollywood Boulevard District.** The Hollywood Redevelopment Plan, section 506.2, identifies objectives for the Hollywood Boulevard District, within which the Project site is located. These objectives include assuring that "new development is sympathetic to and complements the ***existing scale of development***." Here, the Project ***dwarfs the existing scale of development*** by several times, requests an increase in FAR from 3:1 and 2:1 to a massive 7:1, and is therefore inconsistent with these objectives.

Response to Comment No. ORG 44-61

This comment asserts that the Project is not consistent with the objectives of the Hollywood Boulevard District. As discussed in Table LU-4. *Consistency of the Project with Applicable sections of the Hollywood Redevelopment Plan*, the Project would not conflict with Policy 506.2(2) to "assure that new development is sympathetic to and complements the existing scale of development." As stated in the analysis, the Project is sited and designed to focus greater development intensity adjacent to Vine Street, with the 35-story West Building and 46-story East Building located toward the center of the development.

The 11-story senior residential building on the West Site would be located at the corner of Ivar Avenue and Yucca Street and would provide a transition between the West Building and the lower-scale (one- to two-story) buildings located to the north across Yucca Street and west across Ivar Avenue. The 11-story senior residential building on the East Site would be located along Argyle Avenue, providing a transition between the East Building and the 18-story Argyle House located at the corner of Yucca Street and Argyle Avenue and the seven-story Eastown project located to the east across Argyle Avenue. Because the Project's lower-height buildings would interface with surrounding lower density off-site buildings, with the focus of building height at the center of the Project Site, it would demonstrate sensitivity to the scale of the surrounding area and would not conflict with this policy.

The proposed building heights represent the Applicant's interest in maintaining the maximum ground level open space and paseo, which would have a public benefit and upgrade the character of the Hollywood and Vine location. The architectural style of the buildings would complement the architectural theme of the Capitol Records Building and upgrade the iconic Hollywood and Vine location. It is noted, also, that the historic buildings along Hollywood Boulevard were among the City's first high-rises dating to the early 1930s. At that time, these buildings created a strong architectural presence and represented ground-breaking ideas. With new buildings rising to 70 stories in downtown Los Angeles, the revitalization of Hollywood with new architecture up to 46 stories, landscaped plazas, and a two-block paseo and would help to maintain the iconic character and upgrade the quality of the Hollywood Boulevard and Vine Street locale. Also, please refer to Topical Response No. 4 – Aesthetics, for additional discussion of building scale.

Comment No. ORG 44-62

E. The Draft EIR's Traffic Analysis Fails To Account for the Capitol Records Lot Scenario, and Grossly Undercounts Traffic Generated By the Project's Outdoor Performance Venue.

Page IV.L-23 of the Draft EIR provides that the Project's outdoor performance space floor area was categorized as a "movie theater" in the City's VMT Calculator. The Draft EIR provides that "[b]ecause a movie theater is likely to draw from a larger area than a small outdoor space with smaller performances, this provides a more conservative VMT analysis." (Draft EIR, pp. IV.L-23 and -24) In fact, the opposite is just as likely to be true. Movie theaters, which are generally located throughout every urban and suburban area, are potentially less likely to draw from a large geographic area as compared to a performance space displaying a unique performance that is by its very nature not available to be viewed anywhere else at the same time. This could potentially generate much greater VMT than a movie theater.

The Draft EIR's characterization of the outdoor space as "small" and having "smaller performances," is likewise inaccurate. The outdoor performance space in question is 10,198 sf and described as being able to "host public acoustic performances by nearby

school and community music groups," with a maximum attendance capacity of 350 people. (Draft EIR, p. II-58.) The Draft EIR further provides that performances will be limited to two per day, up to a total of 10 per week. (*Ibid.*) But no enforcement mechanism is proposed that would prevent this space from hosting a much larger number of people, and there is no indication how attendance could be capped effectively at 350 attendees. The outdoor performance space's location in the center of Hollywood's live entertainment district, blocks away from some of the City's premier performance venues, makes the possibility of much larger events here a very real one.

Further, there are no project design features or mitigation measures proposed that would regulate or limit the types of performances to be held in this space. The Draft EIR provides that "performances would primarily consist of acoustic musical performances, plays or other theatrical performances, and outdoor fitness classes," and that "each performance would be up to approximately one to two hours in duration[]." (Draft EIR, p. II-59.) But without specific regulations that would enforce these limits, the Project essentially includes no limits on the types of performances.

The VMT Calculator included in Appendix D of the Draft EIR's Appendix N, shows that the 10,198 sf of outdoor performance space with a maximum attendance of 350 people was calculated as a "movie theater" ***of 175 seats***. The use of a 175 seat movie theater, when up to 350 people are anticipated to attend performances at the outdoor space, is nonsensical and renders the VMT analysis flawed and inaccurate.

Response to Comment No. ORG 44-62

The comment discusses the outdoor performance space and suggests the analysis was inadequate. The comment challenges the size, use, and analysis of the outdoor performance space.

There will not be amplified music, advertisements, or commercial acts at the outdoor performance space. The space is intended to be an amenity where ambient music can be played by live musicians. As discussed on pages II-58 and II-59 in Chapter II, *Project Description*, of the Draft EIR, the East Site Plaza Performance Stage would host public acoustic performances by nearby school and community music groups. It is not expected to be a regional draw and would provide opportunities for local activities, such as if a string quartet plays an afternoon at the Grove – the vast majority of people who stop to enjoy the music do not go to that site for the performance but would be able to enjoy it by virtue of patronizing another establishment or being a resident.

Based on this operation, the performance space would not be expected to draw from a large area and many of the spectators are expected to be walk-ins from surrounding uses in the Hollywood area. The trip generation estimates for the performance space were developed based on the types of performances anticipated for the site, the amount of physical space that will be available for performance watching (accounting for pedestrian circulation and walkways), and conservatively assuming the majority of the spectators would drive to the performance.

The VMT Calculator analysis accounts for 350 potential attendees. Since potential attendees may park in either the Project's East Site or West Site, 175 potential attendees were accounted for on each site and the 350 total potential attendees are fully accounted for in the VMT analysis, as shown on pages 30 and 31 and in Appendix D of the Draft EIR's Appendix N-1 cited by the comment.

While the specific types of performances by nearby school and community music groups may vary, as discussed on page IV.I-50 in Section IV.I, *Noise*, of the Draft EIR, the Project would implement design features for the East Site Plaza Performance Stage that would limit the volume of the performances to 85 dBA at 25 feet from the musicians (see Project Design Feature NOI-PDF-3: Outdoor Performance Sound Restrictions). As discussed on page IV.I-50 of the Draft EIR, noise level modeling was conducted for on-site noise from the East Site Plaza Performance Stage. The results of the modeling analysis are provided in Table IV.I-12 of the Draft EIR. As shown, the combined operational noise sources from the Project East Site and West Site inclusive of the noise from the East Site Plaza Performance Stage would not generate noise levels that would exceed 5 dBA above the applicable ambient noise level at noise receivers in the project vicinity.

Regarding the statement that there are no project design features or mitigation measures proposed that would regulate or limit the types of performances to be held in this space, this statement is incorrect. As stated above, noise levels associated with the performance space would be controlled through Project Design Feature NOI-PDF-3: Outdoor Performance Sound Restrictions. In addition, regarding the statement that no enforcement mechanism is proposed that would prevent this space from hosting a much larger number of people, and how attendance would be limited to 350 attendees, the number of occupants was calculated based on an occupancy load factor of 15 square feet per person for an assembly area without fixed seats, according to the California Building Code Table 1004.5 Maximum Floor Area Allowances Per Occupant as stated on page IV.I-35 in Section IV.I, *Noise*, of the Draft EIR. Furthermore, this discussion indicates that actual capacities for the Project outdoor spaces would be lower and, in some cases substantially lower, due to more detailed design considerations such as landscaped areas, planters, and designated walkways/throughways.

Comment No. ORG 44-63

F. The Draft EIR's Alternatives Analysis Must Include an East Site First Construction Alternative.

The Draft EIR must consider all reasonable alternatives that effectively reduce the Project's significant impacts, while still meeting most of the Project objectives. Here, the Project results in significant and unavoidable construction noise and vibration impacts to AMDA. However, beginning construction on the East Site, and then moving AMDA classrooms into empty retail shell space on the East Site while construction on the West Site commences would reduce these impacts. The Draft EIR provides no evidence that beginning construction on the East Site is infeasible, and the construction progression has no effect on whether the Project will meet the Project objectives identified in the Draft

EIR. Where a feasible project alternative, considerably different from others previously analyzed, would clearly lessen the significant environmental impacts of a project, but the project's proponents decline to adopt it, a Draft EIR must be recirculated. (State CEQA Guidelines, § 15088.5(a)(3).)

Response to Comment No. ORG 44-63

The comment asserts that the Draft EIR does not provide evidence the construction of the East Site first is not feasible and that the Draft EIR should include the commenter's preferred Alternative.

In Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, additional analysis is provided to present the East Site commencing construction first. As provided therein, no substantially different impacts would occur, and no new significant impacts would occur from construction of the East Site first compared to construction of the West Site first.

With regards to the Draft EIR's alternatives, the commenter is referred to Response to Comment Nos. IND 8I-53 and ORG 44-6.

Nonetheless, Project alternatives were selected to reduce impacts related to the scale of the Project, reduce duration of the construction phase, or reduce impacts related to the Project's residential/mixed use. Alternatives included Alternative 2, Development under Existing Zoning Alternative (representing reduced scale); Alternative 3: Reduced Maximum Height Alternative (representing reduced height and view effects); Alternative 4: Office, Hotel and Commercial Alternative (representing a change in the mix of uses); Alternative 5: Proposed Community Plan Update Compliant Alternative (representing less change in entitlement and consistency with the Community's current planning policies; Alternative 6: Above-Grade Parking Alternative (to reduce the scale of excavation); Alternative 7: Primarily Office Alternative (representing a change in the proposed use); and Alternative 8: Office, Residential and Commercial Alternative (representing a change in the proposed use). The purpose of these alternatives was to determine whether any of these could change the impacts of the Project with respect to CEQA threshold standards.

All Alternatives constructed within the Project Site would result in significant and unavoidable noise and vibration impacts, which are based on maximum construction activity. Any construction activities are concluded to exceed threshold standards. The comment does not identify specific harm to AMDA beyond that which would also be experienced during any construction activities on the West Site. The temporary relocation of AMDA into the Project's commercial uses also does not rise to the level of an Alternative but suggests a mitigation that would favor only one of the off-site impacted sensitive uses. A large component of the AMDA campus is located to the north of Yucca Street, and AMDA could have a recourse that would not be available to residents who would also be impacted by construction noise. AMDA is free to discuss any process that would provide relief from the Project's construction noise impacts. However, the Project's exclusion of this procedure as a Project Alternative does not mean that the Draft EIR does

not adequately evaluate a range of Alternatives to reduce the Project's impacts. As the Draft EIR evaluated a range of Alternatives consistent with the requirements of CEQA Guidelines Section 15088.5(a)(3), a recirculation of the Draft EIR is not warranted.

Comment No. ORG 44-64

III. CONCLUSION

Again, AMDA appreciates the opportunity to review and comment upon the proposed Project and Draft EIR. We are hopeful that AMDA's concerns can be addressed through the administrative process alone, and appreciate the City's careful consideration of the above issues. Should you have any questions concerning the contents of this letter, or the potential impacts of the proposed Project on AMDA, please reach out to discuss as soon as possible.

Response to Comment No. ORG 44-64

The comment concludes the commenters review of the Draft EIR and expresses the commenter's interest in an administrative process to address AMDA's concerns. As the comment does not identify any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 44-65

Exhibit A: City of Los Angeles Board of Building and Safety Commissioners, Notification for Mandatory Compliance with Seismic Retrofit Ordinance No. 183893, dated March 21, 2017.

Exhibit B: Corrected Appeal Transmittal to City Council from EMI Music North America and Jim H. McQuiston, dated March 1, 2008.

Exhibit C: Reuters, Proposed development near Capitol tower raises furor, June 22, 2008.

Response to Comment No. ORG 44-65

This comment provides exhibits that are referenced in the comment letter. Response to Comment No. ORG 44-34 addresses the concerns of the commenter regarding providing seismic retrofit to AMDA's buildings (Exhibit A). With the implementation of Mitigation Measure NOI-MM-4, no structural damage would be unmitigated and seismic retrofitting of AMDA's buildings would be necessary. The other exhibits comprise a 2008 appeal to City County by EMI and Jim H. McQuiston and a 2008 news article regarding the prior Millennium project, addressed under Response to Comment Nos. ORG 44-7, ORG 44-9, and ORG 44-10, above. The latter exhibits are not related to the Project or to the content or adequacy of the Draft EIR and, as such, no further response is warranted.

Comment Letter No. ORG 45

John Given, Vice President
The Federation of Hillside and Canyon Associations, Inc.
P.O. Box 27404
Los Angeles, CA 90027
Received June 1, 2020

Comment No. ORG 45-1

Attached please find a comment letter from the Federation of Hillside and Canyon Associations, Inc. regarding the above- captioned Hollywood Center project DEIR.

Please ensure a copy is placed in the project record and the Hillside Federation receives all notices associated with the project.

Response to Comment No. ORG 45-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. ORG 45-2 to ORG 45-11. A copy of this letter will be provided in Appendix A in this Final EIR. As requested, the commenter will receive all notices associated with the Project.

Comment No. ORG 45-2

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 homeowner and resident associations with approximately 250,000 constituents spanning the Santa Monica Mountains.

Response to Comment No. ORG 45-2

This comment provides an introduction to the commenter's organization, The Federation of Hillside and Canyon Associates, Inc. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 45-3

This letter supplements previous objections the Hillside Federation has already submitted to the record with respect to the City's stubborn refusal to use its broad discretion and common sense to extend the public comment period for the above-captioned Draft EIR for the Hollywood Center Project. In addition, this letter will serve to underline issues of great concern of several of our constituent member organizations, which we hope the City will adequately address. This letter is obviously not intended to serve as an exhaustive review and analysis of the project.

Indeed, because we have not had adequate time or ability to undertake our own detailed review of the project environmental document due to the COVID-19 pandemic, we

reserve our right to raise any issue or objection raised in any other submissions to the environmental record as if fully set forth herein.

We also note for the record that our and our members' communications with staff members of Council District 4 show CD4 staff have repeatedly deferred to Council District 13 staff, and presumably Councilmember O'Farrell, with respect to whether the public comment period should be extended. The City of Los Angeles is the lead agency for this project, not CD13 staff, and not Councilmember O'Farrell. We find it highly inappropriate for one Councilmember and his staff to be delegated such an important decision that will cause the City to significantly limit public participation during the highly unusual circumstance of the global COVID-19 pandemic we all are currently living through.

Moreover, there appears to be confusion by CD4 staff, and perhaps others, as to whether the City even has discretion to extend. Planner Nguyen has repeatedly asserted in responses to requests for extension that: "Per CEQA Guidelines Section 15105, the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances."[1] That states the general rule, but denies that our current circumstance is in any way unusual. But in an email between CD4 Field Deputy Madelynn Taras and Tom Davila, president of Outpost Neighborhood Association, Ms. Taras suggests that both her office and the office of Council District 13 are under the false impression that the City has limited discretion to extend the comment period and even that they have been directed by a state agency not to extend EIR review timeframes. Ms. Taras states:

> Given that CD13 is the lead office on this project our office will be deferring to them on the DEIR timeframe. I did speak to my counterpart at CD13 and he indicated that the **directives from the state Planning office is also not to extend EIR review timeframes** so that's what they'll be working off of.[2]

But there is no evidence that any state agency has so advised or directed the City not to extend this comment period, and such advice would be improper, given that the lead agency has broad discretion in these matters. This was made extremely clear in a communication the Hillside Federation already shared with the City regarding this project on Friday, May 29, 2020. Jeannie Lee, Chief Counsel of the Governor's Office of Planning and Research, the state agency charged with direct oversight of the California Environmental Quality Act. Ms. Lee wrote to the Hillside Federation to explain:

> We agree that public review of projects is an important part of the CEQA process. **CEQA provides a floor and not a ceiling for the deadlines for public review and comments.** Accordingly, **public agencies may use their discretion to extend the time for public review and comment.** We have included language on our website making that clear.[3]

Since the apparent basis for the City's refusal to extend the comment period appears to be based on the delegation of this decision to the Council District 13 office, and the CD13 office decision is apparently based on the legally specious premise that a state agency

directed the City that it could or should not extend the comment period here, as part of the City's responses to public comment in the Final EIR for this project we demand to know which Council District 13 staff member(s) received advice from a state agency directing it not to extend the period for review and comment, which agency issued the advice, and the specific language of the advice or directive received. It is nonsensical and outrageous that such a massive project, with a more than 12,000-page Draft EIR would not have a period for review and comment longer than 45 days.

Footnote 1: See, e.g., email from Mindy Nguyen to Mary Ledding, May 5, 2020, available at:
https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Admi
nistrative%20Record/Public%20Comments/Public%20Correspondence/20200511%201819%20 M.%20Ledding%20HC%20Request.pdf.

Footnote 2: See email exchange between and among Tom Davila (President Outpost Neighborhood Association), Madelynn Taras (CD4), and Marian Dodge, Chairperson of the Hillside Federation, May 31, 2020 and June 1, 2020, attached as an exhibit to this letter.

Footnote 3: The email from Ms. Lee is found in the Hillside Federation's May 29, 2020 submission.

Response to Comment No. ORG 45-3

The comment expresses opposition to the Project based on the City's decision to keep the public review period at 47 days and the Council District 4 staff's deferral to Council District 13. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review. As stated therein, the Draft EIR public review period began on April 16, 2020 and ended on June 1, 2020, which provided a review period that met requirements pursuant to CEQA Guidelines Section 15105(a). The public circulation period for the Draft EIR complied with the minimum 45 days required by CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State Clearinghouse for public review by State agencies. The decision for Council District 4's staff to defer to Council District 13's staff is not a CEQA issue and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. ORG 45-4

The remainder of this letter is intended to underline issues of concern raised by some of our member organizations and other community groups concerned about the obvious significant environmental impacts of this project.

Response to Comment No. ORG 45-4

Responses to the referenced letter are provided below in Response to Comment Nos. ORG 45-5 to ORG 45-11.

Comment No. ORG 45-5

Several member organizations and other community groups have expressed concern that the DEIR is inadequate in determining that impacts on police and fire services will not be significant. The Beachwood Canyon Neighborhood Association is extremely concerned, due to its proximity to brush and wildland areas of the eastern Santa Monica Mountains, that emergency response times will be negatively impacted by the project and current evacuation planning for their community will no longer be adequate due to the project. The DEIR does not adequately address those issue.

The submission made by United Neighborhoods for Los Angeles raises the concern that the population estimates used by the DEIR are not accurate. The City has variously used 165,000 and 300,000 as the population number for this part of the City. Any public services impacted by this broad discrepancy must be addressed in the Final EIR so that members of the public and City decision makers understand the significant project impacts to police, fire, and other services.

Response to Comment No. ORG 45-5

The comment expresses concern that the Draft EIR inadequately analyzed the Project's impact on public services (i.e., police and fire services). Fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Sections IV.K.1 and IV.K.2 of the Draft EIR concluded that impacts to fire and police services, respectively, would be less than significant.

In regard to emergency response, Section. IV.F, Section IV.F, *Hazards and Hazardous Materials*, analyzed whether the Project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As analyzed therein, these impacts would be less than significant. None of the streets adjacent to the Project Site are designated disaster routes or City-selected disaster routes. Further, as discussed on pages IV.K.1-17 and IV.K.1-18 in Section IV.K.1, *Fire Protection*, the Draft EIR included an evaluation of response distance and emergency access. As analyzed therein, despite the Project increase in traffic, the Project would not significantly impair the LAFD from responding in a timely manner to emergencies at the

Project Site or the surrounding area. In regard to increases in traffic in hillside areas, as part of the non-CEQA analysis in the Transportation Assessment (TA) in Appendix N-1 of the Draft EIR conducted in response to the City's Transportation Assessment Guidelines (TAG), the TA evaluated the potential for the Project to create excessive burdens on the residential street segments of Argyle Avenue, Vista Del Mar Avenue, and Carmen Avenue north of Franklin Avenue. With application of the City's evaluation criteria for residential streets, none of these streets were determined to be excessively burdened by the addition of Project traffic (see pages 109 through 127 of the TA). Also refer to Response to Comment No. ORG 40-6 above.

With regards to concerns over the populations estimates raised by United Neighborhoods for Los Angeles, refer to Response to Comment No. ORG 16B-4.

Comment No. ORG 45-6

Transportation planning for the project clearly raises potentially significant environmental impacts, and our affected members and other community organizations do not believe they are adequately addressed. There are several impacted intersections with significant impacts, on- and off-ramps to the 101 Freeway are significantly impacted, and as a traffic report submitted by KOA on behalf of our member Oaks Homeowners Association shows, there are at least two projects that were listed on the cumulative impact list for the DEIR whose contributions to the roadway analysis were apparently elided, causing that analysis to be insufficient. Beachwood Canyon Neighborhood Association has noted there is already parking overflow in the lower part of its canyon neighborhood from existing projects, and their local expert opinion is that this project will exacerbate parking demand and cause an even greater impact than at current. This will especially be true during the project construction period when it is unclear where temporary parking for the Capitol Records building and parking lot will be located. The DEIR should be revised to address these concerns.

Response to Comment No. ORG 45-6

The comment expresses opposition to the Project based on its potential to cause traffic impacts. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

The comment references a traffic report prepared by KOA that is provided in Comment Letter IND 8I. Responses to this attachment are provided in Response to Comment Nos. IND 8I-74 to IND 8I-78.

The comment also expresses opposition to the Project based on parking issues experienced in the surrounding community. The concern of CEQA is the effect of the Project on existing conditions, not to resolve existing conditions. It is noted in Chapter II, *Project Description,* of the Draft EIR, however, that the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required

by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. Development of the Project is not anticipated to worsen the existing conditions described in the comment. Furthermore, as the Project Site is located within a TPA, parking impacts would not be considered significant under CEQA.

Comment No. ORG 45-7

Many of our member organizations are understandably concerned that the City is repeating the catastrophic mistake of allowing residential and other structures to be built directly atop an existing earthquake fault with this new project iteration. We believe the information provided in the DEIR regarding this issue is inadequate to conclude that it is safe to allow construction of massive buildings atop the fault zone. Since the previous project at this site by the same developer should be considered as part of the record of this case, we draw your attention to any and all objections made with respect to the earthquake fault zone issue in that record, and also to any comments that may be submitted by others on this topic now.

Response to Comment No. ORG 45-7

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D of the Draft EIR concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. ORG 45-8

Several of our members raised the concern that the environmental documents shared with the public are corrupted and illegible and they have therefore been unable to understand the record sufficient to make intelligible comments. In particular, we note that all of the plates in the Appendix G-1 related to project-site Geology are corrupted and unclear. On this basis alone, the DEIR must be corrected and recirculated since the earthquake issue above relies heavily on this appendix.

Response to Comment No. ORG 45-8

This comment states that a full and complete Draft EIR was not released to the public as some of the figures in Appendix G included square boxes. Refer to Response to Comment No. 8H-3, which addresses this comment.

Comment No. ORG 45-9

We also note that the project is not consistent with the Hollywood Community Plan. It requests an almost 7:1 Floor Area Ratio, when the local planning permits at most a 6:1 ratio. Some members have expressed concern that the calculations used to determine the actual Floor Area Ratio do not comply with normal City procedures. The DEIR should make the process by which it determined the FAR clear, and it should conform precisely to required City procedures.

In addition, member organizations have pointed out that the D Limitations currently imposed at the site are being improperly removed, since they were put in place as an environmental mitigation. This may require further study and consideration by the City in a revised DEIR to ensure the City and applicant are complying with all legal requirements.

Response to Comment No. ORG 45-9

This comment asserts that the Project is not consistent with the Hollywood Community Plan by requesting an almost 7:1 FAR and that the removal of the "D" Limitation is improper since the commenter asserts that it was put in place as an environmental mitigation. With regards to the Project's FAR, the commenter is referred to Topical Response No. 5 – Land Use and Planning, which explains the Project's requested entitlements to obtain the proposed FAR. As discussed, therein, the Project would be allowed to exceed 6:1 FAR under the previously requested affordable housing incentive pursuant to LAMC Section 11.5.11(e), described throughout Chapter II, of the Draft EIR, with the provision of a minimum of 11 percent Very Low Income residential units. The Project Applicant has revised the request for the proposed Zone and Height District Change to allow, under a Measure JJJ concession pursuant to LAMC Section 11.5.11(e), an FAR increase up to 7:1, as presented in Chapter II, Project Description, of the Draft EIR, to a Density Bonus Compliance Review pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. With the inclusion of at least 10 percent of the units for Very Low Income households, the Project Applicant is entitled to two incentives and the Waiver of Development Standards.[103] However, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11

[103] Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled.

percent of the units as Very-Low Income to be eligible for the 35 percent FAR increase On-Menu Incentive.

Pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. In addition, the Project's updated list of entitlements includes removal of the CUP for a Unified Development and, instead, requests approval of a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, with an Off-Menu Incentive to allow FAR and density averaging across the Project Site. With regard to the assertion that the "D" Limitation is an environmental mitigation measure, the commenter is referred to Response to Comment No. IND 8I-31, which explains that neither the Hollywood Community Plan nor the Hollywood Redevelopment Plan identify the "D" Limitation as a CEQA mitigation measure.

Comment No. ORG 45-10

Based on all of the above and on review of several submissions to the project and the project DEIR, it is our conclusion that it is premature for the environmental process to move forward toward a Final EIR while there are so many significant procedural concerns and where additional public comment at this early stage would provide for a better decision making process. The Draft EIR should be revised and re-circulated taking into account the many concerns raised above as well as those raised in other submissions. Such an approach would be more consistent with the highest standards of public participation in the environmental review process than the rushed review and comment period that has been provided to this point.

Thank you for the opportunity to comment.

Response to Comment No. ORG 45-10

This concluding comment is noted. Refer to Response to Comment Nos. ORG 45-3 to ORG 45-9 for responses to address the issues raised in this comment. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. ORG 45-11

Attachment: Email between the commenter and OPR regarding public comment deadlines, dated May 27, 2020. Email between the commenter and Councilmember David Ryu, dated May 31, 2020 and June 1, 2020.

Response to Comment No. ORG 45-11

This comment provides an attachment that is referenced in Comment No. IND 45-3. Response to Comment No. IND 45-3, as well as the detailed discussion in Topical 1 –

Public Participation and Review, address the contents of this attachment. As such, no further response is warranted.

Comment Letter No. FORM 1 – General Support Letter

Nash Tennant (Received May 7, 2020)
Jono Hart (Received May 12, 2020)
Jonathan Ducrest (Received May 12, 2020)
Sean Leffers (Received May 13, 2020)
Joseph Gharib (Received May 14, 2020)
Mario Alvare (Received May 14, 2020)
Steven Durbahn (Received May 14, 2020)
B Long (Received May 15, 2020)
Michael Popwell (Received May 15, 2020)
Giulia Zammit (Received May 15, 2020)
Tim Kring (Received May 17, 2020)
Robert Soderstrom (Received May 17, 2020)
Mikhail Tsipis (Received May 18, 2020)
Frank Nemceff (Received May 19, 2020)
Crissi Avila (Received May 19, 2020)
Joshua Saidoff (Received May 21, 2020)
Eileen Kim (Received May 22, 2020)
Todd Warner (Received May 22, 2020)
Stephanie Kamari (Received May 25, 2020)
Anne Marie Otey (Received May 25, 2020)
Benjamin Birnbaum (Received May 25, 2020)
Tom Donohue (Received May 26, 2020)
Mark Bobrosky (Received May 26, 2020)
Caprice Young (Received May 26, 2020)
Terri Tilton (Received May 26, 2020)
Maydia Luben (Received May 26, 2020)
Touran Saed (Received May 26, 2020)
Brandi Orton (Received May 27, 2020)
Dante Alencastre (Received May 27, 2020)
Barbara Meltzer (Received May 27, 2020)
Alycia Rosenberg (Received May 27, 2020)
Adria Navarro (Received May 28, 2020)
Brandon Nuckelt (Received May 28, 2020)
Donna Grayson (Received May 28, 2020)
Dylan Tucker (Received May 28, 2020)
Jack Sojka (Received on May 28, 2020)
Janet Heinritz-Canterbury (Received May 28, 2020)
John Woo (Received May 28, 2020)
Judy Radachy (Received May 28, 2020)
Kiera Pollock (Received May 28, 2020)
Marla Luben (Received May 28, 2020)
Marva Murphy (Received May 28, 2020)
Micki Nozaki (Received May 28, 2020)

Mynor Rosales (Received May 28, 2020)
Ron Radachy (Received May 28, 2020)
Samuel Thomas (Received May 28, 2020)
Stanley Johnson (Received May 28, 2020)
Theresa Park (Received May 28, 2020)
Angus Sutherland (Received May 28, 2020)
Brett King (Received May 28, 2020)
Coles Johnson (Received May 28, 2020)
Jeremy Lehrer Graiwer (Received May 28, 2020)
Kadee Rosales (Received May 28, 2020)
Kevin Jobe (Received May 28, 2020)
LC Blair (Received May 28, 2020)
Lisa Sterrett (Received May 28, 2020)
Mariel Lacina (Received May 28, 2020)
Marina Krasnow (Received May 28, 2020)
Michael Cornejo (Received May 28, 2020)
Michael Doyle (Received May 28, 2020)
Paula Zinnemann (Received May 28, 2020)
Roberto Gonzalez (Received May 28, 2020)
William Raleigh (Received May 28, 2020)
Bryan Graybill (Received May 29, 2020)
Alek Friedman (Received May 29, 2020)
Ellen Greenman (Received May 29, 2020)
Farham Allyev (Received May 29, 2020)
George Reyes (Received May 29, 2020)
James Carmicle (Received May 29, 2020)
Martha Palacios (Received May 29, 2020)
Rohan Abeckett (Received May 29, 2020)
Timothy Grubbs (Received May 29, 2020)
Duke Gallagher (Received May 29, 2020)

This comment letter, with some non-substantive variations, was submitted by the individuals listed above. Copies of the individual letters are included in Appendix A in this Final EIR.

Comment No. FORM 1-1

I am writing today to support the proposed Hollywood Center project. After reviewing the proposal and its Draft Environmental Impact Report, I'm convinced that this project will address the needs of Los Angeles all while minimizing impacts and providing a beautiful, architecturally significant centerpiece for the Hollywood community.

Most importantly, this project is providing a game-changing amount of both market-rate and rent-restricted affordable housing for our community. Los Angeles has proven itself a world-class city time and again, and more people will continue to want to call Los

Angeles home. The best way to address the persistent housing shortage that afflicts not just the Los Angeles region, but the entire state of California is to build more housing. This project does that, and most importantly it does that with inclusionary housing that will be set aside for very low- and extremely low-income seniors. At 133 units and over 15% of the project, both the number and percentage of these affordable units set a new standard for developments in Los Angeles. The commitment this project makes to our at-risk seniors is exemplary.

By certifying Hollywood Center as an Environmental Leadership Development Project, our Governor has ensured that we will be getting the greenest possible project. The criteria for ELDP status are stringent and guarantee that this project will have no net new greenhouse gas emissions. Sustainable development is the responsible way to plan for our future. And from an environmental perspective, the location of this project steps away from the Hollywood/Vine subway is exactly where we want new housing to be built. If we want to reduce our carbon footprint, reducing driving is the only way to bring about real change. We need more projects like this in the areas of the City well-served by transit. The commitments made by Hollywood Center to build green and build sustainability represent the gold-standard in green building.

The over $1 billion in economic investment for Hollywood represents one of the largest private investments for the area. Thousands of prevailing wage jobs will be created, both during construction and once the project opens. Especially now, investment in our community is vital to creating jobs. And with unemployment increasing at historically high rates, these jobs are sorely needed. It was recently reported that less than half of Los Angeles County residents currently have jobs, with that number continuing to grow. Hollywood Center's positive impacts on job creation will make a meaningful difference for thousands of Angelenos currently out of work.

I support the project in general but am particularly excited about the following features:

SITE IMPROVEMENT:

The plans for the Hollywood Center project represent an incredible upgrade for the property. All that exists at the site today are surface parking lots. With this proposal comes incredible offerings that will create more positive impacts on Hollywood than any proposal to date. Residential living will be provided for various income levels. Beautiful architecture will complement and enhance the Capitol Records building. Commercial offerings will populate the ground floor, offering neighborhood-serving restaurants and stores. And the community will get nearly one-acre of open space designed by the landscape architects responsible for the High Line in New York City.

BICYCLE INFRASTRUCTURE:

I appreciate that this project is truly committed to transforming Los Angeles into a bike-friendly City. We have perfect weather and mostly flat ground, there is no reason LA cannot be a great place to ride your bike. Sadly that is not the current state of things, but

with projects like this that focus on bicycle infrastructure and cater to the needs of commuting cyclists, we can achieve a new cycling reality in LA where a car is not necessary.

HISTORIC PRESERVATION:

Capitol Records is one of the most iconic buildings in all of Los Angeles, if not the world. By making the Capitol Records Building the focal point of the project, Hollywood Center meshes old and new seamlessly. This is how historic preservation should be done – the old being preserved and honored, and the new giving respect to the old while at the same time boasting an elegance in and of itself.

PEDESTRIAN ACTIVATION

At street level, Hollywood Center calls for 30,000 square feet of shops and restaurants, linked by a pedestrian paseo running east to west between Argyle Avenue and Vine Street. Combined with the revisioning of Hollywood Boulevard, the project's ample public space will create a walkable Hollywood, one that offers a pedestrian-friendly experience for locals and visitors alike. Additionally, this public space will be designed by the Field Operations, the same landscape designers who created the High Line in Manhattan. This space represents a commitment to Hollywood's pedestrian experience while simultaneously incorporating future elements of the Walk of Fame Master Plan.

Overall, Hollywood Center is an exemplary project. I support Hollywood Center, and I urge you to move this project forward without any delay.

Response to Comment No. FORM 1-1

The comment expresses support for the Project. However, the comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. FORM 2 – Support Letter

Personal Assistance Services Council (Received May 12, 2020)

Steven P. Wallace, Ph.D. (Received May 18, 2020)
Aging Next (Received May 13, 2020)
LA Care Health Plan (Received May 29, 2020)
Skid Row Housing Trust (Received May 29, 2020)

This comment letter, with some minor non-substantive comment variations, was submitted by the individuals listed above. Copies of the individual letters are included in Appendix A in this Final EIR.

Comment No. FORM 2-1

I am writing to express my support for the proposed Hollywood Center Project.

As a certified Environmental Leadership Development Project (ELDP), Hollywood Center has committed to building a project that is carbon net-neutral both during construction and through operation. Hollywood Center will qualify as a LEED Gold project by providing environmentally sustainable design. Located 600 feet from the Hollywood and Vine Red Line station, the project is able to build around the use of mass transit, allowing residents, locals and visitors the opportunity to access Hollywood and other parts of Los Angeles without the need for an automobile.

Most important, this project speaks to the city's paramount needs including the need for jobs and housing, especially affordable housing for older adults. Average monthly income from Social Security alone puts most seniors very close to the federal individual poverty level. Even the maximum benefit -- which is very difficult to obtain -- nets an annual income that is far below the cost of a decent living in many larger cities.

The World Health Organization has identified Eight Domains of Livability that influence the quality of life for older adults. These domains include: Outdoor Spaces and Buildings, Transportation, Housing, Social Participation, Respect and Social Inclusion, Civic Participation and Employment, Communication and Information, Community and Health Services.

Hollywood Center would provide older adults with access to these domains, by allowing future residents the opportunity to live in a vibrant community that provides access to essential resources such as convenient transportation options, well-designed pedestrian experiences, and access to world class healthcare all within a short subway ride from their home.

Hollywood's future residents will depend on this project. Just because they are not here now, we cannot ignore their voice. We must not continue to think that the Los Angeles planning of old will be the answer for the problems we will face tomorrow, or even now.

For these reasons I support Hollywood Center, and I urge you to move this project forward without any delay.

Response to Comment No. FORM 2-1

The comment expresses support for the Project. However, the comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. FORM 3 – General Opposition Letter

Maria Margarita Chon (Received May 28, 2020)
Adam Bregman (Received May 28, 2020)
Joanna MacIver (Received May 28, 2020)
Kevin Hryciw (Received May 29, 2020)
David E. Gordon (Received May 30, 2020)
Price Arana (Received May 30, 2020)
Danny Sherman (Received May 31, 2020)
Francesca Paige (Received May 31, 2020)
Blumes Tracy (Received May 31, 2020)
Riki Lindhome (Received May 31, 2020)
Mackenzie Goodspeed (Received May 31, 2020)
Peter Varano (Received June 1, 2020)
Zaman Nourafchan (Received June 1, 2020)
Catherine Collinson (Received June 1, 2020)
Maureen Toth (Received June 3, 2020)
Nathan Hope (Received June 3, 2020)

This comment letter, with some non-substantive variations, was submitted by the individuals listed above. Copies of the individual letters are included in Appendix A in this Final EIR.

Comment No. FORM 3-1

I am a [resident/homeowner] at the Broadway Hollywood Building Stakeholder and Historic Resource: The building and sign are a LA Historical-Cultural Monument and the building is a contributor to the Hollywood Blvd Commercial and Entertainment District with its primary entrance now located at 1645 Vine Street, at the corner of Hollywood Blvd. The building is identified in the EIR as: 6300 Hollywood Boulevard (B.H. Dyas Department Store Building/Broadway Department Store), Map No. B.12.

Response to Comment No. FORM 3-1

This introductory comment includes reference to the residents' building as a City Historical-Cultural Monument and a contributor to the Hollywood Boulevard Commercial and Entertainment District, which was identified and evaluated in the Draft EIR as 6300 Hollywood Boulevard (B.H. Dyas Department Store Building/Broadway Department Store), Map No. B.12. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND FORM 3-2

I am shocked that the EIR was released on April 15, in the middle of a pandemic, with only a 45-day comment period. To expect me to review a 1500-page document in the middle of a Shelter at Home order that has completely disrupted my daily life is clearly inappropriate. My review has necessarily been limited by this administrative failure.

Response to Comment No. IND FORM 3-2

The comment objects to the timing of the 47-day Draft EIR public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

Comment No. IND FORM 3-3

The EIR fails to adequately examine the very negative aesthetic impact of the Hollywood Center. Its two gigantic skyscrapers irreversibly damage the integrated visual look of the Hollywood area from whatever direction you look. Additionally, an iconic feature of Hollywood is the Broadway Hollywood sign, which can be viewed by cars on the 101 Freeway as they enter Hollywood. This view will be lost. The aesthetic damage is equally severe at the Broadway Hollywood (and neighboring buildings), since the Hollywood Center will block views of such Hollywood landmarks as the Hollywood Sign and the Griffith Park Observatory, diminishing the aesthetic and cultural significance of the building.

Response to Comment No. IND FORM 3-3

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community, and its negative aesthetic impact, including blocking views of the B.H. Dyas Department Store Building/Broadway Department Store (Broadway Hollywood Building) and sign, neighboring buildings, and the Hollywood Sign and Griffith Park Observatory, while diminishing the aesthetic and cultural significance of the building. Aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. Specifically, potential effects on views of the Broadway Hollywood Building sign and views to the Hollywood Sign were evaluated on page IV.A-42 and shown in Figure IV.A-14, Key View 8 - Existing and Simulated Views of the Project Site from Just West of the Intersection of Sunset Boulevard and Ivar Avenue, on page IV.A-44 in Section IV.A, *Aesthetics,* of the Draft EIR. As further described in the analysis, the rooftop Broadway Hollywood Building sign is shown in the foreground of the Project Site in Figure IV.A-14, and, as such, the Project would be a background feature with respect to this and other signage along Hollywood Boulevard and would not reduce the importance of any signs as contributors to the aesthetic character of the Hollywood Boulevard Commercial and Entertainment District.

Regarding views from the US-101 and of the Broadway Hollywood Building sign, see page IV.A-36 of the Draft EIR, which discusses east and westbound views from the freeway of areas of Hollywood in and around the Project Site. Although effects on views of more prominent features, such as the Capitol Records Building and the Knickerbocker Building rooftop sign are the primary focus of the discussion, visual effects on the Broadway Hollywood Building sign are expected to be similar but less affected by the

Project. As stated in the analysis, the limited and transient nature of view blockage associated with the Knickerbocker Building rooftop sign and the view corridor that would highlight views of the Capitol Records Building, the Project as viewed from this location would not substantially block focal views of the Capitol Records Building or other scenic features in the urban setting. Therefore, the Project would also not substantially block focal views of the Broadway Hollywood Building sign. Accordingly, impacts to views of the Broadway Hollywood building and sign from US-101 and other vantage points would be less than significant.

Regarding views of the Hollywood Sign, as discussed on page IV.A-58, because the street corridors with views toward the Project Site do not include prominent or significant views of the Hollywood Sign, the Project would not have the potential to substantially block any significant existing views of the Hollywood Sign. Further, and as also applicable to views of the Griffith Park Observatory, with limited available views of the Hollywood Hills through nearby street corridors or across the Project Site, the Project would not block any significant existing views of the Hollywood Hills through street corridors. Regarding view concerns pertaining to views from private residences, as stated on page IV.A-26, the focus of the view analysis is on views from public vantage points, which is consistent with CEQA and City practice. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[104]

Regarding effects on the cultural significance of the Broadway Hollywood Building and other buildings within the Hollywood Boulevard Commercial and Entertainment District, because of the Project's proximity to the District, potential impacts were evaluated in Draft EIR Section IV.C, *Cultural Resources*, and in the Historical Resources Technical Report, provided in Appendix F of the Draft EIR. As shown in Figure IV.C-1 on page IV.C-14, in Section IV.C, *Cultural Resources*, of the Draft EIR, and as shown in Figure C, on page 111 of the Historical Resources Technical Report included in Appendix F of the Draft EIR, the Project Site is not located within a designated or identified historic district. However, the potential for indirect impacts on the Hollywood Boulevard Commercial and Entertainment District—including effects associated with building heights and integrity, including potential impacts to Broadway Hollywood Building — were fully evaluated in the Draft EIR. See pages IV.C-71, and pages IVC-77 through IVC-79 in Section IV.C, *Cultural Resources*, of the Draft EIR, and pages 122 through 125, in Appendix F, of the Draft EIR. The analyses provided therein stated in part that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building

[104] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also states that features important to the significance of the District are largely contained within and are best experienced within the District and that new construction associated with the Project would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced. Therefore, the Project would not affect the cultural significance of the Broadway Hollywood Building and other buildings within the Hollywood Boulevard Commercial and Entertainment District.

See also Topical Response No. 4 – Aesthetics, and Topical Response No. 6 – Historical Resources, above.

Comment No. IND FORM 3-4

Perhaps most importantly, the EIR is completely deficient in its conclusion that the Hollywood Center will have no significant transportation impact. Before the pandemic traffic was jammed at the Hollywood/Vine intersection. This has been exacerbated by the recent installation of a four-way walk sign (which was not taken into account in the EIR). Traffic will be even worse in future years since diminished ridership on public transportation will result from concerns over the spreading of infectious diseases in crowded spaces. Neither of these factors is considered in the EIR.

The Broadway Hollywood will be particularly negatively impacted because its only entrance is a narrow alley that can be entered only by going south on Vine past Hollywood Blvd and then turning right. The increase in traffic at the Hollywood/Vine intersection will make it even more difficult to enter our building.

Notwithstanding this, the EIR reaches the ridiculous conclusion that the Hollywood Center Project will result in no increased traffic. I am shocked by this conclusion and request that the traffic study by redone appropriately.

Response to Comment No. IND FORM 3-4

The comment expresses general opposition to the Project based on its potential to cause traffic impacts and asserts that the Project's traffic at the Hollywood/Vine intersection will make it more difficult to enter the Broadway Hollywood Boulevard building. However, the Project would not change the direct access to the Broadway Hollywood Building. In addition, the Draft EIR does not state or imply "that that the Hollywood Center Project will result in no increased traffic." Draft EIR Section IV.L, *Transportation*, Subsection 3(b)(2) makes clear that the methodology used to address traffic impacts as they relate to Vehicle Miles Traveled (VMT), the quantitative metric used to asses traffic impacts, accounts for the Project's daily trips as a component of the VMT Calculator. Accordingly, the Project would increase traffic trips compared to existing on-site conditions; however, based on the City's CEQA Transportation Thresholds as shown on page IV.L-19 of the Draft EIR, transportation impacts would be less than significant. See also see Topical Response

No. 2 – Transportation and Traffic, above, for additional details on the transportation impact analysis and findings in the Draft EIR.

The comment states that the Transportation Assessment contained in Appendix N-1 to the Draft EIR did not consider the diagonal "scramble" crosswalk. In regards to the scramble phase and no right turn on red signing implemented by the City at the Hollywood Boulevard/Vine Street intersection, the Critical Movement Analysis (CMA) methodology and intersection analysis sheets that contain the analysis results do not have an input that allows for the selection of a scramble phase. However, to account for observed conditions at this location, the minimum intersection capacity allowed by the CMA methodology was decreased and the level of service (LOS) tables accurately identify this as a location that is operating at a LOS F due to congestion in the area. As acknowledged in the comment, this pertains to the level of service analysis, which is not a CEQA metric used to determine significant transportation impacts. In regards to the Project increasing congestion, the Transportation Assessment in Appendix N-1 of the Draft EIR acknowledged that over-capacity conditions and poor levels of service are anticipated at this intersection both without and with the Project and that the projected V/C ratios would be increased with the Project, indicating additional congestion. For additional detail regarding analysis of the "scramble" crossing at the Hollywood/Vine intersection please see Response to Comment No. IND 8I-67.

The comment also states that the traffic analysis did not account for the effects of COVID-19 and the potential for diminished use of public transportation. However, CEQA does not require analysis of speculative conditions related to the potential for diminished use of public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on traffic conditions, particularly the public's use of public transit during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND FORM 3-5

Finally, the EIR notes that the Hollywood Center may take up to six years to build. This will clearly result in major traffic disruption for a long period. This factor by itself demands that the utmost scrutiny be given to the project before it disrupts Hollywood for the better part of a decade. It is clear to me that such scrutiny has not occurred.

Response to Comment No. IND FORM 3-5

The comment expresses opposition to the Project based on potential for traffic disruption over a six-year period. Regarding the duration of construction for the Project, see pages II-70 through II-74, in Chapter II, Project Description, of the Draft EIR. As stated therein, the duration of construction would range from 4.5 years with concurrent construction on both the East Site and West Site, to under approximately seven years if they are constructed in sequence. See also Topical Response No. 2 – Transportation and Traffic, above, for details on construction management features and plans to be implemented during Project construction that would minimize traffic disruption to the local circulation network.

Comment Letter No. IND 1

Deborah Brosseau
2135 Ivar Avenue, Apt. 5
Los Angeles, CA 90068
Received April 16, 2020

Comment No. IND 1-1

I vehemently oppose this project in its entirety. Hollywood is already overdeveloped, and lacking the social infrastructure for residents in particular to live safely and conveniently in this area. This project not only does not add necessities to Hollywood residents, but it actually creates further barriers to quality of life.

We don't need another hotel. In light of the new world that well is ushering in, travel will change. We already have sufficient, if not too many, hotel rooms. This does not in any meaningful way assist our homeless crisis but providing legitimately affordable units for an appreciated amount of people.

Social space will be entirely different in light of C-19. This proposal creates space that will be dangerous and then likely unused.

Response to Comment No. IND 1-1

The commenter expresses opposition to the Project generally indicating that Hollywood is already overdeveloped, lacks the social infrastructure for residents in particular to live safely and conveniently in this area, and that hotel uses are not needed. Further, the commenter asserts that the Project would create space that will be dangerous and then likely unused. The comment does not provide any specific facts and, therefore, no substantial evidence, to support these claims; and does not raise any issues with respect to the content and adequacy of the Draft EIR. Therefore, no further response is warranted. However, it should be noted that, as discussed in Chapter 1, *Introduction,* in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project.

Comment No. IND 1-2

It's on a fault line. It's unconscionably irresponsible to build here.

Response to Comment No. IND 1-2

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 1-3

In general, it will destroy the impact of one of Hollywood's few remaining cultural touchstones: the Capitol Records building.

Response to Comment No. IND 1-3

While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame, and indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to some adjacent historic resources if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment No. IND 1-4

Visual blight – we've had enough.

Response to Comment No. IND 1-4

While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 1-5

This project takes and doesn't give to our community. I can't hate it more.

Response to Comment No. IND 1-5

This comment expresses general opposition to the Project but does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 2

Kent Beyda
Received April 16, 2020

Comment No. IND 2-1

Thanks for keeping everyone in the loop. I strenuously object to this project and see it as merely an opportunity for the developers to make a huge profit. I feel the size of the project is way out of scale for Hollywood. Who else should I contact with comments? Are you gathering these emails as part of the comments process?

Response to Comment No. IND 2-1

In regard to the commenter's question on contact information, the Department of City Planning will be collecting and responding to all comments received on the Draft EIR as part of the Final EIR.

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment Letter No. IND 3

Tony Kellam
Received April 16, 2020

Comment No. IND 3-1

I am a concerned neighbor of this proposed massive building project. We have an ugly tent city underneath Gower Pass that the City doesn't give a shit about. Sorry for this language, but it's so damn dangerous and filthy there—most women I know are scared to walk by. This is mere meters from this bldg site. I am worried your project will just push even more homeless towards this site. Ble4eding *[sic]* heart liberals I know are a lot less bleeding heart now; everyone is upset with public leadership. Leadership? Where?

The police do nothing, the mayor –who is really hated more and more across the city in part due to this stuff that doesn't get address— and the council people also do nothing. We have crazy people wandering around our apartment spaces and breaking into our cars and yesterday one crazy dude was threatening neighbors with a 6 foot pole—he hit one woman w *[sic]* this and threatened a man. Police finally picked this guy up and after MANY calls.

Two nights ago, a crazy asshole homeless woman was singing outside of our apt at 3-4am—probably just waiting for someone to come out and engage her (or give her a Hollywood contract).

Once again City builds stuff and homeless get pushed out and into residential areas that have been paying taxes for decades—but not as much money as these corporate massive projects bring in I guess.

Can you all provide a hotline or something since *[sic]* once this starts….. ?

Response to Comment No. IND 3-1

The comment expresses concern about the potential for the Project to cause homeless people to move into nearby residential areas. While the comment includes examples of various acts and behavior witnessed by the commenter, homeless-related concerns in relation to the Project would be speculative. Furthermore, as stated in the CEQA Guidelines, Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR.

This comment also inquires about the availability of a hotline once construction and/or operation of the Project commences. During Project construction, the Project would implement Project Design Feature TRAF-PDF-2 (Construction Traffic Management Plan) as described on pages IV.L-28 and -29 of Section IV.L, *Transportation,* of the Draft EIR. The Construction Management Plan (CMP) would formalize how construction will be carried out and identify specific actions that will be required to reduce effects on the

surrounding community. As part of implementation of the CMP, construction management meetings with City Staff and other construction-related project representatives (i.e., construction contractors) will be conducted bimonthly, or as otherwise determined appropriate by City Staff. At this time, City Staff will identify a point of contact for the Project's construction. This information can be provided to the public, as requested.

During Project operation, as discussed in Chapter II, *Project Description* (see page II-68), of the Draft EIR, the Project would incorporate a security program to ensure the safety of Project residents, employees, and visitors. As part of the program, security would include provision of 24-hour video surveillance and full-time security personnel. Specifically, as provided in Project Design Feature POL-PDF-2, the Project will incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services.

Comment No. IND 3-2

Yes please add those in. Of course we call 311 sand *[sic]* these other numbers. It must be the policy of the current admin to do NOTHING about homeless tent cities (some imply it's a Dem *[sic]* city sanctuary thing I dunno about that angle, but many folks are very fed up). God Bless some of them, but homeless can be outside or be in parks but I get a ticket if I do this LOL.

311 gets called and eventually cleaners come the people drag their stuff away and come right back, so its *[sic]* like a maid service for them. Nobody I know walks by there now. Sigh.

To me the homeless tent cities began in earnest in Hwood *[sic]* areas when the big construction projects began—3-5 years ago.

Response to Comment No. IND 3-2

This comment confirms that the commenter would like their prior comment, provided in Comment No. IND 3-1, to be submitted as an official public comment on the Draft EIR. The comment was received and included as part of the record for the Project.

This comment provides additional feedback on non-CEQA related homeless issues, which is discussed in Response to Comment No. IND 3-1. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 4

Alek Friedman
Urban Development/Smart Growth
Beautification Team Committee Member
Central Hollywood Neighborhood Council
Received April 17, 2020

Comment No. IND 4-1

Thank you for informing me about this completed DEIR, ref. project # ENV-2018-2116-EIR.

I am a nearby resident, living just within walking distance of the jobsite, and would like to express my full **SUPPORT** for the project. I like the height of the project, as well as the contemporary design; this project would set a great precedent for similar future projects, which should help bringing Hollywood up to the 21st century standards. The project should also help transforming the blighted spots (currently still in existence in the area) to the family-friendly, safe, upscale environment. The development will also bring many much needed jobs to the area,

As to the environmental impacts: in my opinion, the impacts would be insignificant --when considering the tremendous benefits the project will bring.

Response to Comment No. IND 4-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 4-2

I do have one suggestion: the developer should implement decorative sidewalks / pavers onto all sidewalks adjacent to the new development. In order to promote walkability and improve the aesthetics of a new development, a major improvement to our sidewalks is needed. I'm sure you agree, Los Angeles overall -- and Hollywood in particular -- severely lacks sidewalk aesthetics (and thus, affecting our walkability), since most of the sidewalks in L.A. are comprise of just plain, naked concrete; which makes Los Angeles appear as one massive "Concrete Jungle". Therefore, each new development is strongly encouraged to install decorative sidewalks / pavers.

Response to Comment No. IND 4-2

The commenter provides a suggestion to implement decorative sidewalks/pavers onto the sidewalks adjacent to the new development and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 4-3

Thank you for accepting my comments.

I look forward to the full endorsement of this much needed project!

Response to Comment No. IND 4-3

The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 5

Laura Dupuis
Received April 16, 2020

Comment No. IND 5-1

Does this document address the increase in population density and therefor *[sic]* the increased need for traffic related improvements? If not where is that being addressed by the city? It may well be there. I have never read one of these documents before and it is quite long.

The streets in Hollywood have never been improved for the current traffic conditions much less for the future additional needs. In addition this area is already a traffic nightmare due to the choke points of the onramps to the Hollywood freeway thru the Cahuenga pass in the evening rush hour traffic.

Response to Comment No. IND 5-1

The comment inquires whether the Draft EIR addresses the Project's increase in population density and the need for traffic-related improvements. The Draft EIR addressed population and housing impacts in Section IV.J, *Population and Housing*. As analyzed therein, population and housing impacts would be less than significant under the Project, in that the Project would not induce substantial unplanned population growth to the area (based on the Southern California Association of Governments' [SCAG] adopted 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy [2016-2040 RTP/SCS]), either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

The comment expresses a general opinion about existing traffic conditions due to the choke points of the onramps to the Hollywood freeway through the Cahuenga pass in the evening rush hour traffic. The comment also states that the streets in Hollywood have never been improved for the current traffic conditions, much less for the future additional needs. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Also, the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of

Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also, refer to Response to Comment No. ORG 2-7 which discusses a recent meeting on July 1, 2020 between the City Department of Planning and Caltrans. As discussed therein, Caltrans' concerns were non-CEQA concerns and Caltrans did not raise any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 5-2

Yes the project is being built near the Metro station but anyone who believes that the people who can afford to rent those apartments will be "taking the metro" is either misinformed or incompetent.

Response to Comment No. IND 5-2

The opinion in this comment states that people who would be living in the Project would not take the Metro. The comment does not provide any facts and, therefore, no substantial evidence, to support this claim; and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 5-3

Hi Mindy,

Available today if you have time 213-220=*[sic]*1128. Also where can I voice my opposition to this project? Just saw a picture and I now recall this project. It is out of scale to the area, too tall, it is wholly inconsistent with the neighborhood architecture, it does not fit. This project is an absolute no. And I would add funny how they have the option of converting part of the residential to a hotel which then significantly decreases the number of affordable rental units being offered. This project is of benefit no one other than the developer who will make a lot of money at the expense of the neighborhood residents.

Response to Comment No. IND 5-3

This comment expresses general opposition to the Project based on scale, height, and inconsistency with neighborhood architecture. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Also, as discussed in Chapter I, *Introduction,* of the Draft EIR, upon the close of the public review period, the City would proceed to evaluate and prepare responses to all relevant comments received from public agencies and other interested parties during the public review period. In addition, see Topical Response No. 1 – Public Participation and Review, above, for a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

This comment includes general concerns regarding insufficient water supply, the problematic sewer system, worsened traffic, and building near faults. The comment does not provide any facts and, therefore, no substantial evidence, to support these claims; and does not raise any issues with respect to the content and adequacy of the Draft EIR.

The Project's impacts on wastewater and water supply were analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, of the Draft EIR. As analyzed within both sections, the Project would result in less-than-significant impacts on wastewater facilities and water supply.

In regard to wastewater, as stated on page IV.N.1-13 in Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment (WSA), as required by Senate Bill (SB) 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Therefore, there would be sufficient water supplies available to service the Project.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant

transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Additionally, the commenter states that people who would be living in the Project would not take available public transportation. However, the comment does not provide any specific facts and, therefore, no substantial evidence, to support this claim; and does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 6

William Bergmann
1701 N. Orange Grove Avenue
Hollywood, CA 90046
Received April 17, 2020

Comment No. IND 6-1

I want to put my 2 cents in for this project. As a 35 year resident of Hollywood I've seen dramatic proposals come and go, and am involved with one myself aimed to memorialize California's contribution to world culture as the center of the creative universe.

I've followed this from the beginning and compliment the developers for their patience and fortitude while facing the classic NIMBY challenges always present.

Much progress has been made in the last 25 years in Hollywood in spite of what I think is a moribund Chamber of Commerce. But we need much, much more! This is only one of what should be 50 similar sized developments!

Response to Comment No. IND 6-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 7

Andrew Carrollman
Received April 17, 2020

Comment No. IND 7-1

We are in the midst of the Corona Virus Pandemic and now the City is trying to approve an enormous high density project. One of the main reasons New York City has had such a deadly tragedy is the density of the City. Building this monstrosity will cause enormous problems with utilities such as water and sewer. We don't have sufficient supply of water and certainly our antiquated sewer system will have many more problems with burst pipes etc. Traffic, already a nightmare will become even worse for everyone.

If you think people who can afford these units will use the inadequate public transportation, you are kidding yourself. Building on and around a major earthquake fault is just criminal.

We submit our strong objection.

Response to Comment No. IND 7-1

Regarding approval of the Project during the pandemic, it should first be clarified that no decision is being made at this time. The purpose of the public review period is to solicit comments from public agencies and other interested parties on the contents of the Draft EIR. As stated in Chapter I, *Introduction,* of the Draft EIR, upon the close of the public review period, the City would proceed to evaluate and prepare responses to all relevant comments received from public agencies and other interested parties during the public review period. In addition, see Topical Response No. 1 – Public Participation and Review, above, for a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

This comment includes general concerns regarding insufficient water supply, the problematic sewer system, worsened traffic, and building near faults. The comment does not provide any facts and, therefore, no substantial evidence, to support these claims; and does not raise any issues with respect to the content and adequacy of the Draft EIR.

The Project's impacts on wastewater and water supply were analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, of the Draft EIR. As analyzed within both sections, the Project would result in less-than-significant impacts on wastewater facilities and water supply.

In regard to wastewater, as stated on page IV.N.1-13 in Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary

improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment (WSA), as required by Senate Bill (SB) 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Therefore, there would be sufficient water supplies available to service the Project.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Additionally, the commenter states that people who would be living in the Project would not take available public transportation. However, the comment does not provide any specific facts and, therefore, no substantial evidence, to support this claim; and does not

raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 8

Robert P. Silverstein, Esq.
The Silverstein Law Firm, APC
215 North Marengo Avenue, 3rd Floor
Pasadena, CA 91101-1504
Received on April 17, 2020 (IND 8A)
Received on April 20, 2020 (IND 8B)
Received on April 27, 2020 (IND 8C)
Received on April 29, 2020 (IND 8D)
Received on April 29, 2020 (IND 8E)
Received on May 8, 2020 (IND 8F)
Received on May 21, 2020 (IND 8G)
Received on May 22, 2020 (IND 8H)
Received on June 1, 2020 (IND 8I)
Received on June 3, 2020 (IND 8J) [LATE COMMENT]
Received on June 12, 2020 (IND 8K) [LATE COMMENT]

Comment No. IND 8A-1

Dear City Officials:

Please see attached urgent letter. Please promptly respond. Thank you.

Response to Comment No. IND 8A-1

This comment letter indicates that there is an attached letter to the email. Responses to that letter are provided in Response to Comment Nos. IND 8A-2 and IND 8A-3.

Comment No. IND 8A-2

Re: Objection to 45-Day Comment Period for Hollywood Center Project Draft Environmental Impact Report ("DEIR"); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Ms. Nguyen:

This firm and the undersigned represent stopthemillenniumhollywood.com ("STMH"), a community group that actively participated in, and litigated against, the prior iteration of the newly-named "Hollywood Center" project. STMH and its supporters have an interested in actively and meaningfully participating in the current DEIR comment process, but cannot do so in the constrained, 45-day comment period imposed by the City.

We object to the City providing only the minimum allowed comment period during the unprecedented economic, social and public health upheaval resulting from the COVID-19 pandemic. The pandemic has resulted in City and State emergency declarations and

stay-at-home orders that prohibit members of the public from conducting travel to visit the Department of City Planning offices for in-person review of documents. Members of the public who rely on in-person document review risk being silenced altogether, as public libraries have closed and residents are legally prohibited from non-essential travel to use a friend or neighbor's computer and internet. Greater time is essential for the public to safely and lawfully access the DEIR and to be able to formulate comments on it.

The bare minimum 45-day comment period further prejudices STMH and the public by preventing other governmental agencies from having adequate time to fairly review and comment on the DEIR. At least two state agencies, Caltrans and the California Geological Survey, were previously involved in and actively commented on the prior iteration of the proposed project. There is every reason to expect they will be concerned about the public safety impacts posed by the project this time. However, they are hobbled by limited staffing and access to their offices and materials. For example, Caltrans District 7's entire offices are closed and its personnel scattered. Indeed, I assume that you yourself, as well as Planning Department officials copied on this letter, are not physically in your offices in any normal sense.

It cannot be possible that Mayor Garcetti, Councilman O'Farrell, and City Planning believe the minimum 45 days for the public to comment is appropriate under these trying circumstances.

The commencement of the running of the DEIR comment period, which period should be at least 90 days, should be tolled to a date after the lifting of local and state stay-at-home orders. At a minimum, it should be extended to 120 days from yesterday.

Given the thousands of pages of technical documents just released, and the impacts of the crisis now raging, anything less will prejudice the public and governmental agencies whose duties are to protect the public health, safety and welfare.

Response to Comment No. IND 8A-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 8A-3

Please include this letter in the administrative record for this matter, and please promptly reply with a public announcement tolling or extending the comment period.

Response to Comment No. IND 8A-3

The letter has been included in the administrative record. A public announcement that the public comment period would not be extended is not a requirement of CEQA or the City of Los Angeles, as the Lead Agency. However, the commenter was notified that the comment period would not be extended for the reasons outlined in Topical Response No. 1 – Public Participation and Review.

Comment No. IND 8B-1

Dear Ms. Nguyen:

Thank you. Is my request for tolling or extending the public comment period being considered, and by whom?

Given the currently extremely short, 45-day window and the critical issues associated with this project and the pandemic (see Mayor Garcetti's pronouncements as reported in the LA Times today: https://www.latimes.com/california/story/2020-04-19/garcetti-state-of-city-la-address-coronavirus [please print and include the full article as part of this communication for the record]), when can we expect a clear response from City officials to my letter?

Response to Comment No. IND 8B-1

Refer to Response No Comment Nos. IND 8A-2 and IND 8A-3. The commenter was notified that the comment period would not be extended for the reasons outlined in Topical Response No. 1 – Public Participation and Review.

Comment No. IND 8B-2

As with all my communications, please include this in the record for this matter. Thank you.

Response to Comment No. IND 8B-2

The comment has been included in the administrative record.

Comment No. IND 8B-3

Attachment: Los Angeles Times, Garcetti: L.A. is 'under attack' and will need to furlough thousands of city workers, April 19, 2020.

Response to Comment No. IND 8B-3

This comment is a news article referenced in Comment No. IND 8B-1, above. This comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 8C-1

Re: Further Objection to 45-Day Comment Period for Hollywood Center Project Draft Environmental Impact Report ("DEIR"); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Ms. Nguyen and City Officials:

As a follow-up to my April 17, 2020 letter requesting a tolling or extension of the minimal 45-day public comment period provided for the controversial "Hollywood Center" (aka Millennium Hollywood) project Draft EIR, and as a further follow-up to my April 20, 2020 email to you which, as of the date of this letter, has not been responded to, please see the link below and relevant language excerpted from the State Office of Planning and Research ("OPR") encouraging public agencies to extend CEQA public review and comment periods during the COVID-19 crisis.

My office, my clients, many other community members with whom I have spoken, and governmental agencies – most of which are operating at extremely reduced capacity – are all severely prejudiced by the City's imposition of a minimum comment period during these unprecedented times.

I renew my April 17, 2020 request for a tolling or extension of the current, 45-day public comment period on the Draft EIR.

> http://opr.ca.gov/ceqa
> **"Public Meetings and Public Review of Documents**
>
> "As to providing CEQA documents to public libraries, CEQA Guidelines section 15087(g) states that "[l]ead agencies should furnish copies of draft EIRs to public library systems serving the area involved."
>
> Providing copies of CEQA documents at libraries may not be feasible at this time, as many libraries are closed. Agencies should be considered other methods to make CEQA documents publicly available, such as posting on the Internet and on CEQAnet, that do not require the public to obtain copies in person.
>
> **"Regarding public review and comment periods for CEQA documents, such as notices of preparation and EIRs, OPR encourages public agencies to consider extending those periods.** Given that public agencies are using new methods to make public documents available in light of the

current pandemic, additional time for public review and comment periods may be appropriate." (emphasis added.)

While Mayor Garcetti announces that "LA is 'under attack' and will need to furlough thousands of city workers" (LA Times, April 19, 2020), the public is doubly under attack by a process so transparently designed to harm community members and groups under attack not only by COVID-19, but by a cynical Draft EIR comment process meant to elevate the interests of a developer over the rights of the public that City officials were elected to serve.

The commencement of the running of the DEIR comment period, which period should be at least 90 days, should be tolled to a date after the lifting of local and state stay-at-home orders. At a minimum, it should be extended to 120 days.

Please confirm that the comment period will be tolled or extended as requested not only by this office and the groundswell of similar requests you are receiving, but also pursuant to OPR's recommendation.

Alternatively, if the City refuses to act responsibly and fairly, please prominently announce to the public that the comment period will not be extended.

Response to Comment No. IND 8C-1

Refer to Response to Comment Nos. IND 8A-2 and IND 8A-3.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 8D-1

Please see attached. Please confirm receipt. Hard copy with flash drive to follow via overnight delivery.

Response to Comment No. IND 8D-1

This comment references the attachments to the comment letter but does not address the content or adequacy of the Draft EIR. Confirmation of receipt was provided by the Department of City Planning.

Responses to the referenced letter are provided below in Response to Comment Nos. IND 8D-2 to IND 8D-3.

Comment No. IND 8D-2

Re: Objection to Denial of Request for Extension of 45-Day Comment Period for Hollywood Center Project Draft Environmental Impact Report ("DEIR"); Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

Dear Ms. Nguyen and City Officials:

This letter and all complete documents and materials contained in the links set forth within this letter are to be included in the administrative record for the above-referenced matter.

Response to Comment No. IND 8D-2

The comment and letter have been included in the administrative record.

Comment No. IND 8D-3

The City's April 28, 2020 response to our and others' request for an extension of the Hollywood Center Project DEIR comment period is repugnant, verging on mocking the public. To acknowledge as your April 28, 2020 email does that "these are unprecedented times," and yet for the Planning Dept. to treat them for public comment purposes as regular times, defies logic. Its import also ignores how everyone's lives have been upended as people are busy trying to say safe, to home school children, to care for sick relatives, to manage entirely new and disruptive routines, etc. This no less includes the staff of governmental agencies expected to comment on this DEIR, and which should have the fullest time possible to comment as part of their duties to ensure the public health, safety and welfare.

It is also to deny Mayor Garcetti's repeated emotional pleas, and even threats, to the community about obedience to his "Stay-at-Home" orders. The Planning Dept. buck of unreasonable denial of a tolling or extension of the public comment period for this massive project and EIR stops with Garcetti. We incorporate by reference the articles contained at these links quoting Mayor Garcetti in this regard:

> "In a remarkable State of the City address, one that comes five weeks into the shutdown of many businesses, government buildings and other facilities, Garcetti declared that the city is 'under attack' from the coronavirus and the economic fallout that has come with it.
>
> 'I've never before hesitated to assure you that our city is strong,' he said. 'But I won't say those words tonight. Our city is under attack. Our daily life is unrecognizable.'"[1]
>
> "Los Angeles Mayor Eric Garcetti unveiled a $10.5-billion budget for the city Monday that imposes cuts across an array of city agencies, with nearly 16,000 city workers being furloughed in response to the economic fallout from the coronavirus outbreak."[2]

"'This weekend we saw too many images of too many people crowding beaches or canyons beyond their capacity. Too many people, too close together, too often,' Garcetti said during his daily briefing on the impact of the novel coronavirus. 'The longer we do that, the more people will get sick, and the more people will die. There's no way to sugarcoat that.'

'Asked by a reporter whether the city would hold residents accountable for breaking quarantine orders, Garcetti said that law enforcement officers will 'not be why' when it comes to approaching those who are seen doing so.'"[3]

"'I know your heart breaks…. This is such a great tradition for the many families we have,' L.A. Mayor Eric Garcetti said. 'But we can't afford to have one cluster of even just a few people together spread this disease to more people and kill them.'[4]

"'Unfortunately among the fallen 'is a city employee, Garcetti said Friday. 'It wasn't just lip service that these are going to be tough days.'"[5]

"If a business refuses to provide face coverings for its workers, it could be fined, but the hope is that businesses and customers will follow the order without issue, Garcetti said."[6]

"At least five nights a week, Garcetti has appealed directly to Angelenos on live television – of Facebook, for those with smaller screens – to get them to comply with public health orders and keep up with the region's rapidly changing response to the spread of the novel coronavirus."[7]

"Garcetti said that his office is still receiving daily reports of nonessential businesses that continue to operate as normal – behavior he called 'irresponsible and selfish.'"

"He also announced a Safer at Home business ambassadors initiative that aims to help push greater adherence from nonessential businesses who aren't complying with the city's order to close.

Such businesses should also expect to get a warning call from local prosecutors before the city takes more aggressive action, including turning off their water and power, he said.

'The easiest way to avoid a visit from the city is to follow the rules,' he said."[8]

"Los Angeles Mayor Eric Garcetti said Wednesday that he's authorized the Department of Water and Power to shut off service to nonessential businesses that continue to operate despite the strict Safer at Home restrictions designed to slow the spread of the coronavirus."[9]

Your April 28, 2020 email also implies or assumes that everyone who wants to review the EIR should be able, on their own, to have an internet connection and sufficient

bandwidth to download this very hefty DEIR. There is a serious Environmental Justice issue in the City's unreasonable conduct during this time.

We and our clients are indeed prejudiced, including by my difficulty in accessing all of our hard files, including from the previous StopTheMIllenniumHollywood.com vs. City of Los Angeles, et al. (LASC Case No. BS144606; Court of Appeal Case No. B282319; CA Supreme Court Case No. S258643) litigation. Large parts of the administrative record from that original case must be included in the current administrative record because of its relevance to the instant application and DEIR. However, we cannot more discreetly select those documents because of lack of access to our physical offices.

As a result, we incorporate by reference the entire administrative record from the original Millennium case. Although the City Attorneys' Office and, presumably, the City Planning Department have the entire Administrative Record and Reference Library from the original Millennium case, which we ask to be incorporated by reference, nonetheless, in an abundance of caution, we are also sending you by overnight delivery a flash drive containing the full bates-stamped administrative record and full bates-stamped reference library from the original Millennium case administrative record. The entirety of those files must be uploaded and included in the present administrative record and on the City Planning Department's running web page of the ongoing additions to the present administrative record for the Hollywood Center Project DEIR. We would suggest those materials be noted in the description as follows:

- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 1 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 2 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 3 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 4 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 5 of 6
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 6 of 6
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 1 of 2
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. Bs144606 ("Original Millennium Case") 2 of 2

You are required to include all of these documents from the original administrative record in the current administrative record for this Hollywood Center application and Draft EIR, including pursuant to Consolidated Irrigation District:

> ”We conclude that the term “submitted to” – which generally means presented or made available for use or study – is concerned with the effort that must be expended by the lead agency in using or studying the “written evidence” presented. (§21167.6, subd. (e)(7).) Consequently, we think that the term should be interpreted as applied pragmatically to fairly allocate the burden of handling the written evidence. Applying the term too broadly could place an unacceptable burden on lead agency personnel by requiring them to expend time and limited resources tracking down information that could have been provided more efficiently by the commenter. Based on considerations regarding the allocation of burden, we conclude that “written evidence” has been “submitted to” a lead agency for purposes of section 21167.6, subdivision (e)(7) when the commenter has made the document readily available for use or study by lead agency personnel.” Consolidated Irrigation Dist. V. Superior Court (2012) 205 Cal.App.4th 697, 723.
>
> “The third category contains five documents named in the comment letters of CID and the air pollution control district along with a citation to the specific Web page containing the document. We conclude that the information provided made these documents readily available to City personnel. To access the document, the person need only type the URL into a computer connected to the Internet. The document will appear on the computer screen and no further searching is required. Thus, the burden placed on lead agency personnel is minimal when a commenter provides the URL to the specific Web page containing the document.” Consolidated Irrigation Dist. V. Superior Court (2012) 205 Cal.App.4th 697, 724-725.

The burden placed on the City is minimal, actually non-existent. We have provided a flash drive with all of the bates-stamped files comprising the prior administrative record and reference library that the City itself certified. If you have any difficulty accessing or in utilizing the City’s own set of the same materials, please promptly advise.

Finally, please understand that this by no means remedies or sufficiently mitigates the prejudice to us, and others, from the truncated 45-day comment period during the pandemic. Our request (and that of numerous other community members) for a tolling or extension of that deadline remains active. Thank you.

Footnote 1: https://www.latimes.com/california/story/2020-04-19/garcetti-state-of-city-laaddress-coronavirus

Footnote 2: https://www.latimes.com/california/story/2020-04-20/coronavirus-garcetti-budgetstory-2020-2021-furloughs-cuts

Footnote 3: https://www.latimes.com/california/story/2020-03-23/coronavirus-mayor-ericgarcetti-ignoring-social-distancing-beaches

Footnote 4: https://www.latimes.com/california/story/2020-04-10/california-toughens-stay-athome-rules-as-coronavirus-cases-top-20-000

Footnote 5: https://www.latimes.com/california/story/2020-04-11/2-l-a-city-workers-die-ofcoronavirus

Footnote 6: https://www.latimes.com/california/story/2020-04-07/coronavirus-face-coveringorder-los-angeles-mayor-garcetti

Footnote7: https://www.latimes.com/california/story/2020-04-13/garcetti-coronavirusbriefings-distancing-masks-love

Footnote 8: https://www.latimes.com/california/story/2020-03-24/garcetti-warns-lacoronavirus-crisis-will-get-worse

Footnote 9: https://www.latimes.com/california/story/2020-04-01/l-a-will-shut-off-water-fornon-essential-businesses-operating-amid-coronavirus-restrictions

Response to Comment No. IND 8D-3

This comment includes opinions on the City's decision to not extend the Draft EIR comment period. This comment does not address the content or adequacy of the Draft EIR.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. This comment does not address the content or adequacy of the Draft EIR.

The comment seeks to incorporate into the Administrative Record for this Project the entire administrative record from the previous Millennium Project, stating that the commenter did not have access to his physical office and, therefore, was not able to specifically identify the portions of the prior record which are relevant to the Draft EIR on the current Project. However, as is evidenced by the submittal of a flash drive containing the record, the commenter did have access to the prior administrative record and, therefore, could have reviewed it and only included relevant portions, if any. Nonetheless, as stated above, the Millennium Hollywood Project was an entirely different project, and a completely new EIR has been prepared for the Project that is currently proposed. The comment does not contain or specifically refer to any readily available information contained in the flash drive and does not explain the relevance of any portion of that

material. (See CEQA Guidelines Section 15088(c).) As a result, the comment does not present evidence on the contents or adequacy of the Draft EIR, which is independent of any environmental review done on the previous project, and, therefore, no further response is warranted.

Nonetheless, although the City has determined that an administrative record of a prior project is not relevant to an analysis on the content or adequacy of the Draft EIR for the Project that is currently proposed, the administrative record of the previous project at the Project Site, as submitted on the USB drive, has been included in this Project's administrative record but only because it was included in this comment letter.

Comment No. IND 8D-4

Attachment: This attachment is a duplicate of Comment No. IND 8D.

Response to Comment No. IND 8D-4

Responses to this comment are provided in Response to Comment Nos. IND 8D-1 through 8D-3.

Comment No. IND 8E-1

Dear Ms. Nguyen:

The Silverstein law Firm's letter of April 27, 2020 is incorrectly labeled in the Public Comments section of the running Administrative Record for the subject-reference matter. Please change it so that it is consistent with the earlier sent letters from this firm labeled "R. Silverstein…" Please note that any letter sent from this email address ("veronica@robertsilversteinlaw.com") should be noted and considered sent by The Silverstein Law Firm.

- 20200417 1854 R. Silverstein Obj. to Comment Period
- 20200427 1538 V. Lebron Further Objection to 45-Day Comment Period

Response to Comment No. IND 8E-1

This comment does not address the content or adequacy of the Draft EIR. As such, no further response is warranted. However, it should be noted that City staff responded with an explanation that the naming convention established for the administrative record, labels all emails by the email sender's first initial and last name.

Comment No. IND 8E-2

Please also advise the significance of the number that follows the date of the letters submitted for this matter.

Response to Comment No. IND 8E-2

This comment does not address the content or adequacy of the Draft EIR. As such, no further response is warranted. However, it should be noted that City staff responded with an explanation that the number that follows the date of the emails indicates the time the email was sent

Comment No. IND 8E-3

This comment is a duplicate of Comment No. IND 8E-1 and 8E-2.

Response to Comment No. IND 8E-3

Responses to this comment are provided in Response to Comment Nos. IND 8E-1 and 8E-2.

Comment No. IND 8F-1

Dear Mayor Garcetti, Planning Director Bertoni, City officials, and Ms. Nguyen:

We are placing Mayor Garcetti's May 7, 2020 email below and this communication into the record.

The mayor's email reveals a sad hypocrisy as he and the Planning Dept. refuse repeated requests from the public for an extension of the comment period on the Draft EIR for the Millennium Hollywood skyscrapers on the earthquake fault project (aka "Hollywood Center").

Why are city officials giving aid and comfort to Millennium Partners, developer of the Leaning Tower of San Francisco, while the public daily struggles to cope with our new reality, much less meaningfully be able to comment on a 13,000-page EIR in a few short weeks?

The mayor's "I will be here for you" promise rings quite hollow, unless directed to the developers who have contributed to his campaigns.

With city officials under FBI investigation, the mayor and Planning Dept. now more than ever should seek to reassure an apprehensive citizenry that there is integrity in the land use and planning process.

We renew all prior requests. Do the right thing: substantially extend the public comment period.

Response to Comment No. IND 8F-1

This comment does not address the content or adequacy of the Draft EIR. As such, no further response is warranted. However, refer to Response to Comment Nos. IND 8A-2 and IND 8A-3. In addition, the comment has been included in the administrative record.

Comment No. IND 8F-2

Attachment: Mayor Eric Garcetti, Safer L.A. Newsletter, May 7, 2020.

Response to Comment No. IND 8F-2

This comment is a newsletter attached as part of Comment No. 8F-1, above. This comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 8G-1

Re: Inclusion of Original Millennium Case Administrative Record for
Hollywood Center Project Draft Environmental Impact Report ("DEIR");
Case Number ENV-2018-2116-EIR;
State Clearinghouse Number 2018051002.

In our April 29, 2020 letter to you, we submitted for inclusion in the Hollywood Center administrative record the entire administrative record and reference library of emails from the StopTheMillenniumHollywood.com vs. City of Los Angeles, et al. (LASC Case No. BS144606; Court of Appeal Case No. B282319; CA Supreme Court Case No. S258643) litigation.

Although the City Attorneys' Office and, presumably, the City Planning Department have the entire administrative record and reference library from the original Millennium case, which we asked to be incorporated by reference, nonetheless, in an abundance of caution, we also sent to you by overnight delivery a flash drive containing the full bates-stamped administrative record and full bates-stamped reference library from the original Millennium case administrative record. That must be included here and now. Please immediately confirm that you will do so.

As of today, we see that the original Millennium case record has not been uploaded to the running administrative record for the Hollywood Center Project DEIR as requested or provided. Because of this and because we hope that the lack of inclusion in the current record is simply an oversight, we are sending an updated flashdrive containing clearer versions of the same documents we sent to you on a flashdrive via overnight delivery on April 29, 2020. We request that the set of documents enclosed with this letter be uploaded in place of the April 29, 2020 set. If you have any questions, please contact us immediately for further clarification of this request.

The entirety of those files must be uploaded and included in the present administrative record and on the City Planning Department's running web page of the ongoing additions to the present administrative record for the Hollywood Center Project DEIR. We would suggest those materials be noted in the description as follows:

- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 1 of 13

- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 2 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 3 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 4 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 5 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS 144606 ("Original Millennium Case") 6 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS 144606 ("Original Millennium Case") 7 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 8 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 9 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 10 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 11 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 12 of 13
- AR from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 13 of 13
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 1 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS 144606 ("Original Millennium Case") 2 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 3 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 4 of 11

- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 5 of 11
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- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 7 of 11
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- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS144606 ("Original Millennium Case") 10 of 11
- RL from StopTheMillenniumHollywood.com v. City of LA (LASC Case No. BS 144606 ("Original Millennium Case") 11 of 11

You are required to include all of these documents from the original administrative record in the current administrative record for this Hollywood Center application and Draft EIR, including pursuant to Consolidated Irrigation District:

> "We conclude that the term "submitted to" - which generally means presented or made available for use or study - is concerned with the effort that must be expended by the lead agency in using or studying the "written evidence" presented. (§ 21167.6, subd. (e)(7).) Consequently, we think that the term should be interpreted and applied pragmatically to fairly allocate the burden of handling the written evidence. Applying the term too broadly could place an unacceptable burden on lead agency personnel by requiring them to expend time and limited resources tracking down information that could have been provided more efficiently by the commenter. Based on considerations regarding the allocation of burden, we conclude that "written evidence" has been "submitted to" a lead agency for purposes of section 21167.6, subdivision (e)(7) when the commenter has made the document readily available for use or study by lead agency personnel." Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 723.
>
> "The third category contains five documents named in the comment letters of CID and the air pollution control district along with a citation to the specific Web page containing the document. We conclude that the information provided made these documents

> readily available to City personnel. To access the document, the person need only type the URL into a computer connected to the Internet. The document will appear on the computer screen and no further searching is required. Thus, the burden placed on lead agency personnel is minimal when a commenter provides the URL to the specific Web page containing the document." Consolidated Irrigation Dist. v. Superior Court (2012) 205 Cal.App.4th 697, 724-725.

The burden placed on the City is minimal, actually non-existent. We have provided a new flash drive with all of the bates-stamped files comprising the prior administrative record and reference library that the City itself certified. If you have any difficulty accessing or in utilizing the City's own set of the same materials, please promptly advise.

Separately, we requested in our April 20, 2020 email to you that you include in the record an April 19, 2020 LA Times article for which we provided a link. As of today, that article was not included in the record with our email. For your convenience, we are including the complete email and article below this letter. We hope this is also simply an oversight on the part of City Planning, and not an intentional failure to maintain a complete record as is required. Any linked documents referenced in a letter or other document submitted to you must be printed and included for the running record.

Response to Comment No. IND 8G-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. However, as the administrative record of the previous project was submitted with Comment No. IND 8D-3, it has been included in the Administrative Record for the Project. Response to Comment No. IND 8D-3 also provides additional information regarding the administrative record for the Millennium Hollywood Project.

Comment No. IND 8G-2

Attachment: Duplicate of Comment Letter No. IND 8B.

Response to Comment No. IND 8G-2

Responses to this comment are provided in Response to Comment Nos. IND 8B-1 through 8B-3.

Comment No. IND 8H-1

Please see attached urgent letter, and please reply. Thank you.

Response to Comment No. IND 8H-1

This comment is an introductory statement that references an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. IND 8H-2 to IND 8H-5.

Comment No. IND 8H-2

Re: Further Request for Extension of 45-Day Comment Period for, and Objections to Substantive Corruption in, Hollywood Center Project Draft Environmental Impact Report; Case Number ENV-2018-2116-EIR; State Clearinghouse Number 2018051002

This firm and the undersigned represent Stopthemillenniumhollywood.com ("STMH"), a community group that actively participated in, and successfully litigated against, the prior version of the newly-named "Hollywood Center" project. STMH, its supporters and other members of the public have an interest in meaningfully participating in the current Draft EIR comment process, but are impaired from fully doing so in the constrained, 45-day comment period imposed by the City. They are also impaired from fully doing so because the Draft EIR contains multiple pages with corrupted and illegible text and figures, including in every single Figure and Plate of Appendix G-1 regarding the most pressing issue of public health and safety related to earthquake fault risk.

As to the City's continued unreasonable and illegal (see below) refusal to extend the comment period on a 13,000-page Draft EIR dropped on the public during the pandemic, we note that for the prior Millennium Hollywood Draft EIR on the same site and by the same developer, then-Councilman Garcetti requested an extension of that 45-day public comment period, which was granted. In his November 2, 2012 letter, he wrote:

> "The Planning Department has released the draft Environmental Impact Report (EIR) for the proposed Millennium Project at 1750 Vine Street, which commenced a 45 day public comment period.
>
> The proposed project is large in scale and includes what could be one of the tallest buildings in all of Hollywood. As I'm sure you are aware, the proposed project has generated controversy among my constituents. Accordingly, I request that the public comment period be extended to 60 days to increase the public's opportunity to comment on the draft EIR." **(Exhibit 1.)**

That the City Planning Department and City officials, including Mayor Garcetti and Councilmen O'Farrell and Ryu have not yet secured for the public an extension to comment on a similarly massive project, and in the midst of the COVID-19 pandemic, is truly a deplorable low even for this City government.

Mayor Garcetti's comment quoted above remains accurate today: "The proposed project is large in scale and includes what could be one of the tallest buildings in all of Hollywood." **(Exhibit 1.)**

It is actually an understatement. The proposed project is over a million square feet and would indisputably contain the tallest building in all of Hollywood – not to mention, place it on an active 7.0 earthquake fault as shown by the State of California in its Alquist-Priolo Map.

Further, "[a]s I'm sure you are aware, the proposed project has generated controversy." **(Exhibit 1.)** That, too, remains accurate, and an understatement. From the groundswell of requests for an extension that you have already received, you know of the controversy generated by the current proposed project.

As you are also aware from my office's litigation against the Millennium Hollywood project and our exposure of repeated violations of the law by the City related to this site and developer (see trial court and Court of Appeal rulings in Stopthemillenniumhollywood.com, et al. v. City of Los Angeles, et al., Case Nos. BS144606 and B282319; see also **Exhibit 2**, May 20, 2020 Los Angeles Times article, "*Here's a closer look at the ex-deputy mayor enmeshed in City Hall corruption probe*"), the proposed project is generating extreme controversy among City residents, property owners and stakeholders.

It should go without saying that an extension of the public comment period is appropriate and warranted. That the City refuses to provide that, even against its own precedent related to the same site, only adds to the controversy.

We also note how routinely such extensions are normally granted. For example, the City's July 30, 2019 Notice of Extension of the comment period, for an additional 30 days, for the nearby citizenM Hollywood & Vine project **(Exhibit 3)**, when no pandemic was present, further highlights the outrageousness of the City's refusal to extend the public comment period now.

As our Supreme Court has held:

> "The EIR is . . . intended 'to demonstrate to an **apprehensive citizenry** that the agency has, in fact, analyzed and considered the ecological implications of its action.' [Citations.] Because the EIR must be certified or rejected by public officials, it is a document of accountability. . . . The EIR process protects not only the environment but also informed self-government." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392 (emphasis added).

As instructed in a Court of Appeal decision in another California Environmental Quality Act ("CEQA") case where the City lost:

> "The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." Lincoln Place Tenants Ass'n. v. City of Los Angeles (2007) 155 Cal.App.4th 425, 443-444.

Mayor Garcetti, the City Council and City Planning have an apprehensive citizenry – heightened by the City's past and present actions. Those actions, including the refusal to extend the Hollywood Center public comment period, impair CEQA's fundamental goals.

Finally, we note not only the City's disingenuous position, but the actual illegality of refusing to the extend the public comment period during the pandemic. The City's due process violations in this regard have been raised by this office and many others dealing with the impacts of the COVID-19 situation and the shut-down orders.

As one further example, Hollywood resident Mary Ledding has written to you regarding the prejudice to herself, her neighbors and the general public by the City's conduct, which conduct is not ameliorated by the City's offers to provide flash drives (useless for people without computers) or dilatory delivery of reams of paper print-outs.

Ms. Ledding noted in a May 21, 2020 email:

> "I did get the flashdrive but of course that requires a computer to use. It will be of no help to our neighbor who doesn't use computers. I have not received the print-outs [requested many days earlier]. [¶] My question, of course, is how are people expected to be able to review this vast report in the extremely short time frame the City is allowing? . . . I don't know the total pages of the DEIR but assuming it approaches 3000 pages including the essential appendices and cites [it is actually 13,000 pages], and assuming you get us a print copy by end of business tomorrow, that means we have to review 300 pages a day AND write intelligent comments hopefully with the benefit of some sort of community zoom conversation all while citizens are still "sheltering at home", doing their own schooling, cooking, and, if they are lucky, working their jobs. This is not reasonable nor does it provide the City with thoughtful, relevant comments to this massive, community-rending project. The City needs to grant an extension on the deadline. Please take this matter up again. This process is a disgrace to the community that will have to live with it for decades to come."

In my April 27, 2020 letter, I objected to the City's failure to extend the public comment period in light of the COVID-19 crisis, and in particular, the absence of public access to hard copies of the Draft EIR in the usual locations of (now-closed) local libraries and the (now-closed without appointment) City Planning Department. I noted:

> "While Mayor Garcetti announces that "LA is 'under attack' and will need to furlough thousands of city workers" (LA Times, April 19, 2020), the public is doubly under attack by a process so transparently designed to harm community members and groups under attack not only by COVID-19, but by a cynical Draft EIR comment process meant to elevate the interests of a developer over the rights of the public that City officials were elected to serve."

The City responded on April 28, 2020 with an email that gave the facile and untrue response that "the Draft EIR remains accessible to all individuals" because the documents were all on line, thereby implying that everyone who wanted to review the Draft EIR should be able, on their own, to have a computer, an internet connection and sufficient bandwidth to download this 13,000-page document and lengthy technical appendices.[1] I again objected, in a letter dated April 29, 2020, reminding the City of Mayor Garcetti's lock-down order that closed the libraries and City Hall.

Response to Comment No. IND 8H-2

The comment asserts that the time to submit comments to the Draft EIR was inadequate and that portions of an appendix to the Draft EIR were illegible, thereby depriving the public of full access to the Draft EIR. With regard to the adequacy of the Draft EIR public review period and for additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. Note that during the public review period, the City provided electronic copies of the Draft EIR, as well as hardcopies of the Draft EIR, when requested.

Regarding the alleged illegal activities as presented in Exhibit 2 of the comment, the comment does not raise a substantive issue on the content or adequacy of the Draft EIR, and, as such, no further response is warranted.

The Department of City Planning also acknowledges the extension to the comment period for the Draft EIR prepared for the citizenM Hotel Project. However, the citizenM Hotel Project is independent of the Hollywood Center Project, and each project is assessed independently by the City considering the circumstances applicable to each given project. In the case of the Hollywood Center Project, as discussed in Topical Response No. 1– Public Participation and Review, the City met the requirements under CEQA for public noticing of the Draft EIR.

Refer to Response to Comment No. IND 8I-13 with regards to the issue of an illegible portion of an exhibit in one of several available formats for viewing the Draft EIR. The comment also states that the Project would be on an active fault. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 8H-3

Footnote 1: Further, in the City's haste to release the Draft EIR during the most painful and inconvenient time for the public, the City released a Draft EIR PDF document with

file corruption containing “bugs” that have distorted critical information, including throughout the “Figures and Plates” in Appendix G-1, 2015 Fault Activity Investigation. Every figure and plate has critical text and/or numbers replaced or overwritten by blank square boxes. (See, e.g., sample pages G-1, 50 & 51, and enlargements of same, attached at **Exhibit 4**.)

This is true of all of the figures and plates in Appendix G, totaling 18 pages (8 figures; 10 plates). The same distorted text also occurs in Appendix E within Appendix G-1.) This is not intended to be an inventory of all the distorted pages, figures and images marring the Draft EIR. There may be more. However, it is the City’s duty to identify and fix through a recirculated Draft EIR. It is enough that we have pointed out to you the double injustice of forcing people to try to comment in this truncated time frame, on pages – in one of the most critical subject areas, i.e., earthquakes and seismology – which are obviously and substantively distorted.

To confirm this fatal informational flaw in the Draft EIR, we downloaded PDFs and got the same result with boxes masking critical text and figures. We used Adobe 2017, which states that it is the same as Adobe DC. We used different computer systems to view the PDF in Adobe 2017 Professional and Adobe DC Professional. We also hard printed. The pages came out with the same boxes blanking out text and figures, often in ways that are completely unreconstructable. Finally, to be 100% sure, we had an IT consultant upload the file to a new PC with Adobe DC Pro, and had the same result.

That the City has circulated a Draft EIR with information concealed or obliterated concerning the most pressing issue of public health and safety related to earthquake fault risk is especially unacceptable.

Accordingly, a full and complete Draft EIR has not yet been released to the public, even assuming everyone could access the current distorted version on the internet. This is an additional legal basis for requiring that the Draft EIR public comment period be extended, or more appropriately, restarted once a correct Draft EIR is prepared and made available to the public, with all text, numbers, figures and plates fully legible.

Response to Comment No. IND 8H-3

This comment states that a full and complete Draft EIR was not released to the public as some of the figures in Appendix G included square boxes and that, as a result, the Draft EIR should be recirculated. However, when looking at the files on the City’s website (https://planning.lacity.org/development-services/eir/hollywood-center-project-1), no such boxes can be seen. When the documents were downloaded or printed, a limited amount of text on some figures became illegible and included the square boxes. When the City was notified of this, all relevant files were replaced expeditiously, and all inquiring parties were notified of the update. Moreover, in addition to being legible and available as viewed directly on the City’s website, a CD-ROM (or USB drive) copies of the Draft EIR (including Appendix G-1) were made available for delivery to interested parties upon request. A total of one individual requested a hard copy and digital USB copy of the Draft

EIR during the Draft EIR comment period, for whom legible copies were provided by the City. Refer to Response to Comment No. IND 8I-13 which explains that the corrupted pages occurred when viewing the Appendix in PDF format only and not when viewing in any of the other available computer and hard copy formats including the City's website.

Nonetheless, although the comment does not raise any specific issues with the adequacy of the geological analysis, the analysis provided in Section IV.D, *Geology and Soils,* of the Draft EIR, which relies on this Appendix, is adequate and would not require recirculation. See also Topical Response No. 3 – Geology and Fault Hazards, above.

As to the request for recirculation, pursuant to CEQA Section 15088.5, the City is only required to recirculate an EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review…". As stated in Section 15088.5, new information is not significant "unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect..." CEQA does not require extension of the Draft EIR public review period or recirculation of the Draft EIR if there is an illegible portion of an exhibit in one of many available formats for viewing or when the relevant information is included elsewhere in the EIR. See generally Public Resources Code (PRC) Section 21091 and 21092.1; CEQA Guidelines Section 15087, 15105, 15205, and 15088.5. See also *Mountain Lion Coalition v. Fish and Game Com.*, (1989) 214 Cal.App.3d 1043, which determined that "significant new information" requiring recirculation of a Draft EIR includes, for example, when the Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comment asserts that recirculation is required because the public was deprived of the opportunity to view the corrupted figures. However, the information was not only available in other formats of the Draft EIR, but also in the discussion of the geotechnical assessment in the Draft EIR. Appendix G-1, 2015 Fault Activity Investigation, of the Draft EIR includes a thorough discussion and analysis of the investigation and data covered by the report, including a presentation of the data provided on those certain pages that were corrupted in the downloaded or printed PDF formats, allowing an opportunity for meaningful public review and comment of the Draft EIR. See Appendix G-1 for the discussion and analysis of those "Figures" and "Plates" in question. See also CEQA Guidelines Section 15147, providing that technical data should be summarized; and *City of Fremont v San Francisco Bay Area Rapid Transit Dist.* (1995) 34 CA4th 1780, 1787, providing that the use of charts or tables to present components of the analysis is acceptable [and implicitly not required]. Not being able to access a portion of an exhibit in some, but not all, of the various available formats does not rise to the level of failing to provide information, which was readily available to the commenter in other viewing formats (e.g., the City's website) or is equivalent to omission of an entire discussion topic. As such, for the aforementioned reasons, the assertion in the comment does not warrant extension of the Draft EIR's public comment period or a complete recirculation of the Draft EIR.

Comment No. IND 8H-4

The City's cavalier, let-them-use-internet attitude ignores the very real fact that not all communities have the same access to computers, and sometimes lack the ability to access the internet. The libraries where they might usually access the internet are closed, making the City's assertion about universal and timely access to the Draft EIR patently untrue. This inability to access the internet is particularly and painfully true now, when rampant unemployment is making many people choose between food and rent payments. The City's assumption that they can afford a laptop and internet access is both arrogant and discriminatory, and denies many the ability to meaningfully participate in the City's decision-making about this proposed project.

The City's conduct does not comport with both long-standing and recent legislation defining environmental justice. Assembly Bill 1628 was signed into law by Governor Newsom on September 27, 2019, and took effect this year. The bill's Section 1, subd. (b), provides:

> "It is therefore the intent of the Legislature to ensure that the populations and communities disproportionately impacted by pollution *have equitable access to, and can meaningfully contribute to, environmental and land use decisionmaking*, and can enjoy the equitable distribution of environmental benefits." (Emphasis added.)

This definition of "environmental justice" expanded the existing definition in Government Code Section 65050.12, subd. (e):

> "'[E]nvironmental justice' means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

While AB 1628 only formally amended the Coastal Act and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the intent of the Legislature is clear that environmental justice must include equal access by all communities to information about governmental decisions that may affect them, and equal opportunity to participate in the making of those governmental decisions. The City has denied equal access and "fair treatment" regarding the Hollywood Center project and the impacts it may have on the community's physical environment.

As with all of our communications, please ensure that this letter and attachments or printed out links therein are included in the running administrative record for this case.

To conclude, we renew our requests, and that of multiple community members and groups, for a tolling or extension of the current, June 1, 2020 public comment deadline.

In light of the seismic/earthquake fault Figures and Plates being corrupted, this is even more urgent, and legally mandated. Sadly, corruption permeates the Draft EIR, literally and figuratively.

Please publicly advise – as far in advance of June 1, 2020 as possible – regarding extending or restarting the public comment period. Thank you.

Response to Comment No. IND 8H-4

The comment suggests that access to the Draft EIR is only available for those who have access to the internet. However, as explained above, the City made hard copies of the Draft EIR available upon request. As this comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. The comment also requests that the letter and attachments be included in the administrative record for the case; both of which have since been included.

Comment No. IND 8H-5

Exhibit 1: Comment letter dated November 2, 2012 from then Councilmember Eric Garcetti to Planning Director Michael LoGrande to request an extension of the comment period.

Exhibit 2: Los Angeles Times, Here's a closer look at the ex-deputy mayor enmeshed in City Hall corruption probe, May 20, 2020.

Exhibit 3: Notice of Extension for the citizenM Hollywood & Vine Draft EIR comment period dated July 30, 2019.

Exhibit 4: Pictures from the Draft EIR as referenced within the comment letter.

Response to Comment No. IND 8H-5

This comment provides exhibits referenced in Comment Nos. IND 8H-1 through 8H-4. The responses above address the contents of these exhibits. As the referenced exhibits do not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8I-1

Dear Ms. Nguyen:

Please click on below link containing our letter for the above-referenced matter.

https://www.dropbox.com/s/e6xgr2dfc4j2nic/6-1 20%20%5BSCAN%5D%20Initial%20Comment%20On%20%26%20Objections%20To%20DEIR%20for%20Hollywood%20Center%20Project.pdf?dl=0

We had difficulties assembling the documents because of the file size. However, everything should be readable and totals 2,596 pages.

Please confirm receipt. Thank you.

Response to Comment No. IND 8I-1

This comment letter indicates that there is a letter included in the link. Responses to the letter are provided in Response to Comment Nos. IND 8I-2 through 8I-79.

Comment No. IND 8I-2

Dear Mr. Bertoni and Ms. Nguyen:

I. INTRODUCTION AND PRELIMINARY OBSERVATIONS.

This firm represents StopTheMillenniumHollywood.com ("StopMillennium"), a community group focused on securing a livable environment and honesty in LA City government decision making.

From 2013-2019, StopMillennium succeeded in overturning the City's illegal approvals for a similar mega-project, on the same site, by the same developer. (Incredibly, that same developer, Millennium Partners, is responsible for the notorious Leaning Tower of San Francisco.) StopTheMillenniumHollywood.com vs. City of Los Angeles, et al. (LASC Case No. BS144606; Court of Appeal Case No. B282319; CA Supreme Court Case No. S258643).

We prevailed at trial, the Court of Appeal, and the California Supreme Court. Our lawsuit exposed repeated violations of law and abuses by Los Angeles City officials. It also resulted in an appellate opinion that has helped all Californians. (**Exhibit 1.**)

Although Millennium seeks to distance itself from its tainted brand due to our successful litigation, the international scandal surrounding Millennium's slipshod construction of the Millennium Tower in San Francisco, and the 7.0 Hollywood Earthquake Fault (more on that below) running through its Hollywood site, "Hollywood Center" is basically a redo of the original failed, and still illegal project. We hereafter refer to the Hollywood Center project as the "Project".

As discussed below, the 13,000-page Draft Environmental Impact Report and technical appendices ("DEIR") for the Project – forced on the public with no extension of time to comment granted, despite the COVID pandemic, and now rioting, curfews and the National Guard on the streets – is a disgrace. The DEIR is also a procedural and substantive sham.

Response to Comment No. IND 8I-2

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and

II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

However, see Topical Response No. 1 – Public Participation and Review, above, for a discussion regarding the City's determination that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period.

Comment No. IND 8I-3

From our prior lawsuit's spotlighting of multiple illegal acts by City officials in approving the original project and its EIR (see also the related May 20, 2020 Los Angeles Times article, "*Here's a closer look at the ex-deputy mayor enmeshed in City Hall corruption probe"* [**Exhibit 2**][1]), and from the many requests for extension of the public comment period, the City knows the current Project is generating tremendous controversy.

As our Supreme Court has held:

> "The EIR is . . . intended 'to demonstrate to an **apprehensive citizenry** that the agency has, in fact, analyzed and considered the ecological implications of its action.' [Citations.] Because the EIR must be certified or rejected by public officials, it is a document of accountability. . . . The EIR process protects not only the environment but also informed self-government." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392 (emphasis added).

In another California Environmental Quality Act ("CEQA") case where the City lost, the Court of Appeal explained:

> "The fundamental goals of environmental review under CEQA are information, participation, mitigation, and accountability." Lincoln Place Tenants Ass'n. v. City of Los Angeles (2007) 155 Cal.App.4th 425, 443-444.

Yet City officials and Millennium are proceeding with the utmost speed, racing for new approvals. If granted, those approvals would not only be illegal, but immoral, as they would imperil thousands of lives by placing skyscrapers atop the State-mapped 7.0-magnitude active Hollywood Earthquake Fault. Mayor Garcetti, the City Council and City Planning's bizarre actions in this case are intensifying the citizenry's apprehension.

Footnote 1: https://www.latimes.com/california/story/2020-05-20/federal-corruption- investigation-la-city-hall-ray-chan

We specifically request that all hyperlinks in this letter (and in all other objections letters submitted by all other persons, entities and groups) be downloaded and printed out and/or downloaded, submitted to the agency, and included in the City's control file and administrative record for the Project.

Response to Comment No. IND 8I-3

The comment expresses opposition to the Project based on alleged illegal activities by public officials related to a previous project at the Project Site; however, the comment does not raise a substantive issue on the content or adequacy of the Draft EIR, and, thus, no further response is warranted.

The comment also expresses opposition to the Project based on the Draft EIR's public review comment period and alleges that the City officials are "racing for new approvals." The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, per the Draft EIR's NOC/NOA, dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR. All required CEQA notice periods were observed, and the Draft EIR was circulated for the required time period.

The comment further requests that all hyperlinks in the comment letter (and in all other objections letters submitted by all other persons, entities and groups) be downloaded and printed out and/or downloaded, submitted to the agency (i.e. presumably the City, the lead agency), and included in the City's control file and administrative record for the Project. As previously stated in Response to Comment No. IND 8D-3, the Millennium Hollywood Project was an entirely different project, and a completely new EIR has been prepared for the Project that is currently proposed. The comment does not contain or specifically refer to any readily available information contained in the flash drive and does not explain the relevance of any portion of that material. (See CEQA Guidelines Section 15088(c).) As a result, the comment does not raise specific issues with respect to the content or adequacy of the Draft EIR, which is independent of any environmental review done on the previous project, and, therefore, no further response is warranted.

Comment No. IND 8I-4

This haste is more perplexing in light of the fact that after the City Council's July 2013 approvals in the original project, several significant developments have occurred. These include:

(1) In 2014, the State of California, through the California Geological Survey, officially mapped the 7.0-magnitude active Hollywood Earthquake Fault directly through the site, making the proposed Project even more clearly illegal than at the time of the

original, 2013 approvals. Although Millennium and the City had the right, and duty, to exhaust administrative remedies if they sought to challenge the State's official determination, they failed to exhaust those administrative remedies. The City and Millennium are, therefore, estopped from arguing that the fault does not run through the property, or that the fault is not active. The facts on the ground and their failure to exhaust administrative remedies as required by law bar their attempt now, in this DEIR, to redefine the fault as allegedly being "inactive." The DEIR's entire premise that the fault is "inactive" is a legal nullity. From the outset, the DEIR thus fails on this critical issue (as well as numerous others). The DEIR collapses under the weight of its own lies. Jasmine Networks, Inc. v. Superior Court (2009) 180 Cal.App.4th 980, 1005-1006 ("part of our job is to resist such devices, and to declare, when so it seems to us, that the emperor in fact has no clothes").

Response to Comment No. IND 8I-4

The comment expresses concern with failure to increase the time for public review of the Draft EIR due to the alleged geological hazards on the Project Site and other unidentified deficiencies. However, the Project would not be constructed on an active fault line. Please refer to Topical Response No. 3 – Geology and Fault Hazards, regarding development near a fault line. As discussed in Topical Response No. 3, the Project's geology and fault-related impacts were fully analyzed in the Draft EIR's Section IV.D, *Geology and Soils,* which were primarily based on a Geotechnical Investigation report and a Surface Fault Rupture Hazard Evaluation Report (2015 and 2019 Fault Study), both of which were reviewed and approved by the City of Los Angeles Department of Building and Safety, as provided in Appendix G of the Draft EIR. As discussed therein, the Project evaluated in the Draft EIR would result in less than significant geology and fault-related impacts.

Neither the City nor the Applicant are estopped from confirming that the fault does not run through the Property. Pursuant to state law, it is the City's responsibility to review and approve a geologic investigation prepared by a licensed geologist concluding whether an active fault exists on the Property. The State of California has no further decision-making role; it is not within the State of California's discretion or scope to conclude or opine whether an active fault exists on the property. For this Project, a licensed geologist has submitted a geologic investigation to the City demonstrating that proposed buildings will not be constructed across active faults, and the City has concurred with the licensed geologists' professional opinion. Moreover, the allegation that the City is estopped from doing a site specific analysis of the Project Site is not consistent with CEQA which requires an EIR to "identify and focus on the significant effects of the proposed project on the environment." (CEQA Section 15126.2(a)) A claim of failure to present information at a 2014 state hearing does not convert the comment into an issue that is related to the significant effects of the Project on the environment and, therefore, does not present evidence on the content or adequacy of the Draft EIR.

Comment No. IND 8I-5

(2) Beginning in 2018, multiple City officials and developers have come under FBI investigation for pay-to-play corruption. That FBI investigation is widening on an almost daily basis, as reported in the media.

(3) Former Councilman Mitch Englander in March 2020 pled guilty to federal obstruction of justice for his taking of bribes related to development projects. Councilman Jose Huizar has also been a focus of the FBI's investigation.

Is it a mere coincidence that two of the three votes on the City Council's Planning and Land Use Management Committee that approved the original project in June 2013 came from Englander and Huizar? They ignored all evidence of the Hollywood Fault crossing the site, while simultaneously dismissing evidence of Millennium's falsification of seismic maps and data.[2]

Is it also a mere coincidence that Englander ran the final City Council hearing that fully approved the original project in July 2013, when the project was not in his district, and when he was not the Council President? Indeed, then City Council President Herb Wesson, who normally would run the meeting (and, we note, whose office has also been implicated in the FBI investigation) was present and voted. That is the hearing when the full City Council mysteriously approved the original Millennium project – over the objections of dozens of community groups and hundreds of thousands of residents, and even over the objections of two State agencies, Caltrans and the California Geological Survey.

(4) Another subject of the FBI investigation is former LA Building & Safety ("LADBS") head, Raymond Chan. Throughout the U.S. Attorney's court filings, Chan is referred to as "Individual 1." As revealed to date (see, e.g., **Exhibit 2**), the FBI investigation and U.S. Attorney filings have pointed towards influence peddling and/or corrupt activities by Chan.

During the original proceedings, we argued that LADBS's approval of Millennium's earthquake fault studies was per se illegal because, overlapping with the time that LADBS was overseeing those approvals, Chan's son was simultaneously being paid by Millennium's chief lobbyist and law firm, Sheppard Mullin. Among other things, an ethics complaint was filed against Chan related to this state of affairs (**Exhibit 4**), but the City did nothing. Instead, Garcetti promoted Chan to Deputy Mayor.

We also discovered Chan lying about his alleged non-involvement in Millennium's seismic review and issues. Emails obtained through Public Records Act requests (**Exhibit 5**) show Chan at the center of discussions with Millennium's attorneys about the Hollywood Earthquake Fault potentially running through the project site. Those attorneys worked at the law firm of Sheppard Mullin (which according to City

> Ethics Committee reports, received millions of dollars in lobbying fees from Millennium).
>
> This remains relevant because significant portions of the seismic studies and alleged data undergirding the current DEIR's assertions that "there is nothing to see here, move on", were processed and accepted by Chan's LADBS in connection with the original project. Those studies should never have been accepted by the City in the first place, much less play an ongoing starring role in this DEIR now. The scandal continues.

Footnote 2: We incorporate the entire administrative record for the original Millennium Hollywood Project, LASC Case No. BS144606. By letters dated April 29 and May 20, 2020 (collectively at **Exhibit 3**), we provided a flash drive with the entire administrative record and reference library from the original case. We incorporate by reference all objections made by any and every party in the original case, most of which objections continue to apply with full force to the current Project. As a result, as part of responding to comments during this EIR process, the City must apply every objection from the original Millennium case to this matter and this DEIR, and must respond to every such objection as part of this EIR. Indeed, given the unreasonably short period of time you have allowed the public within which to submit comments during this public comment period, many individuals or groups who might otherwise have tried to comment now have not been able to, or simply gave up. Therefore, the prior comments and objections from the original matter serve a particularly important role in this matter. In any event, by our providing of that complete administrative record, and by this demand, but in light of the prior trial court and Court of Appeal rulings against the City and Millennium (i.e., you cannot simply reproduce the faulty Final EIR from the original case as your "responses" to our re-assertion of the original objections), you must include and respond to each and every one of those earlier objections, which we incorporate herein and reassert.

Response to Comment No. IND 8I-5

The comment expresses opposition to the Project and the alleged haste in which the City is processing the request for Project approvals based, in part, on assertions of alleged illegal activities by public officials related to a previous project at the Project Site. However, this is an entirely new project with new environmental analysis. Furthermore, see Section 3 of the Project Description, page II-9 of the Draft EIR, which states "[t]his analysis contained in this EIR is for a new Project and does not, in any way, rely on the environmental review prepared for the previous project, which was invalidated." The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. Accordingly, in so far as this comment relies on the alleged activities related to a different project, it does not raise any specific issues with respect to the content and adequacy of the Draft EIR, and, thus, no further response is warranted.

To the extent that the comment also expresses opposition to the Project based on the adequacy of certain seismic studies related to a previous project at the Project Site, the

Draft EIR is for an entirely new project at the Project Site with new environmental analysis and seismic studies prepared for the Project. Please refer to Topical Response No. 3 – Geology and Fault Hazards, regarding development near a fault line. As discussed in Topical Response No. 3, the Project's geology and fault-related impacts were fully analyzed in the Draft EIR's Section IV.D, *Geology and Soils,* which were primarily based on a Geotechnical Investigation report and a Surface Fault Rupture Hazard Evaluation Report (2015 and 2019 Fault Study), both of which were reviewed and approved by the City of Los Angeles Department of Building and Safety (LADBS), as provided in Appendix G of the Draft EIR. As discussed therein, the Project evaluated in the Draft EIR would result in less-than-significant geology and fault-related impacts.

The comment also requests that the entire administrative record of a previous project at the Project Site to be included in the Project's EIR and requests that this Final EIR respond to and apply each of the objections raised in the prior project's environmental analysis. The entire administrative record of the previous project at the Project Site has been included in this Project's administrative record because it was included in Comment No. IND 8D-3 in readily accessible form. However, the City has independently determined that that administrative record for the previous project has no relevance to the current Project or the content and adequacy of the Draft EIR for the current Project. Pursuant to CEQA Section 15088(c), the City is not required to provide detailed responses to comments that do not explain the relevance of the evidence submitted with the comment. This comment does not state which prior comments are relevant to the review of the current Draft EIR or why they would be relevant. Since the comments to the prior EIR are comments to the environmental review of a different project and since the current Draft EIR is for an entirely new project at the Project Site with new environmental analysis, the City has determined that the prior EIR and the comments to the prior EIR have no relevance to this Project. Therefore, as the Project does not rely on the prior EIR and since the comment does not provide evidence of significant environmental effects which are not analyzed adequately in the Draft EIR for the current Project, no further response is warranted for the objections raised on the previous project at the Project Site. See *City of Irvine v County of Orange* (2015) 238 Cal. App. 4th 526, 549, 558. See also Response to Comment No. 8D-3, which addresses the inclusion of the entire administrative record of a previous project at the Project Site in the current Project's EIR.

Comment No. IND 8I-6

(5) The current DEIR's failings result not only from the inclusion of tainted material as described above. They also come from the exclusion of information that must be included in a recirculated DEIR for the public and decision makers. This includes, but is not limited to, a **new report issued in May 2020 by the United States Geological Survey, based on the newest and most precise form of detecting earthquake faults**, called Guided Wave Study (**Exhibit 6** [https://pubs.usgs.gov/of/2020/1049/ofr20201049.pdf ; note that the title refers to 2018 studies, but the document was published in May 2020]; see also Seismic Section and discussion, infra), with critical new information and data for projecting

3 more active fault splays of the Hollywood Earthquake Fault across the Project site.

Response to Comment No. IND 8I-6

The Draft EIR technical support documents prepared by Group Delta Consultants (2015 and 2019) for the evaluation of surface fault rupture hazard at the Project Site remain the most relevant data pertaining to the recency of faulting below the Project Site, according to the current California Geological Survey (CGS) Special Publication 42 (*Earthquake Fault Zones, A Guide for Government Agencies, Property Owners / Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California*, 2018) and LADBS P/BC 2020-129 (*Surface Fault Rupture Hazard Investigations*, January 1, 2020). The CGS and LABDS publications are the standard of practice in investigating the hazard of surface fault rupture. The referenced 2018 U.S. Geological Survey (USGS)-California Geological Survey (CGS) report, dated May 8, 2020, presents geophysical data not in conflict with the Draft EIR technical support documents. Both investigators (i.e., Group Delta and USGS-CGS) present evidence for the potential of near surface faulting below the Project Site. Faults are a common occurrence anywhere in Southern California because it is a seismically active region. However, extensive trenching and subsurface stratigraphic explorations performed at the Project Site by Group Delta and others provide direct observation for evaluating the recency (i.e., timing) of faulting history. It is this recency of faulting history by which the potential hazard of future surface fault rupture is evaluated. The 2018 USGS-CGS (2020) report data are limited and cannot present evidence of the activity of faulting. As stated in the 2018 USGS-CGS report, “the seismic data provide little or no information about the rupture history of the fault traces,” as well as in the CGS 2018, *Guide for Assessing Fault Rupture Hazards in California*, “geophysical methods alone can only provide a range of alternative interpretation for what exists in the subsurface.”

Furthermore, the fault investigations at the Project Site presented in the Draft EIR technical documents prepared by Group Delta Consultants (2015 and 2019) were performed with full transparency and witnessed by the CGS and City reviewing officials. The CGS representatives who participated on-site in review sessions in the West Trench February 2014, in the East Trench July 2014, and SEC Ivar and Yucca Trench October 2018, included Janice Hernandez, Brian Olsen, Jerry Treiman, and Gorgon Seitz. Janice Hernandez, who has authored the CGS Fault Evaluation Reports, as well as the 2018 USGS-CGS Seismic Survey. Five Group Delta Certified Engineering Geologists, participated in different phases of the investigations. The trenches and transects were observed by paleoseismic specialists, including Thomas Rockwell and Roy Shlemon, as well as expert third party reviewer Eldon Gath with Earth Consultants Inc (ECI). All parties are well-respected professionals, considered experts in fault studies in Southern California. It is with cooperation with the regulatory officials and fault study experts that the Project Site was determined to have a history of no recent fault rupture in the last at least 30,000 years.

Additional discussion of the 2018 USGS-CGS report is provided below in Response to Comment Nos. IND 8I-49, IND 8I-59, IND 8I-60, and IND 8I-61.

Comment No. IND 8I-7

The above overview brings us to the present, to this DEIR, and to the ongoing violations of law and public trust by Mayor Garcetti, Councilman Mitch O'Farrell (whose district the Project is in), the Planning Department, and LADBS.

The law requires the City to reject the DEIR and the Hollywood Center Project.

Response to Comment No. IND 8I-7

This comment reiterates the commenter's assertion that the City should not approve the Project. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8I-8

II. PRELIMINARY PROCEDURAL ISSUES.

Please keep this office on the list of interested persons to receive timely advance notice of all hearings, votes and determinations related to the Project, its DEIR and requested entitlements.

Pursuant to Public Resources Code Section 21167(f), please provide a copy of each and every Notice of Determination issued by the City in connection with the Project.

We adopt and incorporate by reference all Project comments and objections raised by all others during the environmental review and land use entitlement processes for the Project.

As noted above, we incorporate by reference the entire administrative record for the original Millennium Hollywood project, Los Angeles County Superior Court Case No. BS144606.

Response to Comment No. IND 8I-8

This comment does not raise a substantive issue on the content or adequacy of the Draft EIR but rather contains several procedural requests. As requested, the commenter will be on the list of interested persons to receive timely advance notice of all hearings, votes and determinations related to the Project, the Draft EIR and requested entitlements, and will be provided a copy of each Notice of Determination issued by the City in connection with the Project. As the commenter provided the entire administrative record for the previous project at the Project Site in conjunction with a hard copy letter submitted to the case file, it has been included in this Project's administrative record. Refer to the responses to comments for each of the comments and objections raised by each specific commenter.

As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8I-9

III. <u>ALL NOP AND ELDP COMMENTS AND OBJECTIONS MUST BE INCLUDED IN A RECIRCULATED DEIR AND RESPONDED TO.</u>

Critical to the environmental review process is the opportunity of the public and other public agencies to identify information they require to be included in the Draft EIR to enable informed public review and comment. This also means that it is the lead agency's job to assure that negative and inconvenient information is not withheld from the public in the DEIR, so as to impair the public and expert agencies in their vital role to help shape a project and to hold the lead agency accountable in the process. All required information must be included at the Draft EIR stage, and not later in the process, as occurred during the earlier project's CEQA review process.

Unfortunately, the instant DEIR has violated this critical, early step of the CEQA process by refusing to acknowledge, much less address in the DEIR, various comments and demanded study parameters as contained in comment letters submitted in response to the City's Notice of Preparation ("NOP"). Some of those comments came from this office. We incorporate by reference all of the NOP comment letters from all sources. We demand that you recirculate the DEIR to include all issues and study areas raised by, and then to properly address each such issue and study area, from each of the comments raised in those NOP letters.

Response to Comment No. IND 8I-9

This comment asserts that comments provided in response to the NOP were not addressed in the Draft EIR. An example is provided in Comment No. IND 8I-10, which is addressed in Response to Comment No. IND 8I-9. The NOP comments pertaining to the scope and content of the Draft EIR were reviewed by the City during preparation of the Draft EIR. The Draft EIR analyzed issues and included technical studies, as necessary, to support the impact findings concluded therein. In consideration of the NOP comments, the content of the Draft EIR was prepared consistent with CEQA Guidelines Sections 15120 to 15132. In addition, besides the example provided in Comment IND 8I-10, no specific issues or study areas are referenced in the comment, nor does the comment provide any facts. As no substantial evidence is provided to support this claim, nor substantive issues on the content or adequacy of the Draft EIR raised, no further response is warranted.

Comment No. IND 8I-10

As but one example, our September 27, 2018 NOP comment letter (**Exhibit 7**) observed that the City's "Initial Study asserts that the Project will have no direct impact on cultural and historic resources in the area. That contention is not accurate." As will be discussed further below, the City violated AB 52 consultation requirements regarding

cultural and historic resources by failing to include tribal representatives in trenching activities[3] conducted on the East and West Sites as part of the Project review and approval process. The City's dismissive handling (**Exhibit 10** [April 8, 2020 City letter]) of the on-the-record tribal requests for participation (**Exhibit 11** [Gabrieleño Band of Mission Indians – Kizh Nation, September 10, 2018 letter] is illegal.

Footnote 3: See https://www.youtube.com/watch?v=JRVttDWBvOo&feature=youtu.be , for a 3-minute, breathtaking drone video taken by StopMillennium of one of the East Site trenches upon which the present DEIR bases much of its critical seismic conclusions, incorporated by reference. We note that although the trench appears "impressive" for seismic review purposes, it actually was part of the propaganda campaign being waged by Millennium and the City. The California Geological Survey as part of its official Alquist-Priolo Study FER-253 specifically noted that the trench terminated too early; it did not reach the point to the south where the CGS had plotted the main fault scarp to be crossing the property. See at **Exhibit 8** (FER-253 Supplement No.1; https://gmw.conservation.ca.gov/SHP/EZRIM/Reports/FER/253/, on page 26, second to last paragraph, next to last sentence: "The eastern trench at GDC Site 2 (and extending south into GDC Site 1) **did not extend far enough south to fully explore** these possible faults and their potential connection to the scarp at Carlos Avenue." (Emphasis added.) In other words, Millennium stopped before reaching the most critical location. That video is incorporated by reference into the present administrative record. See also **Exhibit 9** (photos of the East Site trench).

As to tribal cultural resources, the video and photos graphically demonstrate how destructively and surreptitiously (behind green fencing, and without tribal cultural monitors) the trenches were dug. In violation of law, the City failed to invite the tribal representatives in to observe. The more recent West Site trenching from approximately 2018, the alleged data from which is also included in this DEIR, suffers from the same problem. The City and this DEIR cannot literally and figuratively plow under the potential existence of Tribal Cultural Resources.

Prior to any further review of the Project or its DEIR, the City should order Millennium to fully reopen the trench locations and/or retrench to give unfettered access to representatives of the Gabrieleño Band of Mission Indians – Kizh Nation, as well as scientists from the California Geological Survey and United States Geological Survey.

Response to Comment No. IND 8I-10

The comment expresses opposition to the Project by asserting that Gabrieleño Band of Mission Indians – Kizh Nation tribal representatives were not present during the trenching activities on the Project Site and that the said trenching activities were not adequate. However, CEQA does not require the presence of tribal representatives during exploratory site work. AB 52 requires consultation, if requested by a Tribe, prior to release of the Draft EIR; but does not specify the need for tribal presence during studies conducted to review potential environmental impacts of the Project. Moreover, the trenching was conducted by a company with a trenching license which is renewed every

year through OSHA. Each trench exploration was observed by multiple licensed geologists, and no potential resources of significance were recorded.

In regard to the extent of trenching performed, the initial West Trench (within a portion of East Site on Project Site) was excavated in February of 2014 in coordination with a neighboring property. The planning of the location of this trench was performed prior to the February 14, 2014, release of the Fault Evaluation Report (FER) 253 for the Hollywood Fault, and was intended to investigate the Yucca Street strand as mapped out by Dolan et al. in 1997, which was considered at the time to be the leading evidence for active faulting along the Hollywood Fault Zone. During this time, hundreds of feet of transects were also investigated with closely spaced cone penetrometer tests (CPT) and core borings. Following the release of the FER 253, the East Trench (within a portion of East Site on Project Site) was planned and performed to extend the investigation to the southern property line to intercept all potential faulting as mapped by the FER 253 report. Following the completion of the trenching on the East Site, the CGS prepared the FER 253 Supplement No. 1 dated November 5, 2014, in which the fault traces were relocated outside the limits of the trenching. At the time of the release of this supplemental report, the 2015 Fault Study was still ongoing, and, therefore, the Supplement No. 1 FER 253 is not representative of the most complete knowledge about the faulting below the Project Site as the Fault Studies 2015 and 2019. These scientific explorations (trenching) were conducted in accordance with applicable regulations and were not subject to discretionary actions, such as building or grading permits or conditional use permits. As such, CEQA requirements regarding TCRs were not applicable. The AB 52 Statute, codified as PRC Section 21080.3.1, requires notification and consultation with a California Native American tribe, traditionally and culturally affiliated with the geographic area, within 14 days of the completion of an application. This notification applies only to those activities that would require a discretionary action, which, in turn, would mandate a negative declaration, mitigated negative declaration, or environmental impact report. Such notification was performed by the City with regard to the Project's Draft EIR but did not apply to the earthquake fault studies that required a discretionary action.

Moreover, State and City officials were present during the trenching. During exploration, each trench site had several geologists present who scoured over the exposures in the trench walls. No artifacts suspected of cultural sensitivity were observed. Also, as previously mentioned, the West Site trench (2019) excavation was performed in 100,000+ year old deposits, which has minimal potential to contain TRCs.[105]

After the release of FER 253 Supplement No. 1, additional fault studies in 2015 and 2019 were performed. The Draft EIR relied on the most site-specific information regarding faulting beneath the Project Site. In addition to the fault trenching, Group Delta investigations included four transects of continuous core borings and CPTs, which extended to the southern property line of the Project Site. The investigations intersected

[105] Group Delta, Michelle Sutherland, P.G., C.E.G., Senior Geologist, statement in email to ESA dated July 15, 2020. Correspondence is provided in Appendix C in this Final EIR.

all the CGS mapped Hollywood Fault traces and show evidence of unfaulted soil layers estimated to be at least 30,000 years old.

Comment No. IND 8I-11

In addition to the NOP comment letters, the City must include all objection letters related to the Environmental Leadership Development Project ("ELDP) AB 900 application request process initiated by Millennium for this Project. It appears that the City in its running administrative record (as required by AB 900) has not included in the administrative record for the DEIR process the ELDP objection letters themselves. That too distorts the purpose of the DEIR, which is to fully disclose, evaluate and mitigate all environmental impacts of the Project. By attempting to censor from this administrative record and DEIR those ELDP letters and their detailed objections and concerns (akin to NOP objection letters), the City again undermines CEQA's core purposes of: (1) enabling and encouraging informed public participation; (2) enabling informed public agency decision making; and (3) mitigating impacts.

As a result, we have compiled all of the ELDP objection letters at **Exhibit 12** hereto. We incorporate by reference all of the those ELDP objection comment letters. We demand that you recirculate the DEIR to include all issues and study areas raised by, and then to properly address each such issue and study area, from each of the comments raised in those ELDP objection letters.

Response to Comment No. IND 8I-11

This comment expresses opposition to the Project by asserting that the City is required to include all of the objection letters in the Draft EIR and respond to said letters related to the Project's application and subsequent certification by the Governor as an Environmental Leadership Development Program (ELDP) project pursuant AB 900. Neither CEQA nor AB 900 require the City to keep a running record of comment letters submitted to the Governor's Office and Research and Planning for an ELDP application and further do not require the City to include the ELDP comment letters in the Draft EIR and respond to those comments raised during the ELDP certification process in the Draft EIR since the ELDP certification is not within CEQA's purview.

The comment also asserts that the Draft EIR attempts to conceal that the Project is an ELDP. However, Section II.7(e)(2), *Environmental Leadership Development Project*, page II-68 of the Draft EIR, provides that:

> *The Project has been certified by Governor Brown as an eligible project under the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900). The Notice of Environmental Leadership Development Project (ELDP), dated August 17, 2018, was circulated in accordance with PRC Chapter 6.5 (commencing with Section 21178). AB 900, which is codified in PRC Sections 21178 through 21189.3, was intended to encourage California's economic recovery by providing a streamlined process for judicial review of compliance with CEQA for development*

projects that qualify as an ELDP. On August 16, 2018, Governor Brown certified that the Project meets the criteria set forth in the statute, including the applicable updated requirements in AB 246. In order to be certified as an ELDP, the Governor determined that the Project would result in a minimum investment of $100 million, would create high-wage jobs, and would not result in net additional greenhouse gas (GHG) emissions, as determined by the California Air Resources Board. Further, a mixed-use project, such as the Project, must meet additional requirements. Specifically, it must be located on an infill site, be designed to achieve Leadership in Energy & Environmental Design (LEED) Gold certification, be consistent with the relevant regional sustainable communities strategy, and exceed by at least 15 percent the transportation efficiency for comparable projects. The Governor's certification determined that the Project complies with all of these applicable requirements. The Governor's certification and related documentation are provided in Appendix B of this Draft EIR.

The comment also requests that Exhibit 12, which includes the compiled ELDP comment letters, be incorporated into the administrative record. The compiled ELDP objection letters incorporated into the comment letter are noted, and will be included in the administrative record.

Comment No. IND 8I-12a

IV. THE CITY HAS VIOLATED ENVIRONMENTAL JUSTICE AND DUE PROCESS RIGHTS BY ALLOWING ONLY 45-DAYS FOR A PUBLIC COMMENT PERIOD ON A 13,000-PAGE DEIR, RELEASED TO THE PUBLIC DURING THE COVID-19 CRISIS.

Despite an outpouring of written requests for a tolling or extension of the public comment period (including from Councilman David Ryu, whose District 4 constituents would experience the brunt of the Project's environmental impacts, including degradation of emergency services response times, even though the Project is in District 13 – O'Farrell), all of which we incorporate by reference, the City has pursued a sort of "Hunger Games" ugliness towards the public. We attach some of our correspondence on this subject collectively at **Exhibit 13**.

Response to Comment No. IND 8I-12a

The comment expresses opposition to the Project by asserting that the Draft EIR's public comment period should be extended, in part, because certain constituents in City Council District 4 "would experience degradation of emergency services response times, even though the Project is in" City Council District 13. However, this comment does not provide any facts and, therefore, no substantial evidence to support this claim. With regard to the adequacy of the Draft EIR public review period and for additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. As this comment does not raise any

specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, the Draft EIR addresses and considers the Project's potential effects on the emergency service response times in the analyses of impacts regarding public services. For example, see Section IV.K.1(2)(b)(3), *Fire Protection Response Time*, and Section IV.K.1(3), *Fire Protection Project Impacts*. Appendix M-1 of the Draft EIR also includes statistical data regarding fire protection services, response times, and emergency access. See also Section IV.K.2(3), *Police Protection Project Impacts* of the Draft EIR. Appendix M-2 of the Draft EIR also includes statistical data regarding police protection facilities, services, and response times. While response times are considered in the analyses, the focus of the public services analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 of the Draft EIR concluded that impacts to fire and police services, respectively, would be less than significant.

Comment No. IND 8I-12b

The City's refusal to extend the 45-day comment period has been fundamentally unfair to the public in myriad ways described in those letters. But it has also been unfair to public agencies such as the SCAQMD, Caltrans, the California Geological Survey, and others that likely will comment (or would have), but whose staff members have been operating remotely, without all of their files and normal equipment, and under the same reduced capacity and pressures from the COVID crisis and lockdown orders affecting all of us. The City's blithe, let-them-use-internet responses are repugnant.[4]

To read the entire tale of the public's pleading for more time, and the City's twisted retorts, recalls the statement by Chief Counsel of the U.S. Army, Joseph Welch, in his confrontation with Sen. Joseph McCarthy, where Welch famously asked McCarthy: "Have you left no sense of decency?" https://en.wikipedia.org/wiki/Joseph_N._Welch .

The City's refusal to extend, or restart, the public comment period also violates the public's constitutional due process rights, requiring fair notice to all who may be affected by land use decisions. See the Supreme Court's holdings in, e.g., Horn v. County of Ventura (1979) 24 Cal.3d 605, 612 & 616-619; Scott v. City of Indian Wells (1972) 6 Cal.3d 541, 548-550.

That we managed to produce this letter does not take away from the fact that we could and would have produced far more had time allowed. Nor does it negate the reality of most others who either gave up in the face of the City's adamant refusals to extend the public comment period, or produced something far less substantive because of the sheer inability to get through 13,000 pages of highly technical, and often impenetrable to a layer person, material.

Response to Comment No. IND 8I-12b

As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, the comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, per the Draft EIR's NOC/NOA, dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

The Draft EIR's public comment period was conducted in compliance with the statutory requirements, including, but not limited to, PRC Section 21091 and CEQA Guidelines Sections 15087, 15105, and 15205. The Draft EIR Notice of Availability was mailed out to all owners and occupants within a 500-foot radius from the Project Site. In addition, the Notice of Availability was advertised in the Los Angeles Times on the first day of public review, April 16, 2020. The Draft EIR was also made available for review, a hard copy of the Draft EIR, and digital copies on CD-ROM or USB drive, were also made available to anyone who requested one, from the Department of City Planning. Moreover, a hard copy of the entire Draft EIR was made available at the Department of City Planning for any interested party to view. Although the official public comment period closed on June 1, 2020, several comment letters were submitted after the official closing period and those that contained substantive CEQA-related comments have been included and responded to in this Final EIR even though responses to late comments are not required by CEQA. PRC Section 21091(d)(1); *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 CA5th 941, 972; *Gilroy Citizens for Responsible Planning v. City of Gilroy* (2006) 140 CA4th 911, 924. The City also received and responded to comment letter by the organizations referenced by the commenter, including, but not limited to, SCAQMD and Caltrans. As such, the public was provided an opportunity to review the Draft EIR pursuant to CEQA review time requirements.

Moreover, on April 22, 2020, Governor Gavin Newsom issued Executive Order N-54-20 (Executive Order) temporarily suspending certain consultation and public filing, posting, notice, and public access requirements by CEQA, including those for the notice of availability of a Draft EIR until June 21, 2020 (unless extended or modified) due to COVID-19. The Executive Order provides that lead agencies operating during this suspension period and pursuing review of a Draft EIR must: (i) post the required public notices on the lead agency's website for the same length of time that would be required for physical posting; (ii) submit all required notices to the State Clearinghouse's CEQAnet web portal; and (iii) perform public noticing and outreach to all interested parties as permitted and required by CEQA (e.g., providing notice to all interested parties who have requested notice). The Project's Draft EIR Notice of Availability was mailed, published, and posted

online on April 16, 2020, prior to the Executive Order's effective date of April 22, 2020. However, the notices provided for the Draft EIR complied with the Executive Order's requirements for lead agencies operating during the suspension by: (i) posting the Draft EIR Notice of Availability online on the Department of City Planning's website (https://planning.lacity.org/development-services/eir/hollywood-center-project-1) for the entirety of the public review period and thereafter; (ii) submitting all required notices to the State Clearinghouse's CEQAnet web portal (https://ceqanet.opr.ca.gov/2018051002/3); and (iii) performing public noticing and outreach to all interested parties as permitted and required by CEQA (e.g., providing notice to all interested parties who have requested notice). As such, the public was provided an opportunity to review the Draft EIR in accordance with CEQA and the Executive Order.

The comment also asserts that the City's refusal to extend, or restart, the public comment period violates the public's constitutional due process rights, requiring fair notice to all who may be affected by land use decisions. However, this comment does not provide any facts and, therefore, no substantial evidence to support this claim and does not raise a CEQA issue on the content or adequacy of the Draft EIR. As such, no further response is warranted.

Finally, Footnote 4, as included in this comment, is addressed as Comment No. IND 81-12c below.

Comment No. IND 8I-12c

Footnote 4: We also note that as a sort of "consolation prize" for violating AB 52 and tribal rights, the City informed the Gabrieleño tribal chairman that the tribe would still have the ability to comment on the DEIR. Of course, that is no substitute for observing and monitoring the earth movement and trenching real time. The City then informed the chairman that the public comment period would be 60 days. (**Exhibit 10**.) Even that was a lie, as only 45 days was given.

Response to Comment No. IND 8I-12c

This comment makes a general statement that the City informed the Gabrieleño Tribe that they would have the opportunity to comment on the Draft EIR and states that the City misinformed the Gabrieleño Tribe of the Draft EIR's public comment period. However, this comment does not raise a substantive issue on the content or adequacy of the Draft EIR, and, thus, no further response is warranted.

Nonetheless, the City did not violate AB 52 consultation requirements. See Response to Comment No. IND 8I-10 and Response to Comment No. ORG 43 regarding tribal consultation requirements for trenching activities. Also, Exhibit 10, as referenced in this comment, includes a letter from the City to the Gabrieleño tribal chairman summarizing the AB 52 consultation that occurred for the Project. Also, Section IV.M, *Tribal Cultural Resources*, of the Draft includes an assessment of tribal cultural resources impacts based

on Native American consultations pursuant to AB 52. The AB 52 consultation documentation is presented in the Hollywood Center Project Assembly Bill 52 Consultation Summary Report, which is provided in Appendix O, of the Draft EIR.

Also, the City directly mailed a copy of the NOA/NOC to the Gabrieleño Tribe, which included the correct public review period for the Draft EIR and directly informed the tribe that they had the opportunity to review the Draft EIR and provide comment. It should be noted that the Gabrieleño Tribe provided comments on the Draft EIR within the 45-day comment period.

Comment No. IND 8I-12d

We also wish to point out that the City has violated new Public Resources and Government Code sections dealing with environmental justice, and the requirements for agencies like the City to ensure that environmental justice communities have a full and fair opportunity to understand and participate fully in governmental decisions.

In a letter dated April 29, 2020, we objected to the City's failure to extend the public comment period for the DEIR in light of the COVID-19 crisis, and in particular, the absence of public access to hard copies of the DEIR in the usual locations of (now- closed) local libraries and the (now-closed) City Planning Department. The City responded on April 28, 2020 with an email that gave the facile and patently untrue response that "the Draft EIR remains accessible to all individuals" because the documents were all on line, thereby implying or assuming that everyone who wanted to review the EIR should be able, on their own, to have a computer, an internet connection and sufficient bandwidth to download this very hefty DEIR and its lengthy appendices. We again objected, in a letter dated April 29, 2020, reminding the City of Mayor Garcetti's lockdown order that closed the libraries and City Hall.

The City's cavalier, let-them-use-internet attitude ignores the very real fact, widely known to the general public, that members of some communities may not have computers or, if they do, may be unable to afford internet access. The libraries where they might usually access the internet are closed, making access to both a hard copy of the DEIR and the online version of the DEIR unavailable. The City's assertion about universal access to the DEIR is simply untrue, unsupported by observable facts, and contradicted by evidence. Unaffordability of access to the internet is particularly and painfully true now, when rampant unemployment is making many people choose between food and rent payments. Assuming that all people can afford both a laptop and internet access is arrogant and discriminatory, and impairs or denies the ability to meaningfully participate in the City's decision-making about the Project.

Attached hereto at **Exhibit 14** is the report that ran on radio station KPCC's LAist feature, describing the difficulties poorer families are encountering when they attempt to get their children connected to on-line school classes. The article describes that internet access is simply not available to all parts of some communities (e.g., Watts), and is available in other locations only at prices that families may not now be able to afford. If

some poorer communities (and Hollywood certainly has poorer communities) cannot get their children on line to continue their education, how can the City justify assuming that all families can get on line to read, study, and comment on the DEIR?

The City's conduct does not comport with both long-standing and recent legislation defining environmental justice. Assembly Bill 1628 was signed into law by Governor Newsom on September 27, 2019, and took effect this year. The bill's Section 1, subd. (b), provides:

> "It is therefore the intent of the Legislature to ensure that the populations and communities disproportionately impacted by pollution *have equitable access to, and can meaningfully contribute to, environmental and land use decisionmaking*, and can enjoy the equitable distribution of environmental benefits." (Emphasis added.)

This definition of "environmental justice" expanded the existing definition in Government Code Section 65050.12, subd. (e):

> "'[E]nvironmental justice' means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

While AB 1628 only formally amended the Coastal Act and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the intent of the Legislature is clear that environmental justice must include equal access by all communities to information about governmental decisions that may affect them, and equal opportunity to participate in the making of those governmental decisions. The City has denied equal access and "fair treatment" regarding the Project and the impacts it may have on the community's physical environment.

Response to Comment No. IND 8I-12d

The comment expresses opposition to the Project by asserting that the Draft EIR's public comment period was not in compliance with CEQA because reliance on internet access would violate the principles of environmental justice. However, this comment does not provide any facts or supporting evidence that any communities or individuals were denied access to the Draft EIR.

The commenter is referred to Response to Comment No. IND 8I-12b and Topical Response No. 1 – Public Participation and Review, which include a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR. Moreover, as the comment notes, Assembly Bill 1628 and the commenter's referenced Government Code and PRC sections do not apply to CEQA and have no bearing on this EIR or Project. However, as addressed in Response to Comment No. IND 8I-12b and Topical Response No. 1 – Public Participation and Review, the public was provided an opportunity to review the Draft EIR in accordance

with CEQA and applicable laws. Internet access was not the only available means to access the Draft EIR. As further explained in Response to Comment No. IND 8I-12b and Topical Response No. 1 – Public Participation and Review, in addition to the Draft EIR being available for review on the City's website, hard copies of the Draft EIR and digital copies via CD-ROM or USB drive copies were also made available to anyone who requested one, from the Department of City Planning. Moreover, a hard copy of the entire Draft EIR was made available at the Department of City Planning for any interested party to view. In fact, one individual requested a hard copy and digital USB copy of the Draft EIR during the Draft EIR comment period, for whom legible copies were provided by the City.

See also Response to Comment No. IND 8I-12c, which explains that even though the Gabrieleño Tribe was originally misinformed on the exact Draft EIR public review period, the City nevertheless provided them a copy of the NOC/NOA of the Draft EIR, which afforded the Tribe an opportunity to review and comment on the Draft EIR. As described above, the Gabrieleño Tribe provided comments on the Draft EIR within the 45-day comment period.

Comment No. IND 8I-13

V. THE DEIR FURTHER VIOLATES CEQA: CORRUPTED DOCUMENTS IN APP. G-1 AND ELSEWHERE REQUIRE RECIRCULATION AND RESTART OF THE PUBLIC COMMENT PERIOD.

The City's refusal to extend the public comment period, or more appropriately, to restart it altogether, is even more abusive considering that all of the Plates and Figures in Geology Appendix G-1 were corrupted as distributed by the City in the format most likely to be used by the public, i.e., downloading (for those with computers and internet access) the pdf files and viewing them in that manner. (See also p. 5 of our May 22, 2020 letter, included as part of **Exhibit 13** hereto.) The City's response after we raised this issue speaks volumes about the corruption in this process.

First the City argued that the DEIR was fully available because the public could allegedly view it via computer (even though many would only be able to view a DEIR of this type and size at a public library). Then the City said it was fully available if only the public didn't download it (that one is particularly risible, as the files cannot be downloaded as anything other than a pdf, in order to preserve the integrity of the underlying document). That the City for more than 5 weeks of the 45-day public comment period had a document with corrupted text and numbers in every single Plate and Figure (totaling 18 critical exhibits), which it did not even bother to check before releasing to the public, is again inexcusable.

The burden cannot be on the public to figure all of this out. It is the responsibility solely of the public agency to make all of the DEIR materials fully available, and in time for the public to review and frame meaningful comments (i.e., not less than a week for a 13,000-page DEIR, during a pandemic). See, *inter alia*, CEQA Guidelines Sections 15200(b)(c)

and (d) (purposes of public review include checking the EIR's analysis, checking for errors, and identifying omissions); 15201 (public participation is essential to the CEQA process), 15203 (public agency shall allow adequate time for public review [implicitly, for public review of an accurate and complete document]).

Restarting the public comment period after properly releasing a full and corrected version should go without saying. That is particularly true when, as here, there could literally be a catastrophic inability of community members and their technical advisors to assess the earthquake data in the DEIR because of the corruption in Appendix G-1.

Response to Comment No. IND 8I-13

This comment expresses opposition to the Project by asserting that certain pages of Appendix G-1 of the Draft EIR (18 pages to be exact) were illegible when downloaded and viewed as a .pdf file and, as such, warrants extension of the Draft EIR's public comment period or complete recirculation of the Draft EIR. See Response to Comment No. IND 8H-3, which discusses the issues raised in this comment.

Comment No. IND 8I-14

VI. THE DEIR ALSO VIOLATES CEQA BECAUSE OF ITS LACK OF CLARITY FOR THE LAY PERSON.

CEQA is intended to be a document of public information. Pub. Res. Code §§ 21002.1(a), 21003(b) ("Documents prepared pursuant to this division [CEQA] shall be organized and written in a manner that will be meaningful and useful to decisionmakers and to the public"); Guidelines § 15140 ("EIRs shall be written in plain language . . . so that decisionmakers and the public can rapidly understand the documents"). See also, Vineyard Area Residents for Responsible Growth, Inc. v. City of Rancho Cordova (2007) 40 Cal.4th, 412, 442 ("Vineyard") ("The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decisions makers, who may not be previously familiar with the details of the project. '[I]nformation scattered here and there in EIR appendices' or a report 'buried in an appendix' is not a substitute for 'a good faith reasoned analysis.'")

Here, the DEIR does not meet CEQA's requirement for a document that is fully understandable by and accessible to the public and decision makers. Some discussions are so full of technical information that they cannot easily be followed by a lay reader. One example is the confusing and inadequate discussion at DEIR, p. II-10 to 11, which purports to explain the Site's existing "D" limitation, without providing any background on what a "D" limitation is or why this particular "D" limitation was imposed on the site, a discussion of the FAR [meaning floor area ratio] for the site that does not make clear what an FAR is or what it does, a reference to an Owner Participation Agreement without an explanation of what such an agreement usually contains, and others.

Similarly, despite the ubiquitous references to air quality modeling in general, and to the EMFAC and CalEEMOD models in particular (see, e.g., DEIR p. IV.B-41), no real explanation is given as to what an air quality model is or does, or what the differences between EMFAC and CalEEMod are.

An especially egregious example of presenting information in a way that is not easily accessible to the lay reader is that the DEIR has technical appendices that run over 1,000 pages, but lack overall Tables of Contents ("TOCs") and sequential page numbering of the appendix. This makes finding any particular technical discussion or specific piece of information a time-consuming, labor-intensive, very frustrating, and sometimes virtually impossible task. An example is Appendix E-1 (Air Quality), which has 1,160 pages with no TOC. Another example is Appendix N (Transportation analysis), which has more than 1,400 pages, with no overall TOC or sequential page numbering, just separate sets of page numbers for individual analyses within the overall Appendix. Locating any given analysis or bit of data is impossible without a greatly disproportionate investment of time and labor. Equally baffling and frustrating is the passage at the top of page IV.B-40 that refers the reader to Appendix E-1 for a full discussion of the Project's construction phasing and equipment list, without providing any clue as to how the reader is to find that information in the 1,160-page Appendix E-1, which lacks overall consecutive page numbers and has no TOC.

A blatant violation of the Vineyard dictate that information should not be "buried" in appendices is the plethora of footnotes in the DEIR that cite to documents as a whole, without page citations that would allow a reader to actually find and verify the information being cited, or to understand the context of the quotes from reference documents that the DEIR reproduces. Examples of footnotes referring to entire documents are: (1) footnotes in the Air Quality section numbers 66-68, 70, 73, 77, 82, 91, 98, 112; and (2) footnotes in the Greenhouse Gas section numbers 4, 5, 23, 31, 35, 36, 49, 63, 69-73, 77-79, 82, 87, 108,109, 111, 113-115, 117, 120, 121, 136, 155, 156, 159, and 160. Here, the information is not only buried, but there are not even tombstones or a map of where the data are buried.

A further violation of CEQA Guidelines Section 15140's command that "EIRs shall be written in plain language" is the use of technical terms and acronyms without definition, e.g., "SOON" used at DEIR p. IV.B-17 and undefined there or in Appendixes E, N-1, or the Acronyms list.

Based on this firm's prior litigation, the courts invalidated the previous Millennium project and its EIR on several grounds, including because its project description failed to disclose what the project would actually be. This second time, while some aspects of the physical project are better defined, now the City and Millennium are hiding the impacts in text that is impenetrable to the lay person. It would be hard to have written a more turbid, less clear document. One can reasonably surmise that with the years that the City and Millennium have had to work on this document, that was a deliberate choice. Regardless, this document circulated to the public further violates CEQA.

The DEIR should be thoroughly revised to make it a readable document that allows a lay reader to find, and to understand, what is being said. Until it is, it is *void ab initio* and fails as a matter of law.

Response to Comment No. IND 8I-14

The comment expresses opposition to the Project based on the format of the Draft EIR but does not provide any substantial evidence to support the contention that the Draft EIR fails to comply with CEQA.

The contents and format of the Draft EIR are in compliance with CEQA. See Public Resource Section 21003(b) and CEQA Guidelines Sections 15140 and 15147. The Draft EIR is organized and written in a manner (i.e. using plain language and in an intelligible manner) that make it meaningful and useful to decision-makers and to the public. Maps, charts, diagrams, and other means of presenting information graphically were also used to enhance the Draft EIR's clarity, with technical data summarized and the full analysis incorporated by reference. For example, See Section II.7, *Project Description,* of the Draft EIR, which includes a high-level and a detailed description of the Project, as well as Table II-1 detailing the various uses and floor area per use, density, FAR, open space, and vehicle and bicycle parking for the East Site, West Site, and the entire Project.

The Draft EIR is also written in a way that readers are not forced to sift through obscure minutiae or appendices to find important components of the analysis. See the Table of Contents of the Draft EIR, for a high-level outline of the Draft EIR sections, including the Introduction (Chapter I), Project Description (Chapter II), Environmental Setting (Chapter III), Environmental Impact Analysis for each individual resources (Chapter IV), Alternatives (Chapter V), Other CEQA Considerations (Chapter VI), References (Chapter VII), List of EIR Preparers and Organizations and Persons Contacted (Chapter VIII), Acronyms and Abbreviations (Chapter IX), and a list of appendices, figures, and tables. The Draft EIR's analysis is also summarized in a succinct, yet thorough, manner in the Executive Summary of the Draft EIR.

Moreover, Appendix E-1 and Appendix N-1 of the Draft EIR both include table of contents and page numbers. CEQA leaves the design and formatting of the EIR to the sound discretion of the lead agency, subject to the general requirement that the discussion of environmental impacts is adequate. See PRC Section 21100 and CEQA Guidelines Sections 15120 and 15150 (addressing the contents and formatting of an EIR). So long as the public and decisionmakers can locate relevant portions of the Draft EIR, then the chosen indexing format of the Draft EIR does not deprive the public and decisionmakers of meaningful review.

With regard to a discussion of the "D" Limitation, the commenter is referred to Section II.5, *Land Use and Zoning Designations,* of the Draft EIR, which explained that:

> *The Project Site is subject to 'D' Limitations, pursuant to Ordinance No. 165,659, which restricts lots with Assessor's Parcel Numbers (APN) 5546-004-006, 5546-004-*

020, 5546-004-021, 5546-004-029, 5546-030- 028, 5546-030-031, 5546-030-033, and 5546-030-034 to a 3:1 FAR; and the corner lot on the southeast corner of Yucca Street and Vine Street, with APN 5546- 030-032, to a 2:1 FAR.

The same was also explained in Section IV.H, *Land Use and Planning,* of the Draft EIR (see page IV.H-10 and IV.H-23, respectively):

The 'D' indicates a Development Limitation, which restricts all the lots on the Project Site to a 3:1 FAR, with the exception of one lot (occupying the northwestern corner of the East Site, which comprises a portion of the Gogerty Building) to a 2:1 FAR.

Note that Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR, includes a correction to the above-referenced "D" Limitation which provides that the 2:1 FAR applies to the portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue (not Vine Street) and associated with APN 5546-004-032 (not APN 5546-030-032).

Regardless, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Furthermore, compliance findings will still be required and will be included in the City Planning Case (CPC) Staff Recommendation Report. These revisions have been listed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The Density Compliance Review and the change in proposed entitlements are discussed in detail in Topical Response No. 5 – Land Use and Planning, above.

With regard to the assertion that the Draft EIR provides no real explanation as to what an air quality model is or does, or what the differences between the on-road vehicle emissions factor (EMFAC) model and the California Emissions Estimator Model (CalEEMod) are, see Section IV.B, *Air Quality,* of the Draft EIR. As stated on page IV.B-36, CalEEMod is a Statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions from a variety of land use projects. Furthermore, as discussed throughout Subsection 3.b, *Methodology,* of Section IV.B, the Draft EIR described how CalEEMod is used throughout the analysis to calculate the Project's construction and operational emissions. Regarding EMFAC, the Draft EIR provided explanation on page IV.B.39 that EMFAC is the CARB on-road vehicle emissions factor model and used when CalEEMod is not applicable. For instance, as stated on page IV.B-39 of the Draft EIR, the EMFAC2017 model was used because EMFAC2017 emission factors have not yet been incorporated in the current version of CalEEMod. Also, as explained on page IV.B-39 of the Draft EIR, emissions from haul trucks and concrete trucks were also estimated outside of CalEEMod using EMFAC2017 emission factors for haul and concrete trucks because CalEEMod assumes that the number of heavy-duty trucks input into the model occurs across the entire length of the applicable construction phases. However, since the applicable construction phases would

not have hauling activities and haul trucks on-site every day within each particular phase, the emissions calculations performed outside of CalEEMod were able to account for the varying maximum numbers of daily haul truck and concrete truck trips within each of the demolition, grading/excavation, foundations/concrete pour, and building construction phases.

Comment No. IND 8I-15

VII. THE FBI INVESTIGATION OF CORRUPT CITY OFFICIALS HANGS OVER THIS DEIR.

In the Introduction section we noted the active FBI investigation into City officials related to bribery and corruption. Based on public disclosures made to date, focuses of that investigation include former Councilman Mitch Englander (already pled guilty), current Councilman Jose Huizar (perhaps soon to plead guilty), and former LADBS head and then Deputy Mayor, Raymond Chan (also perhaps soon to plead guilty). All were actively involved in critical approvals for the original Millennium project, their actions then continue to infect the current DEIR now, particularly as to seismic/geologic studies from the earlier project that are being used to support the current DEIR.

As the January 16, 2020 federal indictment of Englander explains, there is presently a

> "federal criminal investigation into **public corruption throughout the City of Los Angeles** (the "City") related to **multiple suspected "pay-to-play" schemes** (the "Federal Investigation")." This investigation involves "**multiple City officials, developers**, investors, consultants, lobbyists, and other close associates working in furtherance of the potentially illegal schemes." (Several of the federal indictments, plea deals, and information documents are attached collectively at **Exhibit 15** hereto; emphasis added.)

Regarding Chan, as reported in a January 18, 2019 Los Angeles Times Article, "*Garcetti appointee named in FBI warrant quits his post*":

> "Agents served the warrant on Google in July, seeking information from a private email account for Ray Chan, who served as Garcetti's deputy mayor for economic development in 2016 and 2017. Prior to that, Chan was Garcetti's top executive at the city's Department of Building and Safety." (**Exhibit 16.)**

The time frame when Chan headed LADBS overlapped with the highly controversial approvals for Millennium and its seismic studies, a process as to which the California State Geologist and Geological Survey expressed grave concerns. (See, e.g., **Exhibit 17** [initial letter from State Geologist; and then-City Geologist Dana Prevost's notes about phone call from State Geologist expressing alarm].)

We alleged then that Chan was acting improperly, and we allege it again. The entire Millennium approval process, past and present, is marred by strong evidence of corruption. We urge the FBI to continue to probe Chan and other City officials' dealings related to the past and present projects. **We also urge Mayor Garcetti, the City Council, and the Planning and LADBS heads to stop any further processing of the DEIR and Project applications until the FBI investigation has concluded.**

We will not be surprised if former Planning Director Michael LoGrande who presided over the original Millennium approvals, and who recently agreed to pay a nearly $300,000 fine for ethics violations, is also exposed in the ongoing FBI investigation.

Although articles abound confirming the depth and breadth of the FBI's investigation into City officials and the pay-to-play corruption that permeates LA City Hall (see **Exhibit 2**), we add for the record the Los Angeles Times May 15, 2020 editorial, "Just how dirty is L.A. City Hall?" (**Exhibit 18**.)

As detailed in the May 13, 2020 Information filed by the U.S. Attorney against Defendant George Chiang, at ¶ 28:

> "a. In order to enrich its members and associates, the CDA Enterprise operated a pay-to-play scheme within the City of Los Angeles, wherein public officials demanded financial benefits from developers and their proxies in exchange for officials acts. **Specifically, through a scheme that involved bribery, mail and wire fraud, and extortion**, Councilmember A, City Staffer A-1, **Individual 1 and other City officials demanded, solicited, accepted, and agreed to accept from developers and their proxies**, including defendant CHIANG, some combination of the following types of financial benefits, among others: (1) cash; (2) consulting and retainer fees; (3) favorable loans; (4) casino chips at casinos; (5) flights on private jets and commercial airlines; (6) stays at luxury hotels; (7) expensive meals; (8) spa services; (9) event tickets to concerts, shows, and sporting events; (10) escort and prostitution services; and (11) other gifts.
>
> "b. In exchange for such financial benefits from developers and their proxies, Councilmember A, City Staffer A-1, **Individual 1** and other City officials agreed to perform and performed the following types of official acts, among others: (1) filing motions in various City committees to benefit projects; (2) voting on projects in various City committees, including the PLUM Committee, and City Council;
>
> (3) taking, or not taking, action in the PLUM Committee to expedite or delay the approval process and affect project costs; (4) **exerting pressure on other City officials to influence the approval process of projects** . . . ." (See **Exhibit 15**; emphasis added.)

As stated in the Information at ¶ 13: "Individual 1 was the General Manager of the LADBS until in or about May 2016. In or about May 2016, Individual 1 was appointed by the Mayor as the City's Deputy Mayor for Economic Development. As Deputy Mayor,

Individual 1 directed LADBS and the Planning Department, among other City departments." "Individual 1" is Raymond Chan.

Response to Comment No. IND 8I-15

The comment expresses opposition to the Project based on alleged illegal activities by public officials related to a previous project at the Project Site; however, this an entirely new project that has undergone an entirely new environmental analysis. It is further noted that the speculation as to illegal activities related to a different project and an allegation that this Project is somehow tainted by the previous project are not facts related to the adequacy of the Draft EIR. Accordingly, insofar as this comment relies on the alleged activities related to a different project, and does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8I-16

To summarize:

- This Project is the nominally-revised version of the prior project that Mayor Eric Garcetti and Councilman Mitch O'Farrell greenlighted to put skyscrapers on top of the 7.0-magnitude active Hollywood Earthquake Fault.

- Councilman Mitch Englander in July 2013 mysteriously conducted the hearing that led to the City Council's original approvals. https://www.youtube.com/watch?v=xMe7fq_ZXcQ&t=13s

- Englander in March 2020 agreed to plead guilty to federal obstruction of justice, part of the wider-ranging federal corruption probe of LA City officials.

- This Project is the nominally-revised version of the prior project that won the City Council's Planning and Land Use Management Committee approval in June 2013. Two of the PLUM Committee's three members who voted to approve the earlier project were Councilman Jose Huizar, who is under FBI investigation, and Englander, perhaps soon to be in prison.

- This Project is the nominally-revised version of the prior project where the City's Department of Building and Safety, then under Raymond Chan, approved Millennium's bogus earthquake studies. The FBI is actively investigating Chan.

- This Project is the nominally-revised version of the prior project where the California State Geologist warned the City Council of grave threat to human life because of the project's location over the Hollywood Earthquake Fault. The Mayor and City Council ignored the state's top geologist.

- Since then, the California Geological Survey through its official Alquist-Priolo Earthquake Fault Zone Map and Fault Evaluation Report ("FER") No. 253 has come out even more explicitly in its determination – which is now law – that the

Project site is traversed by the 7.0-magnitude active Hollywood Earthquake Fault (**Exhibit 8**), making it unbuildable and unapprovable as currently proposed.

- This Project is the nominally-revised version of the prior project that Caltrans fought, stating the City and Millennium's traffic studies were fraudulent and dangerous. (**Exhibit 19**.)

- This Project is by the same developer guilty of the Leaning Tower of San Francisco disaster, one of the biggest construction screw ups in modern times.

- But like the bad penny that keeps turning up, Millennium is back. They slightly tweaked the project and are lurking under a new name, Hollywood Center. However, a rose by any other name stinks just as bad.

Response to Comment No. IND 8I-16

The comment expresses opposition to the Project based on alleged illegal activities by public officials related to a previous project at the Project Site, speculation, and inaccurate characterizations of the Project. However, the comment does not provide facts related to this Project, which, as discussed in the previous Response to Comment No. IND 8I-15, is an entirely new project that has undergone an entirely new environmental analysis and, thus, does not raise any issue related to the Draft EIR. Accordingly, insofar as this comment relies on the alleged illegal activities related to a different project, it does not raise any specific issues with respect to the content and adequacy of the Draft EIR, and, as such, no further response is warranted.

Nonetheless, since this comment summarizes the prior comments set forth by the commenter, the commenter is referred to Response to Comment Nos. IND 8I-3 and IND 8I-15 (related to alleged illegal activities and concerns with a previous project); IND 8I-4, IND 8I-5, IND 8I-6, IND 8I-9, and IND 8I-59 to 8I-61 (related to seismic concerns); and Topical Response No. 3 – Geology and Fault Hazards, above, which address all the same issues summarized in this comment.

In addition, a Transportation Assessment (TA) was prepared in accordance with LADOT's Transportation Assessment Guidelines (TAG) adopted in July 2019 and pursuant to a memorandum of understanding (MOU) with LADOT dated December 3, 2019, documenting its assumptions and technical methodologies. The LADOT MOU is included in Appendix A of the TA. LADOT reviewed the TA and provided an approval letter of the TA on April 10, 2020, which is included as Appendix N-2 of this Draft EIR. The applicable CEQA results of the TA are presented in Section IV.L, *Transportation*, of the Draft EIR. On pages IV.L-49 and IV.L-49, an overview of the supplemental Caltrans analysis prepared for the Project is provided based on the current Project description and applicable City and CEQA regulations.

Comment No. IND 8I-17

VIII. THE DEIR'S PROJECT DESCRIPTION AND LAND USE ANALYSES VIOLATE CEQA.

A. The DEIR Lacks an Accurate, Stable and Finite Project Description Regarding Multiple Critical Issues Required for Informed Public Participation.

1. The DEIR Misrepresents the Project's Proposed and Requested FAR.

We emphasize, as the Court of Appeal held in ruling against the City and Millennium in the prior matter, that the DEIR's "project description must be accurate, stable and finite." Stopthemillenniumhollywood.com v. City of Los Angeles (2019) 39 Cal.App.5th 1, 16.

> "The requirement of an accurate, stable, and finite project description as the sine qua non of an informative and legally sufficient EIR has been reiterated in a number of cases since County of Inyo. (See, e.g., Treasure Island, supra, 227 Cal.App.4th at p. 1052, 174 Cal.Rptr.3d 363 ["This court is among the many which have recognized that a project description that gives conflicting signals to decision makers and the public about the nature and scope of the project is fundamentally inadequate and misleading"]; Communities for a Better Environment v. City of Richmond (2010) 184 Cal.App.4th 70, 85–89, 108 Cal.Rptr.3d 478 [EIR failed as an informal document because the project description was inconsistent and obscure as to the true purpose and scope of the project]; San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 653, 57 Cal.Rptr.3d 663 [an EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider 309 meaningfully the issues raised by the proposed project].)" Id. at 17.
>
> '"Only through an accurate view of the project may affected outsiders and public decision makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance.' [Citation.]" Id. at 18-19.

As a starting point, an accurate FAR (floor area ratio) is the *sine qua non* of a legally sufficient project description. Without a truthful disclosure of FAR, community members are deprived of one of the few readily-understood land use metrics to understand and comment on the Project. That is missing in the DEIR.

Among the primary characteristics of a development informing the public's conception of what environmental impacts to investigate, FAR is uniquely important to meaningful public participation. The public utilizes approximate FAR comparisons as a heuristic to judge whether a development warrants participation in the public process. A misleading FAR, therefore, taints the entire public process because it impairs informed decision-making by the public and the City.

However, rather than calculate FAR based on the definition in LAMC Section 12.03 and the LADBS Bulletin attached as **Exhibit 20**, as the public and the City have done for decades, the DEIR instead creates its own project-specific definition and represents only what the FAR would be if the City excluded portions of the Project. As a result, the DEIR artificially reduces the actual FAR by excluding *168,320 square feet* of covered residential terraces and balconies from FAR calculations. Table II-4, Footnote (c) states that the FAR calculations exclude 78,120 square feet on the West Site and 90,200 square feet on the East Site. These figures total 168,320 square feet of area excluded from FAR. Far from a rounding error, this omission reduces disclosed FAR by approximately 0.837 to 1 (168,320 square feet divided by 200,971 square feet of lot area).[5] The true FAR of the Project, rather than 6.973 to 1, is in fact 7.81 to 1 – an undisclosed increase of over 12 percent.[6]

The DEIR's customized definition of FAR fails to make a good faith effort to inform the public. The unconventional calculation is clarified only in a technical footnote, while the DEIR conspicuously omits any calculation of total FAR under the LAMC definition. Rather than providing a simple ratio commonly understood by the public to facilitate an apples-to-apples comparison to other developments, the DEIR jumps through hoops to meticulously sum every square foot of covered open space (i.e., the balconies and terraces) throughout the Project, to subtract those numbers from the LAMC definition of Floor Area, and to ensure that only the reduced FAR is disclosed in the DEIR.

The misrepresentation of the Project's FAR advances no legitimate informational purpose. No other development in Hollywood, or Citywide, has been approved and constructed[7] based on the proposed alternative calculation of FAR. Nor does the FAR calculation serve an entitlement or technical land use purpose. Millennium elsewhere represents that the Project is allegedly entitled to an FAR of 8.1 to 1 due to affordable housing set-aside.[8] If so, why does the DEIR reverse-engineer definitions to assert that FAR is only 6.973 to 1 when FAR actually exceeds 7.810 to 1? The only conclusion is that the FAR calculation is a transparent attempt to deceive the public into believing the Project's FAR is substantially smaller than proposed by omitting covered balconies and terraces that the Zoning Code requires to be included. It serves no purpose but to mislead.

Footnote 5: 168,320 square feet divided by 200,971 square feet equals 0.753.

Footnote 6: 7.810 /6.973 = FAR. 0.75/6.973 = 0.12 = 12 percent increase.

Footnote 7: The previous iteration of the Project had requested a Zoning Administrator Interpretation to exclude balcony area, but was defeated in court and never constructed.

Footnote 8: DEIR p. II-11.

Response to Comment No. IND 8I-17

The comment expresses opposition to the Project by claiming that the Project description does not comply with CEQA since the Project's FAR is not accurately described in the Draft EIR.

The Draft EIR provides an accurate, stable, and finite project description as required by CEQA and the guiding case law including the cited *Stopthemillenniumhollywood.com* case (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1). To be sufficient, an EIR's project description must include: (i) the precise location and boundaries of the proposed project, (ii) a statement of project objectives, (iii) a general description of the project's technical, economic, and environmental characteristics, and (iv) a brief statement of intended uses of the EIR. A project description must be accurate, stable, and finite to avoid confusing and misleading decision makers and the public about the nature of the project. *S. of Mkt. Cmty. Action Network v. City & Cty. of San Francisco*, 33 Cal. App. 5th (2019) 321, 332, and CEQA Guidelines Section 15124.

The Draft EIR's Project Description includes: (i) the precise location and boundaries of the Project (see Section II.2, Project Location and Surrounding Uses, of the Draft EIR, including Figure II-1, Regional and Site Location Map and Figure II-2, Aerial Photograph of Project Site and Vicinity); (ii) a statement of Project objectives (see Section II.6, Project Objectives, of the Draft EIR); (iii) a general description of the Project's technical, economic, and environmental characteristics (see Draft EIR Section II.3, Project Background; Section II.4, Existing Project Site Conditions; Section II.5, Land Use and Zoning Designations; Section II.7, Description of the Project, including Table II-1, Proposed Development Program of the West Site, East Site, and entire Project Site, including Figure II-5, Conceptual Site Plan, Figure II-6, Conceptual Plot Plan, West Site, Figure II-7, Building Sections, West Site, Figure II-16, Publicly Accessible Open Space, Figure II-8, Level 1 Plan, Figure II-9, Level 1 Mezzanine Plan, Figure II-10, Amenity Deck, West Site, Figure II-11, Senior Affordable Housing Amenities, West Site, Figure II-12, Conceptual Plot Plan, East Site, Figure II-13, Building Sections, East Site, Figure II-14, Level 1 Plan, East Site, Figure II-15, Level 1 Mezzanine Plan, East Site, Figure II-16, Publicly Accessible Open Space, Figure II-17, Amenity Deck (Level 2), East Site, Figure II-18, Senior Affordable Housing Amenities, East Site, Table II-4, Project and Project with the East Site Hotel Option Gross and LAMC Floor Area Square Footages by Building, Figure II-25, Simulated Aerial View from the East, Figure II-26, Simulated View from the North, Figure II-27, Comparison of East Site Capitol Records Lot Scenario, Figure II-28, Project Site Vehicular Access, Figure II-29, Project Site Bicycle Parking, and Section III, Environmental Setting); and (iv) a brief statement of the intended uses of the EIR (see Draft EIR Section I.1, Purpose of the Draft EIR). It should be noted that the Project with the East Site Hotel Option analyzed in the Draft EIR is no longer being considered by the Applicant as part of the Project.

The comment alleges that the Project Description is not accurate because it improperly calculates the FAR for the Project and, generally, alleges that the discussion of the FAR

is misleading. However, the Draft EIR Project Description, both in narrative form and in table form, clearly identifies the Project's 6.973:1 FAR, including a breakdown of floor area for the East Site, West Site, and the entire Project Site. See Section II.7, Description of the Project, including Table II-1, Proposed Development Program of the West Site, East Site, and entire Project Site.

Regarding the calculation of FAR for the Project, page II-17 of the Draft EIR, and as corrected in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR further explains that:

> *The Project would have a maximum FAR of 6.973:1, … which includes the existing approximately 114,303-square-foot Capitol Records Complex (consisting of the 92,664-square-foot Capitol Records Building and the 21,639-square-foot Gogerty Building). The maximum developable floor area for the Project Site would be 1,401,453 square feet. The Project is requesting a Conditional Use Permit pursuant to LAMC Section 12.24 W.19 for a unified development to allow FAR averaging and residential density transfer between the East Site and the West Site. As the East Site is larger than the West Site, the West Site would be the recipient of the proposed averaging of floor area and residential density. The West Site would utilize approximately ~~64,300~~ 93,309 square feet of floor area from the East Site, which would permit an additional ~~97 to 98~~ 119 units on the East Site.*

The Project Applicant has revised the Zone and Height District Change request, as well as the Conditional Use Permit for a Unified Development request, to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25 (State Density Bonus Law). As such, the commenter is referred to Topical Response No. 5 – Land Use and Planning, above, which provides a detail explanation of the revised entitlements, including the requests for an increase in FAR, as well as the Project's affordable housing requirement. As explained therein, the State Density Bonus Law mandates that local governments shall grant certain development incentives to projects that provide the requisite percentage of affordable housing. As such, the State Density Bonus Law supersedes any local ordinances, including the "D" Limitations on the FAR pursuant to Ordinance No. 165,659. The proposed revision in requested entitlements and the function of the proposed Density Bonus Compliance Review is described in detail in Topical Response No. 5 – Land Use and Planning, above. The revised entitlement list is presented in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Under the Density Bonus Compliance Review, the Applicant is seeking the following incentives and waivers: (a) an On-Menu Incentive to permit a 35 percent increase in the maximum allowable floor area ratio (FAR) from 2:1 to 2.7:1 (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032); and from 3:1 to 4.05:1 FAR (for the balance of the Project Site); (b) an Off-Menu Incentive to allow FAR and density averaging for a

Housing Development Project located on non-contiguous lots; (c) a Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site; and (d) a Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable.

The Draft EIR was very clear in describing the formerly proposed Zone and Height District Change, and the request to modify the calculation of FAR, and is repeatedly identified and explained in Chapter II, *Project Description*, on pages II-2, II-11, II-15, II-16, II-17, II-48 through II-50, and II-74, and also included in Section II.8, Anticipated Project Approvals, of the Draft EIR, and Section IV.H, *Land Use and Planning*, pages IV.H-7, IV.H-10, and IV.H-22 of the Draft EIR.

With regards to the request to modify the calculation of FAR, the request does not create a new definition for FAR. The Project's FAR is calculated pursuant to the definition in LAMC 12.03, however the Waiver of Development Standards request proposes to permit the floor area of residential balconies and terraces to be excluded for purposes of calculating the total floor area, in a similar manner as the On-Menu incentive pursuant to LAMC Section 12.22 A.25(f)(7), which allows the lot area for the purposes of calculating the maximum density permitted to be modified. Pages II-50 and II-74 of the Draft EIR specifically identify this request, including the amount of gross square footage of residential balconies and terraces to be excluded for purposes of calculating the total floor area. Per City Zoning Administrator Interpretation ZA-2007-3430-ZAI, the areas of balconies which are not recessed but project beyond the perimeter of the building; remain unenclosed except for the guard rails required by the Building Code; and qualify as private open space pursuant to LAMC Section 12.31 G.2(b)(2) shall not be considered floor area. The requested Waiver of Development Standards would apply to residential balconies that are considered floor area per ZA-2007-3430-ZAI.

To further inform the public and decision-makers and avoid confusion of the Project's proposed FAR, Table II-1, Proposed Development Program of the West Site, East Site, and entire Project Site, of the Draft EIR provide both the gross square footage (as defined by the California Building Code 2019 Chapter 2) and the square footage calculated per the LAMC. As such, the Draft EIR provides an accurate, stable, and finite project description, including an accurate description of the Project's FAR. It is noted that the FAR would be the same under the proposed change in entitlement request.

Lastly, the comment asserts that a previous project at the Project Site requested a Zoning Administrator's Interpretation to exclude balcony area from the floor area calculation, and that the previous project was defeated in court and never constructed. However, the comment, states that the court in the *Stopthemillenniumhollywood.com case* (Stopthemillenniumhollywood.com v. City of Los Angeles (2019) 39 Cal.App.5th 1) ruled against the previous project at the Project Site on the requested Zoning Administrator's Interpretation. However, the court in the *Stopthemillenniumhollywood.com* case did not opine on and did not determine that that the Zoning Administrator's Interpretation was improper. It is noted that the proposed entitlement request would also require a Waiver

of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable.

Comment No. IND 8I-18

The Project Description has the effect of cutting the community out of some of the most important questions about the Project. Members of the public reading the DEIR are left with the mistaken impression that the Project is 12 percent smaller than it is in fact, tainting their understanding of the Project from square one. It is reasonable to assume that at least some community members would not object to a 6.9 to 1 FAR on the basis that it is *only slightly denser* than the most massive developments approved in Hollywood, but would strenuously protest the Project upon understanding the apples-to- apples FAR exceeds 7.81 to 1. By concocting a project-specific calculation of FAR, the DEIR actively undermines public understanding of the Project and thwarts informed public participation.

Response to Comment No. IND 8I-18

This comment adds no new facts to the previous comment, but merely speculates as to potential community opposition. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, the commenter opposes the Project by asserting that the Draft EIR Project Description does not accurately state the Project's FAR. The commenter is referred to Response to Comment No. IND 8I-17, which thoroughly addresses the Project's FAR, including the previously requested Developer's Incentive to allow the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area. Moreover, Response to Comment No. IND 8I-17 explains that to further inform the public and decision-makers and avoid confusion of the Project's proposed FAR, Table II-1, Proposed Development Program of the West Site, East Site, and entire Project Site of the Draft EIR provide both the gross square footage (as defined by the California Building Code 2019 Chapter 2) and the square footage per the LAMC. As such, the Draft EIR provides an accurate description of the Project's FAR to provide the public and decision makers an accurate and transparent account of the Project. However, as further explained in Topical Response No. 5 – Land Use and Planning, above, please also note that the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Topical Response No. 5 – Land Use and Planning, above, discusses the proposed revision in requested entitlements and the function of the Density Bonus Compliance Review in detail, including the Project's requested FAR increase and affordable housing requirement. The revised entitlement request would not change the Project's proposed FAR or any uses, mix of uses, units, building configuration, building height, or other components of the Project presented in the Project Description.

Comment No. IND 8I-19

2. The Description of Alcohol Service Fails to Disclose the Magnitude of Outdoor Alcohol Consumption.

The DEIR's discussion of proposed alcohol service is so deficient, members of the public are left in the dark as to core aspects of the Project description. The terms "alcohol" and "alcoholic" appear only five times in the 1,061-page main document: once in the entitlement request and four times in the Land Use and Planning section of the DEIR. The entirety of the DEIR's discussion of alcohol service consists of a single paragraph that is stunning in its lack of specificity.

> "The Project proposes the sale of a full line of alcoholic beverages in association with the proposed 30,176 square feet of commercial/restaurant uses and for any alcohol uses associated with the hotel under the Project with the East Site Hotel Option. Pursuant to LAMC Section 12.24 W.1, a Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption at 12 establishments would be required, and a Master Conditional Use Permit may be requested. Several restaurants/bars and entertainment uses with permits to serve alcohol are already located near the Project Site."[9]

The DEIR fails to disclose that alcohol service is proposed outdoors,[10] instead requesting an entitlement to permit alcohol service only "within" commercial establishments. The DEIR misleadingly describes the CUP request as "a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption within 12 establishments."[11] (Emphasis added.) A request to permit alcohol service and consumption within an establishment, however, does not put the public on notice to consider the environmental impacts of alcohol service and intoxicated crowds outside of such establishments, such as the increased operational noise levels, the increased freeway trips generated by larger functional restaurant area, or a host of other environmental impacts.

The DEIR further cryptically mentions approval of "any alcohol uses associated with the hotel under the Project and East Site Hotel Option."[12] Yet, when members of the public would try to understand what alcohol approvals are requested for the Hotel Option, they would be left guessing. The plans appear to suggest 4,850 square feet of outdoor area with alcohol service for the hotel component alone, but the DEIR and running administrative record lack the required site plans explicitly labeling areas of alcohol service. The DEIR fails to provide the faintest description of alcohol service under the Hotel Option and neglects to even describe the alcohol license type requested.[13] In comparable approvals, community members have insisted on myriad mitigation measures to address operational noise impacts from intoxicated hotel guests. Here, however, the DEIR is so vague the pubic would have no indication the Project warrants similar scrutiny.

Finally, the DEIR fails to accurately describe the numerous bars included in the alcohol-serving establishments. The Plans depict numerous areas identified explicitly as bars.[14] The distinction between a restaurant and a restaurant with a bar is profoundly consequential for the public to understand – especially if numerous restaurants with bars are concentrated on the same property. Whereas a restaurant requires food service in

conjunction with the service of alcohol, a bar allows members of the public to consume alcohol without food, greatly increasing the prevalence of loud, intoxicated and disruptive behavior.

The Project description, however, mentions only "retail and restaurant uses"[15] Nowhere in the DEIR is any component of the Project described as a "bar," which is particularly misleading because in its description of other nearby developments, a restaurant with a bar is described as a "restaurant/bar."[16] The lifetime experience of Hollywood residents dictates that restaurants with bars are more prone to alcohol-related disruption due to public intoxication. Concealing the Project's numerous bars stifles public engagement generally and precludes informed comment on environmental impacts such as noise and public safety specifically.

Footnote 9: DEIR p. IV.H-25.

Footnote 10: The closest the developer comes to an honest disclosure of this fact is a footnote on page A-152 of the plans indicating "NO ALCOHOL SERVICE IN THIS AREA" – suggesting, by inference, that alcohol service is proposed in every other outdoor area of the Amenity Deck.

Footnote 11: DEIR p. II-74.

Footnote 12: DEIR p. IV.H-25.

Footnote 13: A site plan with clear identification of alcohol-serving areas and a listing of license numbers are required for a complete application per the Department of City Planning's Special Instructions for Alcohol (CP-7773). (**Exhibit 21**; https://planning.lacity.org/odocument/f911abb0-a5c5-44f4-932f-07a560dc90c6/Alcohol%20(CUB)%20and%20Adult%20Entertainment%20Establishments%20(CUX)%20-%20Special%20Instructions.pdf) Yet the City not only deemed the entitlement application complete, but also published the DEIR without this information.

Footnote 14: Plans p. A-141 (depicting bars in Restaurants 1, 2 and 3 on the West Site); Plans p. A-142 (depicting bars in Restaurants 1, 2, 3 and 4 on the East Site); Plans p. A-151 (depicting a bar on the West Site Amenity Deck); Plans p. A-509 (depicting a bar within an unnumbered restaurant on the East Site).

Footnote 15: E.g., DEIR p. II-2.

Footnote 16: E.g., DEIR p. IV.H-14, III.3 and III-8.

Response to Comment No. IND 8I-19

This comment alleges deficiencies in the Draft EIR due to failure to include plans related to locations where alcohol would be dispensed. This comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted. However, as explained below, additional details regarding the exact

locations where alcohol would be dispensed within the Project would be submitted as part of the request for a Master Conditional Use Permit and Master Project Approval once sufficient tenant information is determined for the entitlement.

Since information regarding future tenants would be speculative, the Draft EIR identified all the locations within the Project Site that could contain establishments that would dispense alcohol. The Project's request for a Master Conditional Use Permit for on-site and off-site alcohol consumption within 12 establishments is clearly identified in the Draft EIR, including the list of approvals provided on page II-74 in Chapter II, *Project Description*, of the Draft EIR. Any references to a Conditional Use Permit, as opposed to a Master Conditional Use Permit when referencing alcohol sale and consumption is revised in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR and is reproduced below:

> The Project proposes the sale of a full line of alcoholic beverages in association with the proposed 30,176 square feet of commercial/restaurant uses ~~and for any alcohol uses associated with the hotel under the Project with the East Site Hotel Option~~. Pursuant to LAMC Section 12.24 W.1, a Master Conditional Use Permit for the sale or dispensing of alcoholic beverages for on-site and off-site consumption at 12 establishments would be required~~, and a Master Conditional Use Permit may be requested~~. Several restaurants/bars and entertainment uses with permits to serve alcohol are already located near the Project Site.

The impacts of the Project's retail, restaurant, bar, and/or hotel spaces thereof were fully analyzed in the Draft EIR, including, but not limited to, potential noise and traffic impacts. See Subsection 3.d, Analysis of Project Impacts, on pages IV.I-49 through IV.I-51, in Section IV.I, *Noise*, of the Draft EIR, which includes the noise analysis of the Project's outdoor spaces, including the East and West Plazas where any outdoor seating may occur as part of the Project's restaurant or bar spaces. Also note that the Project with the East Site Hotel Option analyzed in the Draft EIR is no longer being considered by the Applicant as part of the Project.

In addition, the TA in Appendix N-1 to the Draft EIR considered the potential transportation impacts of the restaurant spaces. To be conservative from a trip generation perspective, the TA assumed that all 30,176 square feet of the proposed retail/restaurant space would be restaurant. Because the retail/restaurant space is less than 50,000 square feet, the use is considered to be local-serving and the VMT impacts are considered to be insignificant. The increase in peak hour trips generated by the restaurant use was considered in the non-CEQA portion of the TA, including in the freeway analysis presented in Appendix I to the TA.

The requested Master Conditional Use Permit would also require each individual establishment within the Project to obtain a Master Plan Approval (MPA) determination pursuant to LAMC Section 12.24 M for on-site alcohol sales in conjunction with the operation of Project's commercial uses, in order to implement and utilize the Master

Conditional Use Permit. The MPA process would allow the City to review each establishment in greater detail and to tailor site-specific conditions of approval for each of the premises subject to analysis of the venue's individual mode and character of operations, including, but not limited to, hours of operation, seating capacity, size, security, live entertainment, the length of a term grant and/or any requirement for a subsequent MPA application to evaluate compliance and effectiveness of the conditions of approval. In addition, the Project's commercial uses with alcohol service would operate in conjunction with all applicable laws to ensure the safety of patrons, employees, and nearby residents, as well as harmony with the character of the surrounding area. Moreover, the type of detailed plans needed for an MPA are not required at this time since the tenants are unknown. As such, the Draft EIR provides the requisite information and detail to appropriately analyze the Project's potential environmental impacts.

Further, the assertions by the commenter that alcohol service within restaurants/bars and hotels naturally results in the prevalence of loud, intoxicated, and disruptive behavior is speculative and unsubstantiated and is not treated as a potential impact on the environment under CEQA. See CEQA Guidelines Section 15131(a). CEQA defines "environment" as the *physical* conditions that exist within an area affected by a proposed project, including land, air, water, minerals, flora and fauna, noise, and objects of historic or aesthetic significance [emphasis added]. PRC Section 21060.5 and CEQA Guidelines Sections 15360 and 15358(b) describe the environmental topics and issues that must be addressed under CEQA.). Under these definitions, social effects that are not related to physical impacts need not be evaluated in an EIR. See CEQA Guidelines Section 15131(a) (addressing economic and social impacts under CEQA). For example, see also *Saltonstall v City of Sacramento* (2015) 234 CA4th 549, 585 (allegations that proposed basketball stadium would result in post-event impacts to safety by event crowds raised social issue rather than environmental issue that must be reviewed under CEQA); and also *Preserve Poway v City of Poway* (2016) 245 CA 4th 560 (change in "community character" due to new use of site is social and psychological impact, not impact on physical environment). As such, speculation about lawful use of the Project is not evidence of an issue with the content or adequacy of the Draft EIR. Therefore, no further response is warranted. Nonetheless, as described on page IV.K.2-13 of Section IV.K.2, *Police Protection,* of the Draft EIR, and as corrected in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR,* in this Final EIR (reproduced below), Project Design Feature POL-PDF-2 (Security Features During Operation) provides for a 24-hour/seven-day security program which would include 24-hour security cameras and full-time security personnel who could respond to any unlawful behavior, if any, resulting from on-site alcohol consumption, including excessively loud and disruptive behavior, thus reducing the demand for police protection services.

> *These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Project Design Feature POL-PDF-2 provides for a 24-hour/seven-day security program which would include 24-hour security cameras and full-time security personnel who could respond to any unlawful behavior, if any, resulting from on-site alcohol consumption,*

including excessively loud and disruptive behavior, thus reducing the demand for police protection services. Additionally, the Project Applicant would contribute to the local Business Improvement District (BID), which has a seven day a week security patrol, which would assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services.

To the extent that the commenter is referencing behavior that is not unlawful, the comment is similar to those in the cited cases above in that it relates to the social impact of the Project which is not to a CEQA issue.

Comment No. IND 8I-20

3. The Land Use Analysis Fails to Disclose or Compare Outdoor Dining Regulations in the C4 Versus C2 Zones.

One of the Project's core entitlement requests is a Zone Change from C4 to C2, yet not one word of the DEIR articulates why this request is included. In fact, this request is highly consequential for two reasons. First, the C4 Zone is highly restrictive regarding outdoor eating or drinking. Eating or drinking areas are prohibited above the ground level, must not exceed 50 percent of the indoor dining area of the establishment, must be located between a building and a yard abutting a street, and must take place in conjunction with a ground floor restaurant.[17] Based on the current C4 Zone regulations, negligible outdoor eating and drinking would be permitted.

The proposed Zone Change to C2 would erase all these limitations on outdoor eating and drinking, at least according to the questionable interpretation implied in the DEIR. Outdoor eating areas in the C2 Zone may be permitted *unlimited area*, may be located above ground level or on rooftops, and do not need to be permitted in conjunction with a restaurant.[18] The Project could propose outdoor eating and drinking on potentially over a hundred thousand square feet of outdoor area, leaving only walkways as true publicly-accessible open space.

The Zone Change from C4 to C2 has profound land use implications omitted entirely from the DEIR. Rather than a serene pool deck with garden views, the West Site Amenity Deck is transparently intended to function as an alcohol-fueled party venue for the Project's thousands of residents and their hordes of guests. The Amenity Decks include an indoor bar with alcohol storage and two multipurpose rooms with built-in alcohol storage rooms.[19] Alcohol service is prohibited on only a small fraction of the East Site Amenity Deck.

The DEIR's failure to disclose the land use effects of the Zone Change subverts CEQA's core purpose of facilitating informed decision-making. Within the Hollywood Community, noise and other environmental impacts of outdoor dining are prime concerns for new developments. Despite this, the City Council and the public are being asked to approve a Zone Change from C4 to C2 with *literally no information* on the implications of that change. By withholding this factual foundation from the public, the DEIR evaded

scrutiny of the extent of outdoor drinking, whether the DEIR adequately analyzed the environmental impacts of an unprecedented increase in outdoor drinking, and whether the DEIR should consider an alternative maintaining the existing C4 Zone. Because the disruptive impacts of noise and public intoxication are uniquely amenable to testimonial evidence from impacted residents, silencing their voices precludes highly relevant information from being presented to the decision maker.

The Zone Change is one of just two requested legislative zoning approvals and is listed countless times in the DEIR and Application – the absence of any discussion of its implications cannot plausibly be an oversight. Rather than a good faith effort at full disclosure, the DEIR's omission of any discussion of the Zone Change deprives the public of the factual foundation needed to intelligently comment on environmental impacts of urgent concern to the affected community. How can the public maintain trust that the City has honestly reckoned with the Project's environmental implications if it neglects to ask what is being approved? The City and Applicant must disclose to the public in a recirculated DEIR what they knew from the start: that the Zone Change is intended to permit an unprecedented area of outdoor alcohol consumption.

Footnote 17: LAMC § 12.03 defines Outdoor Eating Area and LAMC § 12.13-A.2(b)(2) allows Outdoor Eating Areas only between a building and its front yard, or between a building and a side or rear yard abutting a street.

Footnote 18: Zoning Administrator Interpretation 1808 and LADBS Zoning Manual p. 36-37, attached as **Exhibit 22**.

Footnote 19: Zoning Administrator Interpretation 1808 and LADBS Zoning Manual p. 36-37, attached as **Exhibit 22**.

Response to Comment No. IND 8I-20

The comment expresses opposition to the Project based on hypothetical assumptions about the Project's certain uses which would serve alcohol; by asserting that the Draft EIR does not address the requested Zone Change entitlement, without stating any facts that reflect the potential environmental impacts; and further stating that the Draft EIR fails to discuss critical aspects of the Project. As the comment does not provide any facts to support any specific CEQA issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, the commenter is referred to Response to Comment No. IND 8I-19, for a discussion of the Project's request for a Master Conditional Use Permit for on-site and off-site alcoholic consumption within 12 establishments, and the environmental impact analysis conducted in the Draft EIR regarding the same. Also, refer to Response to Comment No. IND 8I-19 for a discussion of noise and traffic impacts for the Project's proposed commercial uses, including restaurant and bar spaces.

The commenter also makes unsubstantiated assumptions about the Project's previously requested Zone Change entitlement by asserting that the intent of the Zone Change is to allow the Project's West Site Amenity Deck to "function as an alcohol-fueled party venue for the Project's thousands of residents and their hordes of guests." However, as addressed in Response to Comment No. IND 8I-19, CEQA only requires an EIR to analyze a project's *physical* impacts on the environment that exist within an area affected by a proposed project, including land, air, water, minerals, flora and fauna, noise, and objects of historic or aesthetic significance [emphasis added]. See PRC Section 21060.5; CEQA Guidelines Sections 15360 and 15358(b) (addressing what qualifies as environmental impacts under CEQA). Under these definitions, social effects that are not related to physical impacts need not be evaluated in an EIR. See CEQA Guidelines Section 15131(a) (addressing economic and social impacts under CEQA). As such, speculation about lawful use of the Project, or use which the commenter apparently finds offensive, is not evidence of an issue with the content or adequacy of the Draft EIR.

With regard to the Project's requested Zone Change, the Project Applicant has revised the Project's Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The Density Bonus Compliance Review, which would allow the same FAR as under the formerly proposed Zone and Height District Change, is discussed in detail in Topical Response No. 5 – Land Use and Planning, above. Applicable plans and policies were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H was supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

Comment No. IND 8I-21

4. The Project Description Fails to Specify Temporary Off-Site Parking for Capitol Records During Construction.

The LAMC mandates that all required parking shall be continuously maintained for a building. At any time, when a building maintains fewer parking spaces than required, LADBS shall notify the property owner and shall "automatically" cancel the Certificate of Occupancy if the parking is not provided on-site or off-site by a covenant.[20] The Project proposes demolition of the Capitol Records parking lot and construction of new parking and structures over a minimum of 4.5 years.[21] Therefore, the Project must procure a covenant guaranteeing sufficient off-site parking for the Capitol Records Complex, or else LADBS would have a ministerial obligation to give the developer notice and initiate proceedings to cancel the Certificate of Occupancy.

The DEIR makes no mention of operation of the Capitol Records tower during construction, giving the false impression that it would be closed during construction. The precise location of off-site parking influences which streets and freeways employees and visitors take, impacting both VMT on surface streets and LOS on US-101. None of that has been disclosed, analyzed or mitigated in the DEIR.

Moreover, if the Applicant is unable to procure the required parking spaces within 750 feet of the property in compliance with the LAMC, a separate entitlement would be required to allow parking by lease, or by covenant on a site further than 750 feet from the property. Furthermore, if the developer intends to operate Capitol Records without temporary off-site parking, the DEIR must analyze the anticipated altered traffic patterns of removing all currently-provided parking for 114,303 square feet of office space, requiring potentially hundreds of employees to park elsewhere in the Project vicinity.

The location of interim off-site parking is material to an accurate Project description not only because of the vast scale of replacement parking required, but also because the parking could be displaced intermittently through the year 2040. The DEIR's vagueness regarding this fundamental land use and operational feature requires recirculation.

Footnote 20: LAMC § 12.26-E.1(b).

Footnote 21: DEIR p. IV.O-16.

Response to Comment No. IND 8I-21

The comment asserts that the Draft EIR does not include a discussion of any temporary parking that may be needed for the Capitol Records building during construction. As the comment does not provide any facts to support any specific CEQA issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Nevertheless, consistent with LAMC requirements, the Project will provide sufficient parking. During the site preparation phase and the first portion of the building construction, while the parking levels are under construction, it is anticipated that Capitol Records employees would be parked off-site in a rented parking lot. Potential off-site parking locations would be identified in the Construction Management Plan (included as TRAF-PDF-2 on page IV.L-28 of the Draft EIR). If the off-site parking location is beyond walking distance, the Capitol Records employees would be shuttled to the Project Site. Once the subterranean parking structure component of the Project is complete, Capitol Records employees would be parked on-site in the garage. LOS, and any such resulting change due to minor alterations in traffic patterns around the Project Site during construction, is a "non-CEQA" impact under the City's new TAG adopted on August 9, 2019, which changed the transportation significance metric under CEQA from LOS to VMT. Furthermore, the City's TAG required construction analysis as a non-CEQA analysis (which was done and is part of the TA), but does not require construction VMT. Regardless, the temporary change in VMT by current Capitol Records employees would be minimal since they are already driving to work. Depending on the temporary parking location, some employees would drive further and others would drive less, depending on the direction from which they are arriving. Thus, the final location of any off-site parking during construction would reasonably not be expected to materially change the current VMT by Capitol Records employees, with any such change only occurring temporarily during construction. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more

than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area (TPA), parking impacts would not be considered significant.

Comment No. IND 8I-22

5. The DEIR's Description of Non-Existent "Extremely Low Income" Units Appears Calculated to Suppress Project Opposition Due to its Supposed Affordable Component.

The DEIR stifles public input into the Project by misleadingly suggesting that affordable units would be set aside for Extremely Low Income ("ELI") seniors, when in **fact the Project has no obligation to provide any ELI units**. Rather, the Project could potentially satisfy the legal minimum affordable requirement by setting aside units at the less-restrictive Very Low Income ("VLI") level. The DEIR repeatedly asserts that the senior units would be set aside for "Extremely Low and/or Very Low Income households." Nearly every time the term "Very Low Income" appears, it is preceded by the phrase "Extremely Low and/or." [22]

Why is the DEIR so meticulous about this wording? By listing ELI units *before* VLI units, the DEIR creates the false impression that the affordable units are primarily ELI. The effect will be to trick the public into believing that the Project benefits persons of greater financial need than it would in fact assist. The lack of affordable housing is a grave concern to many within the Hollywood Community, and members of the public would be more likely to withhold objection to the DEIR due to the allure of ELI senior units. By suppressing accurate information about the level of affordable housing, the DEIR also will suppress public comment on the DEIR. Therefore, the misleading suggestion that the Project contains any ELI units precludes informed public participation and decision-making and renders the DEIR deficient as an informational document.

Footnote 22: E.g., DEIR p. II-2, II-11, II-17, II-26, II-38 and IV.J-13.

Response to Comment No. IND 8I-22

This comment claims, without providing evidence, that the Project's provision of Extremely Low Income units is illusory. The comment questions as to why the terms "Extremely Low Income" and "Very Low Income" are used in tandem in the Draft EIR. As defined by the California Department of Housing and Community Development, the term "Extremely Low Income" households is a subset of "Very Low Income" households.[106] The terms are typically used as a set in relation to and discussions of State and local affordable housing regulations. However, note that the proposed Density Bonus Compliance Review, discussed in detail in Topical Response No. 5 – Land Use and Planning, above, and in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft*

[106] California Department of Housing and Community Development, Extremely Low-Income Housing Needs, https://www.hcd.ca.gov/community-development/building-blocks/housing-needs/extremely-low-income-housing-needs.shtml, accessed August 24, 2020.

EIR, in this Final EIR is very clear in its terminology and refers to the proposed affordable housing as "Very Low Income."

The commenter asserts that the Draft EIR does not identify the Project's affordable housing obligation. Section II.7(a), page II-16 of the Draft EIR explains that LAMC Section 11.5.11 (Measure JJJ) requires projects which propose a minimum of 10 or more residential dwelling units in conjunction with a General Plan Amendment, Zone Change or Height District Change that do not result in a residential density increase greater than 35 percent, or do not result in allowing a residential use where previously not allowed density, to set aside an affordability percentage corresponding to the level of density increase as provided in California Government Code Section 65915(f), which the Project would provide. In addition, the Draft EIR repeatedly identifies that the Project's affordable housing component, both in narrative and table form (see Chapter II, *Project Description*, pages II-2, II-16, II-17, II-26, II-38, II-46 of the Draft EIR; and Table II-1, Proposed Development Program, and Table II-4, Project and Project with the East Site Hotel Option Gross and LAMC Floor Area Square Footages by Building, of the Draft EIR, although the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. As such, while the Project is no longer subject to Measure JJJ, as explained below, the Draft EIR is clear as to the Project's affordable housing obligation.

As explained in detail in Topical Response No. 5 – Land Use and Planning, above, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Under this request, LAMC Section 11.5.11 [Measure JJJ] would not be applicable. Pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, the Project is required to provide at least 10 percent of the units for Very Low Income households to qualify for two development incentives and the requested increase in FAR (however, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income to be eligible for the 35 percent FAR increase On-Menu Incentive). In addition, Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled. The Project would provide 133 units as senior affordable for Very Low Income households, or approximately 13.2 percent, in excess of the minimum 11 percent required to qualify for the requested incentives and waivers.

Comment No. IND 8I-23

6. The Project Description Misrepresents Senior Access to Amenity Decks.

Immediately after misleading the public on ELI senior units, the Project description touts the luxurious amenities the seniors would have access to. The DEIR states: "In pursuit of a healthy environment, all residential and senior housing units can access the shared outdoor amenity space to take advantage of the California climate."[23] This statement is materially misleading, however, because the Project functionally denies

seniors access to the Amenity Decks. Seniors must run a gauntlet of loading driveways and intoxicated tourists at ground level.[24] The Project Description is materially misleading because it creates a false impression that seniors have meaningfully equal access to the Amenity Decks, which is simply not the case. In addition, the DEIR fails to acknowledge that the Amenity Decks would likely be crowded with intoxicated residents and their guests, rendering the Amenity Decks unsuitable for senior recreation. These misrepresentations, and others discussed, taint any future approval of a statement of overriding considerations because it precludes members of the public and the City from intelligently balancing the Project's environmental costs against the false allure of dignified senior housing.

Footnote 23: DEIR p. 33.

Footnote 24: On the West Site, Plans p. A-106-108 provide no convenient access from the senior units to the Amenity Deck, requiring seniors to either travel through the underground garage or exit Ivar Avenue past alcohol-serving seating areas and the loading dock to enter the market-rate unit entrance. On the East Site, Plans p. A-126-128 provide no convenient access from the senior units to the Amenity Deck, requiring seniors to travel through the underground garage or exit Argyle Avenue, walk the length of the entire plaza, and enter the market-rate unit building.

Response to Comment No. IND 8I-23

This comment contains the commenter's opinions regarding the accessibility and quality, or appropriate uses, of the amenities provided by the Project for seniors. This comment does not raise a substantive issue on the content or adequacy of the Draft EIR. Therefore, as the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted

Nevertheless, both of the Project's affordable senior housing buildings would have their own amenity spaces, which would include a variety of recreational amenities for their residents and their guests. For example, see page Chapter II, *Project Description,* page II-26 and Figure II-11, *Senior Affordable Housing Amenities, West Site, Level 2*, of the Draft EIR, which provides that the West Site Senior Building:

> *would contain a multi-purpose room and senior support services office measuring 1,895 square feet, and a 1,080-square-foot senior residents' outdoor amenity terrace. The multi-purpose room would be used for group activities, such as fitness, games, and entertainment; and the senior support services office could be used by social workers to provide a wide array of assistance to the senior residents. The rooftop would contain an approximately 4,935-square-foot open-air terrace that could also be used for a variety of activities, gatherings, and other programs.*

See also page II-38 and Figure II-18, *Senior Affordable Housing Amenities, East Site, Level 2*, of the Draft EIR, which provides that the East Site Senior Building:

would contain a multi-purpose room and a senior support services office measuring 2,000 square feet. The multi-purpose room would be used for group activities, such as but not limited to fitness, games, and entertainment, and the senior support services office could be used by social workers to provide a wide array of assistance to the senior residents. The rooftop would contain a 4,800-square-foot open-air terrace that would be used for a variety of activities, gatherings, and other programs.

The Project's senior buildings would have their own amenity decks even under the Project with the East Site Hotel Option (even though this option is no longer under consideration). See page II-38 and Figure II-18, *Senior Affordable Housing Amenities, East Site*, of the Draft EIR.

Moreover, residents of the Project's senior buildings would have access to the balance of the Project, including East and West building recreational amenity spaces and the Project's ground floor retail and restaurant spaces, which could be accessed by walking through the landscaped ground floor paseo connecting the East Site and West Site. Chapter II, *Project Description,* Page II-58, of the Draft EIR provides that the wide, landscaped paseo is proposed for pedestrian use and would extend east–west through the Project Site, connecting Ivar Avenue to Vine Street and Vine Street to Argyle Avenue. The paseo would function as a public open space amenity at the terminus of the Hollywood Walk of Fame. Along the paseo, residential lobbies and commercial spaces would add pedestrian interest and support outdoor uses. The West Plaza would include flexible space, such as portions of the paseo, where visitors, including residents of the senior housing can view the Capitol Records Building (Figure II-16). Within the East Plaza, shopping, outdoor seating, landscaping, open-air dining, public performances, art installations, and special events, […] would be available to the public. Both the West Plaza and East Plaza include ground floor restaurant uses that would activate the respective street frontages along Vine Street and Argyle Avenue. As such, the commenter's assertion about the Project's senior residents, guests, and the Project Site's surrounding community are unsubstantiated, misleading, and infuses unfounded hypothetical assumptions. The commenter is also referred to Response to Comment No. IND 8I-19, which addressed the Project's request for a Master Conditional Use Permit to allow the on-site and off-site sale and consumption of alcohol within 12 establishments, as well as the Project's proposed uses which would may include alcohol service.

Comment No. IND 8I-24

7. Capitol Records Has Not Consented to Development of its Parking Lot, Rendering the Public Plaza Illusory.

The DEIR highlights the alluring prospect of vast public plazas and gardens, yet much of this public open space would be an empty promise if Capitol Records withheld its consent to redevelop the surface parking lot. As illustrated in Figure II-27, Capitol Records' failure to consent would require a significant re-design of the street-level public plaza on the East Site, shrinking open space, narrowing walkways and removing the garden entirely.[25] Much of the remaining open space consists of a relatively narrow

walkway of limited recreational use. Although nearly two years passed between the filing of the application and the publication of the DEIR, the developer has still been unable to obtain the consent of Capitol Records to convert its surface parking to a public plaza to this day.

Fundamentally, the lack of consent from the Applicant's tenant does not relieve the City of its obligation under CEQA to establish a stable, accurate and finite Project description. As the Project proponent and the owner of the property, Millennium is responsible for resolving its tenant disputes without muddying the DEIR. The DEIR must be recirculated to accurately define the Project as the scenario identified in Figure II-27 to correct the misconception of illusory open space.

Footnote 25: DEIR p. II-59 and Figure II-27.

Response to Comment No. IND 8I-24

This comment challenges the Project description with respect to certain Project components, but does not present any facts to support its contentions that the Project description is not stable, accurate, or finite.

The Draft EIR does address the "Capitol Records Lot Scenario" in Subsection 7.d, Open Space, Landscaping, and Public Art, on page II-59 (as cited in the comment) of Chapter II, *Project Description*, of the Draft EIR indicates that:

> *Capitol Records must grant its consent to portions of the proposed open space area on the East Site. Depending upon negotiations on use of the space, the East Site's open space area may be reduced to accommodate Capitol Records. Under this Capitol Records Lot Scenario, the lounge and plaza areas described above would be slightly reduced in size, and the garden would be removed. As shown in* ***Figure II-27****, Comparison of East Site Capitol Records Lot Scenario, the publicly accessible ground floor open space on the East Site for the Project, as well as the Project with the East Site Hotel Option, would be reduced from 24,990 square feet to 23,373 square feet (a reduction of 1,617 square feet). Additionally, common open space on the Level 2 amenity deck would be reduced from 15,178 square feet to 14,138 square feet (a reduction of 1,040 square feet). In total, open space would be reduced by 2,657 square feet.[13] Under any scenario, the proposed open space area would comply with all applicable open space requirements pursuant to LAMC Section 12.21 G.*

(Footnote 13: As a result of this change in open space, the ground floor restaurant/retail space would be reduced by 1,800 square feet. See Figure II-27.)

It should be noted that a correction to the reduced square footage will be included in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR and is reproduced below:

Depending upon negotiations on use of the space, the East Site's open space area may be reduced by up to ~~5,995~~ 2,657 square feet and redesigned to accommodate Capitol Records and/or to comply with the lease.

Based on the above, the commenter's assertions are unsubstantiated.

Comment No. IND 8I-25

8. The Proposed Outdoor Theater is Illusory.

The DEIR spares no detail describing the supposed public benefits afforded by the proposed outdoor theater. Named after Nat King Cole, the performance area and stage would comprise 10,198 square feet with an occupancy of 350 people.[26] To entice members of the public to swallow the bitter pill of supporting the Project, the DEIR highlights future performances by nearby schools and community groups.

Selling the Project based on the outdoor theater, however, misleads the public because outdoor theaters are not a permitted use in the C2 Zone. Park and recreation facilities exceeding 200 seats are permitted only in the OS Zone.[27] The C2 Zone permits "auditoriums having a seating capacity for not more than three thousand (3,000) people" but auditoriums, but definition, are seating areas located *within buildings*.[28] Moreover, "theaters" are permitted in the C2 Zone but are subject to a limitation requiring that "all activities, including storage, shall be conducted wholly within an enclosed building."[29] The Chief Zoning Administrator has promulgated a List of Uses Permitted in Various Zones affirming that theaters, auditoriums and recreation areas are permitted in the C2 Zone only when the uses are conducted "wholly within an enclosed building" with the sole exception of accessory outdoor storage.[30]

The DEIR fails to address or study the clear conflict between the proposed outdoor theater and the LAMC prohibition on such uses in the C2 Zone. The DEIR endeavors to convince members of the public to withhold opposition with the inducement of obtaining supposed public benefits such as the proposed theater. Not only does this render the Project description a moving target, it misleads the public because the bargained-for community benefit cannot legally be provided.

Footnote 26: DEIR p. II-58.

Footnote 27: LAMC § 12.04.05-B.1(a)(i).

Footnote 28: See Webster's Dictionary defining "auditorium" as "the part of a building where an audience sits" and "a room, hall or building used for public gatherings."

Footnote 29: LAMC § 12.14-A.1(a)(1) permits C1.5 uses within the C2 Zone. LAMC § 12.13.5-A.2(a)(30) permits theaters in the C1.5 Zone; and LAMC § 12.13.5-A(2)(b)(3) requires all activities to occur within an enclosed building.

Footnote 30: ZA-2015-2348-ZAI, attached as **Exhibit 23**. For the C2 Zone auditoriums are addressed on p. 61, theaters are addressed on p. 71, and recreation areas are addressed on p. 69.

Response to Comment No. IND 8I-25

This comment asserts that the Draft EIR does not accurately describe the Project's outdoor open space but does not provide any facts to support this claim and, therefore, no substantial evidence. As this comment does not raise a substantive issue on the content or adequacy of the Draft EIR, no further response is warranted.

Regardless, the Project's outdoor programmable open space is not a "theater" or "auditorium," and nowhere in the Draft EIR did the Draft EIR identify or consider the Project's outdoor programmable space as including a "theater" or "auditorium." However, it is acknowledged that the VMT calculator used for the VMT analysis does not include outdoor performance space as land use. Thus, the most similar option was determined to be "movie theater" which is clearly stated to be utilized in place of the outdoor performance area (see page IV.L-23 of the Draft EIR). The Project's ground floor would include publicly accessible outdoor open space, which is permitted in the C4 Zone (LAMC Section 12.16) and would allow for community gathering and programmable events. However, the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. Under the proposed Density Bonus Compliance Review, the zoning would remain C4. Topical Response No. 5 – Land Use and Planning, above, discusses the change in the entitlement request and the Density Bonus Compliance Review in detail. Section IV.H, *Land Use and Planning*, as supported by the policy tables provided in Appendix J, of the Draft EIR, evaluated the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans.

Furthermore, the Project's East Plaza, an approximately 10,198-square-foot performance area, with a stage to host public acoustic performances by nearby school and community music groups, is not identified as the "Nat King Cole" plaza. See page e.g., Chapter II, *Project Description,* page II-58 and Figure II-16, of the Draft EIR.

Page II-58 of the Draft EIR explains that:

> *The performance area and events would be situated on the East Plaza, with a maximum event attendance capacity of 350 people. There could be up to two performances daily, including one during the mid-day period and one during the afternoon, not to exceed 10 performances per week, including weekends. The performances would not allow use of an amplified sound system but could include ambient music speakers with prerecorded, low-level, background music. The performances would primarily consist of acoustic musical performances, plays or other theatrical performances, and outdoor fitness classes. Each performance would be up to approximately one to two hours in duration and shall end by dusk. When special events occur within these spaces, set-up may begin*

as early as 10:30 A.M., events would start no earlier than 11:00 A.M., and events would end at dusk. Janitorial services would be performed regularly each day to ensure proper maintenance of the plaza for the enjoyment of residents and visitors.

The Draft EIR analyzes potential environmental impacts of the East Plaza in Section IV.I. *Noise*, and Section IV.L, *Transportation*, which accounts for the performance area within the VMT calculations.

Comment No. IND 8I-26

9. The DEIR Must Be Recirculated to Disclose that the Applicant May Abandon AB 900 Obligations.

The DEIR misleads the public yet again by failing to disclose that the Applicant is not obligated to proceed as an Environmental Leadership Development Project ("ELDP") and provide the associated community benefits, such as a prevailing and living wages, required for such developments. The DEIR emphasizes how the Project was blessed by the Governor himself as a development guaranteed to "create high-wage jobs":

> "In order to be certified as an ELDP, the Governor determined that the Project would result in a minimum investment of $100 million, would create high-wage jobs, and would not result in net additional greenhouse gas (GHG) emissions, as determined by the California Air Resources Board. […] The Governor's certification determined that the Project complies with all of these applicable requirements. The Governor's certification and related documentation are provided in Appendix B of this Draft EIR."[31]

To members of the public who review Appendix B to verify these claims, the obligation to provide these community benefit appears absolute: the developer "will comply with" prevailing wage standards; "will include the prevailing wage requirement in all contracts for the performance of the work"; and "will enter into a project labor agreement[.]"[32]

An ELDP certification is synonymous with mandatory public benefits, yet Millennium has the option to abandon the ELDP process altogether and abandon its hollow promise to provide these benefits. Yet the only hint that it could renege on these promises is buried in the last paragraph in an exhibit to an appendix. According to the Project's letter of commitment, prevailing and living wages would not be required if the Project loses AB 900 certification.[33] This might occur, for example, if public outcry forces the City to temporarily reconsider a rubber-stamp approval – even if the City approves the exact same Project in January 2021.[34]

The DEIR omits material information to public participation by failing to clarify that the developer has no obligation to proceed as an ELDP Project. For much of the public, public benefits are the only aspect of the Project not offensive. The absence of this

disclosure leaves the public with the false impression that the public benefits of ELDP certification are built into the Project description, precluding informed public participation.

Footnote 31: DEIR p. II-69.

Footnote 32: DEIR Appendix B, p. 17-18.

Footnote 33: DEIR p. 292.

Footnote 34: While we are aware that Millennium is seeking a legislative amendment to extend the current, January 1, 2021 sunset provision for ELDP certification, that extension might not be granted. It certainly should not be granted by State legislators for this developer, this Project, and its almost countless violations of law. We also find it in character for Millennium that its lobbyists on May 13, 2020 testified to the State Assembly Natural Resources Committee that it should vote to extend the ELDP sunset provision by another year (beyond the 3-year extension they were already seeking) "because of the COVID situation." Yet the City here has not given the public a single additional day for commenting during the pandemic and Mayor Garcetti's shutdown orders.

Response to Comment No. IND 8I-26

This comment addresses the commenter's concern with the enforceability of the ELDP certification. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, and, therefore, no further response is warranted.

Nonetheless, the Draft EIR thoroughly identifies the Project's ELDP certification and how it would impact the Project. Chapter II, *Project Description, Section* II.7(e)(2), page II-68 of the Draft EIR, provides that:

> *The Project has been certified by Governor Brown as an eligible project under the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900). The Notice of Environmental Leadership Development Project (ELDP), dated August 17, 2018, was circulated in accordance with PRC Chapter 6.5 (commencing with Section 21178). AB 900, which is codified in PRC Sections 21178 through 21189.3, was intended to encourage California's economic recovery by providing a streamlined process for judicial review of compliance with CEQA for development projects that qualify as an ELDP. On August 16, 2018, Governor Brown certified that the Project meets the criteria set forth in the statute, including the applicable updated requirements in AB 246. In order to be certified as an ELDP, the Governor determined that the Project would result in a minimum investment of $100 million, would create high-wage jobs, and would not result in net additional greenhouse gas (GHG) emissions, as determined by the California Air Resources Board. Further, a mixed-use project, such as the Project, must meet additional requirements. Specifically, it must be located on an infill site, be designed to achieve Leadership in Energy & Environmental Design (LEED) Gold certification, be consistent with the relevant*

regional sustainable communities strategy, and exceed by at least 15 percent the transportation efficiency for comparable projects. The Governor's certification determined that the Project complies with all of these applicable requirements. The Governor's certification and related documentation are provided in Appendix B of this Draft EIR.

Exhibit 8 of Appendix B of the Draft EIR includes the signed Project Applicant's acknowledgement of the ELDP obligations under PRC Section 21183 with the City (Acknowledgment). The Acknowledgment provides that the Project Applicant agrees, amongst other obligations, that all mitigation measures required pursuant to CEQA to certify the Project will be conditions of approval, and those conditions will be fully enforceable by the City, or another agency designated by the City, and those mitigation measures will be monitored and enforced by the City for the life of the obligation.

As the comment notes, the ELDP statute is set to expire on January 1, 2021, which is not within the Project Applicant's control. There is currently pending legislation to extend the ELDP statute which would allow the Project to maintain its EDLP certification beyond January 1, 2021. However, the Project's certification as an ELDP has no bearing on the content or adequacy of the Draft EIR, as the Draft EIR fully analyzed the Project's environmental impacts. See, e.g., Chapter IV, *Environmental Impact Analysis,* and Chapter VI, *Other CEQA Considerations,* of the Draft EIR.

Lastly, the comment's assertion that the Project construction would not include prevailing and living wages if the ELDP certification expires is also unsubstantiated. The Project has entered into a Project Labor Agreement, which would create high-paying union construction jobs regardless of the Project's ELDP status.

Comment No. IND 8I-27

10. The DEIR's Myriad Project Description Deficiencies Require Recirculation.

CEQA mandates complete and honest disclosure of all relevant information. The Project description, however, is so riddled with material misrepresentations and bad faith omissions that it is effectively a piece of propaganda published by the City.

The public has a right to know (1) the true FAR of the Project to compare it to other developments; (2) the precise locations and extent of outdoor alcohol service; (3) the regulatory consequences of the Project's Zone Change from C4 to C2; (4) the location of Capitol Records parking during Project construction; (5) whether the Project is in fact committed to providing ELI senior units, and how many units are guaranteed; (6) whether seniors would enjoy meaningful access to the Amenity Decks; (7) whether the developer can abandon large swaths of the street level plaza on the flimsy basis that its own tenant prefers surface parking; (8) whether the developer will discard the much-touted outdoor theater entirely because it is not a permitted use in the C2 Zone; and (9) whether the Project can abandon the public benefits described in the ELDP application.

The totality of the misleading, confusing and omitted information in the Project Description renders informed public participation and decision-making impossible.

Consistent with the Project description, the City could potentially issue permits for a development with *zero* ELI units, alcohol service around every corner, a substantially reduced public plaza due to Capitol Records' objections, a further reduction in open space due to the Applicant's choice to proceed with the Hotel Option requiring less open space and a site plan actively hostile to senior access to the Amenity Decks. This scenario, though apparently consistent with the vague Project description, bears no resemblance to the Project as conceived by the public and the City during the DIER comment period. The Project description, therefore, is impermissibly vague, inaccurate and misleading. The DEIR must be recirculated to disclose all Project details that can be reasonably ascertained and precisely defining minimum standards for open space, affordability and senior access to ensure the developer does not abandon these crucial public benefits after approval.

Response to Comment No. IND 8I-27

This comment summarizes the previous comments made, and addressed above, and restates opposition to the Project by asserting the Draft EIR does not comply with CEQA. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, and, therefore, no further response is warranted.

Nevertheless, the commenter is referred to the following responses: Response to Comment No. IND 8I-14, Response to Comment No. IND 8I-17, and Response to Comment No. IND 8I-18, addressing "the true FAR of the Project to compare it to other developments"; Response to Comment No. IND 8I-19, addressing "the precise locations and extent of outdoor alcohol service"; and Response to Comment No. IND 8I-20, addressing "the regulatory consequences of the Project's Zone Change from C4 to C2." Note, however, that the Project Applicant has revised the Zone Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25 and, as such, the proposed Zone Change to C2 is no longer being pursued. The Density Bonus Compliance Review and change in entitlement request are discussed in detail in Topical Response No. 5 – Land Use and Planning, above. Also please see Response to Comment No. IND 8I-21, addressing "the location of Capitol Records parking during Project construction"; Response to Comment No. IND 8I-22, addressing "whether the Project is in fact committed to providing ELI senior units, and how many units are guaranteed"; Response to Comment No. IND 8I-23, addressing "whether seniors would enjoy meaningful access to the Amenity Decks"; Response to Comment No. IND 8I-24, addressing "whether the developer can abandon large swaths of the street level plaza on the flimsy basis that its own tenant prefers surface parking"; Response to Comment No. IND 8I-25, addressing "whether the developer will discard the much-touted outdoor theater entirely because it is not a permitted use in the C2 Zone" (note, however, that the Zone Change to C2 is no longer being pursued); and

Response to Comment No. IND 8I-26, addressing "whether the Project can abandon the public benefits described in the ELDP application".

Comment No. IND 8I-28

B. <u>The DEIR's Land Use Analysis is Fatally Flawed.</u>

1. The Land Use Analysis Improperly Cherry-Picks Consistent Policies.

CEQA requires that a DEIR's analysis under the Land Use topic disclose and analyze how the Project is *inconsistent* with plans, programs, statutes, ordinances and policies adopted to avoid or mitigate environmental impacts. The Land Use and Planning section of the DEIR, however, consists of an extended "analysis" of the Project's *consistency* with these documents. This methodological flaw permeates the DEIR's analysis of consistency with the Hollywood Redevelopment Plan, masks numerous conflicts, and misleads the public about the Project's irreconcilable conflicts with land use policies.

Response to Comment No. IND 8I-28

The comment expresses concern that the evaluation of land use plans "cherry-picked" policies for the evaluation of potential conflict. As discussed in Section IV.H, *Land Use and Planning*, of the Draft EIR, the CEQA Guidelines threshold related to land use is whether a project would cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Los Angeles Department of City Planning interprets this as meaning a policy that has a direct nexus to a physical environmental impact. The policies selected for evaluation in Section IV.H were based on those policies, such as TPA policies that had a direct connection to traffic, air quality, GHG emissions or other physical environmental effects. Policies related, for instance, to neighborhood character or economics were not evaluated with relation to the Project's conflict with such policies. Note also that the purpose of the analysis was not to find consistency with land use policies but to determine potential conflict with policies adopted specifically to address environmental effects. Topical Response No. 5 – Land Use and Planning, for further discussion regarding the focus of the evaluation on specific policies.

Comment No. IND 8I-29

2. The DEIR Fails to Disclose Pending Litigation or Identify the CRA/LA as a Responsible Agency.

The DEIR's analysis of the Project's consistency with Community Redevelopment Law[35] and the Hollywood Redevelopment Plan[36] rests on a fatally flawed premise: that the City recently lawfully took over all of the redevelopment plans and functions from the CRA/LA – the successor agency to the City's former redevelopment agency that planned and enacted these plans under state redevelopment law. This purported transfer, however, is under challenge in court.[37] The lawsuit alleges that the City's transfer resolution and ordinance were *ultra vires*, among other bases of challenge. The

lawfulness of the purported transfer has not been judicially reviewed. Thus, until the end of that litigation, the CRA/LA is a "responsible agency" under CEQA, and should be treated as one in the DEIR. It has powers and duties over review and approval of parts of the Project, including the requested increase of the FAR from 4.5 to 1 to 6 to 1 under the Hollywood Redevelopment Plan.

Consultation with responsible agencies involves multiple precedent procedural steps including notifying the CRA/LA and sending the full EIR through the State Clearinghouse to the CRA/LA for comment. Here, the CRA/LA has been written out of the process entirely. The City and Millennium have entirely omitted this information, and the existence of pending litigation which, if successful, would invalidate the purported transfer to the City of the CRA/LA's land use functions and oversight related to the Project and Project site, which are in the Hollywood Redevelopment Plan area. This omitted information is crucial to informed public participation and decision-making. As a result, omitting the CRA/LA from its role in this CEQA process is a violation that cannot be cured without recirculation.

Footnote 35: Health and Safety Code § 33000, et seq.

Footnote 36: Ordinance No. 175,236, eff. July 12, 2003, attached as **Exhibit 24**

Footnote 37: AIDS Healthcare Foundation v. City of Los Angeles, LASC Case No. 19STCP04589. First Amended Verified petition for writ of mandate attached as **Exhibit 25.**

Response to Comment No. IND 8I-29

This comment alleges that the City has not lawfully assumed the land use responsibilities of the CRA/LA and that the City has an obligation to discuss the pending litigation on this issue in the Draft EIR and refrain from approving the Project until a determination is made on the litigation. The comment further alleges that the CRA/LA is a responsible agency until such time as the litigation is resolved. These allegations, even if they were correct, do not contain facts related to the potential impacts of the Project on the environment and, therefore, do not raise a substantive issue on the content of the Draft EIR. As such, no further response is warranted.

Nonetheless, CEQA does not require that an EIR disclose pending litigation that is not directly involved with the Project or the Project Site. See *Santa Clarita Org. For Planning the Env't v. City of Los Angeles* (2007) 157 Cal. App. 4th 149, 159, which involved a claim that pending litigation was not properly disclosed in an EIR for a water transfer agreement. The required contents of an EIR are clearly set forth in CEQA Guidelines Sections 15120 *et. seq.* An unresolved lawsuit challenging the City's authority to assume the land use functions of the former redevelopment agency is not one of the items required to be disclosed by CEQA. Similarly, disclosure in the Draft EIR would not add to the public's knowledge of whether or not the Project would cause a significant impact on the environment, which is the focus of any EIR. (See CEQA Section 15126.2(a).)

Moreover, as further discussed below, the pending litigation is not relevant as it relates to the City's authority to transfer the CRA/LA land use functions to itself and not the validity of the Hollywood Redevelopment Plan or the Project's consistency with the Plan. That is, even if the plaintiff in the pending litigation prevails against the City with their asserted claims, the only change with respect to the Project would be who provides the Redevelopment Plan approvals and makes the necessary findings and would have no bearing on whether such findings could be made since the litigation is primarily regarding a breach of contract claim. Regardless, this Final EIR identifies the pending litigation and clarifies that the litigation outcome would have no impact on the Project or the EIR's environmental analysis. The Final EIR also identifies another pending litigation not mentioned in this comment which similarly involves challenges to the City's administration of the Hollywood Redevelopment Plan. The Final EIR clarifies that the second litigation involves an alleged breach of a settlement agreement and, therefore, the outcome would have no impact on the environmental analysis for this Project. See the clarifications reproduced below and in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR:

> *On September 30, 2019, under authority granted in the Redevelopment Dissolution statutes, the Los Angeles City Council and Mayor approved a resolution and accompanying Ordinance No. 186,325 to transfer from the CRA/LA to the City of Los Angeles all responsibility for land use related plans and functions in the 19 remaining Redevelopment Project Areas.*[22]
>
> Footnote 22: There is pending litigation (*AIDS Healthcare Foundation v. City of Los Angeles*, LASC Case No.19STCP04589) regarding the validity of the City's transfer of the land use function of the CRA/LA to itself. However, this pending case is not relevant to the Project's CEQA analysis of the Project because the litigation outcome would not change the Project EIR's CEQA analysis. That is, the pending litigation is not relevant as it only relates to the City's authority to transfer the CRA/LA land use functions to itself and is not dispositive of the Project's consistency with the Plan. Consequently, even if the plaintiff in the pending litigation prevails against the City with their asserted claims, the only change with respect to the Project would be who provides the Redevelopment Plan approvals and makes the necessary findings. Thus, the litigation outcome would have no impact on the environmental impacts of the Project nor the EIR's environmental analysis.
>
> Additionally, there is pending litigation (*Hollywood Heritage, Inc. v. City of Los Angeles*, LASC Case No. 19STCV45352) similarly challenging the City's transfer of the land use function of the CRA/LA to itself and specifically to compliance with a settlement agreement between the CRLA/LA and plaintiffs regarding implementation of portions of the Hollywood Redevelopment Plan which constitutes a contractual dispute between the parties. Like the *AIDS Healthcare Foundation* case, this pending litigation is not relevant since the litigation outcome

would have no impacts on the environmental impacts of the Project nor the EIR's environmental analysis.

As to the issue of whether the CRA/LA is a responsible agency for this Project, a responsible agency under CEQA is defined as any public agency that proposes to carry out or approve a project, for which a lead agency is preparing or has prepared an EIR or negative declaration and for which it has discretionary approval over all or part of that project.[107] If an agency's approval is required for any activity 'integral to the project' and the agency could, in its discretion, deny approval, then that agency is a responsible agency under CEQA."[108]

However, because the City took over all land use related functions from CRA/LA-DLA, the CRA/LA-DLA is no longer a responsible agency. In 2011, the state enacted Assembly Bill (AB) X1 26 to address the state's budget crisis. The legislation, enacted provisions of the Health and Safety Code (HSC) that, among other matters, stripped community redevelopment districts (CRAs) of all authority to "[p]repare, approve, adopt, [or] amend" redevelopment plans, HSC §34164(a); withdrew all authority of CRAs to exercise any powers previously granted under the community redevelopment law, HSC §34172(b); repealed all provisions of community redevelopment law that depend on the allocation of tax increment, HSC §34189; and dissolved all CRAs, HSC §34172(a)(1). The legislation designated Successor Entities to "expeditiously wind down the affairs" of the dissolved CRAs.[109] The legislation also provided for designation by the Governor of a designated local authority as Successor Agency of a dissolved CRA where the body creating the dissolved CRA declined to become Successor Agency, and vested Successor Agencies with all rights, powers, and obligations previously vested with the former CRA, except to the extent "repealed, restricted, or revised".[110]

On January 11, 2012, the City elected not to serve as Successor Agency to the Former Agency. On February 1, 2012, the Governor designated CRA/LA-DLA as Successor Agency to the former Community Redevelopment Agency of the City of Los Angeles. On June 27, 2012, the State passed AB 1484, which provides for transfer of all land use related plans and functions. As relevant here, AB 1484 states:

> *At the request of the city … all land use related plans and functions of the former redevelopment agency are hereby transferred to the city … provided, however, that the city … shall not create a new project area, add territory to, or expand or change the boundaries of a project area, or take any action that would increase the amount of obligated property tax (formerly tax increment) necessary to fulfill any existing enforceable obligation beyond what was authorized as of June 27, 2011.*[111]

[107] See CEQA Section 15381 (defining a "Responsible Agency").
[108] See *RiverWatch v. Olivenhain Mun. Water Dist*. (2009) 170 Cal. App. 4th 1186, 1205–06, 88 Cal. Rptr. 3d 625, 638–39, as modified (Jan. 30, 2009).
[109] ABX1 26 at Sec. 1(j)(4)(Legislative Findings).
[110] Health and Safety Code, Sections 34173(b) and (d)(1)(3).
[111] Health and Safety Code, Section 34173(i).

While State redevelopment dissolution law does not define "land use related plans and functions", a transfer however does not include enforceable responsibilities, which remain with the CRA/LA, Successor Agency. See, HSC §34173(e) and (g).

In conformance with State law, the City, by Transfer Resolution effective November 11, 2019, requested transfer of all land use related plans and functions to maintain local control of land use policy in redevelopment plan areas and ensure certainty for the development community and that the City's economic development goals are achieved. City Ordinance No. 186325, effective at the same time, establishes uniform procedures for processing project applications in the remaining redevelopment plan areas, including the Hollywood Redevelopment Plan area.

Further, Ordinance No. 186325, which effectuated the Transfer Resolution, states:

> *As of the effective date of this ordinance, the City shall review and take action regarding any Redevelopment Plan Amendment or land use approval or entitlement pursuant to Section 11.5.14 and other applicable provisions of this Code. Notwithstanding any contrary provision of this Code, the Community Redevelopment Law, the Redevelopment Regulations, or any applicable specific plan, supplemental use district, or other land use regulation adopted by the City, the City shall not be required to consult with or provide notice to the former Community Redevelopment Agency of the City of Los Angeles (CRA/LA) or the CRA/LA, a Designated Local Authority Successor to the Community Redevelopment Agency of the City of Los Angeles (CRA/LA-DLA). In addition, CRA/LA-DLA shall have no further authority or responsibility to perform related land use functions including, but not limited to, preparing staff reports pertaining to land use decisions; making findings; making interpretations; imposing conditions; making recommendations; reviewing, granting or denying land use approvals or entitlements; hearing appeals; and/or amending Redevelopment Regulations.*

Accordingly, the CRA/LA-DLA no longer has any approval authority over the Project and, as a result, is not a Responsible Agency for the Project.

Comment No. IND 8I-30

3. The DEIR Fails to Disclose Required Discretionary Approval to Exceed 4.5 to 1 FAR.

Regardless of the outcome in the pending CRA/LA transfer litigation, the DEIR fails to disclose that the Hollywood Redevelopment Plan and the Development Limitation on the property require that the Project obtain a discretionary determination to exceed 4.5 to 1 FAR – from whichever agency properly maintains that authority. Hollywood Redevelopment Plan Section 506.2.3 provides:

> "Proposed development in excess of 4.5:1 F.A.R. up to but not to exceed 6:1 F.A.R. or such other density may be permitted by future amendments to the Community Plan, on a specific site may be permitted as hereinafter set forth […]"

Consistent with the Redevelopment Plan, the D Limitation on the Project Site reads:

> "The total floor area contained in all buildings on a lot shall not exceed three (3) times the buildable area of the lot. A project may exceed the 3:1 floor area ratio provided that – The Community Redevelopment Agency Board finds that the project conforms to: (1) the Hollywood Redevelopment Plan, (2) a Transportation Program adopted by the Community Redevelopment Agency Board pursuant to Section 518.1 of the Redevelopment Plan, (3) the Hollywood Boulevard District urban design plan as approved by the City Planning Commission and adopted by the CRA Hollywood Redevelopment Plan; and, if applicable, (4) any Designs for Development adopted pursuant to Section 503 of the Redevelopment Plan; and
>
> a. The project complies with the following two requirements: A Disposition and Development Agreement or Owner Participation Agreement has been executed by the Community Redevelopment Board; and the Project is approved by the City Planning Commission, or the City Council on appeal, pursuant to the procedures set forth in Municipal Code Section 12.24-B.3."[38]

Prior to the purported transfer of land use authority from the CRA/LA to the City, the CRA/LA adhered to the requirement within both the Redevelopment Plan and D Limitation to review developments exceeding 4.5 to 1 FAR, requiring board approval and owner participation agreements ("OPAs") pursuant to Hollywood Redevelopment Plan Section 402.3. The City's Transfer Resolution and Ordinance, currently under legal challenge, purportedly only transferred the Section 500 series of provisions of the Hollywood Redevelopment Plan.[39] In so doing, as one example of how the City's actions were *ultra vires*, the City purported to "leave behind" Section 402.3 of the Hollywood Redevelopment Plan that obligated the redevelopment agency and its successors to use the OPA to extract from the developer additional public benefits to continue implementation of the redevelopment plan.

OPAs, far from an impotent procedure, implement a core redevelopment function by allowing the CRA/LA to substantively review and condition a development to ensure consistency with the Redevelopment Plan goals – including extracting the cost of other street improvements, safety measures, and programs to actually implement the redevelopment plans. In this case, Project-specific conditions to ensure consistency with Redevelopment Plan goals could mitigate some of the Project's most offensive components. For example, the Hollywood Redevelopment Plan's robust affordable housing objectives encourage – if not mandate – a greater affordable set-aside in the Project, especially in the Hotel Option which transparently abuses Measure JJJ's affordable set-aside calculations. Implementing these policies, the City or CRA/LA could justifiably impose a condition mandating better and more affordable housing.

As part of the CRA/LA Transfer Ordinance, the City adopted procedures for implementing its supposed limited land use authority. The City purported to establish a parallel discretionary procedure called Redevelopment Plan Project Compliance review, defined in LAMC § 11.5.14-C as "a decision by the Director that a Redevelopment Plan Project complies with the applicable Redevelopment Regulations, either as submitted or with conditions imposed to achieve compliance with the Redevelopment Regulations."[40]

Even if the City's unlawfully created approval process applied, which it does not,[41] the DEIR fails to describe that the Project is subject to a discretionary approval to exceed 4.5:1 FAR (either by the CRA/LA or the City lawfully stepping into the shoes of the CRA/LA under the Community Redevelopment Law). Members of the public reviewing the requested discretionary approvals would have no clue that the Project requests a Project-specific dispensation to exceed 4.5:1 FAR, or that this approval entails the authority to condition the Project to implement the Redevelopment Plan.

Emphatically, ***the Hollywood Redevelopment Plan does not permit 6 to 1 FAR by-right*** – it is permitted only when the listed findings are made in the affirmative. Although the procedural requirements for an OPA are identified in Hollywood Redevelopment Plan Section 402.3, the substantive requirement for a discretionary approval is contained within Section 506.2.3 itself because it requires findings of fact. In fact, the DEIR concedes that an FAR exceeding 4.5 to 1 is permitted only upon "findings" that the Project's FAR "would be compatible with and would not degrade adjacent properties[.]"[42]

The DEIR further states that approval of an FAR exceeding 4.5 to 1 "***would be conducted by the Planning Department***" in clear violation of the City's own Redevelopment approval process and CEQA.[43] The City's Multiple Approvals Ordinance requires that projects requiring legislative approvals (such as the requested Zone and Height District Changes) and quasi-judicial approvals (such as the determination to exceed 4.5 to 1 FAR) shall be initially heard by the City Planning Commission and decided by the City Council.[44]

Planning Department staff, even acting under the delegated authority of the Director of Planning, have no legal authority to make a determination reserved for the City Council. To make matters worse, the DEIR effectively grants carte blanche power to Planning Department staff because it fails to identify performance standards pursuant to which the staff would make this determination. By failing to identify the discretionary actions required to approve the Project, including a hypothetical future determination by Planning Department staff, the Project description is fatally deficient.

Footnote 38: Ordinance No. 165,659, eff. March 21, 1990, Section 4.

Footnote 39: Resolution dated September 6, 2019 and adopted September 24, 2019 attached as **Exhibit 26**.

Footnote 40: Ordinance 186,325, effective November 11, 2019.

Footnote 41: The current litigation challenges the City's adoption of such a process because state law only allows the City to step into the shoes of the former redevelopment agency and successor agency as already set forth in the state's redevelopment laws.

Footnote 42: DEIR Appendix J, p. 19.

Footnote 43: DEIR Appendix J, p. 22.

Footnote 44: LAMC § 12.36-C.

Response to Comment No. IND 8I-30

This comment objects to LAMC provisions for review and approval of projects within the Hollywood Redevelopment Plan area. However, while the comment states the basis for the commenter's objections with the City's approval process, the comment does not relate to any potential significant environmental impacts of the Project. The comment also references the need for findings prior to allowing an increase to the FAR. Findings are made by the City at such time and only if a project is approved or approved as modified, not in the Draft EIR. Even if the commenter's interpretation of State and local law was accurate, the comment would not support a contention that the Draft EIR is inadequate. The comment conflates the alleged responsibilities of the City under the Redevelopment Plan with alleged deficiencies in the Project's Draft EIR. Under CEQA, an EIR is only required to "identify and focus on the significant effects of the proposed project **on the environment**." (CEQA Section 15126.2(a), emphasis added.) Claiming that failure to address a non-CEQA issue is a failure to provide full disclosure or causes the Project to be inconsistent with the Hollywood Redevelopment Plan does not convert the issue into one that is related to the significant effects of the Project on the environment. As the comment does not raise a substantive issue on the content or adequacy of the Draft EIR, no further response is warranted.

Nonetheless, refer to Response to No. Comment IND 8I-29 regarding the process for City review of projects within the Hollywood Redevelopment Plan and the City's authority to assume the land use functions of the CRA/LA-DLA for the Hollywood Community Plan area; Response to Comment No. IND 8I-17, regarding discussion of the FAR calculations in the Draft EIR; Response to Comment No. IND 8I-18, Response to Comment No. ORG 44-12, Response to Comment No. ORG 44-54. Also note that the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The existing zoning has no height limitation, and the building height and FAR would be the same as under the Project. As discussed on page IV.A-1, in Section IV.A, *Aesthetics*, of the Draft EIR and pursuant to PRC Section 21099(d)(1) and City of Los Angeles Zoning Information File No. 2452, the issues of building height and relative scale as aesthetic impacts of the Project are not considered significant impacts on the environment. The discussion of the Project in Section IV.A of the Draft EIR was provided for informational purposes only. See also Topical Response No. 4 – Aesthetics, for additional discussion of the Project's aesthetics impacts. Land use and planning impacts

were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*, and supported by Land Use Plans and Policies: Project Consistency Tables provided in Appendix J of the Draft EIR. Also, please see Topical Response No. 5 – Land Use and Planning, regarding the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans.

Comment No. IND 8I-31

4. The Height District Change Neuters the Mitigation Measures Incorporated into the D Limitation.

The DEIR fails to properly analyze the provisions of the existing D Limitation as mitigation measures adopted to avoid and mitigate infrastructure impacts. The D Limitation was imposed to Regional Center Commercial properties in Hollywood as a mitigation measure in compliance with AB 283, and reflects the intent of both the former redevelopment agency and the City in applying correct zoning limitations to the properties.

The 1988 Hollywood Community Plan, the 1986 Hollywood Redevelopment Plan, and the associated EIRs for those plans all acknowledged that if Hollywood were built out at the density permitted by the City's original 1946 zoning code, public infrastructure would be completely overwhelmed. These two Hollywood Plans acknowledged the inadequacy of the City's infrastructure to accommodate the 1946 zoning code density and carried out a vital downzoning process as a mitigation measure to avoid the worst infrastructure impacts.

To illustrate, the 1988 Hollywood Community Plan Revision DEIR summary, attached as **Exhibit 27**, describes the ongoing "implementation of . . . development standards" as a land use mitigation measure.[45] These development standards were adopted "to ensure that land use capacity and transportation service are in balance and that land use conflicts and incompatibilities are minimized."[46] Directly tying the "development standards" to an intention to mitigate specific significant impacts, the DEIR observes:

> "Without consideration of the mitigation effects of development standards, the Current Plan would continue to allow a level of development, particularly high density residential and office/commercial projects, that could foster land use conflicts and incompatibility, including parking conflicts, height conflicts, shade/shadow effects, obstruction of views and vistas and potential nuisances."[47]

As the "development standards" contemplated in the DEIR, the City's D Limitations establish substantive and detailed procedural requirements to monitor and mitigate infrastructure impacts. Principally, the D Limitation permits a development to exceed 4.5 to 1 FAR *only* if it complies with a long-term transportation plan specifically prepared for the Hollywood Redevelopment Plan area pursuant to Section 518.1. These D limitations reflect the agreement by the former redevelopment agency to accept responsibility and

liability for transportation, open space, parking, pedestrian safety and other infrastructure improvements needed before changes to zoning could be made.

The D Limitation provides a highly-detailed procedure to permit developments exceeding their by-right FAR, including compliance with a transportation plan. However, neither the City nor CRA/LA has ever adopted the mandatory transportation plan, a necessary pre-requisite finding to approve FAR in excess of 4.5 to 1. Nor can the Mobility Element function as the required transportation plan, because it failed to specifically address five priority corridors identified in Redevelopment Plan Section 518.1. Therefore, the City's removal of the D Limitation improperly side-steps existing mitigation measures requiring preparation of, and compliance with, a comprehensive transportation plan for the Hollywood Redevelopment Plan area.

Footnote 45: **Exhibit 27**, p. 12.

Footnote 46: Id.

Footnote 47: Id. at p. 24.

Response to Comment No. IND 8I-31

This comment reflects the commenter's opposition to the Project by asserting that the "D" Limitation is an environmental mitigation measure not analyzed in the Draft EIR, without presenting substantial evidence that the analysis in the Draft EIR is inadequate.

Nonetheless, neither the Hollywood Community Plan nor the Hollywood Redevelopment Plan identify the "D" Limitation as a CEQA mitigation measure, nor does it identify the specific environmental effect that those restrictions purport to mitigate, and, therefore, the comment is incorrect in its assertion that the "D" Limitation was imposed as a mitigation measure. On the other hand, the LAMC is clear that "D" Limitations are zoning classifications. As such, these "D" Limitations are within the scope of the City's police powers to remove or make changes to them without making any additional CEQA findings.

The Project EIR adequately analyzed the potential impacts to the environment associated with the Project, inclusive of the increase in FAR. The "D" Limitation is described throughout the EIR in Chapter II, *Project Description*, pages II-10, II-11, II-17, II-74, and in Section IV.H, *Land Use and Planning*, pages IV.H-10 and IV-H-23 as part of the existing zoning regulation that applies to the Project Site, and is recognized as the existing regulatory condition and land use baseline in that regard. However, pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. In addition, both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing.

Also note that the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. The existing zoning has no height limitation, and the building height and FAR would be the same as under the Project. As discussed on page IV.A-1, in Section IV.A, *Aesthetics*, of the Draft EIR and pursuant to PRC Section 21099(d)(1) and City of Los Angeles Zoning Information File No. 2452, the issues of building height and relative scale as aesthetic impacts of the Project are not considered significant impacts on the environment. The discussion of the Project provided in Section IV.A of the Draft EIR was provided for informational purposes only. See also Topical Response No. 4 – Aesthetics, for additional discussion of the Project's aesthetics impacts. Topical Response No. 5 – Land Use and Planning, above, discusses the proposed revision in proposed entitlements and the function of the Density Bonus Compliance Review in detail.

Additionally, see Response to Comment No. IND 8I-29 and Response to Comment No. IND 8I-30, regarding the Hollywood Redevelopment Plan and the City's procedures for review and approval of projects and entitlements in the Hollywood Redevelopment Plan area. As stated therein, conflating disagreements around the process the City has adopted with a deficiency in those processes does not raise any issues with regard to the Project's potential environmental impacts on the environment. Refer to Topical Response No. 5 – Land Use and Planning, regarding the Project's consistency with the applicable land use plans.

As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8I-32

5. The DEIR Lacks Substantial Evidence that the Project Complies with the Hollywood Redevelopment Plan's Infrastructure Monitoring Mandates.

The DEIR altogether omits discussion of the mandatory infrastructure monitoring required by the Hollywood Redevelopment Plan. Section 506.3.2 requires that the Agency, or the City if properly standing in its shoes, "shall monitor" all development in the Regional Center Commercial designation. When the average density in the Regional Center Commercial designation reaches 2 to 1, the Agency or City "shall submit to the City Planning Commission and to the City Council" a plan to acquire open space or restrict density to regulate future development as density approaches the maximum 4.5 to 1 FAR averaged across the Regional Center Commercial designation.

The DEIR not only fails to disclose this mandatory provision essential to monitoring and mitigating environmental impacts in the Redevelopment Plan area, it fails to provide a scintilla of evidence that the Project would not exceed the 2 to 1 FAR threshold. At a moment when the public's faith in the City has been shattered by allegations of

breathtaking corruption, the City must make its tabulations available to the public for verification.

Response to Comment No. IND 8I-32

This comment alleges that the Draft EIR is inadequate for failure to disclose infrastructure monitoring requirements of the Hollywood Redevelopment Plan. However, the comment conflates the alleged responsibilities of the City under the Redevelopment Plan with alleged deficiencies in this private Project's Draft EIR. Under CEQA, an EIR is only required to "identify and focus on the significant effects of the proposed project ***on the environment***." (CEQA Section 151262, emphasis original.) Merely claiming that failure to address a non-CEQA issue is an inadequacy of full disclosure or that the Project would violate any City requirements regarding open space or limitations on density in the Draft EIR does not convert the issue into one that is related to the significant effects of the Project on the environment.

The Project neither conflicts with the Plan as it currently exists nor interferes with the City's alleged responsibility. As shown in Section IV.H, *Land Use and Planning*, pages IV.H-21 through IV.H-23, of the Draft EIR and Appendix J, Table LU-4, Consistency of the Project with Applicable Sections of the Hollywood Redevelopment Plan, the Project would be consistent and not conflict with the applicable Hollywood Redevelopment Plan goals related to private projects dealing with employment, land use and design, housing, sound residential neighborhoods, circulation, and open space/recreation. Redevelopment Plan sections that require the City rather than a private developer to effectuate are not relevant provisions for the purposes of determining whether the Project would cause a significant environmental impact due to a conflict with any land use plan adopted for the purpose of avoiding or mitigating an environmental effect as required by CEQA.

As stated in the Draft EIR, Appendix J, Table LU-4, among the objectives of the Redevelopment Plan are ones that relate to circulation system. The Project would be consistent and not conflict with those objectives, in part, since the Project would encourage a circulation system which would improve the quality of life in Hollywood by increasing population density in proximity to the Metro B (Red) Line Hollywood/Vine Station, services, retail uses, restaurants, and jobs, all within walking distance.

Moreover, the Draft EIR discusses the need for findings to obtain the requested FAR. As stated in Section IV.H, *Land Use and Planning*, of the Draft EIR, page IV.H-22:

> *The "Project is requesting an increase from a base 6:1 FAR to a 7:1 FAR. The increase in FAR beyond 6:1 is allowed by the LAMC but would be subject to City findings that the Project would further the goals and intent of the Hollywood Redevelopment Plan by meeting such objectives as: concentrating high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities; providing new development which compliments existing buildings in areas with architecturally and/or historically significant structures; and, providing focal points for entertainment, tourism and*

pedestrian oriented uses. The Project would meet these objectives by providing a mixed-use, higher-density development within a Regional Center and near public transit, including the Metro Red Line Hollywood/Vine Station, with a design that complements the architecturally and historically significant Capitol Records Building. The Project would also provide a focal point for entertainment and tourism, through a design that includes restaurants, outdoor dining areas, plazas and a two-block paseo between Argyle Avenue and Ivar Avenue, with improved access to the adjacent Hollywood Walk of Fame and Capitol Records Building.

The Draft EIR further states:

Through compliance with such objectives and appropriate findings to be made by the City, and as further supported by the analysis provided in Appendix J of the Draft EIR, impacts with respect to the applicable goals and policies of the Hollywood Redevelopment Plan, which were adopted for the purpose of avoiding or mitigating an environmental effect, would be less than significant, and the Project and the Project with the East Site Hotel Option would be consistent with and not conflict with the goals set forth in the Hollywood Redevelopment Plan.

As the comment does not present any facts to contradict this analysis, no further response is warranted.

Comment No. IND 8I-33

6. The DEIR Misrepresents Measure JJJ's Authority to Supersede the 6:1 FAR Limitation in the Hollywood Redevelopment Plan.

The Project proposes an FAR of 6.973 to 1 in violation of Hollywood Redevelopment Plan provisions explicitly disallowing development in excess of 6:1 FAR.[48] Section 506.2.3 provides:

"The Agency may permit development in excess of 4.5:1 F.A.R. **up to but not to exceed 6:1 F.A.R.** or such other density as may be permitted by future amendments to the Community Plan, only if the Agency makes the following findings and determinations: […]" (Emphasis added.)

The strict 6:1 FAR limitation is also reflected in Hollywood Community Plan Footnote 9, which provides:

"This designation is limited to the Hollywood Redevelopment Project Area. Development intensity is limited to 4.5:1 FAR with a maximum of 6:1 FAR possible through a Transfer of Development Rights procedure and/or City Planning Commission approval."

Despite this clear prohibition on FAR exceeding 6:1, the DEIR omits any meaningful analysis of how the Project's FAR complies. The DEIR's discussion of Section 506.3.2 is

legally erroneous and conclusory, stating that "the Project is eligible for an FAR bonus of up to 35 percent (8.1:1 FAR) pursuant to LAMC Section 11.5.11 for providing at least 11 percent of the total residential units as Very Low Income households."[49]

However, neither LAMC Section 11.5.11 nor any other provision of the LAMC can legally supersede the Hollywood Redevelopment Plan, which has the superior authority of state law. To distract from this inconvenient legal truth, the DEIR repeatedly – and falsely – states that the requested incentives and concessions are authorized "pursuant to California Government Code 65915."[50] By purportedly relying on State Density Bonus Law, the DEIR lays the foundation for its conclusion that the Project may properly exceed the 6:1 FAR limit of the Hollywood Redevelopment Plan, itself having the authority of state law.[51]

Based on the absurd analysis in the DEIR, the Applicant seeks and receives a development bonus pursuant to Section 65915 to allow an increase in FAR from 6 to 1 to 7 to 1. However, LAMC § 11.5.11(a) clearly states that developments receiving development bonuses pursuant to Section 65915 are not eligible for processing under LAMC § 11.5.11:

> "A Developer seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915 or any other State or local program that provides development bonuses shall not be eligible for the development bonuses pursuant to this Section. For purposes of this provision, development bonuses shall include discretionary General Plan amendments, zone changes, and height district changes." (Emphasis added.)

Because Measure JJJ itself precludes the Project from relying on State Density Bonus Law for any development bonus, the Project's FAR is not permitted.

Furthermore, the authority to approve the requested incentives and concessions originates not in the State Density Bonus Law, but in LAMC § 11.5.11(e):

> "Developer Incentives. In addition to the requested General Plan amendments, zone changes and/or height district changes, a Project that provides affordable housing consistent with this Section shall also be entitled to three incentives or concessions **specified in California Government Code Section 65915(k)** or the applicable Affordable Housing Incentive Program." (Emphasis added.)

Even a cursory analysis of this language makes it abundantly clear that the incentives and concessions are requested pursuant to LAMC § 11.5.11(e), rather than Government Code Section 65915.

First, the LAMC references Subdivision (k) of Section 65915, which is merely a definition of types of incentives – not the entire Density Bonus Law itself. Subdivision (k), crucially, contains only a definition of the phrase "concession or incentive."

Second, the LAMC references incentives or concessions "specified in" the Density Bonus Law, further supporting the conclusion that the LAMC merely draws upon the definitions found in the Density Bonus Law and adopts those definitions by reference into the LAMC. The only procedure to exceed the 6 to 1 FAR maximum in the Hollywood Redevelopment Plan is a Variation pursuant to Section 521 requiring findings of unnecessary hardship and exceptional site-specific circumstances. The DEIR's assertion that the Project's entitlement is authorized "pursuant to" State Density Bonus Law is not only mistaken, it is calculated to muddy the community's understanding of applicable regulations. The DEIR deprives the reviewing public of the opportunity to correctly understand the sources of authority that the City purports to utilize to boost the FAR of the Project to new astronomical heights.

It is transparent that Millennium and the City are trying to bootstrap a further boost of the FAR by misrepresenting to the public that the legal authority for the entitlement is the State Density Bonus Law. This gives the City a false argument that the further density increase is authorized by a state law program (Density Bonus Law) that must be construed to override the lesser FAR limit of the state law enacted Hollywood Redevelopment Plan. But the argument is simply wrong. Measure JJJ as set forth in LAMC Section 11.5.11(e) is a local enactment that simply borrows definitions from a state law. It provides no legal basis to override the FAR limit of state law as enacted in the Hollywood Redevelopment Plan. To contend otherwise is false and misleading to the reviewing public. These false statements are prejudicial because they deprive the reviewing public of the opportunity to correctly understand that sources of authority that the City purports to utilize to boost the FAR of the Project site to new astronomical heights.

Footnote 48: Consistent with the strict 6:1 FAR limitation in the Hollywood Redevelopment Plan, Footnote 9 of the Hollywood Redevelopment Plan permits a "maximum 6:1 FAR" in areas designated Regional Center. LAMC § 12.21.1 further restricts Height District 2 to a maximum FAR of 6:1.

Footnote 49: DEIR Appendix J, p. 19.

Footnote 50: E.g., DEIR p. II-2, II-74 and IV-H.23.

Footnote 51: See DEIR p. II-11 and IV-H.23.

Response to Comment No. IND 8I-33

This comment claims that the Project cannot exceed 6:1 FAR because of certain limitations in the Hollywood Redevelopment Plan and the Hollywood Community Plan. The Project would be allowed to exceed 6:1 FAR under the previously requested density bonus pursuant to LAMC Section 11.5.11(e), described throughout Chapter II, *Project*

Description, with the provision of a minimum of 10 percent Very Low Income residential units. The Project Applicant has revised the request for the proposed Zone and Height District Change to allow, under a Measure JJJ concession pursuant to LAMC Section 11.5.11(e), a FAR increase up to 7:1, as presented in Chapter II, *Project Description*, of the Draft EIR, to a Density Bonus Compliance Review pursuant to the State Density Bonus Law and the City's Density Bonus Ordinance. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the Waivers are necessary to allow for the development of affordable housing. Pursuant to State Density Bonus Law and in conjunction with the requested Density Bonus Incentives and Waiver of Development Standards, the Project is not inconsistent with the zoning on the Project Site, inclusive of the "D" Limitation. In addition, the Project's updated list of entitlements includes removal of the CUP for a Unified Development and, instead, requests approval of a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25, with an Off-Menu Incentive to allow FAR and density averaging across the Project Site.

As explained in detail in Topical Response No. 5 – Land Use and Planning, above, the State Density Bonus Law codified in LAMC Section 12.22 A.25, is a State-mandated program that allows the Project to be eligible to receive certain development incentives and waivers of development standards by providing the requisite percentage of affordable housing.

LAMC Section 12.22 A.25(e) specifically provides that projects which set aside at least 10 percent of the base permitted density for Very Low Income households may request up to two (2) development incentives or concessions (On-Menu or Off-Menu). Moreover, Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled. With the inclusion of 133 affordable senior housing units, the Project would provide more than the requisite 10 percent of the units for Very Low Income households, thereby entitling the Project Applicant to two (2) incentives, and Waivers of Development Standards (as per above, the request for which shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled).

Pursuant to LAMC Section 12.22 A.25(f)(4)(i), the Applicant requests the On-Menu incentive to permit an FAR increase in a percentage equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. By setting aside a minimum of 11 percent for Very Low Income households, the Project is eligible for a 35 percent density bonus and, therefore, a 35 percent increase in FAR. Thus, as a departure from the entitlement request in Chapter II of the Draft EIR, the Project requests one (1) On-Menu incentive to increase the Project Site's maximum allowable FAR by 35 percent from 2:1 FAR to 2.7:1 FAR (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032) and from 3:1 FAR to 4.05:1 FAR (for the balance of the Project Site); and one (1) Off-Menu incentive to allow FAR and density averaging

across the Project Site for a Housing Development located on non-contiguous lots (i.e. the West Site and East Site bisected by Vine Street). The Project also requests one (1) Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site; and one (1) Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable.

Comment No. IND 8I-34

7. The DEIR Fails to Disclose a Conflict with the Hollywood Redevelopment Plan Definition of Floor Area.

The Project requests a purported incentive or concession to exclude the area of covered balconies and terraces from the definition of Floor Area. However, the Hollywood Redevelopment Plan defines Floor Area in Section 506 as "the ratio of total floor area of all buildings in a parcel to the parcel area. The floor area of a building excludes space devoted to stairwells, elevator shafts, light courts vehicular parking and mechanical equipment." In practice, the CRA/LA has consistently interpreted it to have the same meaning as the LAMC to harmonize FAR calculations among the CRA/LA, the Department of Building and Safety and the Department of City Planning.

The Project proposes to deviate from this consistent and logical practice by re-defining the scope of Floor Area under the LAMC. However, because the incentive or concession is requested under the authority of Measure JJJ – a local ordinance – it cannot alter the implementation of the Hollywood Redevelopment Plan, which is a creature of state law. For purposes of calculating the Redevelopment Plan limitation on development exceeding 6:1 FAR, Floor Area shall include the area of covered terraces and balconies.

The DEIR fails to identify the conflict with the Hollywood Redevelopment Plan's definition of Floor Area, rendering its analysis of consistency with policies and objectives legally deficient. The DEIR's analysis refers to development of "up to 7:1 FAR"[52] – yet it fails to analyze the true Project FAR of 7.81 to 1. By basing its analysis on a foundation of fictitious FAR numbers, the DEIR fails to present a coherent and good faith analysis of land use consistency.

Footnote 52: DEIR Appendix J, p. 19.

Response to Comment No. IND 8I-34

This comment objects to the Draft EIR's analysis of the FAR for the Project and concludes that the requested FAR is based only on State law and in conflict with applicable land use plans. As discussed in Response to Comment No. IND 8I-33, with the inclusion of a minimum of 11 percent Very Low Income units, the Project would be allowed to exceed 6:1 FAR under the proposed Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25.

The State Density Bonus Law, codified in LAMC Section 12.22 A.25, is a State-mandated program that allows the Project to be eligible to receive certain development incentives (modification of a City development standard) by providing the requisite percentage of affordable housing.

The Project does not request an increase in the residential density as the Project's residential component is consistent with the underlying C4 Zone and Regional Center Commercial land use designation, pursuant to LAMC Section 12.22 A.18 and in conjunction with the requested Vesting Tentative Tract Map (Case No. VTT-82152).[112]

LAMC Section 12.22 A.25(e) specifically provides that projects which set aside at least 10 percent of the base permitted density for Very Low Income households may request up to two (2) development incentives or concessions (On-Menu or Off-Menu) (however, LAMC Section 12.22 A.25(c) requires the Applicant to provide at least 11 percent of the units as Very-Low Income to be eligible for the 35 percent FAR increase On-Menu Incentive). Moreover, Government Code Section 65915 (e)(2) states that that a proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled. With the inclusion of 133 affordable senior housing units, the Project would provide more than the requisite 10 percent of the units for Very Low Income households, thereby entitling the Project Applicant to two (2) incentives, and Waivers of Development Standards (the request for which shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled).

Pursuant to LAMC Section 12.22 A.25(f)(4)(i), the Applicant requests the On-Menu incentive to permit an FAR increase in a percentage equal to the percentage of Density Bonus for which the Housing Development Project is eligible, not to exceed 35 percent. By setting aside a minimum of 11 percent for Very Low Income households, the Project is eligible for a 35 percent density bonus and, therefore, a 35 percent increase in FAR. Thus, as a departure from the entitlement request in Chapter II of the Draft EIR, the Project requests one (1) On-Menu incentive to increase the Project Site's maximum allowable FAR by 35 percent from 2:1 FAR to 2.7:1 FAR (for portions of the Project Site located at the corner lot on the southeast corner of Yucca Street and Ivar Avenue and associated with APN 5546-004-032) and from 3:1 FAR to 4.05:1 FAR (for the balance of the Project Site); and one (1) Off-Menu incentive to allow FAR and density averaging across the Project Site for a Housing Development located on non-contiguous lots (i.e. the West Site and East Site bisected by Vine Street). The Project also requests one (1) Waiver of Development Standards to permit a 7:1 FAR averaged across the Project Site; and one (1) Waiver of Development Standards to permit the floor area of any residential balconies and terraces to be excluded for purposes of calculating the total floor area, as applicable. The proposed Density Bonus Compliance Review would not change the Project's FAR, but the method under which the FAR is calculated. The proposed Density

[112] Developments combining residential and commercial uses located within a C4 Zone provided that such lot is located within an area designated as Regional Center Commercial by the adopted community plan, are permitted the R5 Zone density of 1 unit per 200 square feet of lot area.

Bonus Compliance Review and the revised entitlement request are described in further detail in Topical Response No. 5 – Land Use and Planning, above. The revised entitlements are also listed in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment No. IND 8I-35

IX. THE DEIR'S AIR QUALITY ANALYSIS VIOLATES CEQA.

An EIR is intended to be a document of full environmental information, informing the public and the decision makers of all significant impacts of a proposed project. (Pub. Res. Code § 21002.1(a); Guidelines §15121.) Here, the DEIR fails at full environmental disclosure by failing to show adequately the baseline of air pollution that exists in the South Coast Air Basin (SCAB), where Los Angeles and the Project are located (DEIR, p. IV.B-16), and by failing to show adequately that the Project's impacts on that pollution have been mitigated.

Response to Comment No. IND 8I-35

The comment asserts that the Draft EIR is inadequate for failure to disclose the baseline air pollution conditions in the South Coast Air Basin and show adequately that all the Project air quality impacts are mitigated. The Draft EIR's Air Quality section fully describes, in Subsections IV.B.2.b and IV.B.2.c, the regulatory framework, attainment status of all criteria pollutants, and ambient background levels of these pollutants for the most recent 3-year period. In addition, Subsection IV.B.3.d presents Project pollutant levels and mitigation measures where Impact Threshold (b) was found to be potentially significant. Mitigation measures were described and quantified, with impacts after mitigation found to be less than significant. Table IV.B-9 presents the mitigated emissions and compares them to significance thresholds. Therefore, the Draft EIR fully discloses the mitigated emissions and impacts after implementation of mitigation measures and, thus, provides decision makers with full environmental information of all significant and mitigated air quality impacts of the Project.

Comment No. IND 8I-36

A. <u>The DEIR Fails to Disclose the Existing Ozone Problem.</u>

The DEIR grossly understates the existing air pollution problem. The American Lung Association's publication, State of the Air 2020, attached hereto as **Exhibit 28**, relies on publicly available data to report that "Los Angeles has been the most polluted city in the US for ozone for 20 of the 21 years the Lung Association has been issuing this Report" (State of the Air, p. 7), and it has that woeful distinction now. (<u>Id.</u>, p. 20.) The Los Angeles-Long Beach area is reported by the Lung Association as exposing 4,270,638 persons under 18 and 2,583,214 people 65 or over to these harmful levels of ozone. (<u>Id.</u>, p. 22.)

Although the DEIR does acknowledge that the South Coast Air Basin ("Basin") is in "extreme nonattainment" with the federal National Ambient Air Quality Standards

(NAAQS) and nonattainment with the California Ambient Air Quality Standards (CAAQS) (DEIR, pp. IV.B-24 and 25), it does not explain what "extreme" nonattainment means: it is the worst category of ozone pollution in which the U.S. EPA can categorize an air basin under the federal Clean Air Act (42 U.S.C. § 7511(a)), having among the highest ozone concentrations in the air anywhere in the nation.

U.S. EPA's Green Book states that only two areas in the nation are in "extreme" nonattainment for ozone, namely the Los Angeles portion of the South Coast Basin ("Basin"), and the San Joaquin Valley. (https://www3.epa.gov/airquality/greenbook/jnc.html. **Exhibit 29**.)[53] Further the San Bernardino County and Riverside portions of the Basin are in the next-worst category, being in "severe" nonattainment of the NAAQS for ozone. (Id.) The Project is proposed to be built in the middle of an air quality disaster, but fails to properly identify and explain this.

Footnote 53: EPA's Green Book is cited as a reference in the DEIR, but without guidance as to how to find the data referred to here.

Response to Comment No. IND 8I-36

The comment asserts that the Draft EIR fails to disclose the existing ozone problem. Draft EIR Subsection IV.B.2.c describes the South Coast Air Basin's existing ozone conditions and presents, in Table IV.B-2 on page IV.B-25, its non-attainment status for federal and State ozone standards, with the 'extreme' classification. The U.S. Environmental Protection Agency (USEPA) classifies ozone nonattainment areas based on the severity of their ozone problem, with the 'extreme' classification as the most severe. For the federal 2015 ozone standard of 0.070 parts per million (ppm) (8-hour average), the 'extreme' classification is for areas that have a design value of 0.163 ppm (8-hour average) and above.[113] This information has been included in the Final EIR as additional clarifying information.

Further, in Table IV.B-3 on pages IV.B-27 and IV.B-28 of the Draft EIR, ambient ozone levels are presented along with the number of days over the most recent 3-year period for which the 1-hour and 8-hour ozone standards were exceeded. With this information, the Draft EIR, along with clarifications incorporated into the Final EIR, have adequately characterized the air quality conditions of the Project area based on factual information.

Comment No. IND 8I-37

B. <u>The Air Quality Management Plan for the Basin Does Not Show That the Basin Will Meet Applicable Federal and State Air Quality Standards for Ozone.</u>

[113] USEPA, Ozone Designation and Classification Information, https://www.epa.gov/green-book/ozone-designation-and-classification-information, accessed August 25, 2020.

Further, the DEIR fails to inform the public and the decision makers that the Basin has any prospects in the foreseeable future to remedy this critical public health threat. The DEIR does disclose some of the serious damage to human health that ozone causes, including aggravating asthma, causing asthma attacks, contributing to pulmonary diseases, inhibiting (perhaps permanently) children's lung capacity and development, and causing lung inflammation and difficulty breathing. (DEIR, p. IV.B-1 to 3, and the references in footnotes 1 through 7.)

The State of the Air adds to this dismal catalogue of ozone health damage, reporting that "[e]xposure to ozone may also cause cardiovascular harm (e.g., heart attacks, strokes, heart disease, congestive heart failure), [may] cause harm to the central nervous system. And [m]ay cause reproductive and developmental harm." (State of the Air, p. 42.)

The DEIR fails to inform the public and the decision makers of how far the Basin still has to go to meet the federal and state ozone standards. Instead, the DEIR focuses on the California Air Resources Board's ("CARB") and South Coast Air Quality Management District's ("SCAQMD") plan to meet the federal and state ozone standard: namely, the 2016 Air Quality Management Plan ("AQMP") for the Basin, and the Project's purported consistency with that plan.

The DEIR treats the AQMP as the operative air quality plan for the Basin because "the 2016 AQMP has been adopted by the SCAQMD and CARB" (DEIR, p. IV.B-37), and implies that the AQMP will solve the ozone problem. The DEIR does not make it clear that not only does the Basin fail to meet the National Ambient Air Quality Standard ("NAAQS") for ozone, but that it may not meet that standard by the 2023 deadline. This is a serious violation of the City's duty under CEQA to provide full environmental information about the existing environment in which the Project would be built. (Guidelines § 15125(a.)

The Guidelines specify that "[k]knowledge *[sic]* of the regional setting is critical to the assessment of environmental impacts" (Guidelines § 15125(c)), and that is especially true here. The DEIR fails to tell the public how significantly the Basin needs to severely reduce its NOx emissions in order to meet the NAAQS for ozone and receive full approval from the U.S. EPA.[54] Until the AQMP is fully federally approved, the Basin still cannot show that it will meet the NAAQS for ozone by the deadline, nor can the DEIR show that consistency with the AQMP is enough to prove that Project emissions will not have a significant impact by worsening an existing, critical, air pollution problem.

In fact, the Basin still has a serious ozone problem, to which the Project will add.

CARB issued a report in November, 2019 entitled "South Coast 8-Hour Ozone SIP[55] Update,"("SIP Update") attached hereto as **Exhibit 31**, which clarified this point, stating:

> "The 2016 AQMP attainment demonstration specified that NOx emissions in the South Coast [Basin] need to be reduced to a level of 141 tpd [tons per day] of NOx to achieve the ozone standard. As stated above, baseline NOx emissions in 2023

have been reduced to 269 tpd due to current regulations, *leaving an additional 128 tpd of NOx emissions reductions to be achieved*." (Emphasis added.)

CARB's SIP Update also described CARB's and SCAQMD's proposed measures to bring NOx emissions down sufficiently to meet the federal 8-hour ozone standard by the deadline of 2023. (SIP Update, p. 3-5.) The SIP Update makes clear that after CARB and the SCAQMD have done all they can, the federal government must undertake various actions, either adopting strict control measures for NOx emissions sources that California cannot legally regulate (such as ocean-going vessels at sea, aircraft, locomotives, and out- of-state heavy-duty trucks), or providing federal funding for incentive measures to reduce NOx (e.g., to induce owners of high-emitting vehicles to replace them with new, low- emitters), or California will not meet the NAAQS for ozone by the deadline. (SIP Update, p. 3-4.)

Of the 128 tpd shortfall, CARB believes that the federal government must take actions to reduce 67-69 tpd, well over half of the shortfall. (Id., at Table ES-1, p. 4.) CARB notes that "if, due to federal inaction, we do not achieve the standard by 2023, the [Clean Air] Act will require a new SIP setting a new attainment date, *up to ten years later*." (Id., p. 6, emphasis added.) Although the SIP Update expresses hope that the federal government will take the actions needed for the Basin to meet the federal ozone standard "based on U.S. EPA's authority to control emissions and responsibility to act as a good partner to achieve healthy air", it does not cite to any commitment by the federal government to do so. (SIP Update, p. 3.)

The DEIR does not inform the public of how far the Basin still has to go to meet the federal and state ozone standards, nor that, lacking federal action that has not been promised to occur, that the Basin's residents will continue to be exposed to the serious health effects of ozone exposure for many years. This is a serious failure to meet CEQA's requirement that an EIR provide full disclosure of the baseline against which the Project's impacts will be measured for significant environmental effects.

Footnote 54: Nor is the 2016 AQMP fully approved by U.S. EPA, another vital piece of information about the baseline that is omitted by the DEIR. The U.S. EPA website shows that the Los Angeles portion of the South Coast Air Basin's AQMP is only *partially* approved, with many control regulations/strategies still not approved by EPA. https://www3.epa.gov/airquality/urbanair/sipstatus/reports/ca_elembypoll.html#ozone-1hr1979_413.) **Exhibit 30.**

Footnote 55: The State Implementation Plan ("SIP") is the compilation of each air basin's own AQMP, plus state measures.

Response to Comment No. IND 8I-37

The comment asserts that the Draft EIR fails to disclose air quality problems in the South Coast Air Basin, specifically in the areas of nonattainment and ozone. The impact discussion in Section IV.B, *Air Quality*, of the Draft EIR, under Impact Threshold (a)

provides substantial evidence under CEQA that the Project would not conflict with implementation of the SCAQMD 2016 AQMP. The 2016 AQMP has been adopted by both the SCAQMD and CARB. While the 2016 AQMP has not been fully approved by the USEPA and has been partially approved with a conditional approval for the reasonable further progress contingency measure requirement,[114] as discussed on pages IV.B-15 through IV.B-18 of the Draft EIR, the 2016 AQMP incorporates emissions control measure strategies from the prior USEPA-approved 2012 AQMP that are relevant to the Project, which include control measures designated as ONRD-04 and OFFRD-01 in the 2012 AQMP and designated as MOB-08 and MOB-10 in the 2016 AQMP. These control strategies are intended to reduce emissions from on-road and off-road heavy-duty vehicles and equipment, as stated on page IV.B-17 of the Draft EIR. Furthermore, as the 2016 AQMP builds from the 2012 AQMP, pages IV.B-16 and IV.B-17 of the Draft EIR also provide a discussion of the key elements of the 2016 AQMP, which include strategies to demonstrate attainment of the NAAQS, which are set at levels considered safe to protect public health, including the health of sensitive populations, for federal non-attainment pollutants of ozone and PM2.5 while accounting for regional growth, increasing development, and maintaining a healthy economy. Since the 2016 AQMP has been approved by the SCAQMD and CARB, Section IV.B, *Air Quality*, of the Draft EIR includes discussion and impact analyses that reference the 2016 AQMP appropriately for CEQA purposes. In light of the fact that the USEPA has only issued a partial approval of the 2016 AQMP, Section IV.B, *Air Quality*, of the Draft EIR also discusses the 2012 AQMP. Thus, the Draft EIR provides sufficient environmental information regarding the AQMP to meet the intent and purposes of CEQA as an informational document.

An individual land use development project is not responsible for implementing the entirety of an AQMP. The purpose of the AQMP is to evaluate integrated strategies and control measures to meet the NAAQS as expeditiously, as practicable, but no later than the statutory attainment deadlines. Implementation is achieved by promulgation of control strategies, such as SCAQMD rules and regulations to control emissions and by compliance by facilities, fleet operators, and other entities subject to the controls. As discussed on page IV.B-32 of the Draft EIR, a project would have a significant impact on air quality if it would conflict with or obstruct implementation of the applicable air quality plan. Pages IV.B-46 through IV.B-52 of the Draft EIR provide a detailed analysis of why the Project would not conflict with or obstruct implementation of the AQMP because the Project would not exceed those criteria set forth by the SCAQMD. As discussed therein, the Project would not increase the frequency or severity of an existing air quality violation or cause or contribute to new violations for the pollutants regulated in the AQMP. Construction and operation of the Project would comply with required rules and control strategies to reduce emissions, such as the heavy-duty truck and bus regulation (i.e., 13 CCR, Section 2025 [CARB Truck and Bus regulation]), and other applicable SCAQMD rules specified and incorporated in the 2016 AQMP. Thus, the Project would not delay timely attainment of air quality standards or emission reductions specified in the AQMP. Furthermore, the Project's growth would be consistent with the growth projections

[114] Federal Register, Vol. 84, No. 190, 52005 – 52015, October 1, 2019.

contained in the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which forms the basis of the growth projections analyzed in the 2016 AQMP. Thus, the Project would be consistent and would not be in conflict with the assumptions and growth projections in the 2016 AQMP. Therefore, based on the SCAQMD criteria for evaluating potential impacts under Impact Threshold (a), the Project would result in a less-than-significant impact and would not conflict with or obstruct implementation of the AQMP, including for implementation of control measures for ozone precursor emissions (volatile organic compounds [VOC] and nitrogen oxides [NO_X]).

Comment No. IND 8I-38

C. The Project May Have Significant Impacts on Air Quality in the Basin.

The DEIR also fails as a full environmental disclosure document in that it fails to discuss the impact of Project construction emissions on air quality throughout the Basin, and also fails to discuss any resulting public health impacts. (Guidelines § 15126.2 (a) [EIR must provide information on health and safety problems that the proposed project would cause].) The DEIR purports to discuss the "regional context" of the Project (DEIR, p. IV.B-23), but fails to discuss accurately and fully the Project's potential impacts on regional air quality.

The Project's construction will add significant amounts of NOx to the Basin over the three to four and one-half years of its construction. (See Fig. II-30, Project Construction Scenarios.) We note that the DEIR neither calculates nor estimates the total amount of NOx that the Projects construction will emit into the Basin's toxic soup; rather, it focuses on the vastly smaller daily emissions amounts. The NOx emissions from construction will contribute to the formation of ozone. The DEIR briefly states that "[o]zone is a secondary pollutant formed by the chemical reaction of volatile organic compounds (VOCs) and nitrogen oxides (NOX) in the presence of sunlight under favorable meteorological conditions, such as high temperature and stagnation episodes" (DEIR, p. IV.B-1), and "ozone . . . is a secondary pollutant that forms through photochemical reactions in the atmosphere." (DEIR, p. IV.B-24.) However, at no point does it explain that NOx is a vital precursor to the formation of ozone. The SIP Update states that "reaching the ozone standard would require significant emissions reductions in oxides of nitrogen (NOx)." (SIP Update at p. 1.) In fact, the SIP Update focuses almost entirely on the need to reduce NOx emissions in order to meet the federal ozone standard. (See the chart on page 2 of the SIP Update, which shows the amount of NOx that must still be eliminated.) The DEIR does not make clear the critical importance of NOx reductions.

Neither does the DEIR disclose that ozone precursor emissions (including NOx) and ozone itself are regularly transported across the Basin, and even beyond. The 2016 AQMP describes ozone and ozone precursor transport as follows:

> "The prevailing daytime sea breeze tends to transport pollutants and precursor emissions from coastal areas into the Basin's inland valleys, and from there, still further inland into neighboring areas of the SSAB (especially the Coachella Valley)

> and the MDAB. Concentrations of primary pollutants (those emitted directly into the air) are typically highest close to the sources which emit them. However, secondary pollutants (those formed in the air by chemical reactions, such as ozone and the majority of PM2.5) reach maximum concentrations some distance downwind of the sources that emit the precursors, due to the fact that the polluted air mass is moved inland by the prevailing winds many miles to areas where maximum concentrations are reached." (2016 AQMP, Appdx. II Current Air Quality, pp. II-1-5 to 6; attached hereto as **Exhibit 32**.)

As an example of how far ozone precursors may be transported and the significance they may have, we note that the SCAQMD is now asking the U.S. EPA to reclassify the Coachella Valley, over 130 miles east of the City of Los Angeles[56] in the South Coast Basin, to a less serious classification for ozone than it now has. The SCAQMD bases the request on the fact that:

> "[W]hen high levels of ozone are formed in the South Coast Air Basin, it is transported to the Coachella Valley. Similarly, when ozone precursors such as nitrogen oxides (NOx) and volatile organic compounds (VOCs) are emitted from mobile sources and stationary sources located in the South Coast Air Basin, they are also transported to the Coachella Valley. As a result, ozone levels in the Coachella Valley are primarily due to emissions in the South Coast Air Basin." (Press Release dated April 12, 2019, attached at **Exhibit 33**.)

See also a 2016 SCAQMD White Paper entitled "VOC Controls" and attached hereto as **Exhibit 34**, which states at pages 2-3:

> "Certain air quality monitoring stations located in San Bernardino and Riverside counties exceed the current 75 ppb federal ozone standard over 60 days per year (FIGURE 2). Higher local ozone concentrations in these regions can be attributed to the significant upwind O3, NOx, and VOC precursor emissions transported by the daily sea-breeze in the summer, local emissions, and the timing of the daily emissions and peak sunlight intensity."

The DEIR briefly states that the Project's construction-related NOx emissions would exceed the regional significance thresholds set up by the AQMD, but does not explain what the regional thresholds are obviously intended to reflect: that the Project would contribute to ozone formation and regional transport of both NOx and ozone across the Basin. By emphasizing the local air quality and only cursorily discussing the regional air pollution patterns, the DEIR trivializes the Project's impacts.[57]

The DEIR takes the position (DEIR, pp. IV.B-47) that because Project NOx emissions do not exceed SCAQMD's *localized* significance thresholds, "the Project and the Project with the East Site Hotel Option would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants. As the Project would not exceed any of the State and federal standards, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP."

This conclusion is breathtakingly overbroad and misleading, and should be revised to make clear that it covers *only* localized pollutant impacts, and not ozone impacts. As the DEIR recognizes (DEIR, p. IV.B-46), the localized significance thresholds are applicable only to NO2, CO, PM10, and PM2.5, *not* ozone formation or concentrations. A project can be consistent with the localized thresholds, have no significant local impacts, and still "delay timely attainment of air quality standards or interim emission reductions specified in the AQMP" if those standards are regional ones for ozone.

Further, the statement at DEIR p. IV.B-47 that compliance with the AQMP can be shown *even if the actual criteria pollutant emissions significance thresholds set by SCAQMD* are exceeded by the project, if the project includes the control strategies (such as project location in a High Quality Transit Area, use of TDM measures, use of cleaner diesel trucks) that are called for in the AQMP, is incorrect and lacks legal authority. The DEIR asserts that projects or activities "consistent with the applicable growth projections and control strategies used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP even if their emissions exceed the SCAQMD's thresholds of significance." However, as shown above, the AQMP itself does not show attainment of the federal ozone standard by the deadline. Instead, what it shows is a contingent demonstration of attainment that could succeed only if the federal government adopts more stringent control standards for sources that only the federal government has legal authority to control, or provides significant new incentive funding; neither is shown as likely to occur in the foreseeable future. Even if the Project complies with all applicable control regulations in the AQMP, and would not exceed the growth planned for in the AQMP, its emissions could still cause a cumulatively significant contribution to violating the ozone standard. The DEIR pushes the legal effect of the localized significance thresholds beyond their limit. (See also p. IV.B-49.)

In short, the DEIR has not shown the Project's construction emissions of NOx to be consistent with the AQMP, or otherwise below the level of significance.

Footnote 56: https://www.travelmath.com/drive-distance/from/Los+Angeles,+CA/to/Coachella,+CA.

Footnote 57: We note that, in the discussion of local air quality at DEIR p. IV.B-27 and 28, Table IV.B-3 shows exceedances of the NAAQS for ozone, PM10 and PM2.5, all pollutant with serious health impacts (see DEIR at pp. IV.B-1-3, and 6-7). However, the DEIR categorizes these exceedances as "the CAAQS and NAAQS were not exceeded in the Project Site vicinity for most pollutants between 2016 and 2018, except for O3, PM10, and PM2.5." This is roughly equivalent to saying that one graduated in the upper 90% of one's class, or that the weather was sunny and fair both before and after the tornado; the statements may be technically accurate, but do not reflect the gravity of the data being characterized. The serious nature of these exceedances should have been emphasized and explained, given that the Project's construction could add to them.

Response to Comment No. IND 8I-38

The comment asserts that the Draft EIR has not sufficiently explained the extent of the ozone problem in the air basin and the contribution of NOx to the formation of ozone, relying on localized significance thresholds to evaluate the Project's impact significance. The comment relies on a number of opinions and narratives to describe the extreme non-attainment status of the South Coast Air Basin using phrases, such as "toxic soup," and references to metaphors, such as describing that the "weather was sunny and fair both before and after the tornado." Such phrases and metaphors are unsubstantiated opinion and narrative which do not qualify as substantial evidence under CEQA. Furthermore, the comment attempts to argue that Project emissions could still cause a cumulatively significant contribution to violating the ozone standard but provides no factual evidence to support the argument.

> *In addition, Section IV.B, Air Quality, of the Draft EIR, along with additional clarifying information in this Final EIR, fully discloses and describes the role of VOCs and NO_X emissions in ozone formation and the extent of the extreme non-attainment status of the South Coast Air Basin, the region in which the Project is located, relying on substantial evidence. Furthermore, Section IV.B, Air Quality, of the Draft EIR analyzes the air quality impacts of the Project based on facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts consistent with PRC Section 21082.2(c), which states that: Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.*

The very first page of Section IV.B, *Air Quality*, of the Draft EIR (i.e., page IV.B-1) states that "Ozone is a secondary pollutant formed by the chemical reaction of volatile organic compounds (VOCs) and nitrogen oxides (NO_X) in the presence of sunlight." In fact, numerous pages of Section IV.B, *Air Quality*, highlight the fact that VOCs and NO_X are ozone precursors and contribute to the formation of ozone. For instance, page IV.B-3 of the Draft EIR states that "VOCs…contribute with NO_X to form ozone, and are regulated to prevent the formation of ozone." Paqe IV.B-34 of the Draft EIR references "emissions of ozone precursors (VOC and NO_X)." Page IV.B-54 of the Draft EIR also references "ozone precursors of VOCs and NO_X." Thus, the Draft EIR makes a clear and reasonable disclosure of information that VOC and NO_X emissions contribute to the formation of ozone.

The comment claims that Draft EIR does not present the total amount of NOx that the Project's construction will emit over the duration of construction and suggests that the Draft EIR incorrectly focuses on the vastly smaller daily emissions amounts. The comment relies on unsubstantiated opinions on air quality emissions. The comment suggests that the total NOx emissions estimate is a more relevant metric than those presented in the Draft EIR and overlooks established air quality thresholds. The Draft EIR

fully describes why daily emissions thresholds established by the SCAQMD and daily maximum emission estimates presented by the Draft EIR are appropriate. As described on page IV.B-34 of Section IV.B, *Air Quality*, under Construction and Operational Emission Air Quality Standards**,** "the SCAQMD has established numerical significance thresholds for construction and operational activities. The numerical thresholds are based on the recognition that the Air Basin is a distinct geographic area with a critical air pollution problem for which ambient air quality standards have been promulgated to protect public health.[9]"

(Footnote 9 from the Draft EIR: SCAQMD, CEQA Air Quality Handbook, April 1993.)

Therefore, the maximum construction daily unmitigated and mitigated air quality emissions as presented in the Draft EIR for the Project are the applicable emission estimates to present as the daily maximum emissions estimates address the relevant thresholds established by SCAQMD. In addition, as presented on page IV.B-33 of Section IV.B, *Air Quality*, of the Draft EIR, "pursuant to the CEQA Guidelines (Section 15064.7), a lead agency may consider using, when available, significance thresholds established by the applicable air quality management district or air pollution control district when making determinations of significance." Thus, the City's reliance on SCAQMD thresholds to assess the potential air quality impacts of the Project is consistent with CEQA guidelines and is further supported by PRC Section 21082.2(c) as presented earlier in this response, where the City appropriately relies on the SCAQMD as the experts on establishing applicable air quality thresholds. Furthermore, the comment fails to recognize that daily thresholds are more conservative than thresholds averaged over longer durations as a daily threshold restricts emissions on a daily basis, whereas a threshold that averages emissions over a longer duration, such as an annual threshold, could potentially smooth over peak daily maximum emissions over the course of the longer time duration. The comment also fails to consider the confusion and irrelevance of presenting the total amount of NOx that the Project's construction would emit over the duration of construction as there is no established numerical air quality impact threshold to which to compare this value. Thus, presenting the total NOx emissions emitted over the course of Project construction in the Draft EIR would add no additional value and would not provide pertinent environmental information for decision makers.

The comment asserts that the Draft EIR states that the Project's construction-related NOx emissions would exceed the regional significance thresholds; however, as clearly presented on page IV.B-60, and through emissions values presented in Table IV.B-9 of Section IV.B, *Air Quality*, with implementation of Mitigation Measure AQ-MM-1, regional NOx emissions from construction would be reduced to below the regional threshold for NOx. Therefore, the Draft EIR sufficiently provides evidence that the Project's construction-related NOx emissions would be mitigated to be below regional significance thresholds. In addition, the Draft EIR clearly explains the intention of regional significance thresholds where, as described earlier, on page IV.B-34 of the Draft EIR, "the SCAQMD has established numerical significance thresholds for construction and operational activities. The numerical thresholds are based on the recognition that the Air Basin is a

distinct geographic area with a critical air pollution problem for which ambient air quality standards have been promulgated to protect public health."

The comment claims that it is insufficient for the Draft EIR to state that, since Project NOx emissions do not exceed SCAQMD's localized significance thresholds (LSTs), "the Project and the Project with the East Site Hotel Option would not increase the frequency or severity of an existing violation or cause or contribute to new violations for these pollutants. As the Project would not exceed any of the State and federal standards, the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP." However, as explicitly stated in the SCAQMD's Final Localized Significance Threshold Methodology on page 1-1, "LSTs represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area." Therefore, as stated in the comment, Project localized construction NOx emissions and as presented in Table IV.B-13, Project localized CO, PM10 and PM2.5 emissions, would not exceed the localized thresholds for NOx, CO, PM10, or PM2.5. Therefore, construction emissions impacts to sensitive receptors would be less than significant, the Project would not exceed any of the State and federal standards, and the Project would also not delay timely attainment of air quality standards or interim emission reductions specified in the AQMP. Please see Response to Comment No. IND 8I-37 for discussion on the purpose of the AQMP, which is to evaluate integrated strategies and control measures to meet the NAAQS as expeditiously, as practicable, but no later than the statutory attainment deadlines, and how based on the SCAQMD criteria for evaluating potential impacts under Impact Threshold (a), the Project would result in a less-than-significant impact and would not conflict with or obstruct implementation of the AQMP, including for implementation of control measures for ozone precursor emissions (volatile organic compounds [VOC] and nitrogen oxides [NO_X]).

Thus, as discussed, the Draft EIR uses the relevant significance thresholds to evaluate impact significance and the potential need for mitigation measures to reduce those pollutants that exceed them.

Comment No. IND 8I-39

D. Mitigation Measure AQ-MM-1 is Not Shown to be Enforceable.

The DEIR states that emissions of NOx during construction will exceed the SCAQMD regional significance threshold for NOx, and concedes that mitigation is required. (DEIR, p. IV.B-53.) It also claims that, with application of Mitigation Measures AQ-MM-1 and AQ-MM-2, the Project's NOx emissions will be below the SCAQMD regional threshold for NOx. However, this assertion presumably rests on the assumption that AQ-MM-1 will be carried out in full.[58] But another part of the DEIR contradicts and appears to belie that assumption.

In pertinent part, AQ-MM-1 reads:

> "Construction equipment, such as tower cranes, shall utilize electricity from power poles or alternative fuels (i.e., non-diesel) rather than diesel power generators and/or gasoline power generators. Pole power shall be made available for use for electric tools, equipment lighting, etc. If stationary construction equipment, such as diesel- or gasoline-powered generators, must be operated continuously, such equipment shall be operated at least 100 feet from sensitive uses (e.g., residences, schools, child care centers, hospitals, parks, or similar uses), whenever possible."

Thus, AQ-MM-1 states that tower cranes shall use electricity from power poles or shall use non-diesel fuels. However, the DEIR's Energy Conservation and Infrastructure section states:

> "On a *limited and incidental basis*, electricity may be used for small equipment, such as lighting, electronic devices, and other *minor construction activities* necessitating electrical power; however, it is speculative to quantify these *minor uses*, and such equipment may already be in use under existing conditions (i.e., computer laptops and mobile phones already owned and in use by contractors). Furthermore, these sources would generally be negligible compared to the clearly new electricity usage associated with the supply and conveyance of water for construction dust control, which is quantified in this analysis." (DEIR p. IV.O-16, emphasis added.)

The DEIR here clearly calls the use of electric power at the Site "minor," used only on a "limited and incidental basis," and does not list tower cranes as one of those expected uses for electricity. The Energy Conservation and Infrastructure section also states:

> "*Construction equipment would primarily be diesel-fueled* (with the exception of construction worker commute vehicles, which would primarily be gasoline-fueled). For purposes of this assessment, it is conservatively assumed that *heavy-duty construction equipment* and haul trucks *would be diesel-fueled*. This represents a worst-case scenario to cover maximum potential energy use during construction." (Id.; emphasis added.) (DEIR, p. IV.O-17.)

These statements are irreconcilable with the statement in the Air Quality section that tower cranes will be powered electrically. The assertions in both DEIR sections cannot be accurate. If the Energy Conservation and Infrastructure section is the one that is accurate, and diesel power will be used for "heavy-duty construction equipment" in general, presumably including tower cranes, then the calculation of NOx emissions from construction equipment in the Air Quality section of the DEIR is not correct. Instead, the Project's construction emissions of NOx must be higher – perhaps much higher – than the DEIR reports.

Even considering the Energy Conservation and Infrastructure section's caveat that it is using a worst-case scenario by assuming all heavy-duty construction equipment to be

diesel-fueled,[59] NOx emissions must be higher than the Air Quality section reports if the use of electrically-fueled construction equipment is only "minor," as the Energy Conservation and Infrastructure section reports, rather than being used to power such major pieces of construction equipment as tower cranes at a Site that proposes to build Project that will have towers of 36 and 47 stories apiece. (Draft EIR, p. II.14.)

Accordingly, the actual amount of construction equipment that is going to be powered by electricity – and the amount that is not – must be made clear, and the equipment's contribution to the total maximum day NOx emissions from construction should be disclosed fully, with revised total daily NOx emissions compared to the SCAQMD significance threshold for NOx from construction. This internal contradiction in the DEIR is further proof that the DEIR has not proven its assertion that the Project's construction, as mitigated, will have no significant impacts on regional air pollution, including the formation of ozone, for which the Basin is in extreme nonattainment. A recirculated DEIR must either supply the proof, or supply a corrected assessment of NOx emissions and provide full mitigation for any exceedance of the SCAQMD regional threshold. (Pub. Res. Code §§ 21002, 21081(a).)

Footnote 58: Mitigation is required by CEQA to be fully enforceable, and to be carried out. Guidelines § 15126.4(a)(2); Lincoln Place Tenants Assn. v. City of Los Angeles (2005) 130 Cal.App.4th 1491, 1508.

Footnote 59: Appendix E identifies jackhammers as being powered by a generator, putting the notation in parentheses by the equipment's name (Appdx. E at p. 42 of pdf [West Site], p. 43 of pdf [East Site]); other construction equipment is not so identified.

Response to Comment No. IND 8I-39

The comment claims that NO_X emissions from construction were under-estimated due to differing language in the Air Quality and Energy sections. However, despite this claim the Draft EIR presents the maximum construction emissions under both the unmitigated and mitigated construction emissions, where as shown on page IV.B-55 and Table IV.B-5, the unmitigated construction emissions presented assume all heavy-duty construction equipment to be diesel-fueled; and on page IV.B-60 and Table IV.B-9, where mitigated construction emissions presented account for Mitigation Measure AQ-MM-1: Construction Equipment Features, that includes features, such as that the Project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during Project construction where available within the Los Angeles region. Such equipment shall be outfitted with Best Available Control Technology (BACT), which means a CARB-certified Level 3 DPM or equivalent, and that construction equipment, such as tower cranes, shall utilize electricity from power poles or alternative fuels (i.e., non-diesel) rather than diesel power generators and/or gasoline power generators. Pole power shall be made available for use for electric tools, equipment, lighting, etc. If stationary construction equipment, such as diesel- or gasoline-powered

generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses (e.g., residences, schools, childcare centers, hospitals, parks, or similar uses), whenever possible. Mitigation Measure AQ-MM-1 (page VI.B-59) did not underestimate NOx emissions. The analysis accounted for tower cranes that would be electrically-powered or would use alternative fuels (i.e., non-diesel) rather than diesel power. Appendix E-1 includes all emissions calculations and CalEEMod modeling assumptions that show how the mitigated NOx emissions were estimated.

The comment claims that Section IV.O, *Energy Conservation and Infrastructure*, of the Draft EIR contradicts the Section IV.B, *Air Quality*, of the Draft EIR since the energy analysis does not explicitly state tower cranes as one of those expected uses for electricity as presented in Mitigation Measure AQ-MM-1 in the air quality analysis. However, as stated Section 15126.4(a)(3) of the CEQA Guidelines, "Mitigation measures are not required for effects which are not found to be significant". And, as discussed in the impact discussion in Section IV.O.3.d) of the Draft EIR, the Project is less than significant under all the thresholds of significance that are presented in Subsection IV.O.3.a, including for construction electricity and fuel consumption. While the electric tower cranes used pursuant to Mitigation Measure AQ-MM-1 in the air quality analysis would be electric powered, Section IV.O, *Energy Conservation and Infrastructure*, analyzed energy impacts in the unmitigated state for tower cranes, consistent with the unmitigated air quality analysis. As such Section IV.O, *Energy Conservation and Infrastructure*, and Section IV.B, *Air Quality*, of the Draft EIR do not provide contradictory analyses and are consistent. With implementation of Mitigation Measure AQ-MM-1 to reduce air quality impacts, the tower cranes would trade one form of energy (e.g., diesel fuel) for another form of energy (e.g., electricity). The displacement of diesel fuel with electricity pursuant to the air quality mitigation measure would have little to no effect on energy impacts since the energy would be used for the same type of equipment and the equipment would serve the same function during Project construction. Because there are no significant Project energy impacts, Section 15126.4(a)(3) of the CEQA Guidelines supports the analysis presented. Therefore, there is no basis to the argument made in the comment since not including Mitigation Measure AQ-MM-1 in the Energy Section does not suggest that Mitigation Measure AQ-MM-1 is not enforceable and will not be carried out in full to address air quality Impacts as presented in Draft EIR Section IV.B, *Air Quality*.

Comment No. IND 8I-40

X. THE DEIR'S GREENHOUSE GAS ANALYSIS VIOLATES CEQA.

In preparing the Greenhouse Gas section and reports for the DEIR, the City has failed to proceed in accordance with the requirements of law. See, e.g., Pub. Res. Code §§ 21002, 21002.1, and 21081(a), Guidelines §§ 15064.4, 15126.4(a)(1)(B) and (a)(2), and 15126.4 (a)(2) and (c)(3); and Health and Safety Code § 38562(a)(1) and (a)(2).

Among other violations, the City has (1) adopted an illusory threshold of significance that masks the obvious significant GHG emissions of the Project, (2) falsely asserted that GHG emissions must be based upon a 30-year useful life when the Project is clearly

intended to operate well beyond this time, and (3) proposed illusory offsets in mitigation measures that fail to meet the legal requirement of being real, permanent, quantifiable, verifiable and legally enforceable.

It is important to note at the outset that the DEIR makes clear that the Project's greenhouse gas ("GHG") emissions would be high – very high. The construction emissions, calculated using the overlapping construction scenario, are listed by the DEIR in Table IV.E-6 shows construction GHG emissions as 13,476 MTCO2e. Table IV.E-7 calculates the 2025 GHG emissions for the overlapping construction scenario (with Hotel) as 8,339 MTCO2e per year of Project operation, and calculates the 2027 GHG emissions for the sequential build-out scenario as 7,867 MTCO2e per year of Project operation.

The operational GHG estimates include amortization of construction emissions over the assumed 30-year life of the Project. Assuming that 30-year life (which we contest, infra), the 30-year total GHG emissions for the two scenarios are 250,170 MTCO2e over 30 years, and 236,010 MTCO2e over 30 years, respectively. These are substantial figures, especially for a project that claims full consistency with all applicable local, regional, and state plans to reduce GHG emissions. Further, the DEIR states that these emissions "would conservatively be considered entirely net new." (DEIR, p. IV.E- 24.)

Yet, the DEIR finds these emissions to be not significant. We contest this finding on grounds that an unjustified threshold of significance is used, a false and inaccurate baseline is employed, and the Project's assumed life is impermissibly presumed to be short, as set out below.

Response to Comment No. IND 8I-40

The comment uses descriptor words to raise suspicion of the Project GHG emissions as "high – very high" and that the values are "substantial figures", yet it fails to explain or provide evidence that substantiates these claims. In addition, the comment relies on the opinion and the unsupported claim that the GHG threshold used in the Draft EIR to determine the project's GHG impacts as "illusory" while not presenting any evidence of why the threshold and consistency analysis used in the GHG section is inadequate. Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, fully discloses and describes the adequacy of the threshold used to determine Project GHG impacts. As described on page IV.E-29 of the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively." Additionally, on page IV.E-30 of the Draft EIR,

> *Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project…Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions.*

Therefore, in the absence of any adopted quantitative threshold by CARB, SCAQMD, and the City, the significance of the Project's GHG emissions was sufficiently determined to be less than significant through consistency with CEQA Guidelines Section 15064.4(b)(2). The Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, as shown in Subsection 3.d)(1)(a), Project Consistency with Applicable Plans and Policies, where the Project is shown to be consistent with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019), and the Los Angeles Green Building Code.

A 30-year Project life for GHG emissions calculations is accepted by both the SCAQMD and CARB. Moreover, the City, as the lead agency, has the discretion to adopt SCAQMD's interim guidance in setting thresholds of significance for this Project. The SCAQMD provides for GHG significance thresholds and calculation methodology is its Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans. This is the most recent guidance for project lifetime calculations. This guidance states:

> *Emission Calculations and Significance Threshold Proposal – For the purposes of determining whether or not GHG emissions from affected projects are significant, project emissions will include direct, indirect, and, to the extent information is available, life cycle emissions during construction and operation. Construction emissions will be amortized over the life of the project, defined as 30 years.*[115]

In addition, the CARB has issued guidance to use the 30-year project lifetime in its GHG Quantification Methodology for the Affordable Housing and Sustainable Communities program. The calculation formulas in the methodology explicitly states that projects must use a 30-year project lifetime to complete this methodology.[116] In addition, CARB, an expert State agency on evaluating GHG emissions, has agreed with and accepted a 30-Year Project life for the analysis in the ELDP application for the Project, which is provided in Appendix B of the Draft EIR. The ELDP application for the Project thoroughly analyzed the GHG emissions and provides descriptions of features that will reduce GHG emissions to net zero. While CEQA does not require achieving net zero emissions, the Project would need to provide GHG reductions based on the Project's total annual GHG emissions in order to meet the requirements of AB 900 of no net additional GHG emissions. On August 16, 2018, Governor Brown, in concurrence with CARB, certified that the Project meets the criteria for the Project to qualify as an ELDP.

115 South Coast Air Quality Management District, Draft Guidance Document – Interim CEQA Greenhous Gas (GHG) Significance Threshold, 2008, http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2, accessed August 25, 2020.

116 CARB, Greenhouse Gas Quantification Methodology for the Strategic Growth Council Affordable Housing and Sustainable Communities Program. November 1, 2019, https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/sgc_ahsc_qm_110119.pdf?_ga=2.26705341.1456223377.1598052881-874599951.1597355510, accessed August 25, 2020.

Comment No. IND 8I-41

A. The DEIR Uses an Inapplicable and Improperly Supported Threshold of Significance

Lead agencies are given several options in choosing the threshold by which they will determine the significance or insignificance of a Project's environmental effects, in light of the fact that the same impact may be significant in some settings but not in others.[60] At a minimum, a threshold requires support by substantial evidence. (Guidelines § 15064(b).)) The CEQA Guidelines encourage each public agency to "develop and publish thresholds that the agency uses in the determination of the significance of environmental effects." (Guidelines § 15064.7.) The City of Los Angeles has not developed or adopted a threshold for the significance of GHG emissions, and therefore has no numeric or other established threshold by which to evaluate the Project's GHG emissions. (DEIR, p. IV.B-28.) Nor has the City adopted a climate action plan specifically setting GHG emissions reduction targets that can be applied to specific projects. Guidelines Section 15183.5 sets out the elements such a climate action plan should have:

(1) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

(2) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

(3) Identify and analyze the greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

(4) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels;

(6) Be adopted in a public process following environmental review.

These requirements for a climate action plan include the setting, based on substantial evidence, of actual, numerical levels of GHG emissions that would not be significant, as well as a mechanism for tracking the plan's progress towards an overall GHG reduction goals. (See also, Cool California's Climate Action Resource Guide, which provides tools for the development of a Climate Action Plan. (https://coolcalifornia.arb.ca.gov/local-government/toolkit.) A notable example is the City of San Diego's Climate Action Plan, which set numerical GHG emissions reduction targets (CAP, p. 22; https://www.sandiego.gov/sites/default/files/final_july_2016_cap.pdf.), and has been the subject of monitoring to determine how well the plan is working

(https://www.sandiego.gov/sites/default/files/2019_cap_digital_version.pdf.) (See **Exhibits 35-37**.)

The City of Los Angeles has no such plan, and therefore the DEIR cannot legally rely on a City climate action plan pursuant to CEQA Guidelines Section 15064.4, subd. (b)(3).

Instead, the DEIR argues that:

> "[I]n the absence of any adopted quantitative threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) [*sic*, perhaps 15064.4(b)(3) is meant] by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions, including CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green New Deal (Sustainable City Plan 2019), and the Los Angeles Green Building Code. . . . This evaluation of consistency with such plans is the sole basis for determining the significance of the Project's GHG- related impacts on the environment." (DEIR, p. IV.-30-31, emphasis added.)

Later, the DEIR claims:

> "[C]ompliance with a GHG emissions reduction plan renders a less- than-significant impact. The analyses below demonstrate that the Project is consistent with the applicable GHG emission reduction plans and policies included within the state's 2017 Climate Change Scoping Plan, the SCAG 2016-2040 RTP/SCS, the City of L.A.'s Green New Deal (Sustainable City Plan 2019), and Los Angeles Green Building Code. As shown herein, the Project would be consistent with the applicable GHG reduction plans and policies." (DEIR, p. IV.E-43.)

Putting these two assertions together, the DEIR argues that mere consistency or compliance with applicable "plans and policies" of the named plans, without more, makes the Project's GHG impacts insignificant, even though it will cause the emission of up to an additional quarter of a million metric tonnes of climate-forcing gases into the atmosphere and, perhaps more importantly, even though most of these plans do not claim to reduce GHG emissions to any set amount, or to meet all of the GHG reduction requirements established by California statutes and Executive Orders. The City has failed to establish a lawful standard of significance against which it can measure the impact of the Project's GHG emissions.

First, CEQA Guidelines Section 151064.4, subd.(b) specifies that the extent to which a project complies with adopted plans to reduce GHG emissions is only one of several "factors, among others [to be considered] when determining the significance of impacts from greenhouse gases on the environment"[61] and, by implication, not the "sole" factor the DEIR claims it is.

Second, many provisions of the Los Angeles City Building Code and the Green LA Plan are mandatory. As the DEIR states, "Since the Project is subject to the Los Angeles Green Building Code, Project Design Features reflect the minimum requirements." (DEIR, p. IV.E-39, emphasis added.) The Project is not reducing the level of GHGs it would otherwise emit by complying with mandatory code provisions; it has no choice but to include the features the Building Code requires. These limitations on GHG emissions are already part of the regulatory baseline. Further, the green building codes by themselves are not designed to achieve zero emissions, meaning that compliance with them will not produce zero emissions; insignificance is not automatic or guaranteed. If compliance with these codes actually reduced the Project's GHG emissions to zero, or to an unquestionably de minimis amount, then a conclusion of no significant impact could be supportable. Here, that is not the case. The Project would emit GHG emissions in the hundreds of thousands of tons, certainly not a de minimis amount.

Third, the green building codes do not have GHG reduction as their primary goal, and do not even purport to achieve specific GHG reductions. Reliance on compliance with these codes does not show actual progress towards any state GHG reduction goal.

Fourth, this so-called threshold allows the Project to rely on provisions in the named plans that are imposed upon, and carried out by, other entities than the Project. They do not reflect any action or choice by the applicant to reduce GHG emissions; the Project neither aids them nor can it stop them. They are, in essence, Project-neutral. In this category are the state's vehicle emissions standards, its Renewable Portfolio requirements for generation of electricity, the Low Carbon Fuel Standard, and other state requirements. The Project does not have the option to not be consistent with these measures, and they should not be counted as active reduction by the Project of its GHG emissions. The DEIR correctly describes them as part of the Regulatory Framework. (DEIR, p. IV.E-3.) They are part of the regulatory baseline for the Project, not Project features. Again, if these statewide measures, in concert with compliance with mandatory building codes, resulted in a Project that emitted zero GHGs or an unquestionably de minimis amount, then there would not be a significant impact, and the matter would be closed. But that is not the case here.

Fifth, the SCAG Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS") does not set GHG reduction targets that would achieve the statewide reductions called for in AB 32. The RTP/SCS aims, if met, would be only a limited, partial step towards meeting the state GHG reduction goals. The RTP/SCS' modest goals are to reduce per capita vehicle miles traveled (VMT) by passenger cars and light-duty trucks by limited amounts, namely 8 percent by 2020, 18 percent by 2035, and 21 percent by 2040 compared to the 2005 levels. The SCAG plan does not even aim at any reductions past that point, regardless of whether overall climate change goals have or have not been met. (DEIR, p. IV.E-19.) The 2050 goals in Executive Order S-03-05, set out at DEIR, p. IV.E-9, are largely ignored.

SCAG itself recognized the limits of its plan. In the Appendix to the 2016-2040 RTP/SCS, SCAG stated:

> "Though ARB has not adjusted SCAG's regional targets since the 2012 RTP/SCS, SCAG anticipates the region's targets may change, considering Governor Brown's recent Executive Order (B-30-15) that establishes a California greenhouse gas reduction target of 40 percent below 1990 levels by 2030. Because the transportation sector is the largest contributor to California's greenhouse gas emissions (more than 36 percent), SCAG anticipates updated and more stringent regional greenhouse gas emissions goals are forthcoming." (**Exhibit 38** [RTP/SCS Appendix at p. 59].)

We note that Executive Order B-30-15's target of a 40% reduction in GHG emissions over 1990 levels was enacted into law by SB 32, and is legally binding. That means that mere consistency with the GHG emissions targets in the SCAG plan cannot be relied on to meet state GHG reduction goals, and consistency with the RTP/SCS Plan does not constitute substantial evidence of no significant impact on GHG emissions by the Project.

The DEIR attempts to cobble together compliance or consistency with several plans, and claim that whatever level of GHG emissions from the Project result from compliance/consistency with these plans is, per se, not significant, *regardless of how high it is*. This makes no sense as the use of compliance with individual plan components provides no objective emission standard against which the Project's substantial GHG emissions may be measured. CEQA Guidelines Section 15064.4, sub.(b)(3) applies the substantial evidence test to any threshold chosen that is based on consistency with plans that are adopted to reduce climate forcing greenhouse emissions. That test requires that substantial evidence must exist in the record that supports the City's "conclusion that the project's incremental contribution is not cumulatively considerable." The DEIR fails to make any showing that the Project's incremental contribution is not cumulatively considerable just because it will comply with applicable laws and regulations either actively (in the case of building codes) or passively (in the case of state vehicle and electricity standards). In fact, this so-called threshold of significance would find any number of differently configured Projects, with any number of different GHG emissions total, to not cause significant GHG emissions levels, regardless of how high such emissions totals might run. This standard lacks sufficient specificity to actually advise the decision makers or the public as to what impacts on state GHG levels will actually be. The DEIR fails as a matter of law. Any attempt to "fix" it would need to be made in a recirculated DEIR.

Footnote 60: See No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 83, fn. 16, quoting a federal opinion saying that "[significant] covers a spectrum ranging from 'not trivial' through 'appreciable' to 'important' and even 'momentous.'" This definition is aptly suited to setting a threshold for emissions of climate-forcing gases, since the level of emissions may seem small, but the cumulative consequences may be momentous.

Footnote 61: Other factors listed by Guidelines § 15064.4(b): (1) any increase in GHG emissions the project will cause over existing emissions (here, that increase is 100% of the Project's emissions, or between 230,000 and 250,000 or so metric tonnes total GHG emissions, a staggering increase); and (2) whether the project emissions exceed a level of significance the agency has established (here, the City has not established a threshold upon which it could rely).

Response to Comment No. IND 8I-41

The commenter asserts that the less-than-significant impact finding for GHG emissions is incorrect and unsubstantiated. CEQA Guidelines Section 15064.4 states that a lead agency shall make a good-faith effort, based on available information, to describe, calculate or estimate the amount of GHG emissions resulting from a project. A lead agency has the discretion to determine, in the context of a particular project, whether to: (1) quantify greenhouse gas emissions resulting from a project; and/or; or (2) rely on a qualitative analysis or performance based standards. The City has exercised its discretion to utilize qualitative thresholds, as stated on pages IV.E-30 and IV.E-31, and fully explained on pages IV.E-80 through IV.E-82 of Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR. The statement in the comment that the Project's GHG emission impacts would be significant is incorrect and unsubstantiated. Please see Response to Comment No. IND 8I-40 for discussion on how the Draft EIR thresholds of significance for determining GHG impacts were selected, supported by CEQA Guidelines, and how the Project's GHG impacts were determined to be less than significant as the Project is shown to be consistent with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019), and the Los Angeles Green Building Code. Furthermore, as stated in Response to Comment No. IND 8I-40, while CEQA does not require achieving net zero emissions, the Project would need to provide GHG reductions based on the Project's total annual GHG emissions in order to meet the requirements of AB 900 of no net additional GHG emissions. On August 16, 2018, Governor Brown, in concurrence with CARB, certified that the Project meets the criteria for the Project to qualify as an ELDP.

Comment No. IND 8I-42

B. <u>The DEIR's Comparison of the Project with Its GHG-Reducing Features to a Fictional Project Without Such Features, is Invalid.</u>

The DEIR also attempts to show that the Project's GHG emissions are not significant by concocting a comparison between the Project as proposed, with all its GHG-reducing Project Features, and a Project without such GHG-reducing Features. The DEIR states that "since this comparison is intended to mirror the concepts used in CARB's Climate Change Scoping Plan, the GHG emissions for the Project without implementation of GHG reduction characteristics, features, and measures is evaluated based on the specific and defined circumstances that CARB relied on when it projected the State's GHG emissions in the absence of GHG reduction measures in the First Update to the Climate Change Scoping Plan." (DEIR, p. IV.E-41.)

To create this comparison, the DEIR posits a project that could not now exist, using the "specific and defined characteristics" CARB used to develop the Scoping Plan:

> "The specific and defined circumstances used by CARB include conditions that existed during the 2009 to 2011 period, which include the vehicle fleet regulations that existed during the 2009 to 2011 period and the 2008 Title 24 Building Energy Efficiency Standards. The specific Project Site characteristics and Project Design Features such as GHG-PDF-1 (Green Building Features – described below) and WS-PDF-1 (Water Conservation Features, refer to Section IV.N.2, Water Supply, of this Draft EIR) are not included as they encompass GHG reduction strategies and features that would be consistent with State, regional, and local GHG reduction plans and policies or would go above and beyond regulatory requirements." (Id.)

In short, the DEIR goes through a time portal to compare the current Project as proposed to a completely fictional project that could not possibly exist, one existing in a California without the vehicle emissions standards now in effect, one without the Renewable Portfolio for energy or Low Carbon Fuel standards as they now exist, and without local or regional GHG-reducing measures like the LA Green New Deal. Unsurprisingly, the proposed Project would emit considerably less GHGs than the fictional time-portal plan. (DEIR, Table IV.E-7, at p. IV.E-72 to 73.)

We note first that this time-portal project does not include the application of the zoning, density, and height limitations that would have applied to the site at this prior time, and whose provisions would have precluded building the Project's two towers at their proposed skyscraping height.[62] A comparison that included the City's zoning and General Plan as they applied to the site at the prior time the straw man Project posits might have produced a project that had far lower levels of GHG emissions than the DEIR's straw man project, perhaps even lower than those expected from the Project as actually proposed.

However, the comparison is invalid and irrelevant. While CARB did develop the Scoping Plan in the manner the DEIR describes, CARB did so for a specific reason that does not apply to this Project. CARB was under a statutory mandate to develop a plan that would reduce California's GHG emissions to the level they were in 1990. (Health and Saf. Code § 38550.) To do so, CARB was forced to go through the time portal and reconstruct the state's GHG levels as they were in 1990, then project what GHG emissions would be in 2020, and, finally, develop a plan that would limit the 2020 emissions to the 1990 levels (namely, the Scoping Plan). In CARB's case, the re-creation of a past situation was essential to comply with a state statute; the degree of future emissions reductions that would be needed to meet AB 32's targets could only be calculated by re-creating the past.

CARB's process in responding to a statutory mandate cannot reasonably be compared to the DEIR's process, which sets up a straw man project, then compared its GHG emissions to those of the GHG emissions posited by the DEIR for the Project as

proposed.[63] CARB's purpose was to comply with the law, while the Project applicant's purpose here is only to create a Project that will maximize its profits. The comparison is not just apples to oranges, it is apples to prehistoric cycads. It is clearly a strawman argument that will in every case "prove" that the Project will emit less than a theoretical project from the past without current regulations. It's like saying the new airplane with its ban of cigarette smoking will be less harmful to human health than a TWA airliner with a twelve-row smoking section in the back of the plane as they once existed in 1970. Of course the new plane with such current regulations will be better for human health than that fictional plane from the past, just as the Project with its features will emit less GHGs than the straw-man Project without them. The comparison is not valid, and does not constitute substantial evidence that the Project's GHG emissions would not be significant. Thus, the entire use of the fictional straw man project from the past to "evaluate" emissions is a failure to proceed in accordance with law.

Footnote 62: The Project applicant has proposed that these restrictions be overridden with a zoning change and other land use entitlements to substantially increase the density and height of the project. (DEIR, p. II-10 to 11.) The value of these changes transfers millions of dollars of value to the developer, yet the City requires no meaningful evaluation or mitigation of the huge GHG emissions from such densification.

Footnote 63: We say "posited" because the Project's GHG emissions are significantly under- estimated, as discussed below.

Response to Comment No. IND 8I-42

Please see Response to Comment No. IND 8I-40 for discussion on how the Draft EIR thresholds of significance for determining GHG impacts were selected, supported by CEQA Guidelines, and how the Project's GHG impacts were determined to be less than significant as the Project is shown to be consistent with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019), and the Los Angeles Green Building Code. Furthermore, while the comment disagrees with the methodology used in the Draft EIR's analysis of GHG, the comment provides no alternative methodology suggestion. Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR, fully disclosed and described the adequacy of the threshold used to determine Project GHG impacts. As described on page IV.E-29 of the Draft EIR, CEQA Guidelines Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively." The City, as lead agency, has complied with CEQA Guidelines Section 15064.4 in the evaluation of GHG emissions.

The purpose of the comparison to a Project scenario without GHG reduction characteristics, features, and measures and how it was not used to determine significance of impacts is clearly discussed on page IV.E-74 of Section IV.E, *Greenhouse Gas Emissions*, of the Draft EIR. The Draft explains that "[i]n order to evaluate the efficacy of the GHG reduction characteristics, features, and measures that would be implemented as part of the Project as required by these GHG reduction plans and policies, this analysis

compares the Project's GHG emissions to the emissions that would be generated by the Project without implementation of GHG reduction characteristics, features, and measures. This comparison is provided to evaluate the Project's efficiency with respect to GHG emissions but is not the threshold of significance used for impact analysis. The analysis assumes the Project without implementation of GHG reduction characteristics, features, and measures would incorporate the same land uses and building square footage as the Project, and does not include certain VMT reductions from the Project's TA and land use characteristics, such as increased destination accessibility and increased transit ability, or reductions resulting from the Project's TDM program.

While other methodologies for calculating Project GHG reduction efficiencies exist, a comparison of Project GHG reduction efforts compared to a Project without Reduction Features scenario provides valuable information regarding the efficiency of the Project's GHG reduction features and is presented here for informational purposes only. This analysis compares the Project's GHG emissions to the emissions that would be generated by the Project in the absence of any GHG reduction features. It is not a threshold of significance, and is not used as the basis for any significance finding."

The analysis also did not take credit for existing site GHG emissions in its offset calculations. The analysis of the Project's GHG emissions is conservative in that it assumes all of the GHG emissions are new additions to the atmosphere.

Exhibit 7 of the ELDP Application states that baseline Condition operational GHG emissions were not calculated; the Project's GHG emissions would be considered net new. This is a conservative approach since the Project would need to provide GHG reductions based on the Project's total annual GHG emissions in order to meet the requirements of AB 900 of no net additional GHG emissions.

Comment No. IND 8I-43

C. The Project's GHG Emissions Have Been Underestimated Through the Assumption of a 30-Year Project Lifespan That is Not Mandated by Law or Supported by Facts.

The DEIR claims that the Project will have only a 30-year lifespan for purposes of GHG impacts, and that the Project need not analyze or mitigate GHG impacts past that time. The claim is based on a 2008 *draft* guidance document[64] from the SCAQMD that *recommended* assuming a 30-year project life for industrial projects subject to SCAQMD permitting, *for purposes of amortizing GHG emissions* over a longer time than the first year of a project's life. (DEIR, p. IV.E-34.) The DEIR refers to this 30-year life span as SCAQMD "guidance" (id.), but admits elsewhere in the DEIR that the provision was not actually adopted by the SCAQMD as applicable to residential/commercial projects, only to industrial projects directly subject to SCAQMD permitting. (DEIR, p. IV.E-18, footnote 47.)

The Draft SCAQMD Guidance document does not support, much less mandate, the 30-year lifespan for the residential/commercial Project that is assumed throughout the DEIR (and whose mixed-use nature is relied upon for considerable GHG reductions, through VMT reductions. [DEIR, pp. IV.E-36, 56, 57, and 58]. Because the assumption of a 30-year life for the Project greatly limits its expected GHG emissions, these comments will show the inapplicability to the Project of the Draft SCAQMD Guidance.

Footnote 64: Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold. (Hereafter "Draft SCAQMD Guidance.")

Response to Comment No. IND 8I-43

Please see Response to Comment No. IND 8I-40 for discussion on how the 30-year Project lifespan is accepted by SCAQMD and CARB.

Comment No. IND 8I-44

1. SCAQMD Did Not Adopt Guidance That Requires Use of a 30-Year Project Life.

The document on which the DEIR relies was attached as Exhibit E to a staff report to the SCAQMD Board (hereafter "Board") discussing the proposed Draft SCAQMD Guidance. The Board agenda for the December 5, 2008 Board meeting included an item discussing the possible setting of GHG significance thresholds for residential/commercial projects under the heading "GHG Significance Threshold Components Deferred to the Future," stating:

> "*Residential/Commercial Sectors GHG Significance Threshold* – To achieve the same policy objective of capturing 90 percent of GHG emissions from new development projects in the residential/commercial sectors and implement a "fair share" approach to reducing emission increases from each sector, staff discussed with the working group a proposal combining performance standards and screening thresholds. The performance standards primarily focus on energy efficiency measures beyond Title 24 and a screening level of 3,000 MTCO2eq/yr based on the relative GHG emissions contribution between residential/commercial sectors and stationary source (industrial) sectors. *Additional analysis is needed to further define the performance standards and to coordinate with CARB staff's interim GHG proposal. Staff, therefore, recommends bringing this item back to the Board for discussion and possible action in March 2009 if the CARB board does not take its final action by February 2009.*" (Emphasis added.)

We point out that the SCAQMD Board did not adopt any significance threshold for GHGs emitted by residential or commercial projects at this December 5, 2008 Board meeting, or at any other time that the DEIR identifies or we know of.

The DEIR seems to rely upon the Board Letter, a kind of staff report, that was provided to the Board for the December 5, 2008 Board meeting. This Board Letter (hereafter "Board

Letter") is included in the References for the Air Quality section of the DEIR, and is entitled "Final Localized Significance Threshold Methodology." In the Board Letter, the SCAQMD staff presented the proposal that the Board considered, and deferred, on December 5, 2008. At page 10 of the Board letter, staff states clearly that it is "not recommending specific GHG significance thresholds for residential/commercial sectors at this time." (Emphasis added.)

The portion of the Board letter upon which the DEIR apparently is relying is at page 5 of the document, which states:

> "Emission Calculations and Significance Threshold Proposal – For the purposes of determining whether or not GHG emissions from *affected projects* are significant, project emissions will include direct, indirect, and, to the extent information is available, life cycle emissions during construction and operation. *Construction emissions will be amortized over the life of the project, defined as 30 years*, added to the operational emissions, and compared to the applicable interim GHG significance threshold tier." (Emphasis added.)

The Draft SCAQMD Guidance explicitly states that it applies only to projects where the SCAQMD is the lead agency under CEQA, principally industrial projects. (See DEIR, p. IV.E-18, footnote 47, where the DEIR admits that all the SCAQMD adopted was "a GHG significance threshold of 10,000 MTCO2e per year for industrial stationary source projects for which the SCAQMD is the lead agency.") The City, not the SCAQMD, is the lead agency here; the SCAQMD's only direct role is that the Project's emergency generators require a permit from the SCAQMD to operate, due to their diesel emissions. (DEIR, p. IV.B-42.) Therefore, the policy, by its own terms, does not apply to the Project.

Further, Exhibit E to the Board Letter, which is not in the DEIR's References but is attached hereto as **Exhibit 39**, expressly *declines* to recommend applicability of the 30-year lifespan of projects for GHG calculation purposes to residential or commercial projects. Table 3-4, at page 3-18 of Exhibit E to the Board letter has a column to the far right labeled "Residential/Commercial Sector Projects." This column has under it a column labeled "AQMD (Not Recommended at this Time)." This second column has an entry that specifically lists "construction amortization over 30 years & added to operational GHG emissions." Thus, the staff did *not* recommend the 30-year lifespan for residential/commercial projects, and the Board did not adopt such a recommendation, let alone guidance.

It is simply not the case, as a matter of law, that the SCAQMD requires, or even officially recommends, that the Project's lifespan be limited to 30 years. Even if it wished to, the SCAQMD does not have land use project approval powers, and could not impose or enforce a 30-year limit to the Project's life. The DEIR neither proves that the Project will not emit GHGs after 30 years, nor accounts in any way for such emissions. That the Project will continue to cause GHG emissions after 30 years of operation is reasonably foreseeable, and those reasonably foreseeable emissions – and their environmental

impact – must be discussed, evaluated, and mitigated as part of a recirculated DEIR. (Pub. Res. Code §§ 21002, 21081(a); Guidelines §15064 (d)(1).)

Accordingly, the City's false characterization of the 2008 Draft SCAQMD Guidance as somehow requiring or limiting the useful life of the Project to only 30 years is a failure to proceed in accordance with law by deliberately refusing to calculate, disclose or mitigate the true GHG emissions of the Project.

Response to Comment No. IND 8I-44

As stated in the L.A. CEQA Thresholds Guide, the "City of Los Angeles has not adopted specific Citywide significance thresholds for air quality impacts. However, because of the SCAQMD's regulatory role in the South Coast Air Basin, the L.A. CEQA Thresholds Guide references the screening criteria, significance thresholds and analysis methodologies in the SCAQMD CEQA Air Quality Handbook to assist in evaluating projects proposed within the City."[117]

The Draft EIR does not use a quantitative GHG threshold from the December 5, 2008 SCAQMD Board Meeting proposal, which was never adopted by the SCAQMD. This document was used to present the most recent SCAQMD guidance on the 30-year Project lifespan. In addition, CARB has accepted a 30-Year Project life, as shown in the analysis in the ELDP application (Appendix B of the Draft EIR). Please also see Response to Comment No. IND 8I-40 for discussion on how the 30-year Project lifespan is accepted by SCAQMD and CARB.

Comment No. IND 8I-45

2. Substantial Evidence Does Not Support the Use of a 30-Year Project Life.

Nor is there any substantial evidence that the Project's life will be limited to 30 years. The DEIR makes no showing that the Project will cease to exist or to function, or that it will cease to cause GHG emissions through use of electricity, e.g., for lights, heat, and cooling, after 30 years of operation. It makes no showing that Project residents will cease to drive to and from their homes in the Project, or that the Project's retail and restaurant uses will cease to function.

While the DEIR lacks any facts supporting the assumption of a 30-year Project life limit, extrinsic facts not presented in the DEIR contradict any assumption of a 30-year life limit for what is primarily a housing project. The Housing Element Update of the Los Angeles City General Plan states:

> "The median dwelling unit in Los Angeles was built in 1960, more than 50 years ago. More than half of the City's housing units were constructed prior to 1950 (51%), while almost 90% were built prior to 1990. The percentage of housing built in the 1990s and 2000s is the lowest of any decades listed in Table 1.12. This table

[117] City of Los Angeles, L.A. CEQA Thresholds Guide, 2006, p. B-1.

identifies the age of the City's housing stock by decade. Rental housing tends to be a bit newer than owner-occupied housing, with a median year- built of 1964 versus 1956."

(Page 1-40, Housing Element 2013-2021, Adopted Date: December 3, 2013 (CPC-

TABLE 1.12
Age of Housing Stock, by Tenure

Year Built	Percent of Owner-Occ.	Percent of Renter Occ.
Built 2000 to 2009	4.9%	6.4%
Built 1990 to 1999	4%	6.6%
Built 1980 to 1989	8.5%	11.3%
Built 1970 to 1979	10.3%	15.6%
Built 1960 to 1969	12.8%	16%
Built 1950 to 1959	24.6%	15.3%
Built 1940 to 1949	14%	9.5%
Built 1939 or earlier	21%	19.4%

Source: U.S. Census Bureau, 2010 ACS 1-year estimate: Tenure by Year Structure Built

2013-1318-GPA.)

More generally, of the approximately 12,942,000 houses in California statewide, the US Census Bureau reports that about 2,172,000 were built between 1970 and 1979 (making them between 40 and 50 years old). Yet, they are apparently still in service. The federal Department of Housing and Urban Development reported in 2014 that the average age of public housing was 43 years. (hud.gov/sites/documents/RADPROG_062414.PDF; (**Exhibit 40**).) Given the applicant's representations about the quality of the Hollywood Center Project's design, materials, and construction (of course, assuming the buildings do not split open and collapse in an earthquake), we do not believe that it would be less durable than housing built 50 years ago, or that it would fall to pieces or into disuse at the end of 30 years.

Positing an arbitrarily short life for the Project, unsupported by facts, serves only to decrease the amount of GHG emissions it admits it will add to the atmosphere, thereby attempting to reduce the duty to mitigate the effects of those emissions. The City must drop this artificially short expectation for the Project's life, and assume a realistic lifespan for the Project.

The DEIR does not indicate that the Project will accept as a condition of approval that it will cease to operate after 30 years, nor has the City proposed to impose one. No practical or legally binding 30-year limitation on the Project's life exists, or will exist unless the City now chooses to impose one. Hence, the DEIR should calculate – insofar as is now possible – what the GHG emissions of the Project will be after 30 years and for as long as the Project is expected to remain in operation. These emissions must be publicly disclosed in a recirculated DEIR, and must be mitigated to the extent feasible. (Pub. Res. Code §§ 21002, 21081(a).) That the Project will continue to cause GHG emissions after 30 years of operation is obvious. That must be disclosed, evaluated, and mitigated via a recirculated DEIR.

The DEIR must be revised to reflect a realistic life span for this Project. All GHG emissions for the full physical, operational life of the Project must be identified, calculated, disclosed to the public, and (as set out below), mitigated as required by CEQA and by Public Resources Code Section 21159.28. Failure to do all of the above is a violation of CEQA as a matter of law.

Response to Comment No. IND 8I-45

The comment asserts that the Project should not be analyzed based on a 30-year lifespan. A 30-year Project life for GHG emissions calculations is accepted by both the SCAQMD and CARB. Moreover, the City, as the Lead Agency, has the discretion to adopt SCAQMD's interim guidance in setting thresholds of significance for this Project. In addition, the CARB has issued guidance to use the 30-year project lifetime in its GHG Quantification Methodology for the Affordable Housing and Sustainable Communities program. The calculation formulas in the methodology explicitly states that projects must use a 30-year project lifetime to complete this methodology.[118] In addition, CARB, an expert State agency on evaluating GHG emissions, has agreed with and accepted a 30-Year Project life for the analysis in the ELDP application for the Project, which is provided in Appendix B of the Draft EIR.

Comment No. IND 8I-46

D. <u>The GHG Offsets Proposed by the Project Are Not Shown to Be Real, Permanent, Additional, and Enforceable.</u>

The DEIR incorrectly concludes that because the Project is consistent with the various state, regional, and local plans to reduce GHG emissions, that the Project's emissions of between 250,170 MTCO2e over 30 years, and 236,010 MTCO2e over 30 years, depending on the construction scenario used, are not significant. (DEIR, page IV.E-82.) Based on that conclusion, the DEIR concludes that no mitigation is necessary.[65]

We have shown that this conclusion is neither mandated by law nor supported by substantial evidence. Further, all the applicable requirements for GHG offsets, as set

[118] CARB, Greenhouse Gas Quantification Methodology for the Strategic Growth Council Affordable Housing and Sustainable Communities Program, November 1, 2019.

forth in Health and Safety Code Section 38562, subds. (a)(1) and (2), that GHG offsets be real, permanent, quantifiable, verifiable, enforceable, and additional (i.e., otherwise would not occur) shall apply. These requirements complement CEQA's requirements for all mitigation measures, per Guidelines Section 15126.4, subd. (a)(2), subd.(c)(3), and Lincoln Place Tenants Ass'n. v. City of Los Angeles (2007) 155 Cal.App.4th 425, 440. See also, Sacramento Old City Assn. v. City Council (1991) 229 Cal.App.3d 1011, 1027 (substantial evidence of mitigation measures' effectiveness and enforceability must be included in the record). GHG emissions offsets are required to reduce the Project's GHG emissions to net zero. The DEIR again fails as a matter of law.

Footnote 65: As a corollary, the DEIR concludes that the Project would make no contribution to any cumulative impacts on climate change or any other impact of GHG emissions, and therefore no mitigation is required for cumulative impacts. This is wrong as a matter of law for the reasons set out in the remainder of this section of these comments.

Response to Comment No. IND 8I-46

The comment alleges that the GHG offsets proposed by the Project are not real, permanent, additional to regulatory compliance requirements, or enforceable. Please see Response to Comment No. IND 8I-40 for discussion on how the Draft EIR thresholds of significance for determining GHG impacts were selected, supported by CEQA Guidelines, and how the Project's GHG impacts were determined to be less than significant as the Project is shown to be consistent with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green New Deal (Sustainable City pLAn 2019), and the Los Angeles Green Building Code.

Section IV.E, *Greenhouse Gas Emissions*, provides a comprehensive description on how the Project would incorporate GHG emission offsets as necessary to achieve a net zero increase in site GHG emissions, relative to the baseline annual GHG emissions, for the estimated Project lifetime. Furthermore, as described in Response to Comment No. IND 8I-40, while CEQA does not require achieving net zero emissions, the Project would need to provide GHG reductions based on the Project's total annual GHG emissions in order to meet the requirements of AB 900 of no net additional GHG emissions. The net zero emissions are not a requirement needed to mitigate GHG impacts as the Project's GHG impacts were determined to be less than significant. As described on page IV.E-83-84 of the Draft EIR, the Project proposes to achieve a net zero increase in site GHG emissions through Project-based or community-based program measures that would reduce GHG emissions. Examples of the types of Project-based or community-based program measures that could be considered and implemented by the Applicant or its successor are as follows:

- Seek opportunities for installing solar photovoltaic panels on Project building rooftops based on available physical roof space taking into account space dedicated for rooftop amenities, open space/landscaping, decks/pool areas, and space required for rooftop equipment, such as heating, ventilation, and air conditioning units.

- Purchase certified green-power (e.g., power derived from renewable sources) from the local utility provider to offset Project-related GHG emissions from electricity demand.

- Coordinating with property owners in the City of Los Angeles or in other cities or communities in California for the installation of rooftop solar photovoltaic panels in accordance with State and local permitting standards on existing buildings, parking structures, carports, or other facilities.

- Seek opportunities for offsetting GHG emissions from existing sources in the City of Los Angeles or in other cities or communities in California or elsewhere in the world. Examples include coordinating with local transportation agencies and property owners and establishing electric vehicle supply equipment (EVSE) at park-and-ride lots or other appropriate locations, coordinating with local transportation agencies and school districts and replacing diesel- or gasoline-fueled buses with less-polluting technologies such as compressed natural gas, electric, hybrid-electric, fuel cell, or other commercially available technologies, implementing methane capture and destruction programs at dairy farms, or other GHG emissions offset programs.

- Seek opportunities for planting new drought-tolerant, high-carbon sequestering, and/or native trees of appropriate size and type at off-site locations such as parks in the City of Los Angeles or in other cities or communities in California or elsewhere, that would result in a net sequestration of CO_2 emissions.

- Purchase carbon credits from CARB approved registries. Priority should be given to those credits generated within the City of Los Angeles, and in decreasing preference, credits generated within the region, in-State, and out-of-State.

The acquisition of carbon credits as part of the Project-based or community-based GHG reduction program will serve to ensure that all projected additional GHG emissions are offset. If acquiring carbon credits, the Applicant or its successor shall enter into one or more contracts to purchase carbon credits from a qualified GHG emissions broker (to be selected from CARB approved registries), which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in an amount sufficient to achieve a net zero increase in site GHG emissions. CARB made clear in the ELDP certification documents that a reputable carbon market would need to be a CARB approved registry. Consistent with SCAQMD's definition of the "life of the project" for CEQA GHG purposes, provided in SCAQMD's Governing Board Agenda Item 31, December 5, 2008, the Project would be required to offset emissions over a 30-year lifetime. The SCAQMD recommends that offsets should have a 30-year project life, should be real, quantifiable, verifiable, and surplus and will be considered in the following prioritized manner: (1) project design feature/on-site reduction measures; (2) off-site within the neighborhood; (3) off-site within the SCAQMD jurisdiction; (4) off-site within the State; (5) off-site out-of-State. The Project would obtain offsets following this prioritization.

Furthermore, as provided Appendix B, Exhibit 3, of the Draft EIR, the Project describes how the GHG offsets would be enforced. The Applicant proposes to meet the requirement set forth in PRC Section 21183(c), which requires that the Project demonstrate that it will not result in net additional emissions of GHG through the implementation of GHG-reducing Project Design Features and/or acquisition of voluntary carbon credits sufficient to offset all projected additional emissions, as summarized in the following manner:

1. No later than six (6) months after the issuance of a Temporary Certificate of Occupancy for the Project, the Applicant shall commit to providing to the lead agency, the City of Los Angeles, a calculation of the net additional emissions resulting from the construction of the Project, to be calculated in accordance with the methodology agreed upon by CARB in connection with the AB 900 certification of the Project. The Applicant shall implement GHG-reducing Project Design Features and/or purchase voluntary carbon credits from CARB approved registries sufficient to offset the construction emissions.

2. Prior to issuance of any Certificate of Occupancy for the Project, the Applicant or its successor shall commit to purchase carbon credits from CARB approved registries to offset the operational emissions attributable to the Project.

   Once the City has had an opportunity to review and approve the methodology and associated calculations, the Project Applicant shall provide copies of the calculation methodology to the CARB and Governor's Office of Planning and Research (OPR), which is then subject to a determination signed by the Executive Officer of CARB pursuant to the procedures set forth in Section 6 of OPR's Guidelines. The City will issue a Certificate of Occupancy upon receipt of the following: (1) a fully executed copy of the carbon offset purchase agreement(s); (2) a final CARB Determination that the Project will not result in any net additional GHG emissions; and (3) a copy of OPR's Certification Letter for the Project.

The Project has been certified by Governor Brown as an eligible project under the Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900). On August 16, 2018, Governor Brown certified that the Project meets the criteria set forth in the statute. In order to be certified as an ELDP, the Governor determined that the Project would result in a minimum investment of $100 million, would create high-wage jobs, and would not result in net GHG emissions, as determined by CARB.

Further, a mixed-use project, such as the Project, must meet additional requirements. Specifically, it must be located on an infill site, be designed to achieve Leadership in Energy and Environmental Design (LEED) Gold certification, be consistent with the relevant regional sustainable communities strategy, and exceed by at least 15 percent the transportation efficiency for comparable projects. The Governor’s certification determined that the Project complies with all of these applicable requirements. The Governor’s certification and related documentation are provided in Appendix B (ELDP Application and Certification) of the Draft EIR.

To achieve the goal of the Project not resulting in any net additional GHG emissions, the Project would implement GHG reduction measures and programs that may include community-based programs that reduce sources of GHG emissions in the regions. These may include installing solar panels on existing rooftops and carports or other similar community-based measures. The Project may also purchase green-power to offset the GHG emissions from the Project's building electricity demand, obtain GHG credit offsets, or other similar types of GHG reductions. Detailed GHG emissions calculations demonstrating a net zero increase in GHG emissions are included in Appendix B to the Draft EIR, Exhibit 7.

Lastly, Exhibit 8 of Appendix B of the Draft EIR includes the signed Project Applicant's acknowledgement of the ELDP obligations under PRC Section 21183 with the City (Acknowledgment). The Acknowledgment provides that the Project Applicant agrees, amongst other obligations, that all mitigation measures required pursuant to CEQA to certify the Project will be conditions of approval, and those conditions will be fully enforceable by the City, or another agency designated by the City, and those mitigation measures will be monitored and enforced by the City for the life of the obligation.

Comment No. IND 8I-47

E. <u>The DEIR Uses the Wrong GHG Emissions Total When Determining Necessary Offsets.</u>

The DEIR proposes to offset to "net zero" only those GHG emissions that constitute the increase in site GHG emissions, relative to the baseline annual GHG emissions, caused by the Project "for the estimated Project lifetime." (DEIR, p. IV.E- 83.) We first point out that the DEIR identifies the baseline emissions for the Site at zero (DEIR, p. IV.E -24), meaning that all of the Project's GHG emissions must be offset by valid offsets in order to get to "net zero." The Project may not, for example, use the straw man project that lacks the Project Features set out in the DEIR as reducing GHG emissions, described above, as its baseline. Second, we note that because, as argued above, the Project's GHG emissions are significant under CEQA, the mitigation – here, offsets – must meet CEQA's standards for offsets, also as set forth above. Third, we point out that the DEIR impermissibly limits the need for offsets to the artificially-limited and invalid 30- year life of the Project posited by the DEIR. (DEIR, p. IV.E-84.) As argued above, this limitation is invalid. *All* GHG emissions for the *entire* expected physical, operational life of the Project must be offset.

Response to Comment No. IND 8I-47

This comment asserts that the Draft EIR uses the wrong GHG emissions to determine the necessary offsets. Please see Response to Comment No. IND 8I-40 for discussion on how the Draft EIR thresholds of significance for determining GHG impacts were selected, supported by CEQA Guidelines, and how the Project's GHG impacts were determined to be less than significant as the Project is shown to be consistent with CARB's 2017 Climate Change Scoping Plan, SCAG's 2016-2040 RTP/SCS, L.A.'s Green

New Deal (Sustainable City pLAn 2019), and the Los Angeles Green Building Code. Please see Response to Comment No. IND 8I-42, on how the comparison to a Project scenario without GHG reduction characteristics, features, and measures and how it was not used to determine significance of impacts.

Please see Response to Comment No. IND 8I-40 for discussion on how the 30-year Project lifespan is accepted by SCAQMD and CARB. Further, CEQA does not require GHG emissions to be offset to net zero to be less than significant. The GHG emissions will be offset to zero to satisfy the requirements of being an ELDP. Please see Response to Comment No. INP 8I-46 for discussion on how the Project will meet the requirement set forth in PRC Section 21183(c), which requires that the Project demonstrate that it will not result in net additional emissions of GHG through the implementation of GHG-reducing Project Design Features and/or acquisition of voluntary carbon credits sufficient to offset all projected additional emissions.

Comment No. IND 8I-48

F. The DEIR Impermissibly Relies on "Accredited" GHG Offset Registries.

The DEIR states that, for any GHG offsets it requires:

> "[T]he Applicant or its successor shall enter into one or more contracts to purchase carbon credits from a qualified GHG emissions broker (to be selected from an accredited registry), which contract, together with any previous contracts for the purchase of carbon credits, shall evidence the purchase of carbon credits in an amount sufficient to achieve a net zero increase in site GHG emissions." (Id.)

The DEIR also states that, for such carbon registry purchased offsets:

> "Priority should be given to those credits generated within the City of Los Angeles, and in decreasing preference, credits generated within the region, in-state, and out-of-state." (Id.)

The DEIR proposes to use "accredited registr[ies]" as the source of "qualified GHG emissions broker[s]," but does not define either term. This is crucial since, insofar as we are aware, no federal, state or local agency regulates or "accredits" carbon offset registries in the private market, nor does the DEIR show that one does. CARB does accredit carbon registries to develop potential carbon offsets for regulated entities to propose for use solely in the state's Cap and Trade program (California Code of Regulations ["CCR"] title 17, § 95975), but CARB does not "accredit" any registry as to its dealings in the private market. The DEIR offers no description of how the private registries the Project would supposedly use are "accredited," but if it is relying on CARB's use of such registries in the state's Cap and Trade program without more, that reliance is misplaced, for several reasons.

First, the DEIR apparently would accept any GHG offsets identified by an "accredited" carbon offset registry. (DEIR, p. IV.E-84.) However, CARB itself does not simply accept an offset because it is developed and presented by one of the registries it uses. CARB accepts only proposed offsets that conform to CARB-approved Protocols (i.e., templates for developing techniques to reduce or permanently eliminate GHG emissions from such sources as industrial plants, dairies, or forest practices.) (CCR title 17, § 95987(a).) For regulations addressing Protocols, see, e.g., CCR, title 17, §§ 95971, 95972.) CARB's decades of air pollution control experience have gone into developing the over 400 pages of regulations governing the Cap and Trade program and its Protocols (CCR, title 17, §§ 95800-96022, plus appendices), and CARB keeps close watch on how registries do the bookkeeping on the offsets they develop for submission to CARB. (See, e.g., CCR, title 17, §§ 95975, 95976, 05980.) The DEIR describes no such vetting process for its proposed offsets, nor does it show that the City either would vet such offsets, or that the City has the capacity and expertise to do so. It is not even clear that the City, let alone the public, would have the legal ability to enforce the contractual terms governing these offsets.

Second, CARB's regulations governing offsets are extensive and demanding. They require GHG offsets (also referred to as "carbon offsets" or "carbon credits") to represent "reductions [that] are 'additional'" to those required by law (CCR title 17, § 95973), and make them subject to strict, CARB-enforced monitoring, reporting, and record retention requirements. (CCR title 17, § 95976.) The offsets must be "verifiable," which means that the verification report complies with CARB's own Compliance Offset Protocols. (CCR title 17, § 95802, subd. (a).) They must also be "permanent," which means that the GHG reductions must either be irreversible or must last for 100 years (id.), not the paltry and unjustified 30 years to which the DEIR would limit the Project's offsets. (Id.) Crucially, offset credits in the Cap and Trade program may only be used to offset a *maximum of only 8%* of a regulated business' emissions that are subject to the program (CCR title 17, § 95854), and they must all occur within the United States or its Territories (CCR, title 17, § 95972(c)), whereas the DEIR would explicitly allow use of offsets "within the region, in-state, and out-of-state" (DEIR, p. IV.E-84), without specifying whether out-of-country offsets would be acceptable. The DEIR does not describe any such regulations to which the Project's offsets would be subject that are even remotely comparable to the CARB, regulations, sets out no limit on the amount of Project GHG emissions that could be offset, and does not demonstrate that the City is prepared to and capable of exercising adequate oversight and enforcement of these offsets.

A San Diego Superior Court evaluated a set of GHG offsets proposed by the County of San Diego that also proposed use of supposedly accredited registries, and found their use invalid, comparing the County's proposed offset requirements, and particularly their enforceability, to CARB's. Attached to these comments is a copy of the trial court's decision, the Honorable Timothy Taylor, as **Exhibit 41**. We incorporate the full opinion by reference herein.

The DEIR's discussion of offsets is shockingly short, and almost farcical. It does not and cannot support a determination that the Project's GHG emissions, even if they were calculated correctly, would be fully offset to net zero, or to any amount that would be less than significant, or that the offsets would comply with CEQA's requirement that offsets be real, permanent, additional, and enforceable. The City must revise and recirculate the DEIR to contain such a showing, appropriately supported both in law and in fact.

Accordingly, the City's has failed to proceed as required by law because it relies upon a mitigation strategy that has not been shown to conform to CEQA's legal requirements for offsets, and also because it is not shown to be factually supported. Preparation of the proper GHG emissions analysis, disclosure of full GHG emissions of the Project over its realistic useful life, and non-illusory and legally enforceable mitigation is required in a recirculated DEIR before the City may proceed.

Response to Comment No. IND 8I-48

The comment states that the Draft EIR does not define "accredited registry" and claims that no federal, State, or local agency regulates or "accredits" carbon offset registries in the private market.

California's Cap and Trade regulations direct CARB to approve Offset Project Registries to help administer its Compliance Offset Program. To be approved, Offset Project Registries must meet CARB's rigorous requirements and professional standards as stated under 17 California Code of Regulations (CCR) §§ 95986 - 94987. Potential Offset Project Registries must submit an application and meet the requirements for education and experience as defined in CCR Section 95986. If the applicant satisfies all the requirements of the regulation, they must successfully complete training classes by Registry Staff and then be approved by CARB's Executive Officer. The requirements for CARB's approval of an Offset Carbon Registry require that its primary business must be operating an Offset Project Registry for *voluntary* and regulatory purposes.

The CARB-approved registries meet the requirements spelled out in 17 CCR §§ 95986 - 94987. Furthermore, 17 CCR §§ 95802 and 95970(a)(1) set forth the requirement that carbon offsets be "real, permanent, additional, quantifiable, verifiable, and enforceable." Thus, CARB's future approval of additional registries would have to be predicated on adherence to these fundamental requirements, which are the basis for ensuring confidence in the compliance and voluntary offset markets alike.

Comment No. IND 8I-49

XI. THE DEIR'S SOILS/GEOLOGY/SEISMIC ANALYSES VIOLATE CEQA.

As discussed above, the release of a new, May 2020 United States Geological Survey ("USGS") official Open File Report constitutes significant new information about the existence and location of multiple active Hollywood Earthquake Fault traces through and beneath the Project site from the east (one probably beneath the very center of the

proposed 46-story East Tower), further requiring recirculation of the April 16, 2020 DEIR. (**Exhibit 6**.)

This recent data indicates that potentially four faults/fault splays enter the Project site from the east at Argyle Street (**Exhibit 6** [USGS, 2020, Figures 4 and 22 through 25]; Wilson Geosciences Report, **Exhibit 42** [Figure 3]), with the southernmost fault very closely coincident with the southern fault in the CGS's FER-253 Supplement. All of these faults pass through or adjacent to the proposed 35- and 46-story skyscrapers or the senior buildings.

We incorporate by reference in full the Wilson Geosciences report and figures attached hereto at **Exhibit 42**, which discusses many of the ways in which the DEIR's seismic studies and conclusions are improper, and incompletely presented.

To conclude that there is no active fault running through the site, the DEIR's geologic and seismic discussions fail to acknowledge multiple studies and data showing that the Hollywood Fault as a continuous unit is active. (**Exhibit 42** [Wilson report].) Moreover, when one section of the fault is active, all sections are considered active. The DEIR's attempt to "sanitize" the Millennium property and effectively cut it off from the rest of the Hollywood Earthquake Fault and amazingly find that the fault just through the Millennium site stops being active, is a sham. It also misses a larger point: the fault(s) crossing the project site are part of an indisputably active Hollywood Earthquake fault *system*.

In short, inclusion of these studies (not currently contained in the DEIR) in a recirculated DEIR is essential, especially when dealing with life and death issues and potentially catastrophic impacts to the environment.

With towers built over the fault – and, more likely, multiple fault splays – Millennium asks the City to put at risk not only the lives of residents and users of the onsite Project, but the lives and property of persons in immediately adjoining buildings and streets. Public and public agency comment during the original matter expressed tremendous concern about catastrophic collapse of the towers if portions of the site suddenly moved, shearing the buildings' supporting columns, foundations and structures. The collapsed buildings could block streets for months or longer, creating severe traffic impacts and impacts to public services and emergency response times. Air quality and health risk impacts to the surrounding environment would also be severe.

As our Supreme Court has repeatedly held:

> "Besides informing the agency decision makers themselves, the EIR is intended 'to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its actions.'" Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 136, citing No Oil, Inc. v. City of Los Angeles (1974) 13 Cal.3d 68, 86, accord, Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392.

We are an extremely apprehensive citizenry, and the current DEIR, and its omissions of critical information, do not allay that apprehension. Only a correct and complete DEIR, with a scaled down project off of the faults, might.

We again note that during the State's administrative proceedings prior to the 2014 Alquist-Priolo Map adoption, Millennium's attorneys insisted that its consultant, Group Delta, had evidence showing no active fault on or through the East Site, and promised to submit such evidence to the State. However, as noted by the State in its FER-253 report, no such evidence was produced by Millennium as part of the administrative Alquist-Priolo process.[66] The State's findings about the **active** Hollywood Earthquake Fault running through the Project site are **final**, and cannot now be collaterally challenged by this DEIR or process. The City and Millennium are estopped from so doing.

The DEIR's denial of the existence of an active earthquake fault through the site means that the entire classification of the environment was wrong, and thus the DEIR lacks a proper baseline, and derivatively, fails to undertake an accurate assessment of the Project's impacts, mitigation measures, or project alternatives.

Footnote 66: We note that the DEIR ignored many of the CGS's requests in the CGS's September 24, 2018 NOP comment letter (**Exhibit 45**), and thus the DEIR is further fatally deficient on this additional ground.

Response to Comment No. IND 8I-49

To support regulatory officials in their service to public safety, the fault investigations performed by Group Delta Consultants (Group Delta) at the Project Site were conducted in cooperation with both State and City officials. The methods of investigation were in accordance with State and City guidelines published in the California Geological Survey, Special Publication 42 (*Earthquake Fault Zones, A Guide for Government Agencies, Property Owners / Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California*, 2018), and Note 49 (*Guidelines for Evaluating the Hazard of Surface Fault Rupture*, 2002), and City of Los Angeles Department of Building and Safety P/BC 2017-129 (*Surface Fault Rupture Hazard Investigations*, January 1, 2020). The intention of these guidelines for conducting investigations of faulting history for a new development is to assure that no new buildings of human occupancy are constructed on an active earthquake fault. The Alquist-Priolo Act is the State regulatory measure that establishes the criteria of what is considered to be an active fault, which is defined as "Holocene-active" faulting. Holocene-active faulting is faulting that has ruptured the ground surface within approximately the last 11,700 years (Holocene time). This age determination of faulting recency is critical in the evaluation of surface fault rupture hazard. It requires detailed evaluation of stratigraphic continuity[119] and depositional history,[120] including the environment, source materials, and climate cycles, which can

[119] The principle of stratigraphic continuity states that layers of sediment initially extend laterally in all directions. An observed break in that continuity can be an indication of fault movement.

[120] The depositional history describes the sequence and timing of the deposition of sediments.

only be reliably obtained through direct observation and testing of fault trench exposures. When fault trenching is considered infeasible, transect method[121] of continuous core borings with supplemental CPT soundings can be used to interpret a stratigraphic continuity and depositional history. Geophysical surveys, like the ones presented in the 2018 USGS-CGS (2020) report, are considered preliminary and highly dependent on pre-established stratigraphic data. While the 2018 USGS-CGS report's data shows evidence of faulting extending east-west near the Project Site, the 2018 USGS-CGS (2020) report specifically states, "the seismic data provide little or no information about the rupture history of the fault traces." Therefore, the 2018 USGS-CGS report (2020) does not comment on the recency of the interpreted faulting, contrary to the inference of the Wilson Geosciences letter (Exhibit 42), as well as Comment No. IND 8I-59.

The evidence of near surface faulting presented in the 2018 USGS-CGS (2020) report is not in conflict with the data presented in the Group Delta Fault Studies (2015 and 2019). As stated in the Fault Studies, faulting was exposed in fault trench walls and faulting evidence was found in transects of CPT and core boring stratigraphic correlations. However, with detailed and extensive evaluation of the stratigraphy, it was determined that all the observed/inferred fault features were truncated by pre-Holocene soils. The age of the soils was evaluated by three different outside experts, including Dr. Roy Shlemon, Dr. Tom Rockwell, and Tanya Gonzalez of ECI. It is with these fully vetted investigations that the fault history below the Project Site was determined to be not Holocene-Active and recommended for new development.

The location and extent of trenching was limited to open and accessible areas on the occupied Project Site. The southern portion of the property was determined infeasible for fault trenching due to the required depth to observe pre-Holocene stratigraphy and existing structures and utilities. In lieu of trenching, Group Delta performed tightly spaced CPTs and continuous core borings. In areas where anomalies in stratigraphy were inferred, additional continuous core borings were performed to collect stratigraphic point data which could be further evaluated for continuity. These areas of closer data collection included the 2015 Fault Study buried pre-Holocene fault across the southern portion of the property.

The CGS September 24, 2018 NOP comment letter requested the EIR review referenced regional and site geology maps; and evaluate geologic hazards associated with fault zones, faulting hazards and ground shaking hazards. The subject items of the comments were adequately addressed through site specific geological studies and fault studies reviewed and approved by the City. As the CGS letter states "Please note that these fault traces have been prepared at a regional scale (1:24,000) for the purpose of delineating the hazard zones. They should not replace site-specific geologic fault studies."

Regarding the finality of CGS findings, earthquake and fault knowledge is constantly evolving due to new technology that can record seismic events and surface rupture occurrences. This new technology results in more informative understanding of the conditions surrounding seismic events and allows for better ability to predict future events.

[121] The transect method interpolates site conditions between borings.

The CGS findings on fault traces and activity have also evolved over time as evident in the recent updated Earthquake Fault Zone maps and the 2018 revised Special Publication 42. As the fault maps are produced, site specific investigations that follow can and do change the location of CGS fault traces and the record of activity. As illustrated in the latest Supplemental Fault Evaluation Report 253 (FER) for the Hollywood Quadrangle (2014), where the findings from the Project fault trenches proved valuable in relocating the possible fault traces outside of the trenched areas. However, the 2014 Supplemental FER was finalized before the completion of the Group Delta Fault Studies (2015 and 2019) and the CGS evaluation did not include the closely spaced continuous core boring data performed to investigation the southern portion of the Project Site, where trenching was not feasible.

In addition, the following paragraph is from Page 10 of the previously referenced CGS Special Publication 42 that discusses roles and responsibilities:

> *The State Geologist (Chief of the California Geological Survey) is required by the A-P Act to delineate Earthquake Fault Zones (EFZ) along known Holocene-active faults in California. The EFZs are distributed as Earthquake Fault Zone maps (Figure 2-4), as well as Geographic Information System (GIS) shapefiles. The zones are regulatory in nature, and are one class of Earthquake Zones of Required Investigation, which include other geologic hazards such as liquefaction and earthquake-induced landslides (Figure 2-4c). Any proposed projects within these EFZ must address the potential for surface fault rupture through a fault investigation prior to a permit being issued by the lead agency.*

Page 12 of CGS Special Publication 42 further discusses the responsibilities of owner/developers as follows:

> *Owner/Developers are the group most directly impacted by the A-P Act as they bear the cost of site-specific fault investigations and may be required to revise development plans to avoid construction on Holocene-active fault traces. If a project proposed by an owner/developer is located within an EFZ, a fault investigation will need to be conducted by a project geologist, and the fault investigation report, produced as part of this study, will need to be reviewed by the lead agency's reviewing geologist. Owner/Developers are referred to Section 4 of this document, which contains additional information pertinent to the owner/developer of projects within Earthquake Fault Zones.*

Section 2.8 of Special Publication 42 specifically discusses the appropriate uses and limitations of the Earthquake Fault Zone Maps, as follows:

> *Earthquake Fault Zones (EFZ) are delineated to define those areas where fault investigations are required prior to building structures for human occupancy. The Earthquake Fault Zone maps include both the EFZ as well as the mapped traces of faults that are used to delineate zone boundaries. These fault traces are plotted as accurately as the sources of data permit; however, no degree of the relative*

potential for future surface displacement or hazard is implied for the faults shown on the EFZ maps.

Fault traces shown on Earthquake Fault Zone maps are not mapped at a scale suitable to meet the requirement for site-specific fault investigations, nor should the faults depicted be used as the basis for defining building setback requirements. Lead agencies must require owners/developers with projects within the EFZ to determine if a potential hazard from any fault, whether heretofore recognized or not, exists with regard to proposed structures.

As discussed above, the CGS recognizes the limitations of the Earthquake Fault Zone maps, which is the reason the CGS prepared the above-referenced Special Publication 42 and Note 49 to help guide geologist, property owners, and regulators. These guidelines describe the standard of practice procedures to conduct site-specific fault investigations to more accurately assess whether active faulting does in fact pass through a given site. The 2015 and 2019 site-specific fault investigations performed for at the Project Site fulfill these requirements.

Finally, the comment makes reference to the Millennium Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. In addition to the above, see also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 8I-50

XII. THE DEIR'S PALEONTOLOGY / TRIBAL CULTURAL RESOURCES ANALYSIS VIOLATES CEQA.

See discussion at pp. 7-8 and fn. 3, supra. The City violated CEQA and AB 52 by not properly consulting with tribal representatives, and by making the process a post hoc rationalization for a decision already made, i.e., to disregard tribal participation and monitoring when trenching happened. Millennium's trenching was in what is known as high paleontologic sensitivity formations. (DEIR, p. IV.D-25.)

We also incorporate by reference the June 1, 2020 letter from the Gabrieleño Band of Mission Indians – Kizh Nation, and their attorney, Ms. Kara Grant.

Response to Comment No. IND 8I-50

The comment asserts that the City failed to consult properly with tribal representatives and incorporates by reference a letter by Ms. Kara Grant. The letter is provided as Comment Letter No. ORG 43 in this Final EIR. As the comment does not raise a substantive issue on the content of the Draft EIR, no further response is warranted.

Nonetheless, the Draft EIR consulted the applicable tribal representatives in compliance with AB 52 and PRC Section 21080.3.1, as provided in Section IV.M, *Tribal Cultural Resources,* and Appendix O, Hollywood Center Project Assembly Bill 52 Consultation Summary Report, of the Draft EIR. See also, Response to Comment Nos. IND 8I-10 and 8I-12c. Reponses to Ms. Kara Grant's letter are provided in Response to Comment Nos. ORG 43-1 to 43-9.

Comment No. IND 8I-51

XIII. THE DEIR'S TRAFFIC ANALYSIS AND ASSERTIONS VIOLATE CEQA.

We incorporate by reference the May 28, 2020 traffic and pedestrian safety analysis prepared by traffic expert Tom Brohard, attached at **Exhibit 43** hereto.

We also incorporate by reference the June 1, 2020 expert report by KOA, attached at **Exhibit 44** hereto.

We further incorporate by reference, and require good faith responses to, all of the previous Caltrans objection letters (**Exhibit 19**), as well as to the internal Caltrans memorandum criticizing the previous project, all of which criticisms remain valid, and are expressly adopted by us herein, requiring responses to each issue raised. (Exhibit 46.)[67]

Footnote 67: Our invocation of these documents and the need for the City to respond to all objections and criticisms contained therein is not intended to suggest, and does not mean, that the City can avoid responding to all other objections contained in the administrative record from the original case, which we have re-filed in this matter. See fn. 2, ante, and p. 6, supra.

Response to Comment No. IND 8I-51

The comment alleges that the traffic analysis violates CEQA without specifying in what manner it does so. The comment also incorporates by reference a traffic report by Tom Brohard, a KOA report, and Caltrans objection letters and internal memorandum related to a prior different project and asserts that the City is required to respond to all the comments in the attachments. The comment does not present facts related to the content or adequacy of the Draft EIR, and, as such, no further response is warranted.

Responses to the May 28, 2020, traffic and pedestrian safety analysis prepared by Tom Brohard are provided in Response to Comment Nos. 8I-65 to 8I-73.

Responses to the June 1, 2020, report by KOA are provided in Response to Comment Nos. 8I-74 to 8I-78.

The comment makes reference to Caltrans comment letters and an internal memorandum for the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project*

Description, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. As such, responses to comment letters on the previous project are not relevant to the current Draft EIR. It is noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's TAG, adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR.[122] As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Comment No. IND 8I-52

XIV. THE DEIR VIOLATES CEQA'S BASELINE AND NOISE ANALYSIS MANDATES.

CEQA requires a realistic baseline that will give the public and decision makers the most accurate picture practically possible of the Project's likely environmental impacts. The DEIR assumes the baseline Property conditions consist primarily of surface parking lots which are not sensitive to noise impacts.[68] As applied to the Project's construction noise analysis, however, the baseline conceals construction noise impacts with potentially disastrous impacts on the public.

The requested Development Agreement would allow the Applicant to construct the Project over 20 years, including a Sequential Construction Scenario in which one site is fully developed prior to the other.[69] The second phase of sequential construction would – with *absolute certainty* – occur within an environmental setting radically different from existing conditions and adjacent to numerous highly noise sensitive uses. The second phase of the Project would be developed immediately adjacent to ***a thousand dwelling units, over ten thousand square feet of retail/restaurant/bar area, a public garden, an outdoor theater and hundreds of vulnerable seniors***.[70] Yet, *none* of the DEIR's mitigation measures address how to mitigate the impacts of, for example, construction noise on seniors sitting in the ground level garden.

The DEIR's baseline, as applied to the Sequential Construction Scenario, is so untethered from reality that it lacks substantial evidence. After a portion of the Project

[122] Subsequent to release of the Draft EIR, the City of Los Angeles Department of Transportation (LADOT) published new *Interim Guidance for Freeway Safety Analysis* in May 2020. This guidance requires analysis of freeway off-ramp queuing when certain screening criteria are met. The analyses presented in Appendix I to the TA for the Hollywood Center Project go beyond the requirements of this new City guidance in that it includes off-ramp queuing analyses and mainline merge/diverge/weaving analyses.

has been issued a certificate of occupancy, its market and senior affordable units are occupied *by the public*, its commercial space is patronized *by the public* and its open space is relied on *by the public*. It becomes part of the background environment entitled to protection under CEQA. In defiance of CEQA's statutory purpose, the DEIR improperly applies existing conditions as the baseline to conceals environmental impacts of profound public concern. The second phase of sequential construction would render the Project's public open space utterly unusable, would at least inconvenience market rate tenants by limiting use of the Amenity Deck bars and alcohol cabinets, and would devastate vulnerable seniors who depend on outdoor access for physical and mental health, as well as the surrounding community.

The DEIR must be recirculated to address these issues fully and accurately, and must be required to incorporate mandatory mitigation measure to prohibit issuance of a certificate of occupancy for either tower until construction is substantially completed for both. This mitigation measure is technically feasible because the Project Description concedes that concurrent or overlapping development is viable and realistic, and it would altogether avoid significant environmental impacts of the Sequential Construction Scenario.

Furthermore, because of the DEIR's misleading baseline for construction noise impacts, it fails to disclose unique environmental impacts, such as rendering public open space unusable and disturbing vulnerable seniors, that were not even contemplated in the DEIR. The DEIR must be recirculated to allow informed public participation and decision-making.

Footnote 68: DEIR p. IV.I-14.

Footnote 69: DEIR p. II-73.

Footnote 70: This characterization assumes assuming the Applicant, a New York-based LLC, has not weaseled out of its promises of community benefits.

Response to Comment No. IND 8I-52

The comment asserts that the Draft EIR violate CEQA's baseline noise analysis requirements. As described on page IV.I-13 of the Draft EIR, the LAMC clearly identifies the location (at an adjacent property line), length of time period (at least 15 minutes L_{eq}), and thresholds (an increase of 5 dBA over the existing average ambient noise level for noise occurring more than five but less than 15 minutes in any one-hour period and an increase of 10 dBA for noise occurring five minutes or less in any one-hour period). Please see below for the relevant sections from the LAMC.

- LAMC Sections 111.01 and 111.03 define the ambient noise as the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. The actual ambient noise level is the measured noise level averaged over a period of at least 15 minutes L_{eq}.

- LAMC Section 111.02 provides procedures and criteria for the measurement of the sound level of "offending" noise sources. In accordance with the LAMC, a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line is considered a noise violation. To account for people's increased tolerance for short-duration noise events, the Noise Regulation provides a 5 dBA allowance for noise occurring more than five but less than fifteen minutes in any one-hour period and an additional 5 dBA allowance (total of 10 dBA) for noise occurring five minutes or less in any one-hour period.

The existing ambient noise level representative of the Pantages Theatre property was taken at its northeastern property line where it is directly adjacent to the Proposed Project's East Site, for a period of 15 minutes. This location and time period for the ambient noise level measurement complies with LAMC specifications.

Comment No. IND 8I-53

XV. THE DEIR VIOLATES CEQA'S ALTERNATIVES MANDATES.

As our Supreme Court has repeatedly held, the "EIR is the heart of CEQA, and the mitigation and alternatives discussion forms the core of the EIR." In re Bay–Delta cases (2008) 43 Cal.4th 1143, 1162.

Here, the DEIR further fails because it did not consider a reasonable range of alternatives, as required by CEQA. In fact, not a single alternative considered a build-out scenario that would place habitable structures off of the California Geological Survey Alquist-Priolo mapped earthquake fault that runs through the property. In our 2018 NOP comment letter, we requested exactly that:

> "Alternatives. The Draft EIR must include a reasonable range of alternatives that do **not** place habitable structures, including buildings for occupancy and parking structures (above ground or subterranean) over or across the officially-mapped fault zones, or within 50 feet thereof. Further, alternatives that are scaled down to reduce height, density and FAR must also be included and analyzed in the Draft EIR." (**Exhibit 7** [p. 6; emphasis in original].)

Yet the DEIR failed to do so, nor did it even attempt to justify this arrogant failure. Particularly because they are all illegal, but even from just a commonsense standpoint, the self-serving alternatives considered in the DEIR are, by definition, not a "reasonable range." The DEIR and the City have again violated CEQA.

Of course, this was eminently doable. Millennium principal Phil Aarons admitted so in a September 20, 2013 Wall Street Journal article, "*Fault Line Splits Hollywood*". "Even if a portion of the fault is found to cross the site, he [Aarons] said, the size of the nearly 4½-acre site allows him flexibility to build so the towers aren't on top of the fault". (**Exhibit 47**; https://www.wsj.com/articles/fault-line-splits-hollywood- 1379715068.)

The City and the DEIR were required to include at least one alternative that would have done exactly that. The failure to do so is yet another failure to proceed in the manner required by law.

Response to Comment No. IND 8I-53

The comment expresses opposition to the Project based on a claim that the Draft EIR did not provide a "reasonable range of alternatives," because it did not include an alternative that has no structures overlying an active fault. However, this objection is based on an assumption of the geological conditions underlying the Project Site.

Moreover, the Draft EIR provided a reasonable range of alternatives, as well as justification as to why alternative sites and other development scenarios were considered. It should be noted that while an EIR must describe a range of reasonable alternatives to the Project, it is not required to discuss every alternative to the Project. Instead, an EIR should present a "reasonable range of potentially feasible alternatives."[123] The CEQA Guidelines do not establish ironclad rules relating to the range of alternatives to be discussed in an EIR.[124] Rather, the nature and scope of the alternatives studied in an EIR is governed by the rule of reason.[125] Under the rule of reason, an EIR need discuss only those alternatives necessary to permit a reasoned choice.[126]

The Draft EIR considered eight alternatives: Alternative 1: No Project/No Build Alternative; Alternative 2: Development under Existing Zoning Alternative; Alternative 3: Reduced Maximum Height Alternative; Alternative 4: Office, Hotel and Commercial Alternative; Alternative 5: Proposed Community Plan Update Compliant Alternative; Alternative 6: Above-Grade Parking Alternative; Alternative 7: Primarily Office Alternative; and Alternative 8: Office, Residential and Commercial Alternative. Chapter V, *Alternatives*, of the Draft EIR clearly described each of these alternatives, provided an environmental impacts analysis, explained whether or not these alternatives would meet the Project's objectives, and described which of the Alternatives, other than the No Project Alternative, would be the environmentally superior alternative.

CEQA and case law make clear that not all possible alternatives need to be included. The purpose of the Alternatives section of an EIR is to consider alternatives which would reduce the significant impacts of a project.[127] Accordingly, there is no requirement to include an alternative that addresses an alleged impact that the EIR demonstrates is not a significant project impact. In this case, there is substantial evidence presented in Section IV.D, *Geology and Soils,* and Appendices G-1, G-2 and G-3, of the Draft EIR, that the Project would not be constructed on an active fault line. Since all the alternatives in Chapter V, *Alternatives*¸ of the Draft EIR, contemplate construction on the Project Site,

123 14 CCR Section 15126.6(a).
124 *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576.
125 CEQA Guidelines Section 15126.6(a).
126 CEQA Guidelines Section15126.6(f). See *California Native Plant Soc'y v City of Santa Cruz* (2009) 177 CA4th 957.
127 CEQA Guidelines Section 15126.6.

all of them would satisfy the concern expressed in this comment as none of them would be constructed on an active fault line. As such, the Draft EIR provides a reasonable range of alternatives to the Project in compliance with CEQA.

Please also refer to Topical Response No. 3 – Geology and Fault Hazards, regarding development near a fault line. As discussed in Topical Response No. 3, the Project's geology and fault-related impacts were fully analyzed in the Draft EIR's Section IV.D, *Geology and Soils,* which were primarily based on a Geotechnical Investigation report and a Surface Fault Rupture Hazard Evaluation Report (2015 and 2019 Fault Study), both of which were reviewed and approved by the LADBS, as provided in Appendix G of the Draft EIR. As discussed therein, the Project evaluated in the Draft EIR would result in less-than-significant geology and fault-related impacts.

Comment No. IND 8I-54

XVI. CONCLUSION.

The DEIR fails as a matter of law on multiple procedural and substantive grounds. At a minimum, it should be revised and recirculated before further consideration is given to approval of this outrageously impactful and dangerous Project. This should include presenting and fully addressing all of the new earthquake fault information from the May 2020 United States Geological Survey Guided Wave study and other sources. To do less would be to present an incomplete and inaccurate picture for the public and decision makers.

More appropriately the DEIR and Project should be rejected outright. Nothing that the DEIR proposes is legal given the active Hollywood Earthquake fault traversing the Project sites. The DEIR as presented is a nullity from its inception.

A different proposal – one that observes the legally required offsets from the fault lines and by force would be smaller in scale – should be the only project the City considers. In turn, we hope any such consideration would occur after the FBI investigation into City Hall's unfolding pay-to-play scandal has concluded. Thank you.

Response to Comment No. IND 8I-54

The comment summarizes the commenter's prior comments wherein the commenter expresses opposition to the Project based on certain alleged procedural grounds and unspecified substantive grounds, with an emphasis on geologic hazards, but does not provide any facts and, therefore, no substantial evidence to support these general concerns. In as much as this comment does not contain any new facts, refer back to the following: Response to Comment No. IND 8I-3 and Response to Comment No. IND 8I-5, regarding potential illegal activities by public officials related to a previous project at the Project Site, and Response to Comment No. IND 8I-13, regarding recirculation of the Draft EIR.

As to the one substantive issue raised in this comment, the commenter is also referred to Topical Response No. 3 – Geology and Fault Hazards, for a discussion of geology impacts, including those associated with faulting. Additional details addressing specific comments on faulting are addressed in the Response to Comment Nos. IND 8I-6, IND 8I-49, and IND 8I-58 to IND 8I-62.

Comment No. IND 8I-55

Exhibit 1: *Stopthemillenniumhollywood.com v. City of Los Angeles*, 39 Cal.App.5th 1 (2019)

Exhibit 2: Los Angeles Times, Here's a closer look at the ex-deputy mayor enmeshed in City Hall corruption probe, May 20, 2020

Exhibit 3: Comment letter from the Silverstein Law Firm dated April 29, 2020. This letter was previously received and is included as Comment No. IND 8D.

Exhibit 4: Los Angeles City Ethics Commission, Complaint Form from George Abrahams to Raymond Chan, received September 9, 2013

Exhibit 5: Email correspondence between Raymond Chan, Charmie Huynh, and Alfred Fraijo Jr., RE: 1750 North Vine Street, dated March 16, 2020

Exhibit 6: United States Geological Survey, 2018 U.S. Geological Survey – California Geological Survey Fault-Imaging Surveys Across the Hollywood and Santa Monica Faults, Los Angeles County, California, Open-File Report 2020-1049

Exhibit 7: Comment letter from the Silverstein Law Firm dated September 27, 2018. This is a comment letter on the NOP.

Exhibit 8: California Geological Survey Fault Evaluation Report FER 253 Supplement No. 1 for the Hollywood Fault in the Hollywood 7.5' Quadrangle, November 5, 2014. California Geological Survey Fault Evaluation Report FER 253 for the Hollywood Fault in the Hollywood 7.5' Quadrangle, February 14, 2014

Exhibit 9: Photos provided by Silverstein Law Firm of the East Site trench

Exhibit 10: Email correspondence from City Planning to Chairman Salas of the Gabrieleno Indians, Hollywood Center AB 52 Consultation Conclusion, dated April 8, 2020

Exhibit 11: Email correspondence from the Gabrieleno Band of Mission Indians – Kizh Nation to City Planning, Hollywood Center Project, dated September 10, 2018. This letter is addressed in Response to Comment No. IND 8I-10.

Exhibit 12: Comment letter from the Silverstein Law Firm on the ELDP Application, dated June 1, 2018. This is a comment letter on the Project's ELDP Application, not the Draft EIR.

Exhibit 13: Comment letters from the Silverstein Law Firm dated April 17, 2020 and May 22, 2020. These letters are included as part of Comment Letters IND 8A and IND 8H.

Exhibit 14: LAist, Despite Free Internet Officers, Some Low-Income Parents Struggle To Get Kids Online For School, April 22, 2020

Exhibit 15: United States District Court for the Central District of California, Case No. 2:18-MJ-1881

Exhibit 16: Los Angeles Times, Garcetti appointee named in FBI warrant quits his post, January 18, 2019

Exhibit 17: State of California Department of Conservation, California Geological Survey, RE: Commencement of Alquist-Priolo Fault Zone Study, Hollywood Fault Zone Millennium Hollywood Project: EIR No. ENV-2011-0675-EIR, July 20, 2013

Exhibit 18: Los Angeles Times, Editorial: Just how dirty is L.A. City Hall?, May 15, 2020

Exhibit 19: Comment letter from the State of California Department of Transportation, District 7, May 7, 2013

Exhibit 20: City of Los Angeles Department of Building and Safety, Information Bulletin / Public – Building Code, Reference No.: L.A. Zoning Code 12.03, Calculating Floor Area, effective May 17, 1978, revised November 1, 2002

Exhibit 21: City of Los Angeles Department of City Planning, Special Instructions for Alcohol (CUB) & Adult Entertainment Establishments (CUX) – LAMC 12.24 W.1 & 12.24 W.18

Exhibit 22: City of Los Angeles Department of Building and Safety, Zoning Administrator Interpretation 1808. City of Los Angeles Department of Building and Safety, Zoning Manual pages 36-37

Exhibit 23: City of Los Angeles Department of City Planning, Case No. ZA 2015-2348(ZAI) Zoning Administrator's Interpretation, July 8, 2015

Exhibit 24: City of Los Angeles, Hollywood Redevelopment Plan, first amended on May 20, 2003, effective July 12, 2003

Exhibit 25: *AIDS Healthcare Foundation v. City of Los Angeles*, LASC Case No. 19STCP04589

Exhibit 26: City of Los Angeles, Transfer Resolution and Ordinance, resolution dated September 6, 2019 and adopted September 24, 2019

Exhibit 27: City of Los Angeles, Summary of Draft EIR for the Hollywood Community Plan Revision, March 1988

Exhibit 28: American Lung Association, State of the Air 2020

Exhibit 29: United States Environmental Protection Agency, 8-Hour Ozone (2015) Nonattainment Areas, as of April 30, 2020

Exhibit 30: United States Environmental Protection Agency, Status of SIP Required Elements for California Designated Areas, as of May 28, 2020

Exhibit 31: California Air Resource Board, South Coast 8-Hour Ozone SIP Update Staff Report, release date November 8, 2019, hearing date December 12, 2019

Exhibit 32: South Coast Air Quality Management District, 2016 Air Quality Management Plan, Appendix II Current Air Quality, March 2017

Exhibit 33: South Coast Air Quality Management District, Press Release: South Coast Air Quality Management District to request re-classification for ozone in Coachella Valley, April 12, 2019

Exhibit 34: South Coast Air Quality Management District, 2016 AQMP White Paper: VOC Controls, October 2015

Exhibit 35: Climate Action Resources Guide for Local Governments

Exhibit 36: City of San Diego, Climate Action Plan, adopted December 2015

Exhibit 37: City of San Diego, 2019 Climate Action Plan Annual Report

Exhibit 38: Southern California Association of Governments, 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy, Sustainable Communities Strategy (SCS) Background Documentation, adopted April 2016

Exhibit 39: South Coast Air Quality Management District, Attachment E - Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, October 2008

Exhibit 40: United States Department of Housing and Urban Development, Overview of the Rental Assistance Demonstration (RAD) Program, June 2014

Exhibit 41: Superior Court of California, County of San Diego, Case No.: 37-2018-00013324-CU-TT-CTL, Ruling on Petitions for Writs of Mandate (CEQA), December 21, 2018

Response to Comment No. IND 8I-55

This comment includes exhibits referenced throughout the comment letter. The responses provided above in Response to Comment Nos. IND 8I-1 to 8I-54 address the

contents of these exhibits, as appropriate and applicable. As such, no further response is warranted.

Comment No. IND 8I-56

EXHIBIT 42

SUBJECT: Review and Analysis of the Hollywood Center (HC) Draft Environmental Impact Report (DEIR) and Appended/Referenced Documents Related to Active Faulting Associated with the Alquist-Priolo Earthquake Fault Zone (APEFEZ) within the Hollywood 7.5-Minute Topographic Quadrangle; DEIR Dated April 16, 2020 by Environmental Science Associates, Inc. (ESA)

Dear Mr. Silverstein:

INTRODUCTION, QUALIFICATIONS AND REPORT ORGANIZATION

This firm was retained by your office to review the Hollywood Center (HC) Draft Environmental Impact Report (DEIR) and appended/referenced documents related to active faulting associated with the Alquist-Priolo Earthquake Fault Zone (APEFZ) within the Hollywood 7.5-Minute Topographic Quadrangle. The DEIR, dated April 16, 2020, was prepared by Environmental Sciences Associates, Inc. (ESA). Our review focused on the IV-D Geology and Soils section, and those associated appendices and reports utilized to determine the activity and/or location of faults within or adjacent to the proposed HC development area. In general, the previous studies for Millennium Hollywood (MH) are assumed to be included under the HC reference. Listed under the subsection titles used in this letter, the other primary referenced documents reviewed are a part of the DEIR referenced materials and can be found within the DEIR (City of Los Angeles, 2020; https://planning.lacity.org/development-services/eir/hollywood-center-project-1), or by an internet search. The primary references within three categories include:

The Draft Environmental Impact Report (DEIR) for the Hollywood Center Project (2020)

1) DEIR Appendix G-1 - 2015 Fault Activity Investigation (which, as made available by the City to the public during the majority of the public comment period, contained substantial amounts of unreadable text and numbers on all of the Plates and Figures);

2) Appendix G-2 - Surface Fault Rupture Hazard Evaluation Report;

3) Appendix G-3 - Geotechnical Investigation;

California Geological Survey Reports

4) California Geological Survey (CGS), 2018, Revised Special Publication 42, Earthquake Fault Zones, A Guide for Government Agencies, Property

Owners/Developers, and Geoscience Practitioners for Assessing Fault Rupture Hazards in California, Revised 2018;

5) California Geological Survey, 2018a, Earthquake Zones of Required Investigation Maps (EZRIMs), http://gmw.conservation.ca.gov/shp/EZRIM/Maps/);

6) California Geological Survey, 2014, Fault Evaluation Report FER 253 Supplement No. 1, The Hollywood Fault in the Hollywood 7.5' Quadrangle, Los Angeles County, California by Hernandez, J., November 5, 2014

Previous Hollywood Center Project Site and Nearby Fault Evaluation Reports

7) Surface Fault Rupture Evaluation Report, Central Hollywood Tract, No. 2, Lots 1, 2, 3 and 5, 1718 Vine Street, Los Angeles, California, July 28, 2016 by Group Delta Consultants, Inc. (GDC);

8) Fault Investigation Report, Tract No. 26206, Lot 1 [APN 5546-003-015 & 016] and Hollywood Tract, Block 22, Lots 4.2, 5, 6, and 7 and Lots 9, 10, and 11 [APN 5546-003-003, -004, -009, -010, 019, -020] 6305 Yucca Street Los Angeles, California by Group Delta Consultants, Inc. (GDC);

9) Fault Activity Investigation 6230 Yucca Street SW Corner of Yucca Street and Argyle Avenue Hollywood Area, City of Los Angeles, California GDC Project No. LA-1161A by Group Delta Consultants, Inc. (GDC);

10) Catchings, R. D., Hernandez, J., Goldman, M. R., Chan, J. H., Sickler, R. R., Olson, B., and Criley, C. J., May 2020, 2018 U.S. Geological Survey-California Geological Survey Fault-imaging Surveys across the Hollywood and Santa Monica Faults, Los Angeles County, California: U.S. Geological Survey Open-File Report 2020-1049, 42 p., https://doi.org/ l 0.3l33/ofr20201049 (**Exhibit C**); and,

11) Ninyo and Moore, 2015, Supplemental Fault Rupture Hazard Evaluation, Hollywood Courthouse, Los Angeles, California, Project No. 402132007, June 15, 2015 (**Exhibit D**).

The undersigned has been a licensed Professional Geologist and Certified Engineering Geologist in the State of California since 1974. His resume is attached as **Exhibit A**.

This letter report includes: 1) a brief description of the proposed project as we understand it from the April 2020 DEIR; 2) a statement of the purpose of this report; 3) a discussion/evaluation of, and comments on, the DEIR as related to Project Site fault rupture potential, which is a specific issue called out in the CEQA Appendix G Guidelines for environmental impact studies; and 4) a summary and conclusions. The report **Figures** (see **Exhibit B**), a 2020 United States Geological Survey (USGS) technical report (**Exhibit C**), and a 2015 Ninyo & Moore report (**Exhibit D**) are attached. A list of Exhibit

B figures is provided after the **References Cited** and **Figures 1** through **5** are noted in this report in bold text (e.g., **Figure 1**)

Response to Comment No. IND 8I-56

The comment introduces Exhibit 42, the Wilson Geosciences Report. The comment states that Wilson Geosciences has reviewed the Draft EIR and provides a summary of the experience and qualifications of the Wilson Geosciences firm. As this comment does not does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8I-57

HOLLYWOOD CENTER PROJECT DESCRIPTION

The Hollywood Center Project is a proposed mixed-use development 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, adjacent development and Hollywood Boulevard on the south, and bifurcated by Vine Street (see DEIR Section II, Figure 11-5). The portion of the Project Site located between Ivar Avenue and Vine Street is identified as the "West Site", and the portion located between Vine Street and Argyle Avenue is identified as the "East Site". The Project Site would be redeveloped with up to 1,005 residential units and up to 30,176 square feet of commercial uses within four new mixed-use buildings (West Building, East Building, West Senior Building, East Senior Building) with proposed heights of 35, 46, 11, and 11 stories, respectively. Overall, the Project would contain up to 1,287,150 square feet of floor area. This represents the largest option by square feet as described in the DEIR Notice of Completion and Availability. Also, there would be up to 1,521 vehicle parking spaces within five- and six-level subterranean parking garages and enclosed at-grade parking.

Response to Comment No. IND 8I-57

The comment provides a brief summary of the Hollywood Center Project. The comment does not does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 8I-58

PURPOSE OF THIS REVIEW

The Hollywood Center (HC; formerly Millennium Hollywood) project has generated years of investigations and technical studies related to geologic/earthquake faulting at the proposed Project Site (Site). In this author's consideration of these thousands of pages of studies, this Draft Environmental Impact Report (DEIR) review is focused on the following three questions you proposed that we address. The answers to these questions govern the suitability of the Site with respect to the earthquake hazard of ground displacement due to a probable earthquake on the Hollywood Fault segment of the Santa

Monica-Hollywood-Raymond Fault System, or due to a larger earthquake encompassing the entire (- 125-mile long) fault system. The three questions are:

1. Are there faults within the HC Project Site?

2. Where are the faults located within the HC Project Site based on the evidence available?

3. What is the activity level (Holocene or pre-Holocene) of the faults?

This review has utilized the key reports addressing faulting at the Site, some reports not included as part of the DEIR, including a very significant May 2020 report from the United States Geological Survey. The reader is encouraged to look at these reports, particularly the pages, figures, plates, and tables specifically referenced herein. Where emphasis is needed or some expansion is required, new Figures 1 through 5 are provided with this report. Figure 1 from the DEIR is the Site map prepared by the developer's geologist, Group Delta Consultants (GDC), showing previous exploration (Cone Penetration Test [CPTs], borings, and trenches) within the East and West divisions of the proposed development. The base map for Figures 1, 2 and 3 is faulty due to missing words, letters, and numbers as are all Portable Document Format (PDF) Plates and Figures from the DEIR's Appendix G-1, as circulated and published by the City, preventing the reader from determining the content of the data provided.

Response to Comment No. IND 8I-58

This comment is primarily a preliminary introduction into the analysis requested of the commenter. As the comment does not raise any issues with respect to the content and adequacy of the Draft EIR, no further response is warranted

Nonetheless, as the comment contends that portions of some of the pages of an appendix were not legible, please refer to Response to Comment No. IND 8I-13, regarding the problems only occurring in the pdf format and the legibility of this information in other formats made available by the City.

Also see Response to Comment Nos. IND 8I-59 to IND 8I-61, which address faults on the Project Site, as well as the May 2020 report from the USGS.

The commenter is also referred to Topical Response No. 3 – Geology and Fault Hazards, for a discussion of geology impacts, including those associated with faulting.

Comment No. IND 8I-59

DISCUSSION AND EVALUATION OF HC PROJECT SITE FAULTING, AND THE ACTIVITY OF FAULTS WITHIN AND NEAR THE PROJECT SITE

Question 1: Are there Faults within the HC Project Site?

The DEIR begins (page 2, Table IV.D-1) by claiming, numerous times, that prior geotechnical investigations found no Holocene-active faults on either the East or the West Sites. Further Site-specific references to active faulting are found starting on DEIR page IV.D-17 (further referred to as simply 17). The statements are as follows with the corresponding DEIR abbreviated page numbers:

17 - "The nearest significant active fault to the Project Site is the Hollywood Fault."

18 - "Figure IV.D-2 showing earthquake fault zones and active fault traces."

20 - "... the 2015 and 2019 Fault Studies for the Project Site, which are informed by specific investigations of and on the Project Site, indicate that no Holocene-active faulting occurs beneath or extends toward the Project Site, including the Hollywood Fault."

22 - "Within the Hollywood Fault Zone, there is evidence of Holocene-activity, and, therefore, the zone is considered active." And, "The 2015 and 2019 Fault Studies conducted for the Project Site, along with fault investigations conducted for projects in the surrounding areas, including sites north and west of the Project Site, indicate there is no active faulting beneath or extending toward the Project Site."

23 - "This continuous pre-Holocene stratigraphy precludes the possibility of active faulting underlying these (sic) the Project Site."

32 - "As discussed above in the Existing Conditions section, the site-specific 2015 and 2019 Fault Studies included a soil profile horizons evaluation and other investigations that concluded that there is no active faulting beneath the Project Site or extending toward the Project Site." And, "Therefore, because the 2015 and 2019 Fault Studies concluded there is no active faulting beneath the Project Site, development of the Project or the Project with the East Site Hotel Option would not directly or indirectly cause substantial adverse effects, including risk of loss, injury, or death involving fault rupture, and, as such, the impact relative to fault rupture would be less than significant."

33 - "As discussed above, the 2015 and 2019 Fault Studies and Geotechnical Investigations, which also reference various fault investigation studies conducted near the Project Site (see Subsection IV.D. l, Introduction, above), have concluded that there is no active faulting beneath the Project Site or extending toward the Project Site."

Despite the repeated claims of "no active faulting", the following discussion demonstrates the important first fact that GDC has agreed that faults do underlie the site including a continuous fault nearly coincident with the "southern strand", "southern trace", or "southern fault" (or some combination of these terms as generally synonymously used by the CGS) as shown and discussed by the California Geological Survey (CGS, 2014) in its Alquist-Priolo Earthquake Fault Zone (APEFZ) evaluation FER-253 Supplement No. 1 (pages 26 and 27).

In a May 17, 2015 response to a March 17, 2015 letter from the City of Los Angeles (City), GDC responds to California Geological Survey (CGS) comments presenting the CGS conclusions regarding fault features discovered based on the Cone Penetration Test (CPT) soundings used in preparation of GDC cross-sections M-M', N-N', 0-0', and P-P' within the HC East and West sites (Figure 2; black dotted line). The CGS showed not only more numerous faults on the cross-sections than GDC, but also fault offsets in younger deposits than the GDC showed. Other implications of the CGS conclusions are discussed below, however as related to this question the GDC response states "Our own analysis indicates the potential presence of an inferred inactive fault near CPT-20. This inferred inactive fault was found on other CPT transects 0-0' and P-P' on the West Millennium Site. Therefore, its interpretation has both vertical and lateral correlation across the explorations of both the East and West Millennium Sites." This verifies that GDC accepts that a continuous fault passes near CPT 20 on cross-section M-M' adjacent to Argyle Avenue and extends across the Project Site to at least cross-section 0-0' near Ivar Avenue.

The stated purpose of the 2015 and 2019 GDC Fault Studies was to evaluate the Project Site for Holocene-age faulting, as discussed for Question 2 below. The 2019 GDC Fault Study at the southeast comer of Ivar Avenue and Yucca Street confirms the presence of numerous faults crossing the West Senior Building site, with what appears to be the most significant fault F10 (Figure 3, Inset 3a) trending nearly east-west through the West Building Second Floor Amenity Deck as it approaches 2015 cross-section 0-0' (shown as OE-OE' for the 2019 study).

Accordingly, as to Question 1, there are faults agreed to be across and within the HC Project Site, and the DEIR and Appendix G-1 clearly accept that there are such faults, although consistently claiming there is "no active faulting" or that such faults are "inferred". Faults exist at or near the locations noted by GDC in its May 17, 2015 response letter to the City (black dotted line) and the CGS analysis/conclusions regarding cross-sections M-M', P-P', and 0-0' indicate other such young faults exist within the Project Site (see Question 3 below).

Response to Comment No. IND 8I-59

As discussed in the Response to Comment Nos. IND 8I-6 and IND 8I-49, Southern California is a seismically active region and faulting is common. In an effort to mitigate the potential hazard of surface rupture due to faulting, the State enacted the Alquist-Priolo Act, which has a simple and well-defined criteria for what is considered an “active” fault, for which new development is restricted. An “active” fault is a fault which has ruptured in the Holocene time period (i.e., within the approximately last 11,700 years). As previously discussed in the Response to Comment No. IND 8I-49, the zone of an “active fault” is regulated by requiring an investigation to evaluate the recency of faulting below a specific site before new development can be constructed. New construction is held to the latest standards in seismic design and may benefit the public safety in the event of a major earthquake.

The Group Delta 2015 and 2019 Fault Study reports are transparent and inclusive with the data collected to evaluate the faulting history below the Project Site. As evident in the fault trench exposures and stratigraphic correlations between closely spaced continuous soil core borings, faulting below the Project Site has been inactive since at least 30,000 years ago, which well predates the State-designated criteria of “active” surface fault rupture within approximately the last 11,700 years (Holocene). The pre-Holocene faulting exposed in the trenches and interpreted in transect explorations far predates what is considered a recent, active, reoccurring hazardous history of fault rupture.

Regarding specific parts of Comment No. IND 8I-59, it should also be noted that CPT data alone cannot determine fault activity, but needs to be correlated with other data, especially fault trenching and continuous soil core data. Finally, while there are fault traces that extend across the Project Site, the traces are below soil layers dated to at least 30,000 years ago and are, therefore, not Holocene-active faults or considered be high risk as a source for future surface fault rupture hazard.

Finally, as discussed above in Response to Comment No. IND 8I-49, the State established procedures for conducting site-specific fault investigations to assess the recency of faulting, including sites where the CGS has previously mapped an active fault. The fault investigations performed by Group Delta at the Project Site were conducted in cooperation with both State and City officials and in compliance with the requirements of the Alquist-Priolo Act and the guidance in Special Publication 42.

Comment No. IND 8I-60

Question 2: Where are the Faults Located within the HC Project Site Based on the Evidence Available?

The CGS Alquist-Priolo Fault Evaluation Report (FER) 253 Supplement No. 1 (2014) Figure 7 (page 11) shows a compilation of the Hollywood Fault locations (somewhat approximate on this small map scale) with the origins of each fault section noted as S- and a number, referring to a study location referenced in the FER-253 Supplement No. 1. CGS shows the previous FER fault locations that were removed with X's. The southern red dashed line is the "southern fault" referred to by GDC (2015, pages 15 and 16) and fits the red dashed line for the Yucca Street Strand shown on the CGS's FER-253 Supplement No. 1 Figure 7.

As noted in the previous subsection, in their May 17, 2015 response to the City of Los Angeles, GDC responds to California Geological Survey (CGS) comments presenting the CGS analysis/conclusions regarding fault features. The CGS geologists observed additional fault features based on the Cone Penetration Test (CPT) soundings used in GDC's 2015 preparation of cross-sections M-M' (Plate 7, CPT C-20), N-N', P-P' (Plate 8, CPT C-104), and 0-0' (Plate 9, boring B-4) within the HC East and West Sites (**Figure 1**). Given the evidence described in the GDC May 17, 2015 letter discussed above, faults exist beneath the Project Site and in particular three fault locations are linked from cross-section M-M' at the east edge of the East Site to cross-section 0-0' in the western half of

the West Site (DEIR, Appendix G-1, Figure 8). GDC (2015, Plate 1; **Figures 1 and 2**) shows the fault as a black dotted line crossing the East and West Sites. Planning for the GDC East Trench (DEIR, Appendix G-1, Figure 8) did not allow for it to extend far enough south to intercept the "southern fault" shown by the CGS in FER-253 (see CGS Figure 7 gold-colored trench location lines and **Figure 2**).

GDC (2019) maps faults that they show as continuous across the northwest corner of the West Site at Ivar Avenue with fault F10 showing approximately 30-feet of up-on-the-north reverse fault movement (GDC 2019, Appendix G-2, page 11 and Figure 9.1; **Figure 3**). GDC recognizes and acknowledges the 2019 GDC fault investigation at the southeast comer of Ivar Avenue and Yucca Streets shows numerous faults in trenches that are shown as trending northeast to southwest and east-northeast to west-southwest (Figures 9.1 and 9.2). The fault trenches do not extend far enough to the south to intercept similarly oriented faults, like fault F10, that may trend toward the main West and East Buildings.

As a part of the United States Geological Survey (USGS) mission for the advancement of scientific knowledge, the USGS recently conducted north-south oriented guided-wave and related seismic surveys (USGS, April 2020) along Argyle Avenue between Hollywood Boulevard on the south and Yucca Street on the north. This USGS report, which is directly relevant to the proposed Project Site, was published on May 8, 2020, after release of the DEIR on April 16, 2020. It is attached as **Exhibit C** hereto. The USGS report contains significant new information confirming the location and recency of activity of the main Hollywood Fault, which projects into the HC Site along Argyle Avenue just south of Carlos Avenue. The USGS confirmed Hollywood Fault location is projected in this report (**Figure 3**) onto the East Site cross-section M-M' near CPTs 27 and 29 where CGS has analyzed/concluded Holocene (and late Pleistocene) faulting exists. This is approximately 35- to 40-feet south of CPT C-20 where CGS and GDC agreed on a fault location (black dots) and approximately 25-feet north of the CGS FER-253 Supplement l location of the southern fault trace (**Figure 2**). This southern main Hollywood Fault passes within 50 feet of the East Senior Building, through the center of the 46- story East Building, through the East Site Plaza Ground Floor, and through the south edge of the West Site Plaza Ground Floor.

This most recent USGS data suggests that at least four faults enter the Project Site from the east at Argyle Street (USGS, 2020, Figures 4 and 22 through 25) with the southern USGS fault coincident with the southern fault in the CGS FER-253 Supplement No I (their Figure 7). The other three USGS faults at stations (STA) 117, 151, and 191 (**Figure 3**) with an expected similar orientation to the southern fault would pass through the East Senior Building and the north edge of the 46-story East Building, within I0- to 20-feet of the 35-story West Building, through the West Site Plaza Ground Floor, through the East Site Plaza Ground Floor, and through or within 50-feet of the West Building Second Floor Amenity Deck and the West Senior Building.

Response to Comment No. IND 8I-60

The referenced USGS report released in 2020 (note that the USGS survey was conducted in 2018 and published in 2020) does not reference the Group Delta 2015 and 2019 Fault Study data nor draw correlations between interpreted, inferred, or observed faults across the Project Site. The referenced USGS report is discussed in the Response to Comment Nos. 8I-6, 8I-49, 8I-60 (this comment), and 8I-61 (next comment). Nowhere in the referenced USGS report do they comment on the recency of faulting interpreted along the seismic line sections extended north-south across the Alquist-Priolo Fault Zone along east of Gower Street and Argyle Avenue, HW-1 and HW-2 respectively. In fact, the referenced USGS report specifically states, "the seismic data provide little or no information about the rupture history of the fault traces." Furthermore, the 2015 and 2019 Fault Studies provide evidence that faulting has become inactive since the deposition of strata that is estimated by experts to be at least 30,000 years old.

Regarding specific parts of Comment IND 8I-60, the comment notes that the CGS Alquist-Priolo Fault Evaluation Report (FER) 253 Supplement No. 1 (2014) Figure 7 (page 11) shows a compilation of the Hollywood Fault locations that is "somewhat approximate on this small map scale." As discussed in the Response to Comment No. IND 8I-49, this is the reason that site-specific fault studies are required and provide more accurate mapping of fault traces. The comment repeats comments about CPT borings and the 2015 discussions, which are addressed above in the Response to Comment No. IND 8I-59.

Comment No. IND 8I-61

Question 3: What is the Activity Level (Holocene or pre-Holocene) of the Faults?

As noted above, GDC (2015 and 2019) consistently claims there is no active faulting beneath the Project Site or extending toward the Project Site. These claims are based on GDC's estimating the ages of soils and alluvial layering in trenches and CPT cross-sections. However, the CGS hand-drawn analysis/conclusions on cross-sections M-M', N-N', P-P', and 0-0' that were the subject of the May 17, 2015 GDC response to the City showed faulting much higher (younger) in the alluvial layering than shown by GDC (**Figure 4**). These higher layers appear to be Holocene in age, further showing the faults are active. There was a reliance by GDC (2015, Appendix GI) on non-quantitative, visual age estimates based on factors such a soil coloration for the alluvial layers exposed in the East and West trenches. The DEIR and GDC age estimates (DEIR, 2020; page IV.D-12) use relative soil-profile development, variously called soil stratigraphy, soil profile horizon, and a soil development index involving visual alluvial layer descriptions.

Regarding the extrapolation of alluvial layering continuity we considered: 1) GDC logging of the 2014-2015 East and West fault trenches paralleling Argyle Avenue from near Yucca Street to Carlos Avenue and 2) bore hole and CPT logging and stratigraphic correlations by GDC along north-south cross-sections M-M', N-N', P-P', and 0-0' shown on the GDC 2015 Figure 8. The GDC logging of the East and West fault trenches was conducted by GDC personnel and subcontractors. Significantly, CGS personnel were only allowed very

limited access to the trenches (CGS, 2014; FER-253 Supplement, Appendix B page 35) to observe details and look for possible young faults. Subsequent to the GDC interpretations, the CGS documented their fault conclusions with hand-drawn faults on cross-sections M-M', N-N', P-P', and 0-0' that were a subject of the May 17, 2015 GDC response to the City discussed above. These handdrawn CGS conclusions show not only more numerous faults than GDC recognized, but also showed fault offsets in younger deposits, i.e., "active" faulting, where the GDC interpretations did not (GDC, 2015, PDF pages 468 through 473; one example shown on **Figure 4**).

The CGS conclusions, as part of the State's Alquist-Priolo Earthquake Fault Zone (APEFZ) map process, are stated in the 2014 FER-253 Supplement No. 1 on page 26 as follows, with the mentioned "transect" being cross-section M-M':

"The most prominent horizon in this transect, the base of the Argyle Channel, has several anomalous south-side-up steps that may be related to faulting, and several less-continuous units lower in the section appear to support corresponding disruptions. Some of the latter may correspond to the faults observed near the southern GDC Site 2 property line in the eastern trench for that site. However, the main zones of disruption, extending highest in the section, may lie between CPTs C-21 to C-22 and C-26 to C-29. The eastern trench at GDC Site 2 (and extending south into GDC Site 1) did not extend far enough south to fully explore these possible faults and their potential connection to the scarp at Carlos Avenue. Data from a boring log transect on GDC Site 1, that might cross the fault, have not been released."

The "main zones of disruption, extending highest in the section, may lie between CPTs C-21 to C-22 and C-26 to C-29" (CGS FER-253, page 26); these zones correspond to the location of the main Hollywood Fault identified by the USGS (2020; Exhibit C, Figures 22 through 25) guided-wave seismic study along Argyle Avenue (Profile HW2) very close to CPTs C-22 to C-24 (**Figures 4 and 5**). This USGS 2020 fault location connects to another location of the Hollywood Fault approximately 350 meters to the east at their other seismic profile line (Profile HWI; USGS Figures 7 through 14). The USGS comments (*emphasis added*) on the Hollywood Fault effects on shallow deposits and therefore the faults' recency of movement are as follows (in quotes):

"An abrupt change in shallow velocities (~400 mis) is observed at Carlos Avenue, with higher velocities to the north at shallow depths and progressively thicker lower velocity materials southward toward Hollywood Boulevard. *The abrupt change in shallow V_P at Carlos Avenue is similar to the change in V_P Seen along Profile HWJ at the apparent Hollywood Fault (fig. 7)."*

"Thus, *both guided waves and V_P are suggestive of near-surface faulting slightly south (I 0-25 m) of the center of Carlos Avenue* and about 20 to 35 m south of the center of Yucca Street." (At STA 106 on **Figure 3**.)

"From the south end of Profile HW2 (at Hollywood Boulevard) to approximately Carlos Avenue, *a 7- to 10-m-thick zone of low-Vs (<300 m/s) materials is present in the near*

surface; this layer pinches out at Carlos Avenue in a manner similar to that seen in the tomographic V_P model (fig. 7). Between that 7- to 10-m-thick layer and the base of the model, Vs is high relative to the north end of Profile HW2."

"*All of these models show prominent changes in shallow-depth structure near Carlos Avenue* and slightly south of Yucca Street *that are consistent with shallow faulting in those locations*."

The reference to "pinching out" in the third comment above indicates the extent of the shallow alluvial layer ended over a rather short distance, likely due to shallow Holocene faulting. Comparing **Figure 4C** with the East Trench East Wall trench log (GDC, 2015, Plate 4a), the thickness of the Argyle sand (Qs = yellowish layer, but the symbols are not readable on the GDC PDF file from the DEIR circulated to the public) is about 15-feet, nearly identical to the dark blue plus the light blue (roughly 2.5 VpNs ratio) alluvial layering in **Figure 4C** at about distance STA 115 m (meters). USGS (2020) shows a fault at station 117 m (**Figure 3**). The Qs begins to rapidly thicken at Carlos Avenue indicating uplift on the north (right) side of the Hollywood Fault cutting through/offsetting the Holocene alluvial layer. All of this indicates active faulting through the HC Site.

Similarly showing that the fault is active, located approximately 675-feet east of the USGS guided-wave survey Profile HWI is the Hollywood Courthouse located at 5925 Hollywood Boulevard (Ninyo & Moore, 2015). The 2015 Ninyo & Moore study (formally received by the CGS as an APEFZ investigation in June 2015) found active faulting (offset Holocene alluvial layers) through the northern one-half of the two-story court building and the south side of the one-story underground parking structure. We understand that the improvements planned for this federal courthouse have been cancelled due to the presence of the active faults. These are active faults within the Hollywood Fault zone that directly align with the USGS (2020) locations of the Hollywood Fault (e.g., USGS Figures 13 and 14) confirming the linkage of active faults east of the HC Site continuously to the HC Project Site.

To the west of the HC Project Site two studies again demonstrate Holocene faulting on the Hollywood Fault, the first in line with the southern trace only 0.7- to 1.3-miles west of the HC Site. From Dolan et al. (2001) it is stated (*emphasis added*):

"The *most recent faulting* at Camino Palmero *occurred after deposition of- 9 ka sediments and prior to deposition of sediments dated as - 6 ka* (Dolan et al., 1997; 2000b). However, *a pronounced ground-water barrier* at Highland Ave, between La Brea Avenue and Cahuenga Boulevard, *suggests that steeply north-dippingfaults extend upward into late Holocene deposits* there (Lindvall et al., 2001)."

The USGS 2020 investigation (their Figure 26) also performed seismic studies in the Santa Monica Fault segment west of HC and found (*emphasis added*): "The seismic sources for the BHGWI seismic survey were located about 500 and 647 m southwest of the southernmost and northernmost ends of Profile BH1, respectively (fig. 27). *We chose*

this site (SPI) to generate seismic sources *because it was the location of a previous coring and CPT transect, in which an active trace of the Santa Monica Fault was identified*."

"In addition, the *BHGW2 data also are consistent with the presence of as many as three other fault traces along Lasky Drive*. Importantly, all five of these high-POV zones can be inferred on both the BHGWl and BHGW2 data (figs. 28, 30). *Thus, we suggest that distributed shallow-depth faulting likely is present at several locations along Lasky Drive*."

In 2013 the U. S. Geological Survey, the California Geological Survey, and the Southern California Earthquake Center published the *Uniform California Earthquake Rupture Forecast - Version 3* (referred to as UCERF3, 2013; https://pubs.usgs.gov/of/2013/1165/) with the purpose to examine the faults in California and develop a mathematically based forecast as to the frequency and magnitude of earthquake ruptures occurring on these faults. As noted in the publication, all the findings and conclusions of this study were independently reviewed by scientists and engineers from independent institutions. UCERF3 indicates that the Hollywood Fault is repeatedly active between 4,000 and 11,000 years and produced rupture earthquake magnitudes between 5.0 and about 7.0 during this portion of the Holocene. Also, the faults to the east and west of the Hollywood Fault (the Raymond Fault to the east, the Santa Monica Fault and the Malibu Coastal Fault to the west) show a likely earthquake fault participation (all four faults being the source of at least a magnitude 7.0 earthquake) about every 4,000 years. Therefore, the UCERF3 study shows that the Hollywood Fault is "active" with the highest large magnitude earthquake recurrence rate in the approximately 4,000-year cycle, along with other faults that make up this larger fault system. This larger continuous system is approximately 125 miles in length, and all of it is Holocene "active".

Response to Comment No. IND 8I-61

The 2015 and 2019 Fault Studies acknowledge that the Hollywood Fault Zone is considered active. However, it is only the “active” fault traces within a fault zone that are considered to have a higher potential for surface fault rupture hazard and are restricted from new structure development by City and State regulations, specifically the Alquist-Priolo Earthquake Fault Zoning Act. As discussed in the Response to Comment No. IND 8I-49, CGS Special Publication 42 and Note 49 provide guidelines for conducting fault studies to evaluate the recency of faulting. The 2015 and 2019 Fault Studies were conducted in accordance with these regulations and guidelines. In addition, and as discussed in Response to Comment No. IND 8I-49, the evidence of near surface faulting presented in the 2018 USGS-CGS (2020) report is not in conflict with the data presented in the Fault Studies (2015 and 2019). As stated in the Fault Studies, faulting was exposed in fault trench walls, and faulting evidence was found in transects of CPT and core boring stratigraphic correlations. However, with detailed and extensive evaluation of the stratigraphy, it was determined that the faulting has been inactive for at least the last 30,000 years. The age of the soils was evaluated by three different outside experts, including Dr. Roy Shlemon, Dr. Tom Rockwell, and Tanya Gonzalez of ECI. It is with

these fully vetted investigations that the fault history below the Project Site was determined to be not Holocene-Active and recommended for new development.

The potential for surface fault rupture in Southern California is never negligible. Consider the active fault zone as a traffic intersection. Anywhere one crosses into the intersection one has a potential to be hit by a car. The City puts up crosswalks and street lights to mitigate the hazard of crossing the intersection. One would consider adhering to the street lights and staying within the cross walk to reduce one's risk. Within a fault zone, the "active" fault traces are considered higher risk, similar to walking outside the crosswalk and against the traffic signals, as they have higher potential for surface fault rupture hazards and are restricted from new development. The older faults with less recent and lower reoccurrence rupture history are considered lower risk, similar to walking in a cross walk. As discussed in Response to Comment Nos. IND 8I-6, IND 8I-49, IND 8I-59, and IND 8I-60, the 2015 and 2019 Fault Studies show substantial evidence that the faulting below the site has a lower risk of surface fault rupture hazard.

Documentation of significant earthquakes within Southern California over the last approximate 100 years by the USGS has provided insight as to the nature and behavior of active fault zones. Documented historical surface fault rupture events presented in UCERF3 and the USGS-CGS Quaternary Fault and Fold Database illustrates the fault rupture that regularly occurs over segments of fault zones and not simultaneously occurring along the entire fault zone, as Wilson's conclusions incorrectly infer. That is to say, portions of a fault zone typically rupture independently with other portions expressing no rupture. The evidence that there are "active" fault traces within the Hollywood Fault Zone are not disputed, nor does this information invalidate the fact that the faults below the Project Site are not "active".

In response to the alternate interpretations of transect data presented along cross sections, they do not reconcile all the data and factors which create the environment for that interpretation of the data as a whole to be likely and defensible. The transect data reviewed by CGS included the CPT signatures only, without the benefit of the closely spaced core boring data, which were available to them to review. In addition, the information gathered during the trenching on the East Site, as well as six perimeter sites in the local area, provided a wide base of local stratigraphic knowledge. The stratigraphic knowledge in correlation with the record of climate cycles within the last 200,000 years of glaciation and interglaciation, illustrates a depositional history that allows a higher level of faulting history evaluation. As discussed in the 2015 Group Delta Fault Study, the pre-Holocene stratigraphic layers that were found unfaulted in trench exposures and transects were evaluated by experts Dr. Roy Shlemon and Dr. Tom Rockwell, as well as ECI. The most recent fault rupture observed below the Project Site occurred prior to the deposition and pedologic development of a layer that is estimated to have a minimum age of 30,000 years. Alternative interpretations of active fault break across this 30,000 year-old layer should exhibit offsets of multiple reoccurring rupture events in line with at least the lower end estimated slip rates on the Hollywood Fault of 0.33 mm/yr (according to Southern California Earthquake Data Center). In this scenario of "active" faulting, 30,000-year old stratigraphy should exhibit roughly 10 meters of offset. Nowhere on the Project Site were faults with magnitudes of offset remotely close to this estimate within the pre-Holocene

layer. In addition, the offsets observed in trench walls exposing the much older underlying stratigraphy, estimated to be on the order of 200,000 years old, were on the magnitude of centimeters (Group Delta, 2019). This faulting history data illustrates a low frequency of faulting, which occurred well before the current Holocene time.

Comment No. IND 8I-62

CONCLUSIONS

Significant evidence is presented by the California Geological Survey (CGS), the United States Geological Survey (USGS), and the reports of Group Delta Consultants, Inc. (GDC) to demonstrate conclusively that:

1) There is at least one continuous fault extending from Argyle Street on the East Site to within a few hundred feet from Ivar Street on the West Site (DEIR, Appendix G-1 [GDC, 2015], Figure 8; CGS, 2014, FER-253 Supplement Figure 7). This is agreed upon by GDC and CGS (GDC, Appendix G-1, PDF page 464 Conclusion and PDF page 466, Plate 1, black dots [**Figure I**]).

2) The fault in item (1) above is nearly parallel to, but separate from, the southern fault slightly re-located by CGS (2014, FER-253 Supplement No. 1, Figure 7 and pages 14, 16, 21, 26, and 28; **Figure 2**) for the FER Supplement No. 1. More recent USGS (2020) data suggests that at least four other faults enter the Project Site from the east at Argyle Avenue (USGS, 2020, Figures 4 and 22 through 25: **Figure 3**) with the southernmost fault coincident with the southern fault in the FER-253 Supplement No. 1. All of these projected faults (**Figure 3**) pass through or very near the proposed 35- and 46-story skyscrapers and/or the senior buildings.

3) The CGS hand-drawn analysis/conclusions on cross-sections M-M', N-N', P-P', and O-O' that were a subject of the May 17, 2015 GDC response to the City show faulting much higher in the alluvial layering (therefore younger) than shown by GDC (**Figure 4).** These higher layers appear to be Holocene in age, further showing the faults are active. Due to GDC's lack of quantitative age dates for the key alluvial layers (e.g., Qm) exposed in the East and West trenches, the DEIR and GDC (2015) age estimates are dependent on dating by soil stratigraphy.

4) Shallow depth faulting in the area of an active Hollywood Fault trace (**Figure 5**) indicates the Santa Monica Fault west of the HC Site is Holocene active (USGS, 2020), the Hollywood Fault west of the HC Site is Holocene active (Dolan et al., 2001), and the Hollywood Fault east of the HC Site is Holocene active (Ninyo & Moore, 2015 and USGS 2020). The UCERF3 (USGS and CGS, 2013) demonstrates that the Hollywood fault is part of an approximately 125-miles long active fault system. These studies unequivocally demonstrate that the Hollywood Fault within the HC Site is Holocene active.

Response to Comment No. IND 8I-62

The summary conclusions listed in Comment No. IND 8I-62 have been addressed in the responses to previous Response to Comment Nos. IND 8I-6, IND 8I-49, IND 8I-59, IND 8I-60, and IND 8I-61.

Comment No. IND 8I-63

CLOSURE

This report has been prepared for the sole use and benefit of our client. Any errors or omissions noted by any party reviewing this report, and/or any other engineering geology/fault conditions aspect of the project, should be reported to Wilson Geosciences Inc. in a timely fashion. No subsurface investigation was authorized or performed by Wilson Geosciences Inc., and conclusions, recommendations, opinions, and other information contained in this report are based upon the evaluation of investigations, analyses, and reports prepared by others within/beneath/near where the project improvements would ultimately be made.

The analysis, results, and conclusions were prepared in general compliance with normal industry practice in the City and County of Los Angeles and meet the standard of care of our profession at this time. Final decisions on matters presented are the responsibility of the client and/or the governing agencies. Wilson Geosciences Inc. and its employees make no warranties either expressed or implied in any respect as to the engineering geology/fault conditions at the site. The Client should consider any transferring of information or other-directed use by the Client as "advice by the Client".

Thank you for the opportunity to participate in this process and to offer the above comments.

Response to Comment No. IND 8I-63

The comment concludes the review presented by Wilson Geosciences Inc. and includes standard language related to compliance with industry practices. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 8I-64

Attachment: References cited by Wilson Geosciences Inc.

Exhibit A: Kenneth Wilson’s Resume

Exhibit B: Figures 1 through 5

Exhibit C: USGS Open File Report 2020-1049

Exhibit D. Ninyo and Moore, Supplemental Fault Rupture Hazard Evaluation for the Hollywood Courthouse, June 15, 2015.

Response to Comment No. IND 8I-64

The remainder of Exhibit 42 includes references and exhibits as referenced in the comment and which are included in full in Appendix A in this Final EIR. The comment does not raise any issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 8I-65

EXHIBIT 43

SUBJECT: Hollywood Center Project – Draft Environmental Impact Report – Transportation and Traffic Issues

Dear Mr. Bescher:

Tom Brohard, P.E., has reviewed the April 2020 Draft Environmental Impact Report (Draft EIR) and the April 2020 Transportation Assessment for the Proposed Hollywood Center Project bisected by Vine Street just north of Hollywood Boulevard in the Hollywood Community Plan area of the City of Los Angeles. Overall, the Project would contain nearly 1.3 million square feet of developed floor area including 1,005 residential housing units, retail and restaurant uses totaling 30,176 square feet, open space of 166,582 square feet, up to 1,521 vehicle parking spaces, and up to 551 bicycle parking spaces. Four new buildings are proposed including a 35-story building on the West Site, a 46- story building on the East Site, and two 11-story buildings (one on each site) set aside for housing for seniors. The Project also contains a Hotel Option within the East Site, with 220 hotel rooms on Levels 3-12 replacing 104 residential units.

My review disclosed that the Draft EIR and the Transportation Assessment for the Hollywood Center Project are fatally flawed. Several transportation and traffic issues have not been thoroughly or properly studied. This letter points out those deficiencies that must be addressed before considering the Project further.

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 50 years of professional traffic engineering and transportation planning experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and have served many diverse communities as the City Traffic Engineer and/or the Transportation Planner. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects as shown in a short summary of my experience in the enclosed resume.

Response to Comment No. IND 8I-65

The comment introduces the credentials and background of the reviewing consultant and provides a brief summary of the Hollywood Center Project. While the comment expresses the general concern that the Draft EIR and transportation evaluation are fatally flawed, it does not contain specific issues regarding the adequacy and content of the Draft EIR, and, as such, no further response is warranted. However, specific comments regarding the Draft EIR are responded to below.

Comment No. IND 8I-66

Transportation and Traffic Issues

Based on the information in the Draft EIR and the Transportation Assessment, each of the following traffic issues must be fully addressed and evaluated:

Response to Comment No. IND 8I-66

The comment introduces the commenters analysis with the request that each issue be addressed and evaluated. The comment does not contain specific issues regarding the adequacy and content of the Draft EIR, and, as such, no further response is warranted. However, specific comments regarding the Draft EIR are responded to below.

Comment No. IND 8I-67

1) Hollywood/Vine Traffic Impacts Have Not Been Properly Studied – Traffic counts at Hollywood Boulevard and Vine Street of vehicles, bicyclists, and pedestrians were made for the Transportation Assessment on May 23, 2018. Google Earth photographs made on June 8, 2018 as well as the traffic counts made for the Transportation Assessment do not show or consider the diagonal "scramble" crosswalk markings or the "No Right Turn on Red" signing at the intersection installed and then celebrated on August 2, 2018 (see https://www.youtube.com/watch?v=COlpuxNy9c4).

   The Notice of Preparation of the Environmental Impact Report was issued on September 4, 2018. The Transportation Assessment fails to properly study and evaluate the Project traffic impacts at Hollywood/Vine with the "scramble" crosswalks and "No Right Turn on Red" signing that was installed a month earlier. This significant change in the operation of the intersection causes additional congestion, queuing, and delay for vehicles beyond what previously existed without these devices.

   Page 34 of the July 2019 LADOT Transportation Assessment Guidelines requires a quantitative evaluation of the project's expected access and circulation operations. "Project access is considered constrained if the project's traffic would contribute to unacceptable queuing on an Avenue or Boulevard at project driveways or would cause or substantially extend queuing at nearby

signalized intersections. Unacceptable or extended queuing may be defined as follows:

- Spill over from turn pockets into through lanes.
- Block cross streets or alleys.
- Contribute to "gridlock" congestion. For the purposes of this section, "gridlock" is defined as the condition where traffic queues between closely spaced intersections and impedes the flow of traffic through upstream intersections."

Page 12 of the Transportation Assessment identifies Hollywood Boulevard as an Avenue I and Page 13 identifies Vine Street as an Avenue II in the City's Mobility Plan 2035. Queuing has not been evaluated in the Transportation Assessment for HollywoodNine before the "scramble" and the "No Right Turn on Red" restrictions were installed or under future scenarios. According to residents living at HollywoodNine, queuing has increased substantially since these changes were made.

The 96 residential units at 1645 Vine Street have only a single alley/driveway that accesses their parking lot from the west side of Vine Street only 160 feet south of Hollywood Boulevard. Traffic on Vine Street has deteriorated with the "scramble" and "No Right Turn on Red" as it is now frequently queued beyond their alley/driveway, blocking turns into and out of Vine Street. This is a significant safety concern to the residents as well as the City's Police and Fire Departments.

Page 48 of the Transportation Assessment states "There are conditions at specific locations, such as congestion, queuing, and pedestrian activity, where the CMA (Critical Movement Analysis) methodology can be adjusted to more accurately reflect intersection operating conditions at specific intersections. Additionally, the analysis includes several intersections along major thoroughfares that experience heavy congestion during morning and evening peak traffic periods. The congestion along these streets can result in a reduction in the vehicles counted in the peak direction of travel and reduced capacity during peak travel times. Based on field observations, this reduction in vehicle throughput was determined to inaccurately reflect the existing Level of Service (LOS) experienced by motorists at four of the study intersections. At these intersections, the LOS that is presented in the analysis was adjusted to reflect the observed conditions of a worse LOS than was initially calculated using the CMA methodology."

The CMA methodology formerly used by the City of Los Angeles involved an analysis of the critical movements at intersections, essentially the larger sum of the time required by the through movement and the opposing left turn

movement in each direction. Depending on the magnitude of the sums without and then with Project traffic added as well as the starting point, traffic impacts were considered significant requiring mitigation, or not. With the recent change in state law involving CEQA (the California Environmental Quality Act), agencies are now required to examine VMT (vehicle miles traveled) as the only measure of significant impacts. The Level of Service (LOS) using the CMA methodology was provided in the Transportation Assessment at several intersections for information but it is no longer used to identify significant traffic impacts.

Calculations in the Transportation Assessment for Hollywood Boulevard and Vine Street, one of the four intersections where LOS adjustments were made, indicate volume to capacity (V/C) ratios of 0.685 and 0.679 respectively in the AM and the PM peak hours for existing conditions in ear 2018. These calculations do not properly account for the "scramble" and "No Right Turn on Red" conditions. Without LOS adjustments, those V/C values equate to LOS B. In Table 6A of the Transportation Assessment, the LOS for both peak hours for Hollywood/Vine was adjusted from B to "F*", with the footnote indicating "* LOS based on field observations since the CMA methodology does not account for vehicular queues along corridors, pedestrians, conflicts, etc. in every case. Thus, the calculated average operating conditions may appear better than what is observed in the field.

Additional time is required for pedestrians to diagonally cross Hollywood Boulevard and Vine Street. Right turns on red are now prohibited in all directions at Hollywood Boulevard and Vine Street. Neither of these measures were properly reflected in any LOS calculations in the Transportation Assessment. None of the calculations properly reflect the impacts of the "scramble" and the "No Right Turn on Red".

In their April 10, 2020 review of the Transportation Assessment, LADOT admits that "....the trips generated by the proposed development will likely result in adverse circulation conditions at several locations. DOT has reviewed this analysis and determined that it adequately discloses operational concerns." Unfortunately, the significant transportation and traffic impacts have not been addressed or mitigated by the Project Requirements, Project Design Features, or other proposed measures.

The Hollywood Center Project is proposed on both side of Vine Street less than 400 feet north of Hollywood Boulevard. With generous credits and unsupported reductions for a Transportation Demand Management (TOM) Program that has not yet been developed or adopted, the Hollywood Center Project is still forecast to generate at least 10,564 daily trips, including 792 trips in the AM peak hour and 1,201 trips in the PM peak hour (Tables 7 and 8 of the Transportation Assessment). At least 60 to 80 percent of the trips for the

residential, commercial and hotel portions of the Project will travel through Hollywood Boulevard and Vine Street (Figures 7A, 7B, and 7C of the Transportation Assessment). The additional trips to and from the Hollywood Center Project will cause additional queuing and congestion at Hollywood/Vine above and beyond what already occurs without the Project, making resident vehicular access to and from 1645 Vine Street even more difficult.

In addition to adding many more daily and peak hour trips to the already overburdened conditions at Hollywood/Vine, the Hollywood Center Project will also add many more pedestrian and bicycle trips through that intersection. TOM items, while intended to reduced solo peak hour vehicle trips, will also add significant volumes of pedestrians and bicyclists to the congestion and queuing at Hollywood/Vine.

Response to Comment No. IND 8I-67

The comment raises concerns regarding the site access and circulation evaluation in the TA provided in Appendix N-1 of the Draft EIR. As discussed in Topical Response 3 – Transportation and Traffic, measures that focus on automobile delay and vehicle LOS are no longer used to measure the significance of transportation impacts for CEQA. As the site access and circulation analysis is separate from the CEQA significance criteria for transportation impacts, these concerns do not affect the transportation impact analysis or the significance findings provided in Section IV.L of the Draft EIR or require CEQA project design features or mitigation measures. Nevertheless, responses are provided below.

The comment states that the TA contained in Appendix N-1 to the Draft EIR did not consider the diagonal “scramble” crosswalk or “No Right Turn on Red” signing at the Hollywood Boulevard/Vine Street intersection, that required queuing analysis was not conducted, that access for residents of 1645 Vine Street has been impacted by queuing, that significant transportation and traffic impacts have not been addressed or mitigated, that the Hollywood Center Project will cause additional queuing and congestion, and that the Hollywood Center Project will add more pedestrian and bicycle trips through the Hollywood Boulevard/Vine Street intersection.

The comment raises issue with the fact that a queuing analysis was not provided in the access and circulation analyses presented in the TA contained in Appendix N-1 to the Draft EIR. LADOT issued a memorandum dated August 9, 2019, at the time the City’s new TAG was issued adopting the change from LOS to VMT as the transportation significance metric under CEQA. This memo provided that LADOT would honor executed transportation impact study MOUs for transportation impact studies that were already underway under the prior LOS-based guidelines at the time of transition but recommended that VMT analysis should be added to the study. The Project’s original MOU was signed in December 2018 and a draft transportation impact study prepared in accordance with that MOU was submitted to LADOT for review in March 2019. That study utilized the Critical Movement Analysis (CMA) intersection methodology as required by LADOT at that time.

Subsequent to the City's adoption of the new VMT-based guidelines, a new MOU was executed with LADOT in December 2019 in order to confirm the parameters of the VMT analysis and revised study area in accordance with the TAG requirements. In September 2019, LADOT confirmed that the CMA methodology should continue to be used since the analysis had already been conducted, even though a new MOU would be executed to confirm the parameters of the VMT analysis. Accordingly, the intersection LOS analysis presented in the TA contained in Appendix N-1 to the Draft EIR was conducted using the prior CMA methodology. The CMA methodology does not provide queueing as an output but rather provides volume/capacity (V/C) ratio and LOS values.[128] Appendix D provides a letter from LADOT reaffirming this guidance.

In regards to the scramble phase and no right turn on red signing implemented by the City at the Hollywood Boulevard/Vine Street intersection, the CMA methodology and intersection analysis sheets that contain the analysis results do not have an input that allows for the selection of a scramble phase. However, to account for observed conditions at this location, the minimum intersection capacity allowed by the CMA methodology was decreased and the level of service tables accurately identify this as a location that is operating at LOS F due to congestion in the area. Analysis of the year 2027 and year 2040 without and with Project scenarios carried these assumptions forward, and the right-turn phasing is accurate for three of the four approaches. The southbound and westbound directions do not have right-turn lanes; therefore, the CMA methodology does not allow for a right-turn on red with this setting. In the eastbound direction, there is a right-turn overlap that remains and is accurately reflected in the CMA outputs. The northbound right-turn overlap was removed from the CMA spreadsheets as that right-turn phasing was incorrect. The CMA spreadsheets for the future (2027 and 2040) without and with the Project have been updated to reflect this change and are provided in Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR. The updated analysis results do not change the LOS results or significant impact conclusions related to transportation. As acknowledged in the comment, this pertains to the level of service analysis, which is no longer a CEQA metric used by the City of Los Angeles, in compliance with State mandates, to determine significance of impacts for transportation.

In regards to deterioration of access to the residential units at 1645 Vine Street due to the scramble phase at Hollywood Boulevard and Vine Street, the comment attributes this information to residents living at the Hollywood/Vine Building. While no actual or substantial evidence is provided, it should be noted that, regardless, this would not be an effect of the Project since 1645 Vine Street is located at the southwest corner of the Hollywood Boulevard/Vine Street intersection, and the access point mentioned in this comment is the first driveway on Vine Street south of Hollywood Boulevard. This driveway is opposite a double-double yellow line, across which it is illegal to make a left-turn. Any

[128] Level of service is a measure of the operating condition of an intersection, which inherently reflects queuing in that there are greater levels of queuing at worse levels of service. As an example, the definition of LOS F as shown in Table 5A of the TA in Appendix N-1 to the Draft EIR is: "Failure. Backups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths."

queuing on Vine Street caused by the Hollywood/Vine scramble that affects this location would be northbound on Vine Street approaching the Hollywood/Vine intersection. While the Project would add trips to northbound Vine Street, if this queuing is affecting access at the driveway, it would only be because illegal left-turns are being made by 1645 Vine Street residents across the double-double yellow line along Vine Street.

In regards to "significant" transportation and traffic impacts not being addressed or mitigated, the Draft EIR concluded that the Project would not have significant impacts in regards to the impact significance criteria set forth in the City's TAG for CEQA analysis of consistency with local programs, plans, ordinances and plans, VMT, and geometric hazards. Thus, no mitigation measures are required. Level of service, congestion, and queuing issues raised in the comment are no longer CEQA metrics used by the City of Los Angeles, in compliance with State mandates, to determine significance of impacts for transportation.

The comment refers to "generous credits and unsupported reductions" for a TDM program. Please see the Response to Comment No. IND 8I-68.

In regards to the Project increasing congestion, the TA in Appendix N-1 of the Draft EIR acknowledged that over-capacity conditions and poor levels of service are anticipated at this intersection both without and with the Project and that the projected V/C ratios would be increased with the Project, indicating additional congestion. As an example, an increase in V/C ratio from 1.019 without the Project to 1.054 with the Project is shown in Table 13A in the TA. No feasible physical measures were found that would address these conditions. As discussed in the TA and in the LADOT Assessment Letter provided in Appendix N-2 of the Draft EIR, the following corrective measures were identified that would be funded by the Project:

- One time financial contribution to the LADOT to be used in the implementation of a Mobility Hub in the general area of the Project.
- One-time financial contribution to the City's Bicycle Trust Fund to implement bicycle improvements in the vicinity of the Project.
- Financial contribution towards transportation system management improvements within the project area.
- Financial contribution to fund for constructing approved neighborhood traffic management measures within the project area.

In regards to the Project adding more pedestrian and bicycle traffic through the Hollywood Boulevard/Vine Street intersection, this is acknowledged and in fact would be a positive outcome of the Project consistent with City *Mobility Plan 2035* objectives to increase use of non-vehicular modes.

Use of an alternative analysis methodology regarding the scramble phase and operational characteristics at this location would not affect the conclusions of the Draft EIR pertaining to the CEQA analysis of plans, programs, ordinances, or policies, causing substantial VMT, or geometric hazards.

Comment No. IND 8I-68

2) Trip Reductions with TDM Plan Are Overstated and Overemphasized - TDM (Transportation Demand Management) Plans are typically utilized to reduce single occupant vehicle trips during normal worker commute hours. These plans are most effective when most workers leave from or arrive at their residences at the same time. Page 4 of the April 10, 2020 LADOT letter identifies 29 possible TDM strategies, many of which have already been assumed as "given" in the LADOT VMT Calculator.

   At this point, there is no TDM Program for the Hollywood Center Project. Instead, LADOT will require that a "...preliminary TDM Program shall be prepared and provided for DOT review prior to the issuance of the first building permit for this project and a final TDM program approved by DOT is required prior to the issuance of the first certificate of occupancy for the project." The Transportation Assessment cannot rightfully take credits for a TDM Program that does not exist.

   Furthermore, there is no program to periodically monitor the effectiveness of the yet to be developed TDM Program for the Hollywood Center Project. In addition, there are no enforcement provisions for the TDM Program if the trip reduction goals are not achieved. Regular monitoring and enforcement provisions must be added to the TDM Program to ensure that the assumed trip reduction goals are achieved or exceeded.

Response to Comment No. IND 8I-68

The comment states that at this point there is no TDM Program for the Project. However, the TDM Program is described in Project Design Feature TRAF-PDF-1 on pages IV.L-26 to IV.L-28 of the Draft EIR. The TDM Program is required as a condition of approval in LADOT's assessment letter. Furthermore, the Project is committed to implementing the TDM Program as a condition in its ELDP certification by the State of California, and for which the City and the Applicant have executed a letter confirming this obligation. The VMT Calculator tool for the City of Los Angeles allows projects to include TDM measures as Project Design Features or as mitigation. As is the case with the Hollywood Center Project, these are considered to be PDFs given their inclusion in the ELDP certification and, therefore, accounted for as part of the Project. These were not "given" but the result of careful thought and research by professional engineers to identify strategies that would be effective for the Project's mix of land uses and local context. It is common practice in the City, and elsewhere, for projects to take credit for TDM measures that are undertaken to reduce vehicle trips, with the amount of trip reduction backed by available research.

The trip reductions that were applied as part of the TDM program in the VMT analysis were estimated based on the City's VMT Calculator tool as discussed and documented on page 26 of the TA in Appendix N-1. The effectiveness of TDM measures contained in the VMT Calculator is estimated based on empirical research from the California Air Pollution Control Officers Association (CAPCOA) which currently represents the latest state of the practice TDM research. Appendix H to the TA provides calculations in support of the specific TDM measures applied for this project, including the applicability of select measures and equations used in the analysis. The combined effects of project location, land use mix, TDM measures, and proximity to the built environmental characteristics such as density of destinations, diversity of travel options, and distance to transit are well documented and applied here.[129] Also see Attachment G, Transportation Demand Management Strategies in the LA VMT Calculator to the LADOT's TAG, which provides more detail regarding the research sources and calculation of effectiveness for the TDM measures included in the VMT Calculator.[130]

The resources and documents above provide substantial evidence in support of the methodology, application of reductions, and resulting analysis outcomes demonstrating that a project with this land use mix, provision of effective TDM measures, in this location, would experience substantial reductions in single occupant vehicle trips.

In regards to monitoring, monitoring of the TDM Program is required by the Project's certification as ELDP. Monitoring requirements are discussed further in the Mitigation Monitoring Program (MMP) in this Final EIR.

Comment No. IND 8I-69

3) TSM Improvements Have Not Been Quantified - Page 5 of the April 10, 2020 LADOT letter indicates that the Hollywood Center Project will be required to install new conduits and cables to increase capacity for additional CCTV cameras for real-time video monitoring of intersection, corridor, transit, and pedestrian operations in the Hollywood area along portions of Gower Street and Hollywood Boulevard. The letter concludes that these improvements will provide a system-wide benefit by reducing delays experienced by motorists at study intersections. The benefit of these improvements must be quantified.

   The TSM Improvements along Hollywood Boulevard required by LADOT appear to directly conflict with the Hollywood Walk of Fame Concept Plan discussed below. These conflicts and contradictions must be resolved.

[129] For additional research and information, see USEPA Smart Growth: https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model, accessed August 25, 2020.

[130] Los Angeles Department of Transportation, Development Review for Transportation Assessment, https://ladot.lacity.org/businesses/development-review#transportation-assessment, accessed August 25, 2020.

Response to Comment No. IND 8I-69

The Project has agreed to fund transportation system management (TSM) improvements at several locations along Hollywood Boulevard and Gower Street. In support of the City's ATSAC and ATCS systems, these signal enhancements are intended to assist the City with traffic signal communications infrastructure that allow for dynamic operation of the signals in response to observed conditions on the ground. As a result of the ability to operate signals in a manner that better serves traffic, these improvements would offer operational benefits to these locations. Consistent with LADOT analysis guidance, a reduction of 0.01 V/C was applied at the specific intersections where the TSM upgrades would be provided.

The comment states that the TDM improvements along Hollywood Boulevard appear to conflict with the Hollywood Walk of Fame Concept Plan but provides no evidence to support this statement. New conduits and cables would be located underground beneath the street. As discussed in the Response to Comment No. IND 8I-71, since there are several options for the Hollywood Walk of Fame Concept Plan that are under study and the effort has not been completed, adopted by City Council, funded, or programmed for implementation, it is premature to assume how the Hollywood Walk of Fame Concept Plan might be implemented, if at all (also see the Response to Comment No. IND 8I-71). The TSM improvements can be installed and would offer benefits to local circulation independent and irrespective of whether the Hollywood Walk of Fame Concept Plan proceeds.

Thus, the level of effectiveness of the TSM improvements would not affect the conclusions of the Draft EIR pertaining to the CEQA analysis of plans, programs, ordinances, or policies, causing substantial VMT, or geometric hazards.

Comment No. IND 8I-70

4) Benefits of Improvements Must Be Quantified and Validated - Page 3 of the April 10, 2020 LADOT letter indicates that the Project applicant has agreed to fund four measures in the area of the Project under a Development Agreement including:

    a) Implement the Mobility Hub.

    b) Implement bicycle improvements.

    c) TSM improvements.

    d) Construct Neighborhood Traffic Management measures.

    None of these measures are defined to allow reviewers of the Draft EIR to understand the expected benefits that implementation of these measures will provide. Without quantification and further explanation of what these

improvements will entail, the value and potential benefit of these offers of financial participation cannot be determined.

Response to Comment No. IND 8I-70

The items listed in the comment are conditions of approval that the Project has agreed to help fund, and the Project cannot solely implement them as they would be located within City right-of-way and are under the purview of City agencies. The CEQA analysis in the Draft EIR does not assume benefits to the Project from the items above.

The Project has agreed to help support City efforts to reduce vehicle trips and manage traffic operations by providing funding towards a mobility hub, bicycle improvements, TSM improvements, and neighborhood traffic management measures in the area. As the exact nature of the improvements is subject to future City efforts and are not presently known, the benefits cannot be quantified at this point in time, and no trip credits were taken in the analysis for the mobility hub or bicycle improvements. As described in the Response to Comment No. IND 8I-69, a credit of 0.01 V/C was applied to the non-CEQA circulation LOS analysis to reflect the benefit of the TDM improvements.

Thus, the potential benefits of these offers to the City would not affect the conclusions of the Draft EIR pertaining to the CEQA analysis of plans, programs, ordinances, or policies, causing substantial VMT, or geometric hazards.

Comment No. IND 8I-71

5) "Hollywood Walk of Fame Concept Plan" Has Not Been Considered – The January 2020 Concept Plan for the Hollywood Walk of Fame envisions expanding the existing sidewalk on both sides of Hollywood Boulevard between La Brea Avenue and Argyle Avenue from 15' to 25'. Implementation would require the elimination of on-street parking and one travel lane in each direction.

   The Transportation Assessment indicates that conditions for pedestrians on the Walk of Fame along Vine Street will be improved by the closure of six driveways with the Hollywood Center Project, with vehicle access relocated to the side streets instead. However, the Transportation Assessment fails to address or consider impacts associated with the removal of the parking lane and one travel lane in each direction on Hollywood Boulevard.

Response to Comment No. IND 8I-71

The comment correctly notes that conditions for pedestrians on the Hollywood Walk of Fame along Vine Street will be improved by the closure of six driveways and relocation of vehicle access to side streets.

The circulation analysis prepared for the Project predates the discussion or public availability of data pertaining to the Hollywood Walk of Fame Concept Plan. The Heart

of Hollywood website contains a link to the Hollywood Walk of Fame Concept Plan that is dated January 2020. The document discusses outreach and project activities conducted in 2019, which is subsequent to the Project NOP, and, at that time, there was no information about Hollywood Walk of Fame Concept Plan project alternatives that could be incorporated into the analysis. The Hollywood Walk of Fame Concept Plan document evaluates potential reconfiguration options of Hollywood Boulevard. Because this effort was not known at the time of the NOP, there are several options that continue to be under study, and the effort has not been completed, adopted by City Council, funded, or programmed for implementation, it is premature to assume how the Hollywood Walk of Fame Concept Plan might be implemented, if at all. At this point, only concepts have been presented and technical analysis and refinement is anticipated to continue independent of the Project EIR.

Comment No. IND 8I-72

In summary, the Proposed Project must fully evaluate and disclose the potential traffic impacts and conflicts pointed out in this letter. Further study must be undertaken and more detailed information must be provided in order to properly identify and address the traffic impacts and the scope of the traffic improvements that will be created by the Proposed Hollywood Center Project. If you have questions regarding these comments, please contact me at your convenience.

Response to Comment No. IND 8I-72

The TA included in Appendix N-1 of the Draft EIR provides a full and complete analysis of CEQA and non-CEQA issues that is consistent with the City's guidance. The report provides substantial evidence and documentation in the body of the document and technical appendices that explain, support, and justify the study approach, methodology, and conclusions. Response to Comment Nos. IND 8I-67 to IND 8I-72 above demonstrate that the report and technical appendices provide calculations, citations, and explanation of the various governmental agencies (i.e., USEPA, OPR, LADOT) and industry organizations (i.e., ITE, CAPCOA) that have contributed to the advancement and application of state of the practice techniques, applied in this analysis, for estimating trip generation, transportation demand benefits, and VMT.

Comment No. IND 8I-73

Attachment: Tom Brohard, PE's Resume

Response to Comment No. IND 8I-73

The attachment introduces the resume of the reviewing consultant. This attachment does not contain specific issues regarding the adequacy and content of the Draft EIR, and, as such, no further response is warranted.

Comment No. IND 8I-74

EXHIBIT 44

This letter provides a review of potential impact areas not reviewed to an adequate level by the Hollywood Center (formerly Millennium Hollywood project) traffic study and EIR, focusing on areas of particular concern to The Oaks Homeowners Association.

Area resident associations and the local Neighborhood Council have expressed concerns over the adequacy of the traffic analysis in comment letters submitted to the City on the EIR. The Oaks Homeowners Association submitted a comment letter on the project Notice of Preparation on October 4, 2018, stating concerns over high existing traffic volumes on Franklin Avenue and the potential negative effects on this corridor from the proposed project. The Argyle Civic Association, representing the local neighborhood on Argyle Avenue, submitted a letter on September 4, 2018, with similar concerns on routes to and from freeway access points via Argyle Avenue, Franklin Avenue, and other local roadway routes. The Hollywood United Neighborhood Council provided a list of issues requested to be included in the EIR analysis, including an expanded analysis of freeway access and traffic impacts on area roadways including Franklin Avenue. The Hollywood Dell Civic Association filed an appeal in opposition to the former Millennium Project, and traffic needs were defined in that appeal for the Argyle/Franklin intersection and the Franklin Avenue corridor

Concerns over the adequacy of analysis of project traffic to the north of the site, to the US-101 and Franklin Avenue corridors, are described in more detail below.

Response to Comment No. IND 8I-74

The comment describes prior communications that have expressed concerns regarding the traffic and congestion on Argyle Avenue and the intersection of Argyle Avenue and Franklin Avenue, which is an intersection that is used to access the freeway and surrounding area, as well as to an unrelated project on the Project Site. The comment contains no substantial evidence regarding the adequacy or content of the Draft EIR, and, therefore, no further response is warranted.

Nonetheless, the TA contained in Appendix N-1 to the Draft EIR contains an analysis, in Appendix I, of the locations requested in the Caltrans comment letter to the NOP dated April 22, 2019, other documents received during the scoping process, and that meet lead agency criteria for analysis as discussed in the Response to Comment IND 8I-76 below.

Comment No. IND 8I-75

Freeway Impacts

Appendix N-1 of the Draft EIR for the proposed project is the Traffic Assessment document. Attachment D of that document is the “State Highway Level of Service Analysis Summary of Results” The following was stated in this document regarding the applied methodology to the freeway facilities analysis:

“Based on discussions with Caltrans, a Project-related effect is considered substantial if the traffic generated by the Project: (a) causes the freeway mainline segment level of

service (LOS) to deteriorate to LOS F; or (b) when the segment is already at LOS F, causes an increase in the demand/capacity ratio of greater than or equal to 2%." The mainline is the primary roadway of a freeway facility, or the segments between interchanges.

The Caltrans Traffic Impact Study Guide is currently being updated and will be adopted soon, as part of State efforts at incorporating guidance from Senate Bill (SB) 743, and the related implementation of the new California Environmental Quality Act (CEQA) guidelines for transportation analysis that includes the vehicle miles traveled (VMT) metric. The previous version of the Guide, however, stated that the addition of any trips to a facility with deficient LOS (usually E or F, but depending upon the facility) is considered significant. The application of a volume-to-capacity (V/C) ratio increase of 0.02 or higher is more adopted from local jurisdictional guidelines (although many including those defined by LADOT for City roadways are 0.01 at LOS E or F) than consistent with any guidelines for State facilities that have been adopted by Caltrans. The reasoning for the selective adoption of this standard for this project deserves further discussion in the EIR. Many projects that are smaller in size than the proposed project are often determined to have significant impact determinations on freeway facilities.

Response to Comment No. IND 8I-75

Documents published by Caltrans do not provide a clear or consistent impact criterion for capacity-based transportation impact analysis on the State highway system. The comment states that the previous version of the Caltrans Traffic Impact Study Guide states that the addition of any trips to a facility with deficient LOS is considered significant. However, there is no such statement in Caltrans' Guide for the Preparation of Traffic Impact Studies[131] (believed to be the document to which the comment refers). The Guide provides criterion for when a traffic impact study should be conducted, but no specific guidance on when an impact is considered significant. Therefore, it was necessary to define a criterion for use in the TA for when operational impacts on the freeway system would be considered substantial.

As the comment points out, Caltrans is currently working on updated guidelines that also implement the State-mandated shift to VMT. While the remainder of the comment provides a response to the question posed, it is worth noting that the implementation of SB 743 and shift to VMT as the primary CEQA metric for transportation provide that a metric pertaining to LOS and V/C ratio is not a significant impact per State law.

Absent published impact criteria that can be applied in this analysis, City staff and the Applicant's technical experts met with Caltrans to discuss scoping of the analysis and impact thresholds for the State highway system. Caltrans' letter dated April 22, 2019 offered an impact threshold for the off-ramp queuing analysis but did not provide or define the desired threshold for operational LOS impacts on the freeway system. Therefore, consistent with discussion with Caltrans prior studies that apply a similar threshold and

[131] Caltrans, Guide for the Preparation of Traffic Impact Studies, December 2002.

thresholds previously established in the Los Angeles County Congestion Management Program, operational impacts were determined to be deficient if the LOS declined from LOS E or better to LOS F or by a volume/capacity increase of 0.02 or higher if already at LOS F.

Due to the shift to VMT and the Draft EIR's compliance with SB 743, the Draft EIR has provided capacity analysis on the State highway system for informational purposes. This analysis is provided in Appendix I of the TA contained in Appendix N-1 to the Draft EIR. As this is no longer a CEQA metric used by the City of Los Angeles, in compliance with State mandates, this analysis is not material to the significance conclusions in the Draft EIR.

Comment No. IND 8I-76

Appendix I of the updated traffic study is entitled "Intersection Analysis Results Not Required by Transportation Assessment Guidelines". This appendix documents an analysis using the recent but superseded LADOT traffic study guidelines. The following conclusions can be made from the presented data:

- The existing plus-project impact at Argyle/Franklin intersection was 0.009 and 0.010 for the AM and PM peak hours at LOS F.
- The future with-project impact at this location was determined to be 0.009 and 0.011.
- The incremental impact of 0.010 or higher at LOS values of E or F would have been significant under the previous LADOT guidelines. Therefore, the values of 0.010 and 0.011 above would have been significant under the previous LADOT guidelines.

Under current LADOT guidelines, vehicle delay is applied to local intersection analysis in Traffic Assessments reviewed by LADOT, instead of volume-to-capacity values. But the analysis in Appendix I shows the potential for proposed project impacts in the Franklin Avenue corridor, but analysis of this roadway has not been provided in the delay-based analysis.

Response to Comment No. IND 8I-76

The comment implies that under the prior guidelines and CEQA transportation analysis methodology performed by the City, analysis of the Argyle Avenue/Franklin Street intersection may have resulted in significant transportation impacts. As addressed in the Draft EIR, as a result of State law (SB 743) and action by the City, the adopted CEQA significance metric is VMT, not LOS whether based on V/C ratio or delay. Therefore, based on the City's adopted thresholds of significance, this is not a significant impact.

The comment also does not reflect the guidance in the City's recently adopted TAG that were used for this analysis. The section describing the scope of analysis states the following:

Study locations should be determined in consultation with LADOT and should include:

- *All primary project driveways*
- *At a minimum, intersections at either end of the block(s) on which the project is located or up to 600 feet from the primary project driveway(s), whichever is closer*
- *Unsignalized intersections that are adjacent to the project or that are expected to be integral to the project's site access and circulation plan*
- *All signalized intersection in proximity to the project to where 100 or more net new peak hour trips would be added by the project*

Applying the criteria above resulted in the identification of the nine intersections discussed an analyzed in the main body of the TA report. Appendix F of the TA (included in Appendix N-1 of the Draft EIR) displays analysis volumes for all of the analysis years and scenarios. As shown in Appendix F, the Project is not projected to add 100 or more peak hour trips to the Argyle Avenue/Franklin Street intersection and analysis of that location was, therefore, not required.

However, the Project analysis went above and beyond the required intersection analysis at nine locations to conduct quantitative operational analysis for a total of 68 intersections in Appendix I of the TA in Appendix N-1. This additional analysis is referred to in the comment. As described, this analysis was not required, and, therefore, no conclusion regarding operational impacts was drawn. Considerations mentioned in the comment that pertain to analysis metrics that are no longer in effect due to the application of current State law and lead agency transportation metrics for VMT do not affect the CEQA analysis or significance findings for the Project.

Comment No. IND 8I-77

Study Area and Lack of Analysis to the North

In Appendix E (Added Intersections Analysis, January 2013) of the Final EIR for the previously proposed Millennium project, the following was discussed:

"….in comments on the Draft EIR, concerns were raised about significant Project impacts extending beyond the northern boundary of the area analyzed in the Traffic Study. Two intersections located on the northern boundary of the study area were considered to be significantly impacted - Highland Avenue/Franklin Avenue (north) and Argyle Avenue/Franklin Avenue/I-101 Freeway Northbound On- Ramp in the Traffic Study."

It was stated in this Appendix that the analysis was for informational purposes only, but was provided to address the impacts of the project within an added area beyond what had been included in the study area. These locations were north of the significantly impacted intersections in the traffic study.

There was concerns expressed in public comments on the 2013 study about potential impacts to the north of the project, and the traffic study defined an existing plus-project and a future with-project impact at the Argyle/Franklin intersection. In the future period, the incremental impact was at 0.029 of the volume-to-capacity ratio when the maximum impact standard is 0.010 at the stated LOS value of F.

On the 2012 Draft EIR, Comment No. 03-6 was submitted by Caltrans, which requested that six freeway ramp/roadway intersections be added to the study area. The Argyle/Franklin/US-101 northbound ramp intersection was included in this request. Therefore, Caltrans had previous strong concerns about project traffic at ramp intersections, but these were excluded from the Hollywood Center Project Traffic Assessment, other than the queuing analysis conducted at some for the freeway corridor analysis. The project trip distribution in the 2012 Draft EIR Traffic Study included the following pattern to the north of the project:

- 10 percent outbound trip distribution north on Argyle Avenue from site, six percent to US-101 northbound ramp at Argyle/Franklin.

- 5 percent inbound trip distribution to Beachwood Drive exit connection and 4 percent westbound on Franklin Avenue. Both of these paths then combined as a 9 percent distribution to make left-turn movement southbound onto Argyle Avenue. An additional one percent is added from the area to the north of Franklin Avenue.

On Figure 7A of the 2020 traffic study, 20 percent of project trips are shown to generally travel north in the Cahuenga Boulevard corridor. An additional 5 percent of traffic is generally assigned to the Vine Street corridor, without any definition as to east-west corridors where traffic may be destined or originating. This is a reduction in distribution to the Vine Street and Franklin Avenue corridors without any justification for this change. Restoration of the previous trip generation pattern applied in the 2012 study could trigger significant impacts to the north of the project that are potentially avoided by this change in distribution.

The study area map illustrates the geographic holes that have been left in the analysis, in that three local roadway segments were analyzed to the north, but major intersections in between those location *[sic]* and the project site were omitted from the analysis. The three analyzed local roadway segments on Argyle Avenue, Vista del Mar Avenue, and Carmen Avenue, all to the north of Franklin Avenue, represent the north end of the study area. If the study area was defined based on where impacts could occur, the omission of major intersections in the Franklin Avenue corridor between the project site and these roadway segment analysis locations is an omission that should be rectified.

The use of the VMT metric in traffic studies in the City of Los Angeles to fulfill updated CEQA guidelines has created a hybrid approach to studies under LADOT review. This includes more focused local intersection and segment study areas for vehicle volumes and level of service, and a regional approach to larger area impacts analysis through VMT analysis. This approach should not truncate study areas so far that local routes to and from major regional travel routes such as the US-101 corridor along Franklin Avenue are excluded. Potential impacts in this corridor represent a local issue.

Response to Comment No. IND 8I-77

The comment discusses aspects of the trip distribution and analysis presented in the TA for the current Project contained in Appendix N-1 of the Draft EIR, while also referring to trip distribution and comments that were previously submitted for a different project and EIR; however, this an entirely new project with new environmental analysis. Furthermore, the comment repeatedly refers to the potential for significant transportation impacts based on exceeding level of service thresholds that are no longer applicable per State law and lead agency action.

The trip distribution pattern developed for the current Project is separate and independent from the previous project, which reflected a different project description, access scheme, and baseline setting. Furthermore, see Section 3 of the Project Description, page II-9 of the Draft EIR, which states "[t]his analysis contained in this EIR is for a new Project and does not rely on the environmental review prepared for the previous project, which was invalidated." The development of the trip distribution for the current project was discussed in detail in the TA. This discussion describes the use of the City's travel demand forecasting model (TDFM), characteristics of the street system, surrounding land uses and destinations, and review of other developments in the area. The development of this trip distribution is an independent process and should be evaluated for reasonableness and accuracy in the context of this Project, not in relation to past projects. The TA for the Project was prepared in accordance with LADOT's TAG adopted in July 2019 and pursuant to a MOU with LADOT dated December 3, 2019, documenting its assumptions and technical methodologies. LADOT reviewed the TA and provided an approval letter of the TA on April 10, 2020, which is included as Appendix N-2 of this Draft EIR.

The comment suggests that additional intersections should have been analyzed along Franklin Avenue. An analysis of 68 intersections, including a number of intersections along Franklin Avenue, specifically: Highland Avenue/Franklin Avenue, Wilcox Avenue/Franklin Avenue, Cahuenga Boulevard /Franklin Avenue, Vine Street/Franklin Avenue/US-101 SB On-ramp, Argyle Avenue/Franklin Avenue/US-101 NB On-ramp, Gower Street/Franklin Avenue, Beachwood Drive/Franklin Avenue, and Bronson Avenue/Franklin Avenue, are provided in Appendix I of the TA in Appendix N-1. The Project applied the screening criteria discussed in Response to Comment No. IND 8I-76 based on current City guidelines and identified nine locations for analysis and contained in the main body of the report.

Comment No. IND 8I-78

Cumulative Project Impacts

Other projects in the area have added new daily and peak-hour vehicle volumes to the Argyle Avenue and Franklin Avenue corridors, due to their proximity to these roadways:

- Argyle House (1755 Argyle / 6220 West Yucca) – This project has two buildings. One is 32 stories in height, including 6,980 square feet of commercial/restaurant space, residential and hotel areas. 191 multi-family residential units, and 260 hotel rooms.

- Kimpton Everly Hotel (1800 Argyle) – A 225-room hotel.

Both of these projects were included in the cumulative/planned projects list in the traffic study and are currently operational, but their effects on the roadways to the north of Yucca Street where access is provided to and from the US-101 freeway is not considered in the Hollywood Center Project Traffic Assessment. Yucca Street is the northern limit of the project study area. An expansion of the study area to the north would disclose potential impacts in this area but currently this is not analyzed under current guidelines in the study.

Response to Comment No. IND 8I-78

The comment asserts that the Argyle House and Kimpton Everly Hotel related projects were not taken into consideration in the cumulative intersection analysis. The comment identifies the Argyle House Project as located in part at 6220 Yucca Street and includes additional uses proposed as part of the 6220 W. Yucca Project, which is a separate related project. However, the Project's Transportation Assessment traffic analysis did in fact account for all three of these related projects. As discussed on pages 65 through 73 in the TA (Appendix N-1), cumulative development volumes were developed using a comprehensive approach that accounted for 150 related development projects known at that time of the Project analysis. All three of the referenced projects discussed in the comment were included on this list, as the comment acknowledges. Regardless of whether the Argyle House or the Kimpton Everly Hotel related projects were operational at the time counts were taken, the traffic analysis fully accounted for these projects by listing them as related projects and assigning their traffic to the street network for the analysis of future volumes. Additionally, the Project traffic analysis applied a growth factor derived from the City's travel demand model. This is consistent with state of the practice and provides a conservative analysis by accounting for related projects (including those mentioned above within the 150 total related projects in the Cities of Los Angeles and West Hollywood), conducting the analysis with intersection counts that include those related projects that may have already been in operation, and also layering on a growth factor from the TDFM.

Comment No. IND 8I-79

Exhibit 45: Comment letter from the State of California Department of Conservation California Geological Survey dated September 24, 2018. This is a NOP comment letter.

Exhibit 46: Caltrans Internal memoranda Regarding Deficiencies in the Millennium Project Draft EIR

Exhibit 47: Wall Street Journal, Fault Line Splits Hollywood: Drama Swirls Over Quake-Zone Mapping for Los Angeles Development Project, September 20, 2013

Response to Comment No. IND 8I-79

This comment provides exhibits referenced throughout the comment letter in Comment Nos. IND 8I-49, 8I-51, and 8I-53. The responses provided above address the contents of these exhibits. As such, no further response is warranted.

Comment No. IND 8J-1 [LATE COMMENT RECEIVED AFTER CLOSE OF PUBLIC REVIEW PERIOD ENDING JUNE 1, 2010.]

Dear Mr. Bertoni and Ms. Nguyen:

Please ensure that this communication is included in the administrative record for the Hollywood Center matter.

Upon review of the project's concurrently prepared administrative record, we see that the City is violating the Rules of Court and Public Resources Code requirements.

As an example, the records in the following links - including in the DEIR - were not searchable:

Agency Comments:
https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(H)%20Remainder%20of%20Administrative%20Record/Agency%20Correspondence/Agency%20Correspondence%20on% 20ENV-2018-2116-EIR/Agency%20Correspondence%20on%20ENV-2018-2116-EIR.htm

DEIR:
https://planning.lacity.org/eir/HollywoodCenter/deir/Appendices/Apx%20A-4%20-%20NOP%20and%20Scoping%20Meeting%20Comments.pdf

Pursuant to Pub. Res. Code Section 21186d(d)-(f), the City must make any comment "available to the public in a readily accessible electronic format."

The quoted requirement stems from the general requirement in Pub. Res. Code Sec. 21186(a) stating: "The lead agency for the project shall prepare the record of proceedings pursuant to this division **concurrently with** the administrative process." (Emph. added.)

While CEQA does not define what the "readily accessible electronic format" for the administrative record is, such definition is provided by Rule of Court Rule 3.1367(a), requiring that the administrative record be in PDF format (subdivision (2)) and "**capable of full text searching**" (subdivision 5). (Emph. added.)

Not all documents in the Project's running administrative record are "capable of full text searching" -- in violation of Rule 3.1367(a)(5),

Besides these violations of CEQA and the Court Rules, the City's failure to provide a fully compliant administrative record concurrently with the administrative process is a major impediment for us and for the public to be apprised of the full contents of the administrative record, including to fully participate in the administrative process in a meaningful, timely and more fully informed manner.

We request that the City immediately correct these violations to ensure that the Project's entire administrative record is concurrently prepared in a readily accessible electronic format "**capable of full text searching**".

Please confirm that you will do so, and that all documents previously uploaded that are not yet full text searchable are immediately made so, and that all documents going forward similarly conform. Thank you.

Response to Comment No. IND 8J-1

This comment asserts that the Draft EIR is not in compliance the Rules of Court and PRC, which require the administrative record to be “capable of full text searching.”

However, as the commenter concedes, CEQA does not mandate the administrative record to be “capable of full text searching.” Second, Rule of Court 3.1367(a) (now renumbered 3.2207) (Rule) specifies that (**emphasis added**), “The electronic version of the administrative record **lodged in the court** in a proceeding brought under [CEQA] must be . . . Capable of full text searching”. From the plain language of the Rule, it follows that *when* the administrative record is lodged with the court, it must *then* be text-searchable, and conform with the other formatting requirements of the Rule. But that does not mean that the City is obligated to meet these formatting requirements before it lodges the record with the court, as it prepares that record concurrent with the administrative process. Indeed, Rule of Court 3.2206 (formerly Rule 3.1366) contemplates that the party preparing the administrative record for a CEQA challenge may lodge it with the court either in paper or electronic format—meaning that the text-searchable requirement of 3.2207(a) would not necessarily apply to all administrative records lodged in CEQA suits. As such, the commenter is incorrect that the City must make the Draft EIR “capable of full text searching”.

As this comment contains no substantial evidence regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 8K-1 [LATE COMMENT RECEIVED AFTER CLOSE OF PUBLIC REVIEW PERIOD ENDING JUNE 1, 2010.]

Please see attached. Please confirm receipt.

Response to Comment No. IND 8K-1

This comment letter indicates that there is an attachment to the comment letter but does not address the content or adequacy of the Draft EIR. Confirmation of receipt was provided by the Department of City Planning.

Comment No. IND 8K-2 [LATE COMMENT RECEIVED AFTER CLOSE OF PUBLIC REVIEW PERIOD ENDING JUNE 1, 2010.]

Dear Mr. Bertoni and Ms. Nguyen:

This firm represents StopTheMillenniumHollywood.com. The attached page is a supplement to Exhibit 42, page 2,400, of our June 1, 2020 comment letter. Please include this letter and the attachment in the administrative record for this matter. Thank you.

Response to Comment No. IND 8K-2

This comment letter indicates that the attached page supplements Exhibit 42 of Comment No. IND 8I. The attachment does not address the content or adequacy of the Draft EIR. The letter has been included in the administrative record.

Comment No. IND 8K-3 [LATE COMMENT RECEIVED AFTER CLOSE OF PUBLIC REVIEW PERIOD ENDING JUNE 1, 2010.]

Exhibit 1: Additional References Cited by the Wilson Geosciences Inc. comment letter.

Response to Comment No. IND 8K-3

The exhibit does not address the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 9

Thomas Watson
7582 Mulholland Drive
Los Angeles, CA 90046
Received April 18, 2020

Comment No. IND 9-1

Dear Ms. Nguyen,

I write as a homeowner of 20 years in the Hollywood Hills overlooking the proposed project. I strongly object to the scope and scale of it, most particularly the height. There is no basis to create a new downtown-like area in Hollywood. 45 stories?!!! That is not keeping with the neighborhood or the area. Moreover, it would cause enormous congestion and pollution issues. Please keep the project to existing, reasonable heights, which are necessary not to overshadow (literally) the Capital *[sic]* Records Buildling *[sic]* and other key landmarks.

Response to Comment No. IND 9-1

The comment expresses opposition to the Project based on its size and scale, congestion, and pollution issues. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, the size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Regarding congestion, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Regarding air pollution, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would

ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Regarding noise pollution, noise impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

Comment Letter No. IND 10

Charles A. Adelman
6146 Eleanor Avenue, #107
Los Angeles, CA 90038
Received April 21, 2020

Comment No. IND 10-1

In reviewing the DEIR for the Hollywood Center Project, I discovered the following error in chapter III-2: related projects: Project 37, 6050 Sunset Blvd, from the list of projects in table III-1 was omitted from the map (figure III-1). Project 38 (1717 Bronson) is shown as 37, project 39 as 38 and so on through to the end of the LA City project list. Oops! You might want to correct that. My formal comments will follow at a later date.

Response to Comment No. IND 10-1

The error on the Figure II-1 has been noted. In response, Figure III-1 of the Draft EIR has been revised. Please see Chapter 3, *Revisions, Clarifications, and Corrections to the Draft EIR*, in this Final EIR.

Comment Letter No. IND 11

Meghan
Received April 23, 2020

Comment No. IND 11-1

I received your letter. I'm sure none of the neighbors are excited about a construction site, but the more important issues will arise once construction is over.

Response to Comment No. IND 11-1

The comment expresses opposition to the Project. However, the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 11-2

I am really hoping you will significantly limit the number of new parking spaces that are built to help reduce demand for car trips. It would be better if the developer incentivized public transit use since the neighborhood is one of the best served by transit in the county. Building a lot of parking will make traffic worse. I'm also concerned about the number of driveways. Already the neighborhood is hazardous for pedestrians and cyclists due to careless drivers coming in and out of the road. I think the standard clearance between street parking spaces and driveways is insufficient for visibility.

I love the bulb-out that was built at Yucca and Vine to protect pedestrians. I would like to see the developer fund more of those, and more permanent versions of them. The other city planning amenity that has been great recently is the turning off of the "beg buttons" due to the pandemic. It is very difficult in this neighborhood to get the light to change for pedestrians, causing people to frequently. *[sic]* have to dart across the street. I would love if pedestrians could be prioritized.

Response to Comment No. IND 11-2

The comment requests that the Project limit the number of new parking spaces to help reduce demand for cars. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. The Project is also providing bicycle parking compliant with the LAMC requirements.

There are currently 11 driveways serving uses on the Project Site, and the Project will consolidate that number to a total of five driveways, which would be located on Ivar Avenue, Yucca Street, and Argyle Avenue, while avoiding Vine Street. The Project is consistent with City Mobility Plan 2035 Policy PL.1 which requires driveway access to buildings from non-arterial streets or alleys (where feasible) in order to minimize interference with pedestrian access and vehicular movement.

Installation of improvements on the public right-of-way are under the purview of the City of Los Angeles. The Project has agreed to the following approval conditions that may be used to fund similar improvements:

- Financial contribution to the LADOT, to be used in the implementation of the Mobility Hub in the general area of the Project Site.
- Financial contribution to City's Bicycle Plan Trust Fund to implement bicycle improvements in the vicinity of the Project Site.
- Financial contribution towards Transportation System Management improvements within the Project area.
- Financial contribution to fund for constructing approved Neighborhood Traffic Management measures within the Project area.

In addition to the conditions of approval listed above, the Project has also developed and committed to a transportation demand management (TDM) program including the following measures to incentivize the use of transit:

- Providing a location on-site to purchase Metro passes and display bus info.
- Transit subsidies for residents and commercial employees.
- Parking for Metro users.
- Upgrades to immediately adjacent Metro bus stops.

Lastly, to facilitate pedestrian connectivity and comfort, the Project is proposing to provide a midblock signalized crosswalk on Argyle Avenue that would align with the existing midblock crosswalks on Vine Street and Ivar Avenue.

Comment No. IND 11-3

Finally, if the developer will have real estate facing Vine and Ivar, and traffic will be increased, I would love to see them fund protected bike lanes, similar to how the LGBT Center was compelled to allow space for bike lanes on Santa Monica.

Response to Comment No. IND 11-3

The City's Mobility Plan 2035 proposes Tier 1 protected bicycle lanes on Hollywood Boulevard and Tier 2 bicycle lanes on Vine Street (south of Yucca Street) and Yucca Street (west of Vine Street). Please see Response to Comment No. IND 11-2 regarding the funding and implementation of modifications to the public right-of-way.

Comment No. IND 11-4

Basically, I know more development is going to happen, so how can we use that to fund the needed street safety improvements the neighborhood desperately needs? How can we subsidize the transit we need? That is my primary concern as a neighbor.

Response to Comment No. IND 11-4

Please see Response to Comment No. IND 11-2 regarding the funding and implementation of modifications to the public right-of-way and of Project measures to incentivize transit.

Comment Letter No. IND 12

Cynthia Burns
Received April 24, 2020

Comment No. IND 12-1

I received this notice in my mailbox at 6201 Hollywood Blvd. I am inquiring about the new Hollywood Center Project.

Are these units finished? And if they are, when are they available for rental? I am interested in the senior units and the pricing.

Response to Comment No. IND 12-1

This comment inquires about the availability of units as part of the Project. The Hollywood Center Project is not yet approved by the City of Los Angeles. If approved, Project operation could occur as early as 2024, with the timing ultimately to be determined based on the final Project approval schedule and approved construction scenario. Pricing and availability of furnished units would become available at a time to be determined time in the future by the Project operator based on future market conditions and timing of development.

The comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 13

Frank Chindamo
6400 Primrose Avenue, #15
Los Angeles, CA 90068
Received April 26, 2020

Comment No. IND 13-1

My neighbors and I ask that the City grant an extension of the public comment period to the DEIR for at least 90 days AFTER the lifting of local and state “Safer at Home” orders. This seems the reasonable and fair way to proceed given the extraordinary circumstances we are all operating under.

Response to Comment No. IND 13-1

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 13-2

Attachment: Email from the Hollywood Dell Civic Association to request a Public Comment Period Extension, April 26, 2020.

Response to Comment No. IND 13-2

See Response to Comment Nos. ORG 2A-2 through 2A-5.

Comment Letter No. IND 14

Shannon Woodward
Received April 26, 2020

Comment No. IND 14-1

I hope this email finds you will. I'm writing to request that the comment period for the Hollywood Center project be extended to 90 days after the stay at hone *[sic]* order is lifted.

Many who would be deeply impacted are traumatized and unfocused at the moment. I believe rushing thru this process could be horribly detrimental to the community, and everyone in our community deserves a fair opportunity to be aware of this massive proposal.

Response to Comment No. IND 14-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 15

Dean Katz
6376 Quebec Drive
Los Angeles, CA 90068
Received April 27, 2020

Comment No. IND 15-1

A massive development project proposed for Hollywood does not have a large enough window of time for Public Response. Due to the "Safer at Home" order, I am unable to to *[sic]* participate in a proper forum of the impact this proposed development will have on me, and my community here in Hollywood.

The DEIR was released in the midst of April. It is a complex report that requires more time so we can respond in a cogent manner.

Response to Comment No. IND 15-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 15-2

It should be noted that this project will exceed the heights of all building in Hollywood, and it will forever change our community. This alone is certainly worth allowing more time for our community to discuss and have input on the project.

Please extend the public response time.

Response to Comment No. IND 15-2

The commenter asserts that more time is needed for public review of the Draft EIR because the Project would exceed the heights of all buildings in Hollywood, thereby changing the community. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, see Topical Response No. 1 – Public Participation and Review, above, for a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR, and regarding the City's determination that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Additionally, the comment states that the Project being the highest in Hollywood will forever change the community. Aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Comment Letter No. IND 16

Jack Humphreville
Received April 27, 2020 (IND 16A)
Received May 31, 2020 (IND 16B)

Comment No. IND 16A-1

For the sake of transparency and honest government, please extend the public comment period on the Draft Environmental Impact Report for a minimum of 90 days AFTER the city and state "Stay At Home" order has been lifted.

Response to Comment No. IND 16A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 16A-2

Attachment: Email from the Hollywood Dell Civic Association to request a Public Comment Period Extension, April 26, 2020.

Response to Comment No. IND 16A-2

See Response to Comment Nos. ORG 2A-2 through 2A-5.

Comment No. IND 16B-1

Please include in Public Comment

RE: Hollywood Center Project

Case Number: *ENV-2018-2116-EIR*

Response to Comment No. IND 16B-1

The comment was received and included as part of the record for the Project.

Comment No. IND 16B-2

Attachment: LA WATCHDOG--One of Mayor Eric Garcetti's Back to Basic tenets was to "increase transparency and civic engagement."

But this is not the case when it comes to the $1 billion Millennium Hollywood, now rebranded as the Hollywood Center Project.

In 2013, the New York City developers, Millennium Partners, working with Councilmen Eric Garcetti, Jose Huizar, and Mitch Englander, "persuaded" the Herb Wesson led City Council to more than double the size of this megadevelopment, boosting Millennium's profits by hundreds of millions of dollars.

The City Council approved the up zoning of this 1.2 million square foot project despite the vehement opposition of the surrounding Neighborhood Councils whose stakeholders were concerned about increased traffic congestion. The community also objected to the out-of-character twin towers (39 and 35 stories) that would exceed the existing height limits in Hollywood by over 200 feet. The City Council also ignored the fact that the development was on the active Hollywood Earthquake Fault and that Caltrans was concerned about the adverse impact on the Hollywood Freeway and its on and off ramps.

Of course, it helped that Millennium Partners spent over $4 million on lobbyists, lawyers, campaign contributions, and contributions to other pet projects such as the controversial 44 acre Hollywood Central Park that will cover a portion of the Hollywood Freeway and promised almost $20 million in community benefits.

However, in 2015, Superior Court Judge James Chalfant ruled that the Millennium's Environmental Impact Report ("EIR") was deficient, essentially blocking the project. The community won, or so it thought.

Response to Comment No. IND 16B-2

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project. Furthermore, the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 16B-3

On April 15, 2020, the developers filed a new EIR. But how will opponents be able to comment on this 12,000-page opus when they are confined to their homes because of Garcetti's Stay at Home order? As part of their effort to ramrod this deal through the planning process, Garcetti, his director of Planning, Vince Bertoni, and local czar, Councilman Mitch O'Farrell, have refused, despite numerous requests, to extend the 45 day comment period that ends on May 31.

Response to Comment No. IND 16B-3

See Response to Comment No. IND 16A-1. The comment expresses opposition to the Project. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 16B-4

While the Millennium has reconfigured the project, not much has changed. The proposed 1.2 million square foot development is still on an active earthquake fault. The twin towers (46 and 35 stories) will dwarf all the other buildings in the area. Congestion will only be worse now that numerous luxury high rise developments have been erected in Hollywood. Caltrans will still have major objections. And Millennium will still reap hundreds of millions of dollars in additional profits.

Response to Comment No. IND 16B-4

The commenter expresses general opposition to the Project based on its location with respect to a fault line, size and scale, and congestion. While this comment does not present any evidence supporting the claims with respect to the content and adequacy of the Draft EIR, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

The comment also states that Caltrans will have objections. However, the commenter does not specify what these objections are or provide any specific information to support this claim. It should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's TAG,

adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also, refer to Response to Comment No. ORG 2-7 which discusses a recent meeting on July 1, 2020 between the City Department of Planning and Caltrans. As discussed therein, Caltrans' concerns were non-CEQA concerns and Caltrans did not raise any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR. Finally, the comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 16B-5

But what has changed is that there is an "ongoing federal criminal investigation into public corruption throughout the City of Los Angeles related to multiple suspected pay-to-play schemes."

And City Hall is the epicenter of this criminal investigation by the FBI and the United States Attorney's Office. Former City Councilman Mitch Englander will plead guilty to obstructing justice. Justin Kim will plead guilty to a federal bribery charge that implicated Councilman Jose Huizar in this $500,000 scheme. George Chiang will plead guilty to racketeering charges. George Esparza, a former Huizar aide, will also plead guilty to racketeering charges. And everybody is wondering who's next.

The Millennium has always had "scent of swindle" about it. And this stench is augmented by the unwillingness of O'Farrell and Garcetti to extend the deadline for comments to the EIR and Millennium's failure to disclose how it has greased the skids.

Angelenos are appalled that City Hall is a "criminal enterprise" and pay-to-play corruption is front page news. We are appalled that there will be additional indictments. We are appalled that City Hall places the interests of real estate developers ahead of those of ordinary Angelenos. We are appalled by the failure of Mayor Garcetti and the City Council to address pay-to-play corruption. And we are appalled that they approved a budget busting labor agreement that is now crippling the City.

Response to Comment No. IND 16B-5

The comment expresses opposition to the Project based on potential alleged illegal activities by public officials unrelated to the Millennium Hollywood Project. As discussed in Response to Comment No. IND 16B-2, the Millennium Hollywood Project is a different project that was previously proposed at the same Project Site, and for which planning

approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project. Accordingly, in so far as this comment relies on the alleged activities related to a different project, it does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 16B-6

We have two simple recommendations for Mayor Garcetti and the Nury Martinez led City Council that are consistent with his policy of transparency and civic engagement.

One, extend the public comment period for the EIR for 90 days after the Stay at Home order is lifted. That will allow the public and other governmental agencies to have an opportunity to comment intelligently on the 12,00-page EIR.

Response to Comment No. IND 16B-6

See Response to Comment No. IND 16A-1, which addresses the Draft EIR's public comment period.

Comment No. IND 16B-7

Two, the Planning and Land Use Management Committee should hold open and transparent hearings on this $1 billion megaproject, its impact on Hollywood and the surrounding neighborhoods, and the developers' relationships with the City. Importantly, O'Farrell, who has benefitted from developer campaign contributions, should not have the final say.

Angelenos deserve an open and transparent government, not one where pay-to-play real estate deals are concocted behind closed doors.

https://www.citywatchla.com/index.php/la-watchdog-hidden/19847 millenniumhollywood-poster-child-for-pay-to-play-corruption

Response to Comment No. IND 16B-7

The comment requests that the Planning and Land Use Management Committee hold open and transparent hearings for the Project. By law, public hearings are held in accordance with the Brown Act, which guarantees the public's right to attend and participate in the meetings of local legislative bodies. Furthermore, the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 17

Jeff Straebler
Received April 27, 2020

Comment No. IND 17-1

Mindy,

I hope you are well. I was concerned to learn that the City has provided the minimum allowed comment period for the Hollywood Center Project (ENV-2018-2116-EIR) during the current COVID-19 pandemic. This virus has resulted in emergency declarations and "Safer At Home" orders that prohibit our community from gathering for neighborhood meetings and organizing discussions and in-person review of the documents.

The proposed project is of great concern and I think many Hollywood-area residents would want to understand and comment on the full impact on our community, especially as it regards to public safety, traffic and other long-term effects.

I ask that the City grant an extension of the public comment period to the DEIR of at least 90 days AFTER the lifting of local and state "Safer At Home"-type orders. This seems the reasonable and fair way to proceed given the extraordinary circumstances under which we are all operating.

Response to Comment No. IND 17-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also expresses concerns regarding public safety and traffic. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate

a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout the parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Similarly, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 18

Michele Keeler
Received April 27, 2020

Comment No. IND 18-1

Hello – I live in the hills above this planned mega space intrusion. I am devastated over it. We can barely get home form *[sic]* the grocery store and forget about going anywhere from 3 on. I don't think our neighborhood can handle this kind of impact and I don't think an earthquake would do well well *[sic]* as it sits over a fault line. I have been following this for a long while when it was the other name and I thought without a doubt it was not approved so why now? money? something like this belongs downtown or century city not our neighborhood. I would also ask that we move the date to come and express our concerns as the covid19 has impacted everything and its *[sic]* really not a fair time to have people get in their cars to come voice a fair opinion.

I would like to be kept informed on that.

Response to Comment No. IND 18-1

This comment expresses general concerns regarding traffic and development near a fault. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment makes reference to a previous project proposed for the Project Site, the Millennium Hollywood Project, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Finally, the comment references COVID-19 and public participation. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 19

Neal Roscoe
Received April 27, 2020

Comment No. IND 19-1

Re: Case Number: ENV-2018-2116-EIR – I suggest Alternative 2 with modifications

I'm not opposed to development in Hollywood, and I also applaud the developer of Hollywood Center for reducing offices, however, the project scale and massing is still too large. I urge you to not approve and instead encourage the developer to deliver Alternative 2 with the affordable housing and add some guarantees to keep small, non-chain businesses in the complex.

You owe it to the City to strike a reasonable balance – "downtown" Hollywood should be unique and not another Grove or Orange County development.

Response to Comment No. IND 19-1

The comment expresses opposition to the Project based on its size and scale. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

This comment also expresses support for Alternative 2, Development under Existing Zoning Alternative, with some guarantees to keep small, non-chain businesses in the complex, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 20

Michael Andreas & Julie Fleischer
6740 Whitley Terrace
Hollywood, CA 90068
Received April 27, 2020

Comment No. IND 20-1

The fact that the Hollywood Center Development (aka Millennium Project) builders are using the Covid-19 provisions to try and ram through approval for their twin monstrosities is repugnant on its face but, totally not unexpected.

Millennium Partners has been trying to ram this project down our throats from the start and in spite of all local neighborhoods' almost universal objection to the scope and size of this project, they have kept coming back with new plans that do little to address our problems with it.

Response to Comment No. IND 20-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Also, the comment asserts that the Project is using COVID-19 to approve the Project, but does not present any evidence supporting the assertion. A public review period of 47 days, began on April 16, 2020 and ended on June 1, 2020, which provided a review period that met requirements pursuant to CEQA Guidelines Section 15105(a). The public circulation period for the Draft EIR complied with minimum the 45 days required by CEQA Guidelines Section 15105(a) for Draft EIRs submitted to the State Clearinghouse for public review by State agencies. For additional details regarding the City's compliance with the CEQA Guidelines for the public review period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 20-2

The abbreviated comment period on their EIR just makes things worse. An EIR which does a masterful job of obfuscating the fact that their buildings are to sit on an active fault line and fails to mention the State's own traffic reports that highlight the long term detrimental effect these buildings will have on our freeway off ramps and the physical danger this will create.

Response to Comment No. IND 20-2

The comment provides a general statement that the length of the comment period exacerbates the public's review of the Draft EIR. As mentioned in Response to Comment No. IND 20-1, see Topical Response No. 1 – Public Participation and Review, for a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

The comment further states that the Draft EIR does not clearly state that the Project would be located on an active fault line. Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

This comment also states that the Draft EIR fails to mention the State's own traffic reports that highlight the long term detrimental effect these buildings will have on our freeway off ramps and the physical danger this will create. However, the commenter does not provide any specific detail regarding the detrimental effects or physical danger, a reference to the specific State traffic reports being referred to or any substantial evidence to support this claim. It should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the Transportation Assessment (TA) for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also, refer to Response to Comment No. ORG 2-7 which discusses a recent meeting on July 1, 2020 between the City Department of Planning and Caltrans. As discussed therein, Caltrans' concerns were non-CEQA concerns and Caltrans did not raise any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR. Finally, the comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 20-3

Please let this letter serve as a statement against the project and their very biased EIR.

Response to Comment No. IND 20-3

The comment expresses general opposition to the Project and indicates the EIR is biased. The Draft EIR was prepared in accordance with California Public Resources Code (PRC) Section 21082.1, which requires the City of Los Angeles, as the Lead Agency, to independently review the Draft EIR and supporting technical documentation. The City has determined the level of significance of environmental impacts in the Draft EIR based on its impartial judgement of the Draft EIR analyses. Further, as the comment does not provide any facts and, therefore, no substantial evidence, to demonstrate otherwise, no further response is warranted.

Comment No. IND 20-4

At the very minimum, the public comment period on the Draft Environmental Impact Report should be extended to a minimum of 90 days AFTER the city and state "Stay At Home" order has been lifted.

Response to Comment No. IND 20-4

As mentioned in Response to Comment No. IND 20-1, the City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's NOC/NOA, dated April 16, 2020. For further details, see Topical Response No. 1 – Public Participation, above, for a discussion of the City's determination not to extend the Draft EIR comment period.

Comment No. IND 20-5

Let's develop Hollywood yes but, let's do it in a way that reflects the lifestyle associated with its name and with an awareness of the unique and valuable icon our city is to the rest of the world. We aren't Manhattan, we aren't Chicago or even downtown L.A., we are Hollywood… don't kill the unique quality of our mini-city with this horrible project.

Response to Comment No. IND 20-5

This comment expresses the commenter's general opinion of how development in Hollywood should occur, presumably in support of a smaller scale project. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 21

Lori Hughes
Received April 27, 2020

Comment No. IND 21-1

As there are no real and constructive changes to the plans that might avoid all previous objections I still think this is a destructive addition to the area. Ignoring all Hollywood history and creating an ugly, useless and expensive anthill adds nothing but problems for the area. The massive “dwellings” are beyond the budgets of most who live here and those who could afford it will find it ugly and inconvenient.

It’s a no on every level! Hideous to look at, useful only to the investors and construction group, costly to the city and Hollywood stakeholders, destructive to the environment and designed to attract more and more homeless to the area. The increase in traffic problems, alone should be a disqualifier for this project!

No. No. No.

Response to Comment No. IND 21-1

The comment expresses general opposition to and opinions regarding the Project’s massing and traffic. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above. Additionally, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

The comment also expresses concern about the potential for the Project to cause homeless people to move into nearby residential areas without any specific facts or substantial evidence to support this claim. Homeless-related concerns in relation to the Project are speculative; furthermore, as stated in the CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment Letter No. IND 22

Jim and Ann Geoghan (Annie Gagen)
Received April 28, 2020 (IND 22A)
Received May 11, 2020 (IND 22B)

Comment No. IND 22A-1

We are contacting you to request an extension for comments on The Hollywood Center project.

The minimum allowed comment period provided is not nearly enough time since we are obeying 'Safer at Home' orders…

We are unable to gather or have meetings with our neighbors….

Our Neighborhood Councils are not meeting…..

Viewing documents IN PERSON is not possible now…

Many of us have children at home and are home schooling them…..

Some sadly have loved ones who have come down with the virus….some recovering at home…

We are doing all we can to protect our families and neighbors from this horrible coronavirus….

Our lives have been upended and nothing is as it was right now…..

Due to all that we are having to do, to get through this crisis…

We request more time to submit public comments.

The DEIR is lengthy and complicated and we are obviously unable to give it the full attention it needs right now.

In all fairness to our communities, that will be so greatly impacted by this project, a comment extension of at least 90 days AFTER the "Safer at Home' *[sic]* local and state orders have been lifted would be reasonable.

We urge you to please grant this extension to our communities.

Stay safe and be well.

Response to Comment No. IND 22A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. Furthermore, Neighborhood Councils are not required to meet in person in order to confer, nor is it a CEQA or City requirement that Neighborhood Councils have to meet in person in order to provide comments. In fact, on May 28, 2020, during the 47-day public review period, the Hollywood United Neighborhood Council met, discussed the Project, and voted to submit a comment letter to the City. During this publicly noticed Special Joint Board and Planning Land Use and Management (PLUM) Committee meeting, the Applicant's team made a public presentation and community members were provided an opportunity to, and did provide comments to the Neighborhood Council.

Comment No. IND 22B-1

I am asking for a Period Extension for the Millennium project also known as the "Hollywood Center Project."

Response to Comment No. IND 22B-1

See Response to Comment No. IND 22A-1 regarding the requested extension.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 23

Amy Bessone
Received April 29, 2020

Comment No. IND 23-1

I am writing to ask the LA Department of City Planning to extend the public comment period for the proposed Millennium Group Hollywood Center Development, specifically that the public comment period on the Draft Environmental Impact Report by extended to a minimum of 90 days **after** the city and state "Stay-At-Home" order has been lifted.

Response to Comment No. IND 23-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 24

Jennifer, Rudy and Parker van Zyl
6426 La Punta Drive
Los Angeles, CA 90068
Received April 30, 2020

Comment No. IND 24-1

Our family lives in the Hollywood Dell neighborhood, a short distance away from the proposed Hollywood Center Project. We are dismayed to hear that the City has approved the minimum allowed comment period during this time of quarantine because it prevents our community from meeting and discussing the options.

As surely you and the other City officials know, the proposed project is of GREAT CONCERN to our community and residents…there is much to consider from infrastructure to traffic to safety. Our area is already burdened with heavy freeway activity (which hasn't been upgraded in the 22 years we've lived in the area) and tourism and Hollywood Bowl/Ford traffic and this project must include improvements to our infrastructure and quality of life.

Therefore, we ask that the City grant an extension of the public comment period to the DEIR for at least 90 days AFTER the lifting of local and state "Safer At Home" orders. This seems the reasonable and fair way to proceed given the extraordinary circumstances we are all operating under.

Response to Comment No. IND 24-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. Further, there is no requirement under CEQA that in person meetings occur in order to provide comments.

While the commenter expresses that the Project is of great concern to the community due to infrastructure, traffic, and safety, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, in regard to utilities, the Project's impacts on wastewater and water supply were fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, of the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. Construction of the Project would include all necessary water and sewer pipe improvements and connections to adequately connect to the City's existing infrastructure system. Furthermore, the water and

wastewater infrastructure analysis in the Draft EIR concluded that the infrastructure serving the Project Site has adequate capacity to serve the Project. In addition, system-wide infrastructure improvements throughout the greater Hollywood area and the City are regularly assessed by the City's Department of Public Works and other departments, as applicable, through capital improvement programs.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Also, the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Refer to Response to Comment No. ORG 2-7 which discusses a recent meeting on July 1, 2020 between the City Department of Planning and Caltrans. As discussed therein, Caltrans' concerns were non-CEQA concerns and Caltrans did not raise any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Finally, regarding safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven day a week security patrol and could assist in safety services and potentially increase patrols.

Comment Letter No. IND 25

Kerry Morrison
1645 Vine Street
Hollywood, CA 90028
Received on April 30, 2020 (IND 25A)
Received June 1, 2020 (IND 25B)

Comment No. IND 25A-1

Please find attached my letter in support of the proposed Hollywood Center Project.

I will also send a copy via email.

Response to Comment No. IND 25A-1

This comment letter indicates that there is an attached letter to the email. A response to that letter is provided in Response to Comment No. IND 25A-2.

Comment No. IND 25A-2

Greetings. Thank you for this opportunity to participate in the public comment period for the proposed Hollywood Center Project. This is a long-awaited addition to the Hollywood community, and I want to offer my enthusiastic support for proceeding with the project as planned.

My reasons for this enthusiastic support are even more pragmatic as we live through the collective suffering and uncertainty of a global pandemic. **Now more than ever, projects that represent hope for the future, investment in our city, and jobs for our community are critical and to be welcomed.**

Those who might resort to pre-pandemic tactics to stymie, slow or sue to stop the forward progress of this project are living in the past. It is time to plan for the future in a city that *will be forever changed* by the human and economic dislocation that is emerging all around us. We are not going to wake up one day and find that this "is over." This is our new normal and Los Angeles needs this investment.

For some perspective: I arrived in Hollywood in 1996 when a small group of property owners decided to take the risk and invest their time, talent and treasure to jumpstart the Hollywood renaissance. I served as the executive director of the business improvement district (BID) for 22 years and lived through every day of the slow progress forward to revitalize this neighborhood. People who take this story for granted did not do the hard work to bring Hollywood this far.

Back in those days, the neighborhood was on life support, having experienced the triple whammy of the '92 civil unrest, the '94 Northridge earthquake and the mid-90's tunneling under Hollywood Blvd to build out the METRO Red Line. I learned to celebrate every risk taken by a property or business owner to invest in the betterment of the community.

Whether it be a coffee shop, a façade improvement or the construction of the W Hotel; slowly but surely, the community began to come back to life. And even with setbacks – such as 9/11 and the financial collapse of 2008 – the intrepid community members who believed in this community soldiered on.

The fact that this developer – who has been working for over 10 years to bring a project to this community and transform parking lots into housing, commercial, retail, and civic open space that the community desperately needs – is still willing to hang with Hollywood in the face of the current world-wide crisis is noteworthy. The project provides over 1,000 housing units in a city that suffers from a housing shortage, 133 of which are for low and very low-income senior households. This is significant given that homelessness among seniors is the fastest growing cohort according to the Los Angeles Homeless Services Authority. MP sets a good example for others by setting aside a portion of their project for this population.

Additionally, the DEIR shows that the project has taken into consideration and mitigated environmental concerns, such as the developer's commitment to be carbon net-neutral during construction and operation, incentivizing public transportation use and building on the city's growing transit infrastructure, and including a new geotechnical investigation which only adds to the multiple other studies conducted in the immediate area, where *other proposed projects have already been completed and built.*

This country is reeling under the weight of dislocation unlike we've experienced in our lifetime. I write this one month before the comment period ends for the DEIR, but already we are seeing the signs of a protracted economic recession. The first quarter GDP dropped by 4.8%, the largest drop since the Great Recession. According to a forecast issued by the LA County Economic Development Corporation, the unemployment rate in L.A. County could **exceed more than 30 percent within the month.**

Los Angeles needs Hollywood Center. From their website:

> *Construction of the project will create approximately 7,560 full-time and part-time jobs throughout the City of Los Angeles economy, of which 4,670 will be construction jobs located on the project site. Annual operation of the project will support another 1,230 full-time and part-time jobs. In addition, the project is estimated to generate more than $9.2 million in one-time revenues to the City of Los Angeles General Fund during project construction, and over $226 million in net new General Fund revenue through 2050, after accounting for the cost of City services delivered to the project site and City property tax revenue currently generated from the project site.*

For the City of Los Angeles to delay or deny this project, after nearly a dozen years of effort, multiple redesigns, and countless dollars spent on litigation, environmental and seismic studies would send a chilling message to future investors. That is the old Los Angeles. Let's work together to rebuild this city and make it better. Hollywood Center is a project around which we can unit and be proud.

Response to Comment No. IND 25A-2

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 25B-1

Greetings, I am submitting an addendum to my original support letter (sent April 30) which was submitted more than a month ago at the beginning of the comment period for the DEIR. Much has changed in the world and in community in this short time, and the events underscore the need to ask the city to support initiatives that move us into a better future, and not keep us mired in a 20th century "preserve and protect" mindset.

I perused over 100 of the letters submitted during this comment period. I was struck by two dichotomies: there are those that are anchored in the past (protect "old Hollywood") and those that look to the future in Los Angeles. The future is represented by a diverse coalition of voices supporting Hollywood Center – members of the faith community, business owners, labor, entertainment venues, residents young and old, senior services, nonprofits associated with climate change, housing production and homeless services. That these individuals and organizations took the time to connect with this project and evaluate its attributes speaks to the collaboration we seek in Hollywood to build a better future.

Conversely, dozens of letters were submitted seeking a delay in the comment period owing to coronavirus. It is hard to imagine that these voices, after their requested delay, would move into the column of those who support a 21st century vison for Hollywood. Essentially their request for delay is equated with their voice to oppose. The diversity of opinion is valued in the public comment process, and after reading so many letters, I felt prompted to present this question: Why is it particularly compelling, at this stage in the history of Los Angeles, that the city proceed with the approval of Hollywood Center?

- **Senior housing is at stake.** The developers took the risk to include 133 units of affordable senior housing in their project. This sets a new standard for developers of privately financed projects in Los Angeles – to identify and meet community needs. If the city rejects Hollywood Center, the city sends a message that senior or affordable housing is not valued as part of a conventional project.

- **It's time to set aside the myth that "Old Hollywood" will return.** Relying on antiquated land use and zoning policies (preserving "Old Hollywood") is not going to equip Hollywood to contribute as an economic engine for Los Angeles in the future. Hollywood's community plan has not been updated since 1988 – pre-internet as we know it. *Several of those mobilized to delay the forward progress on this DEIR have been behind holding back the forward progress on the Hollywood Community Plan.* The lawsuit filed against the city, which resulted in the

tossing of the 2012 version of the Hollywood Community Plan was filed, in part by the very same attorney who is active with those who oppose this project. Several letters were submitted by this attorney during the comment period. He is notorious for aligning with parties who seek to stop or delay project after project in Hollywood; this is his business model.

- **Imagining our 21st century city.** Those who wrote letters to delay the comment period or to oppose are those who already have what they want or need in this city – be it a home, some real estate or a view. The voices of those who will come and make a place in this community in the future are not heard. It is important that we imagine a more collective way forward as we build out a community to benefit a whole new group of neighbors. Again, we are already 20 years into the 21st century and it is time to plan for the next generation. Los Angeles can only "grow up" if it is going to accommodate the population growth that is inevitable.

- **Job creation and economic stimulus**. Finally, the prospect that the city would deny or delay a project that represents an investment in a community that is reeling from the dislocations associated with this pandemic is worrisome. This investment will bring jobs (both construction and permanent), housing, civic space, tax revenue. Against this background of investment, we face the sobering reality of the following:

    - According to an estimate released April 22 by the L.A. County Economic Development Corporation, the unemployment rate could reach 32% in May and the projected loss of payroll jobs could exceed 1.2M owing to the business shutdown related to Covid.

    - L.A. County may experience a $2B drop in sales tax revenue between now and end of FY 2021. This will have a particular impact on county safety net programs and the Measure H funding source that impacts homelessness initiatives. This is in the face of what is anticipated to be an uptick in homelessness due to job and housing dislocation.

    - According to the city controller, who announced his estimates in April, the city budget could experience a shortfall of between $194 to $598M in fiscal year 20-21, depending upon the length of this pandemic impact.

Thank you for adding this letter to the public record. As a final note, those who said that the response period should be delayed due to the coronavirus are suggesting that civic affairs should come to a halt for the foreseeable future. The situation we are living through together as a society is not going to magically end in 30 to 60 days. We are learning as a people to adapt to this new global reality – public meetings (including even the U.S. Supreme Court) are adapting to these circumstances and technology allows for involvement, access to documents and the continuation of civic engagement.

Response to Comment No. IND 25B -1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 26

Anastasia Mann
Received April 30, 2020

Comment No. IND 26-1

I am president of the HHWNC and a lifelong resident of Hollywood. HHWNC is the largest and one of the first NCs formed within the City of Los Angeles. Due to current circumstances, I am now writing to you as an individual.

Our Eastern border is the Western border of HUNC and we are a mere few blocks away from the Vine Street project now designated as Hollywood Center, formerly the Millennium project.

As a reminder, due to COVID-19, our NC and others have not been able to meet to discuss what's shamefully happening now to expedite this "re-classified" project through the system without the opportunity for impacted communities to discuss in open public meetings. Our last Board meeting was February 19th.

We have @ 220,000 stakeholders within HHWNC's borders many of whom – if not all – will feel the impact, let alone the inevitable fear associated with this project, both during its construction and ultimate sheer existence.

Response to Comment No. IND 26-1

This is an introductory comment and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Neighborhood Councils are not required to meet in person in order to confer, nor is it a CEQA or City requirement that Neighborhood Councils have to meet in person in order to provide comments. In fact, on May 28, 2020, during the 47-day public review period, the Hollywood United Neighborhood Council met, discussed the Project, and voted to submit a comment letter to the City. During this publicly noticed Special Joint Board and PLUM Committee meeting, the Applicant's team made a public presentation and community members were provided an opportunity to, and did provide comments to the Neighborhood Council.

Comment No. IND 26-2

There have been countless amounts of proof from credible sources including the State of California on the dangers and threats to the safety of residents, workers, commuters, etc. inherent with this development that will continue forever including the potential loss of life and property from "the Big One" which is now considered EMINENT, not just probable, due to its incredible proximity to our serious earthquake faults.

Response to Comment No. IND 26-2

The comment states that there is proof that the Project would result in potential loss of life and property due to the proximity to earthquake faults, but does not provide any

specific facts and, therefore, no substantial evidence, to support this claim. Nonetheless, geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 26-3

CalTrans has shared objections based in its proximity to the 101 freeway, safety, air quality plus other issues.

And more.

Response to Comment No. IND 26-3

This comment states that Caltrans has objections based on proximity to the 101 freeway, safety, air quality and other issues. However, the commenter does not specify what these objections are and no specific information has been provided. Further, the comment does raise any issues with respect to the content or adequacy of the Draft EIR. However, it should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the Transportation Assessment (TA) for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Finally, the comment does not raise any issues with respect to the content or adequacy of the Draft EIR. Also, refer to Response to Comment No. ORG 2-7 which discusses a recent meeting on July 1, 2020 between the City Department of Planning and Caltrans. As discussed therein, Caltrans' concerns were non-CEQA concerns and Caltrans did not raise any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR. As such, no further response is warranted.

Comment No. IND 26-4

How can the City Planners and Council Members ignore these warnings while denying our stakeholders their local forum?

You have referenced the online accessibility of the DEIR, etc. Do you seriously believe that every day during the last three + months Angelenos have been glued to their computers in order to search for and study this EIR?

We are in the midst of an international pandemic. People are engulfed in saving their businesses, their jobs, their homes, their families, their children's educations, their health, etc. These are scary times.

Response to Comment No. IND 26-4

The comment asserts that the City has denied stakeholders a forum for discussing the Draft EIR and that online accessibility of the Draft EIR is not adequate for public review. However, as there is no requirement under CEQA that in person meetings (i.e., the stakeholders' local forum) occur in order to provide comments. As the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted. For details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 26-5

A project of this size and long-term controversy should not be smuggled through the process…particularly at a time when the citizens of LA are reading daily of bribery and graft going on at City Hall and within our City Council. There is little trust factor currently re our "Planning" process and implied shenanigans re development deals happening within City Hall – particularly as this is a High End project. This project is not fixing or assisting low income apartments – and let's not use the term "affordable" as we know that's a devious misnomer. Affordable compared to what? We have been called "NIMBYs" because we have been a forum for those citizens – our stakeholders – who've been victimized by evictions and the consequences of new "projects" with rents out of reach for average Angelenos. Projects that were promised as "affordable" that were converted to Hotels. And on and on.

Response to Comment No. IND 26-5

The comment expresses general concerns about the Planning process, briberies at City Hall, and development deals happening within City Hall. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

With regard to affordable units, the Project includes 133 senior affordable units. Note that the Project Applicant has revised the Zone and Height District Change request to a Density Bonus Compliance Review pursuant to California Government Code Section 65915 and LAMC Section 12.22 A.25. By setting aside a minimum of 11 percent for Very Low Income households, the Project is eligible for a 35 percent density bonus and, therefore, a 35 percent increase in FAR. Both the State Density Bonus Law and the City's Density Bonus Ordinance permit the Waivers of Development Standards to the extent the

Waivers are necessary to allow for the development of affordable housing. As such, the Zone Change from C4 to C2 is no longer being pursued. See Topical Response No. 5 – Land Use and Planning, above, which discusses the revision in the proposed entitlements and the function of the Density Bonus Compliance Review in detail. Maximum allowed rent level schedules are determined by Los Angeles Housing and Community Investment Department (HCIDLA) based on Rent-Income Schedules which take into consideration area median income, land use, family size, and type of project. Further, recordation of a Master Covenant and Agreement would be required, committing the Project to the subject affordability levels for 55 years.

Comment No. IND 26-6

At the very least allow publicly noticed NC meetings that will be given respect and taken seriously – not by ZOOM – but once this pandemic has passed the critical point so people can come together to be property informed. Show this City can be fair.

Show compassion for the people of the Hollywood community who will be the most impacted by this project. And please – ask the FBI – while they are in town – to look into the deep layers of whose money is all behind this. There are unanswered questions within layers of corporations.

Hopefully you will take these comments to heart. Thank you for your valuable time.

Response to Comment No. IND 26-6

The comment expresses concern for the lack of in person meetings of the Neighborhood Council but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted. Nonetheless, refer to Response to Comment Nos. IND 26-7 regarding in-person meetings.

Comment No. IND 26-7

PS: I am Writing as an individual with a reminder that HHWNC came out forcibly against this project in the past, but has been unable to meet since February-all our previous CIS's are on file.

Response to Comment No. IND 26-7

The comment makes reference to the Millennium Hollywood Project, and the Neighborhood Council's previous opposition to that project, which is a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. The comment does not raise any specific issues regarding the content and adequacy of the

Draft EIR. Furthermore, Neighborhood Councils are not required to meet in person in order to confer or provide comments. As such, no further response is warranted.

Comment Letter No. IND 27

Miranda Richards
Received April 30, 2020

Comment No. IND 27-1

Dearest Mindy Nguyen,

I am asking that the public comment timeline on the Hollywood Center Development be extended to ninety days after the Safer at Home ordinance is lifted. It is a direct conflict of interest to schedule public comments from April 16-May 31st, while public is ordered to remain home.

Response to Comment No. IND 27-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 27-2

The Hollywood Center Development has been a huge point of contention without proper earthquake, safety, and transportation studies. Another project that the same developer spearheaded in San Francisco, is facing a $100 million dollar retrofit due to a sinking foundation. For two buildings that will be nearly fifty stories high, we need to be extremely cautious about developing on sites with slope and grade, which this project proposes, in an earthquake-prone area. I am not opposed to development in Hollywood, but please be cautious of special interest developers who do not have the best interest or safety of the community at heart.

Response to Comment No. IND 27-2

The comment expresses general concerns about earthquake hazards, seismic safety, transportation, and an unrelated project in San Francisco, but does not raise any issues with respect to the content and adequacy of the Draft EIR.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Finally, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 27-3

This comment is a duplicate of Comment Nos. 27-1 and 27-2 that was originally sent to Vince Bertoni, the Director of City Planning. However, there is an additional sentence at the end of the letter saying, “Our skyline may be forever changed.”

Response to Comment No. IND 27-3

Refer to Response to Comment Nos. 27-1 and 27-2. The added opinion that the skyline may be forever changed does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 28

Leslie Hendry and Steve Lawrence
Received May 1, 2020

Comment No. IND 28-1

I'm am *[sic]* writing to ask that you extend comment on the EIR in relation to the the *[sic]* Millennium planned development in Hollywood that would greatly impact our neighborhood. We ask that the Draft EIR be extended to a minimum of 90 days after the city and state "Stay at Home" order has been lifted.

Please extend the comment period.

Response to Comment No. IND 28-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 29

Ellen Vinitsky
6359 Primrose Avenue
Los Angeles, CA 90068
Received May 1, 2020

Comment No. IND 29-1

My name is Ellen Vinitsky. I live at 6359 Primrose Avenue, Los Angeles 90068.

I have lived on Primrose Avenue in the Hollywood Dell for over twenty years; I have lived in Los Angeles, on the side of the hill since the 1981, which includes Downtown through the 80s, MacArthur Park when Otis Parsons was still there, Los Feliz when you could actually park and drive, and finally in 1999 the Hollywood Dell.

Since my transplant to the Dell and the first seven / eight years here, traffic has worsened (Paris and Rome have better traffic now), it has gotten hotter with the wonderful afternoon wind ceasing because of taller and taller buildings acting as wind blocks, the streets have gotten more congested, there are more homeless wondering the streets, the streets are dirtier, there are cars stored on my and other adjoining streets constantly, there is little parking, it is impossible to get through Hollywood in less the *[sic]* twenty minutes during rush hour so I am compelled to I *[sic]* go to the Valley or farther east for all of my shopping, dining, entertainment, etc. My taxes have increased with services being diminished, the air is fouler because of fewer plants and trees and more of us, etc.

Response to Comment No. IND 29-1

This comment expresses general concerns regarding traffic, the homeless population in Hollywood observed by the commenter over the past 20+ years, and air quality. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

While the comment regarding the homeless population includes observations witnessed by the commenter, homeless-related concerns in relation to the Project are speculative; furthermore, as stated in the CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR.

In addition, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less

than significant after mitigation, where applicable. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated. Also, Section IV.B of the Draft EIR analyzed the Project's potential for odor impacts during construction and operation. As analyzed therein, through mandatory compliance with South Coast Air Quality Management District (SCAQMD) rules, no construction activities or materials are expected to result in other emissions, such as those leading to objectionable odors, affecting a substantial number of people. Also, the Project does not include any uses identified by the SCAQMD as being associated with substantial odors. As a result, the Project is not expected to result in odors or discharge contaminants into the air in quantities that would cause a nuisance, injury, or annoyance to the public or property.

Comment No. IND 29-2

HOW WOULD THE MILLENNIUM PROJECT IMPROVE ANY OF THESE PROBLEMS FOR MYSELF AND MY NEIGHBORS AND HOLLYWOOD IN GENERAL?

It will not. It will add money to the coffers of developers and leave the aftermath and ensuing problems to us, the residents and tax payers.

As usual, we the tax-payers and citizens will be left holding the bag while you, the planning committees and politicians and developers will benefit in big and small ways.

Our elected officials will act on behalf of interests other than ours, often with impunity, but always to our demise.

I am begging you – please – do not let this continue by allowing the Millennium Group building this projected monolithic monstrosity.

Hollywood has seen an incredible increase in buildings, many of which are or will be lying partially empty because of the outrageous pricing. One or two "low rent housing units" is a joke beyond jokes.

What is left of the local small business that defined Hollywood will die completely, leaving only big corporate conglomerates disguised as boutique stores. What happened to the mom & pop books stores, clothings *[sic]* stores, markets, restaurants that used to fill Hollywood? Gone; all gone. There isn't even a hint they existed.

Please do not further this impossible problem by selling us out once again.

Please try to use an older city as a model, where old and new exist. Please do not eradicate Hollywood's history further by destroying the very things that made Hollywood Hollywood.

Response to Comment No. IND 29-2

The comment expresses general opposition to Project. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 30

Jim Geoghan
Received May 1, 2020

Comment No. IND 30-1

The last time Mayor Garcetti tried to "improve" Hollywood with Millennium's hideous buildings was a nightmare. I still dream of Millennium promising to put a "bicycle repair shop" on the ground floor for "all the bike riders who needed repair." OMG! I also remember Mitch O'Farrell telling the assembled crowd "When buildings sway during an earthquake… it's kind of fun!" OMG!

The earthquake fault is STILL there. Unfortunately so are Garcetti and O'Farrell.

The city needs to back off and listen to what the voters have to say. Trying to okay this hideous development by sneaking it in the back door isn't clever – it's foul.

Response to Comment No. IND 30-1

This comment expresses general opposition to the Project, including concerns in regard to earthquake and fault hazards. While the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 31

Carolyn Mohr
2514 Rinconia Drive
Los Angeles, CA 90068
Received May 2, 2020

Comment No. IND 31-1

I'm writing to request an extension to the public comment period for the proposed Hollywood Center Development (Millennium Group).

Response to Comment No. IND 31-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 31-2

The concerns of this project that directly impact my family and our residence in the Hollywood Dell are numerous, but here are a few:

Response to Comment No. IND 31-2

This comment serves as an introduction to the remainder of the comment letter. Responses to these comments are provided in Response to Comment Nos. IND 31-3 through IND 31-6.

Comment No. IND 31-3

--Since we have owned our home here, we have seen the traffic grow to be unbearable. Often, it takes up to an hour just to get past the lines of cars waiting to get onto the 101 when we are returning from work and school with our children. This massive project will exacerbate the traffic problem, blocking us from getting home to our houses.

Response to Comment No. IND 31-3

The comment expresses concern regarding the Project's potential to cause traffic impacts. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 31-4

--The construction noise and disruption of the streets will directly impact our health and ability to get to and from our home safely and within a reasonable time.

Response to Comment No. IND 31-4

The comment states that construction noise and disruption will impact the commenter's health and ability to get to and from their homes safely and within a reasonable time. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, noise and vibration impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary, and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

In regard to construction traffic, per Project Design Feature TRAF-PDF-2 as provided on page IV.L-26 in Section IV.L, *Transportation*, of the Draft EIR, the Project would implement a Construction Management Plan (CMP), including street closure information, a detour plan, haul routes, and a staging plan, which will be prepared and submitted to the City for review and approval. The CMP will formalize how construction will be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The CMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. The CMP would provide safety and minimize traffic delays in and around the Project Site during construction.

Comment No. IND 31-5

--This project will forever impact the beauty, view, charm, and aesthetic of our Hollywood neighborhood that has kept our 5th-generation Hollywood family in the area.

Response to Comment No. IND 31-5

This comment raises concerns regarding aesthetic impacts of the Project. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a

significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 31-6

The proposed project is of great concern to our community and we are alarmed to hear that the City had only provided the minimum comment period (April 16 – May 31st), despite our being under a "Safer At Home" order due to the COVID-19 pandemic. This is a huge project that will have a major impact on the entire city and should be carefully considered.

Please extend the public comment period on the Draft Environmental Impact Report to a minimum of 90 days AFTER the city and state "Stay At Home" order has been lifted so that everyone's voices may be heard.

Response to Comment No. IND 31-6

Refer to Response to Comment No. IND 31-1.

Comment Letter No. IND 32

Stanley Johnson
Received May 4, 2020

Comment No. IND 32-1

Mindy,

I hope this email finds you well.

L.A. is in the middle of change. And I am hoping that change comes soon as we have a lot of work to do for the 2028 Olympics. Hollywood routinely gets called the worst travel destination place in the world (A reputation that does not help bring dollars and jobs to our city). So I am definitely excited about the Makeover on Hollywood Blvd. And projects like Hollywood Center and Crossroads have to happen quickly in Hollywood. With so many jobs, tourists, and entertainment, we want people living here, walking here, taking the subway here, and actually having the feeling of being in a CITY!!

I am very excited about the Hollywood Center project (Which has been in the works for over 5 years). Please do not extend the comment period. We have waited long enough. Please no more delays.

On a side note: I am a Homeowner, Renter, Tenant, and Landlord here in L.A. I love that you all gather input from the local community. But please understand the negative biasness that goes into seeking feedback. You end up not hearing from the vast majority of the community because they simply do not care one way or another. It is not like they are going to be moving to a new development if they are happy where they are. The only ones motivated to go out that way to say something are those against it. When we only hear that one voice, it hurts us all. And the fact that one voice is usually part of a demographic that is minority (age, wealth and race), it is very unfair that we get much needed development delayed or cancelled due to this.

There has to be a better way.

Response to Comment No. 32-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 33

Mary S. Ledding, Esq.
6348 La Punta Drive
Los Angeles, CA 90068
Received on May 4, 2020 (IND 33A)
Received May 31, 2020 (IND 33B)

Comment No. IND 33A-1

Please see the attached letter.

Response to Comment No. 33A-1

This comment letter indicates that there is an attached letter to the email. Responses to that letter are provided in Response to Comment Nos. IND 33B-1 through IND 33B-3.

Comment No. IND 33A-2

I write to request that you extend the period to file comments in connection with the above-referenced EIR to a date to expire 90 days following the lifting of current "Shelter in place" orders.

Response to Comment No. IND 33A-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 33A-3

The Hollywood Center Project is a massive re-development that will impact my neighborhood. I live in Council District 4, directly above Hollywood and Vine and I shop, and provide services in Council District 13 where the Hollywood Center Project is planned. I have lived in Hollywood since 1975 and seen many developments and improvements. But this huge building project needs to be fully understood by the people and neighbors it will impact.

Response to Comment No. IND 33A-3

This comment states that the Project will impact the commenter's neighborhood and is noted, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 33A-4

The Draft EIR was presented to the public *during the lockdown for co-vid 19*!! The DEIR, whole casefile, and documents are only available for public examination by appointment at the closed-to-the-public Department of City Planning. There is no way to ask questions of those involved in its preparation and the minimal 45 day time period allowed during the quarantine period is simply too short a time for informed, careful evaluation by the public.

This project has been in the works for years. To allow a few more months to ensure fair and public evaluation and comment is reasonable and consistent with the whole purpose of sharing information with citizens that will be affected. To present this massive DEIR during the quarantine and allow only 45 days for comment smacks of developer corruption. At a time when the City Council – and the former head of the Council planning committee – has just plead guilty to corruption, this is a time when transparency and public involvement need to be welcomed, not rushed out the door and down the street. Your rush approach to getting this past the public does nothing to enhance the reputation of Los Angeles or its politicians.

You do a great disservice to the citizens of Los Angeles by rushing this huge development in Historic Hollywood past fair and careful citizen review. Please do the right thing and give us more time to understand, comment, and perhaps even improve the end result.

Response to Comment No. IND 33A-4

The commenter's asserts that the Draft EIR, whole case file, and documents were made only available by appointment at the Department of City Planning. However, the Draft EIR was also made available for review, a hard copy of the Draft EIR, and digital copies on CD-ROM or USB drive were also made available to anyone who requested one, from the Department of City Planning. Furthermore, as noted on the NOC/NOA, the Staff Planner's phone number and address were also provided for additional accommodations, and should any interested party have questions regarding the Draft EIR. For additional details regarding the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 33B-1

Please note the attached letter regarding the Hollywood Center Project DEIR.

Response to Comment No. IND 33B-1

This comment letter indicates that there is an attached letter to the email. Responses to that letter are provided in Response to Comment Nos. IND 33B-2 through IND 33B-18.

Comment No. IND 33B-2

Please include the following in the Public Comments and concerns about this massive project.

Response to Comment No. IND 33B-2

This comment was received and included as part of the record for the Project.

Comment No. IND 33B-3

1. I live in the Hollywood Dell, which is part of the neighborhood community the Project will affect. I object to the size and scope of the Project. For the City to approve the construction of two towers that are over 3 times the height of the Capitol Records Building and generally twice as tall as the Related Projects surrounding it shows a total lack of concern for the historic and architectural environment and the obligation to maintain the prevailing scale and character. The DEIR finds "no conflict" with policy 3.2.4 which requires developments to maintain the prevailing scale and character of the area and simply says the height and intensity is consistent with the building "trend in Hollywood". Where are there any buildings in the neighborhood surrounding the Project that are significantly over 20 stories (being the general height of Related Projects that have been approved)? Where in CEQA is a development permitted to comply with "trends" rather than the stated policies of the Framework element?

Response to Comment No. IND 33B-3

The comment expresses opposition to the Project based on size and scope, lack of concern for cultural resources, and land use consistency. Aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Regarding cultural resources, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

In addition, in regard to the size and scope of the Project, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of

the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. Specifically, with regard Framework Policy 3.2.4, referenced in the comment, the Policy states: "Provide for the siting and design of new development that maintains the prevailing scale and character of the City's stable residential neighborhoods and enhance the character of commercial and industrial districts." The Project Site is located within a designated Regional Center and is not located within a residential neighborhood. The analysis in Table LU-2 in Appendix J of the Draft EIR acknowledges that the Project would be have a substantially greater height and intensity than existing development in the area, however, the policy's applicability to the Project focuses on whether the Project would "… enhance the character of commercial and industrial districts." As discussed in Table LU-2, the Project would be sited and designed to enhance the character of the Regional Center mixed-use, commercial district. That is, despite its height, the Project would provide ground level dining and open space uses for residents, employees, and visitors. These ground level uses and the proposed mix of uses within the Project would increase the diversity of uses consistent with the Regional Center designation and would improve the pedestrian experience at the Project Site. The Project would enhance the urban character of the area, with an emphasis on activating Vine Street for pedestrians and cyclists and create a stronger connection to the Hollywood Walk of Fame and Capitol Records Complex.

Furthermore, page IV.H-22 of Section IV.H, *Land Use and Planning,* of the Draft EIR acknowledged that the Project would concentrate high intensity and/or density development in areas with reasonable proximity or direct access to high capacity transportation facilities. The Project would be sited and designed to focus greater intensity development adjacent to Vine Street, with the 35-story West Building and 46-story East Building located toward the center of the development. The 11-story West Senior Building would be located at the corner of Ivar Avenue and Yucca Street and would provide a transition between the West Building and the lower-scale (one- to two-story) buildings located to the north across Yucca Street and west across Ivar Avenue. The 11-story East Site Senior Building would be located along Argyle Avenue, providing a transition from the East Building to the 18-story 6226 Yucca project (Argyle House) located at the corner of Yucca Street and Argyle Avenue, and the seven-story Eastown project located to the east across Argyle Avenue. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 33B-4

2. The Project is asking for greater height and density in return for, among other things, the implementation of a TDM Plan to promote public transit utilization. Where are the specifics of such TDM Plan? The recent report on public ridership by the Regional Ridership Improvement Task Force states "ridership is declining in Los Angeles County" and cites "deep recessions then rising incomes, increasing auto ownership, steep jumps in housing prices, and the advent of new mobility

services potentially changing how and when people choose to ride". The report, prepared by the same consultants who reported a rosy look for public transit usage promoted by the Project, suggests unproven strategies which the Project embraces. What proof is offered that the TDM Plan will increase ridership of public transit and not increase auto ownership? Similarly, given the CoVid 19 pandemic, what impact will the pandemic have on the number of autos and consequent parking spaces, impact on traffic, air quality, and noise set forth in the DEIR?

Response to Comment No. IND 33B-4

The commenter asserts that the Project is requesting greater heights and density in exchange for implementing a Transportation Demand Management (TDM) Plan to promote public transit. It should be noted that the TDM Program is unrelated to the height and density of the Project. The TDM Program is described in Project Design Feature TRAF-PDF-1 on pages IV.L-26 to IV.L-28 of Section IV.L, *Transportation,* of the Draft EIR, and is required as a condition of approval in the Los Angeles Department of Transportation's (LADOT) assessment letter. Furthermore, independent of the requested Project's discretionary approvals, the Project is committed to implementing the TDM Program as a condition in its Environmental Leadership Development Program (ELDP) certification by the State of California.

The trip reductions that were applied as part of the TDM program in the vehicle miles traveled (VMT) analysis were estimated using the City's VMT Calculator tool as discussed and documented on page 26 of the Transportation Assessment (TA) in Appendix N-1 of the Draft EIR. The effectiveness of TDM measures contained in the VMT Calculator is estimated based on empirical research from the California Air Pollution Control Officers Association (CAPCOA) which currently represents the latest state of the practice TDM research. Appendix H to the TA provides calculations in support of the specific TDM measures applied for this Project, including the applicability of select measures and equations used in the analysis. The combined effects of project location, land use mix, TDM measures, and proximity to built environment characteristics such as density of destinations, diversity of travel options, and distance to transit are well documented and applied here.[132] Also see Attachment G, Transportation Demand Management Strategies, in the Los Angeles VMT Calculator to the LADOT Transportation Assessment Guidelines (TAG), which provides more detail regarding the research sources and calculation of effectiveness for the TDM measures included in the VMT Calculator. The resources and documents above provide substantial evidence in support of the methodology, application of reductions, and resulting analysis outcomes demonstrating that a project with this land use mix, provision of effective TDM measures, in this location, would experience substantial reductions in single occupant vehicle trips.

The Project may be operational as early as 2024 with buildout of either the West Site or the East Site. It is not possible at this time to predict with accuracy what the status of the

[132] United States Environmental Protection Agency, Smart Growth, https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model, accessed August 25, 2020.

COVID-19 virus will be in 2024, which represents the earliest year in which either the West Site or the East of the Project would be in operation. Furthermore, the comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. CEQA does not require analysis of speculative conditions related to the potential for diminished use of public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 with regard to impacts on air quality, traffic, and noise is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 33B-5

3. The DEIR notes significant unavoidable impacts to cultural resources, including the Pantages Theatre, Avalon Hollywood, and certain Art Deco adjoining buildings. These are significant irreplaceable historic buildings. In addition to the Project, the DEIR notes that the effect of nearby construction together with the Project will be cumulatively significant and unavoidable. How can the City sacrifice the future of these unique historical and cultural landmarks in return for building a massively oversized Project that is not consistent with the neighborhood skyline and will negatively impact so many other elements of the framework element?

Response to Comment No. IND 33B-5

This comment raises concerns regarding Project impacts on historic resources and aesthetics. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect project-level and cumulative impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame, and indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended

mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

In addition, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 33B-6

4. The DEIR repeatedly mentions the addition of over 30,000 square feet of retail/commercial space and asks for 12 liquor licenses. Why does the DEIR not mention the addition of grocery stores, personal services, and other daily-needs types of stores? How does the addition of solely retail/commercial/liquor licensed businesses provide for the stability and enhancement of multi-family residential neighborhoods in accordance with Objective 3.7 of the framework element?

Response to Comment No. IND 33B-6

The comment inquires about why grocery stores and other daily-needs types of stores are not mentioned in the Draft EIR and how the addition of the Project's retail/commercial space provide for the enhancement of multi-family residential neighborhoods in accordance with Objective 3.7 of the Framework Element, which is to: "Provide for the stability and enhancement of multi-family residential neighborhoods and allow for growth in areas where there is sufficient public infrastructure and services and the residents." As stated in Appendix J, Land Use Plans and Policies: Project Consistency Tables, of the Draft EIR, the Project would be an infill project in a highly urbanized area with sufficient public infrastructure and services to meet Project needs. The Project's commercial uses, which would include a mix of retail and restaurant uses, would represent growth in an area where there is sufficient public infrastructure and would be beneficial for the residents that the Project would bring to the Project Site. However, the Project's commercial tenants are not known ahead of the anticipated completion of the Project in 2024, or whether any of the Project's commercial space would include grocery stores or personal services. Because the Project's Regional Center designation, along with proximity to the Hollywood Boulevard Commercial and Entertainment District and the Capitol Records Building site anticipates visitors, the requested entitlements include restaurant uses with liquor licenses consistent with the proposed public access plazas and historic character of the existing entertainment-directed commercial area. The Project will introduce new commercial activity on a location currently occupied by surface parking lots. It will provide landscaped plazas, an outdoor stage, and paseo, and include retail uses that would serve some interests of the surrounding residential neighborhoods. The Project, which is located within an entirely commercial area, would not encroach into the area's residential neighborhoods and would, thus, not destabilize the surrounding area.

Comment No. IND 33B-7

5. As a general matter, the Project DEIR has been prepared with the intent, and the blessing of the city and state, that it provide density and that residents and occupants will predominantly use public transit and reduce the use of private automobiles. However, the occurrence of the Covid 19 pandemic has caused permanent change in the minds of the public. The virus is known to have been widely spread on crowded public transit vehicles in New York City and elsewhere. Before the pandemic Los Angeles County use of public transit was documented to be continuing to decline by the Regional Ridership Improvement Task Force. The virus will further reduce ridership. Has the effect of Covid 19 and the likely permanent societal changes been evaluated in all of the applicable areas of potential impact, including traffic, use of private autos, use of ride-services, need for parking spaces, change in economic climate, decline in attendance at restaurants and bars, decline in attendance at public venues such as the proposed public performance space and other public spaces in the Project?

Response to Comment No. IND 33B-7

The comment questions whether the effect of COVID-19 was taken into account in the Draft EIR. See Response to Comment No. IND 33B-4 for a discussion of impacts with regard to the COVID-19 pandemic.

Comment No. IND 33B-8

6. It is publicly known that the developers of the earlier version of the Project (the Millennium Hollywood Project) also built the Millennium Towers in San Francisco, which were found to have sunk and started to lean. Substantial litigation is still pending there, including a case filed by the City of San Francisco at great cost to the taxpayers. Has the DEIR confirmed that the geological report for the Project was not done by the same experts for San Francisco Millennium? How does the DEIR assure the public that the massive towers of the Project will not result in geological errors and expose the City and its taxpayers to significant litigation costs?

Response to Comment No. IND 33B-8

This comment inquires about whether or not the same experts who prepared the geological report for the Millennium Towers in San Francisco, which is currently under litigation, also prepared the report for the Project, and assurance that the Project will not also result in litigation. The geotechnical report for the Hollywood Center Project was not conducted by the same firm as for the Millennium Towers in San Francisco. Furthermore, while this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, geology impacts regarding the Hollywood Fault and other geologic hazards were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix

G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 33B-9

7. The DEIR wrongly states that the Project is not within a quarter of a mile (1,320 ft) of a school. In fact, Delaney Fine Arts Preschool is within 602 ft of the Project and Hollywood Presbyterian Children's Center and Preschool is within 943 ft of the Project. And Cheremoya Avenue Public School is within 1,437 ft of the Project. Has the Project been evaluated as to the impact on the children in these schools caused by the construction and operation of the Project and each of its Alternatives (including but not limited to haul routes, increased traffic and traffic safety concerns, air pollution, and hazardous waste)?

Response to Comment No. IND 33B-9

The commenter states that the Draft EIR does not list various schools within a 0.25-miles of the Project Site. As stated on page IV.F-17 of Section IV.F, *Hazards and Hazardous Materials,* of the Draft EIR, there are no Los Angeles Unified School District (LAUSD) elementary, middle, or high schools located within one-quarter mile of the Project Site. Additionally, as stated on page IV.F-26 and -27, the Draft EIR notes that day care centers and/or pre-schools are sometimes associated with civic, business, and residential uses in the area and are considered sensitive receptors to hazardous materials or substances. The schools referenced in Section IV.F are the Hollywood Presbyterian Children's Center Preschool, located 0.2 miles east of the Project Site, and the Montessori Shir-Hashirim Los Angeles, located 0.25 miles southeast of the Project Site. While the Delaney Fine Arts Preschool and Hollywood Presbyterian Children's Center and Preschool were not specifically referenced, the Draft EIR analyzed impacts to sensitive receptors, which included schools that were immediately adjacent to the Project Site. As stated in Section IV.F, an analysis of the Project toxic air contaminants (TACs) emissions (including volatile organic compounds [VOCs] emissions) was conducted as part of the analysis in Section IV.B, *Air Quality*, of this Draft EIR, and includes analysis of the sensitive receptors. As indicated therein, Project construction-related TACs would have less-than-significant impacts on adjacent sensitive receptors with the Project's use of Tier IV construction equipment required as mitigation. In addition, Mitigation Measure HAZ-MM-1 would establish requirements for the handling, management and disposal of any contaminated soils or structures, which prevent unacceptable exposure to contaminated soils or vapors during construction at any nearby school, including the referenced schools in this comment. In regard to Project operation, all hazardous materials on the Project Site would be handled, used, stored, and disposed of in accordance with all manufacturers' specifications and all applicable federal, state, and local requirements such that schools are not adversely impacted. Project emissions would be typical of urban mixed-use development in the area and would not include hazardous emissions that would affect any off-site land uses, including schools.

Furthermore, as stated on page IV.I-44 of the Draft EIR and as discussed in the Transportation Assessment (see Appendix N-1 of this Draft EIR), Project haul trucks (e.g., trucks hauling dirt) would be required to use City-approved haul truck routes. Haul routes would account for school zones identified per the Safe Routes to School Program. For Project haul trucks, two approved haul routes are available from the Project Site, depending on which landfill is being used to deposit materials and which site the haul trucks are servicing.

Haul Route Option 1 would represent 70 percent of truck traffic with Option 2 covering the remaining 30 percent of trips. Haul Route Option 1 from the West Site follows northbound Ivar Avenue to eastbound Yucca Street to northbound Argyle Avenue, and then takes the US-101 ramp. Haul Route Option 1 from the East Site starts from northbound Vine Street to eastbound Yucca Street and then follows the same directions as the West Site. Haul Route Option 2 from the West Site follows Ivar Avenue, to the US-101 ramp via eastbound Hollywood Boulevard. Haul Route Option 2 from the East Site follows southbound Vine Street to eastbound Hollywood Boulevard, and then takes the US-101 ramp. The use of these haul routes was analyzed in Section IV.B, *Air Quality*, and Section IV.I, *Noise*, of the Draft EIR, both of which concluded that air quality and mobile-source noise impacts, respectively, would be less than significant.

In addition, as noted on page IV.L-22 of Section IV.L, *Transportation,* of the Draft EIR, the Draft EIR's analysis of geometric design feature or incompatible use hazards takes into account the Project's location relative to proximity to a Safe Routes to School program area. Therefore, as analyzed under Threshold (c) on page IV.L-45 of Section IV.L, the Project would not substantially increase geometric hazards due to a design feature or incompatible uses, and, as such, the Project would not result in adverse safety impacts related to traffic to nearby schools.

Comment No. IND 33B-10

8. The Project proposes 133 senior units but does not state the square footage or whether 1- or 2-bedroom units. The Project is asking the City for numerous waivers to city zoning return for building the absolute minimum percentage of senior/affordable housing (11%). Is allowance made in these units for the customary need of a caregiver for seniors? How does the size of these senior units (square footage, number of bedrooms) compare to the size of other senior housing in the area and how does it compare to the size of the supportable housing the City has been building for the homeless? Seniors should receive at least the same amount of living space that public tax dollars are paying for the homeless affordable housing.

Response to Comment No. IND 33B-10

The commenter states that the Draft EIR does not disclose the sizes of the affordable housing units as proposed under the Project. Table II-1, Proposed Development Program, on page II-15 of the Draft EIR includes the breakdown of one-, two and three-bedroom

units proposed by the Project. The specific size of the units will be determined in the design phase of the Project and is not relevant to the environmental analysis included in the Draft EIR. As the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 33B-11

9. From a design and aesthetic standpoint, the plans for the senior housing units being proposed are strikingly similar to cell blocks from Eastern Europe and the failed "projects" of the Eastern United States. Why are the senior units so boxy and without any design grace? How are such boxy buildings consistent with Policy 3.2.4 of the framework element which requires development to maintain the prevailing character of the city's stable residential neighborhoods? There are no cell-block living structures surrounding the Project.

Response to Comment No. IND 33B-11

The comment provides a general opinion that the design of the senior housing units. The specific size, shape and design of the units will be determined in the design phase of the Project and is not relevant to the environmental analysis included in the Draft EIR. While the comment is noted, because the requested information is not required under CEQA to be analyzed within an EIR and the comment does not raise any specific issues regarding the content and adequacy of the Draft EIR, no further response is warranted.

Nonetheless, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 33B-12

10. Under State CEQA Guidelines a project that physically divides an established community has a significant impact related to land use and planning. The Hollywood Dell neighborhood is part of the community of Hollywood. Residents of the Dell have no commercial district other than those retail and grocery shopping locales to the south of the Project and must take the main southern streets of Argyle, Cahuenga and Vine to get to those shops and services. The building of the Project will significantly increase the traffic the Dell residents must encounter to reach the retail portion of our community and dividing it. Why was no review made of the impact of the Project in dividing the Dell or other surrounding neighborhoods from the Hollywood community?

Response to Comment No. IND 33B-12

The commenter provides a general statement that implementation of the Project would divide the established community and have a significant impact related to traffic. As analyzed on page B-37 of the Initial Study, provided in Appendix A-2 of the Draft EIR, while the Project would result in changes to the way vehicles access the Project Site, it would not re-route existing streets or create new public streets, and, as such, traffic in the surrounding community would continue to utilize the same circulation facilities and patterns as occur presently. Further, the Project would not create a physical barrier or otherwise disrupt the physical arrangement of an existing community. Therefore, the Project would not physically divide an established community, and no impact would result.

Comment No. IND 33B-13

11. The DEIR avoids mentioning the height of the historical Capitol Records building which appears to be only 13 stories from examination of the Project illustrations. The Project and all Alternatives which actually build something dwarf this historic building. The developers are requesting a waiver from the City to applicable height limits in return for building the absolute minimum of cell-block units for seniors - 11%. That in itself is a horrible bargain, but even worse is the monumental dwarfing of Hollywood's most iconic building. The Project is triple the size of Capitol Records. Alternatives #3, #4, #5, #6, #7, and #8 all dwarf it as well - Alternative #8 being the most egregious with a proposed 48 stories! Only Alternative #2 at 18 stories is anywhere similar to the Capitol Records building. In addition, all of the Related Projects close to the Project are permitted at about 20 stories. How can the City conclude that the Project - at 46 and 35 stories - maintains the prevailing scale of the neighborhood, in accordance with Policy 3.2.4 of the Framework Element? How did the approved Related Projects' evaluation of this Policy in obtaining their approvals compare to the evaluation of this important Policy in respect of the Project and why is there a different conclusion?

Response to Comment No. IND 33B-13

The comment asserts that the height of the Capitol Records Building is not disclosed in the Draft EIR. However, the height of the Capitol Records Building is indicated on page II-9 of the Draft EIR as being 13-stories. The comment also provides opinions on the size and scale of the Project in relation to the Capitol Records Building, as well as the Alternatives evaluated in the Draft EIR, but does not raise any specific issues regarding the content and adequacy of the Draft EIR. See Response to Comment No. 33B-3, which discusses the Project's aesthetics and indirect historic resources impacts with respect to the Capitol Records Building, as well as whether the Project would conflict with Policy 3.2.4 of the Framework Element. Note that the Policy is misstated in the comment, which is specific only to "the prevailing scale of the City's stable residential neighborhoods."

As discussed in Appendix J of the Draft EIR, the determination that the Project would not conflict with the prevailing scale of a stable residential neighborhood is based on the fact

that the Project would not encroach into, or be located within an existing residential neighborhood. Further, the Project would be consistent with the on-going mixed use redevelopment in the area and targeted growth policies applicable to Regional Centers and TPAs. In addition, the Project is sited and designed to focus greater intensity development adjacent to Vine Street, with the 35-story West Building and 46-story East Building located toward the center of the development and farther from nearby residential neighborhoods. The Project would also provide setbacks from the 13-story Capitol Records Building that would preserve direct views of this building from the Hollywood Freeway and Hollywood and Vine Street. The issue of height and scale was not found in conflict since the Project is not located within an established residential neighborhood.

In the evaluation of Project Alternatives in Chapter V, *Alternatives*, of the Draft EIR, the analysis described the types of setbacks and street interfaces of the Alternatives compared to the Project, which vary among the various alternatives.

Regarding related projects, building setbacks and the specific character and uses of the various neighborhood interfaces for the 123 City of Los Angeles related projects and 27 City of West Hollywood related projects are not known, and such detailed level of analysis for related projects is not required. The evaluation of cumulative land use impacts did not address Policy 3.2.4 or make a finding that contradicts the conclusion of consistency of the Project with Policy 3.2.4. The Draft EIR stated that related projects would be evaluated for consistency with existing and proposed zoning and land use designations and, because each would be evaluated, the Draft EIR concluded that related projects that would not conflict with the City's applicable plans and goals to concentrate high-density, mixed-use development in TPAs.

Comment No. IND 33B-14

12. Policy 4.1.1 of the Framework element requires the City to accommodate an adequate supply of housing units by type and cost to meet projections. In response the DEIR simply repeats the proposed number of units it plans. Los Angeles is already facing a glut of empty expensive apartments which do nothing to provide affordable housing. Where is an analysis of the existing income levels of Hollywood residents and how the pricing of these "market-rate" units fit into citizen's income levels? How does the DEIR assure that the 872 market-rate units are actually at a rate that the community can afford? There is nothing about pricing in the DEIR.

Response to Comment No. IND 33B-14

The comment asserts that the Draft EIR does not analyze the existing income levels of Hollywood residents and whether the community can afford the market-rate units, as required by Policy 4.1.1 of the Framework Element. As stated in the CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, pricing information was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 33B-15

13. The DEIR provides comparisons of Alternates and their various impacts on 56 different uses or features. At least three Alternatives - #2, #3, and #5 - all partially or fully meet all Project objectives yet offer lesser impacts on various uses or features. Alternative #2 offers 30 "Less" impacts, Alternative #3 offers 23 "Less" impacts, and Alternative #5 offers 20 "Less" impacts. All of Alternatives #2, #3, and #5 provide for a smaller scale Project with fewer stories than those being proposed. How can the City approve the Project which dwarfs surrounding buildings and Related Projects when Alternatives are available that partially or fully meet all of the Project objectives? Why is the proposed Project superior to those Alternatives in serving the needs of the community?

Response to Comment No. IND 33B-15

The comment identifies Alternatives 2, 3, and 5 partially or fully meet all Project objectives and offer lesser impacts on various uses or features, and inquires how the City can approve the Projects that dwarfs its surrounding when other Alternatives are available. Regarding approval of the Project, it should first be clarified that no decision is being made at this time. Furthermore, as stated on page V-317 of Chapter V, *Alternatives,* of the Draft EIR, Alternative 2 would result in the most reduction of impacts compared to the Project and is therefore considered to be the Environmentally Superior Alternative. The City, during the approval process, for the Project, will review and consider all the Alternatives presented in the Draft EIR.

Comment No. IND 33B-16

14. The DEIR acknowledges that if the Project and the Related Projects are to be built, by 2027, when the Project is completed and occupied, there will be an additional 18,064 students in the relevant area, and that all except Hollywood High School will experience significant overcrowding. The DEIR states that under Ca. Gov Code Sec. 65995 the payment of fees by a developer mitigates to "less than significant" this impact. But that code section merely says additional fees cannot be charged beyond those set forth. It does not determine that a construction permitted by the City cannot be declined if the City determines there is a detrimental impact. Building a smaller Project, with fewer stories and fewer units, or with more senior housing would have a mitigating effect on the schooling deficit that the current Project will create. Why has the City not requested an evaluation of the effect that fewer stories or more senior housing on this Project would have on the projected deficit in student capacity? And why does the DEIR not project the deficit beyond the initial year (2027) when the Project would be completed, since students grow up and greater crowding would no doubt occur?

Response to Comment No. IND 33B-16

The commenter correctly states the number of additional students in the service area that would be generated by the Project and related projects, but disagrees with the conclusion

that impacts would be mitigated to a less-than-significant impact. However, as stated on page IV.K.3-2 of Section IV.K.3, *Schools,* of the Draft EIR, SB 50 permits the LAUSD to levy a building permit fee, charge, dedication requirement, or other requirement against any development project within its boundaries, for the purpose of funding the construction or reconstruction of school facilities. SB 50 also caps the fees a developer may be required to pay. Fees are established by the State Allocation Board every two years based on demonstrated need as set forth in the LAUSD's School Facilities Needs Analysis. Therefore, pursuant to California Government Code Section 65995, all related projects would be required to pay developer fees under the provisions of SB 50 to address the impacts of new development on school facilities. Payment of such fees is intended for the general purpose of addressing the construction of school facilities, whether schools serving the Project in question are at capacity or not. Pursuant to California Government Code Section 65995(h), payment of such fees is deemed full mitigation of a project's development impacts. In addition, a portion of the property taxes generated by the Project and related projects would be allocated by the State to LAUSD for future school operations. This would be in addition to LAUSD's bond program that funds improvements and upgrades to LAUSD school facilities. Therefore, the payment of SB 50 fees would mitigate any of the Project's impacts on school services. The comment also questions why the Draft EIR does not project the deficit beyond 2027. As stated on pages IV.K.3-8 and -9, school planning for future enrollments is done by the LAUSD at five-year intervals, and is based on the estimated future residential enrollment (i.e., estimated number of eligible resident students). Therefore, projections beyond 2027 at this time are not available.

Comment No. IND 33B-17

15. The developer is requesting 12 liquor licenses yet is touting this as a multifamily/ senior housing project. Ignoring the square footage dedicated to housing, the 30,176 square feet of commercial (retail and restaurants), results in one liquor license for every 2,500 square feet. If you further reduce for possible grocery and other non-restaurant space, the square footage anticipated to be utilized by liquor consumption is staggering. As a project touted as "multi-family" and "senior housing", how is the concentration of so many liquor vending locales consistent with the objective of developing neighborhood oriented retail space such as groceries, clothing, hair salons and the like?

Response to Comment No. IND 33B-17

The comment questions how the request for 12 liquor licenses is consistent with the objective of developing neighborhood oriented retail space. See Response to Comment No. IND 33B-6.

Comment No. IND 33B-18

I want to also note that the public was not given sufficient time to review this thousands-of-pages report given that only 15 days were allowed during a time the Covid-19

pandemic has shut down -and continues to shut down – access to the document, to officials who are cited in it, and to the ability for the community to publicly meet and discuss its broad impacts on our daily lives and the lives of future generations. Shame on the City and its officials. Especially at a time when City corruption is well-documented and City officials are admitting taking money from developers. You are trampling on public trust.

Response to Comment No. IND 33B-18

The comment asserts that the public did not have sufficient time to review the Draft EIR and only given 15 days to access the document. However, the Draft EIR's public comment period was conducted in compliance with the statutory requirements, including but not limited to Public Resources Section 21091 and CEQA Guidelines Sections 15087, 15105, and 15205. The Draft EIR was made available for review for a period of 47 days on the City's website, and digital copies on CD-ROM or USB drive were also made available to anyone who requested one, from the Department of City Planning. A hard copy of the entire Draft EIR was also made available at the Department of City Planning for any interested party to view. Furthermore, as noted on the Notice of Completion/Notice of Availability, the Staff Planner's phone number and address were provided for additional accommodations. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 34

David Quinte
Received May 5, 2020

Comment No. IND 34-1

Thank you for taking the time to read this letter. My husband and I have been supporters of the proposed Hollywood Center Project since it was first announced two years ago, and we continue to stand in support of this forward-thinking project.

The project was certified by the Governor in 2018 as an Environmental Lead Development Project, ensuring that it would be an environmentally thoughtful project, provide 15% transportation efficiency compared to others in the area, be certified LEED Gold, and have no net new greenhouse gas emissions during construction and operation.

While I applaud the developer for making these commitments, what I appreciate the most is how they were able to incorporate these important features into a project that will provide over 1,000 units of housing for individuals from a mix of incomes.

As someone who lives in the area and daily walks around, I can tell you that what I have always appreciated about Hollywood is the diversity here. You have an office building, next to an apartment building, next to an affordable senior building, next to a theater, next to the Capitol Records building. Where else on the planet do you get this in a neighborhood?

Hollywood Center will be a welcome addition to our neighborhood allowing older adults to continue to live in place and bringing a new energy and life to the area surrounding the iconic Capitol Records building. This project represents an over $1 Billion investment in Hollywood, at a time when jobs and investment are desperately needed.

I ask that you please consider this project for approval within the regular review period, and do not put unnecessary delays on this proposed development. Hollywood has waited long enough. Thank you for your time.

Response to Comment No. IND 34-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 35

Edward Stanza
Received May 5, 2020

Comment No. IND 35-1

I am writing to share my support for the proposed Hollywood Center Project. My husband and I have lived in Hollywood for many years, and have seen this community go through a number of changes, some good and some bad.

Projects like Hollywood Center represent the good. This is a project that has taken into consideration a community that is growing and needs resources such as jobs, housing, open space, and neighborhood serving retail. I live down the street from the proposed project site, which is currently occupied by surface parking lots. One things I have seen in this pandemic is just how sad Hollywood is without people on the streets. To allow these lots to remain a “living space” for vehicles, instead of people, seems grossly out of touch with what a community should be. Communities should have open areas for individuals to enjoy, a mix of residents, young and old from a variety of backgrounds, and neighborhood serving commercial offerings that make it easy for you to live in place.

Developments in our community have brought several benefits such as grocery stores, live entertainment, and more. Hollywood Center will be another great addition to these offerings.

Lastly, as a Hollywood resident I know that the need for shelter is real, now more than ever. This project will set aside over 130 units for low to very-low income adults 62 and over. This will provide a quickly growing population with a place to call home in a neighborhood that is the center of Los Angeles.

I have been online and seen some of the other comment letters and they appear to be more about extending the comment period for this project, or how this project is “too tall.” With all due respect to their authors, these letters do not seem to speak to what the need in our world is right now…the need for jobs and housing.

I strongly urge you to not postpone this project, but instead move it forward so that Hollywood will continue to become a place where others can call home.

Thank you.

Response to Comment No. IND 35-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR.As such, no further response is warranted.

Comment Letter No. IND 36

Noah Taubman
Received May 6, 2020

Comment No. IND 36-1

I'm writing today to support the Hollywood Center and ask that you approve construction without any further delay.

Growing up, we were always told to avoid Hollywood. Thankfully over the last few years the area continues to improve, but I would love to see it continue to evolve and realize its full potential.

I've recently learned that the plan that governs what can be built in Hollywood hasn't been updated since 1988. How can a city expect to evolve and change with the times with a charter that is over 30 years old? These zoning rules are completely out of date.

To put it simply, the proposal for Hollywood Center fills that potential. It's exciting, it's architecturally significant, and it will bring new housing and people to Hollywood. I support the Center as well as any other projects that continue to address the unfilled potential Hollywood has to offer.

I kindly ask you to approve construction of Hollywood Center and please do not delay this any further by extending the comment period.

Response to Comment No. IND 36-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 37

Sheldon Bond
Received May 6, 2020

Comment No. IND 37-1

Thank you for the opportunity to comment on this project. I support it. It should be approved not delayed by any comment extensions – we are all struggling enough as it is because of COVID and we need the jobs this project will create to bring back our economy. I moved to the LA area approximately 10 years ago and haven't looked back. Coming from Boston, I'm used to a walkable and bikeable city. I wish Hollywood could be more of those things. It has the subway stops and lots of things to do, but the pedestrian/bicycle experience is lacking in places. This project will take one of those less pedestrian-oriented places and make it a destination.

And what more could you ask for? I love this area, but I'm increasingly disappointed with the folks who are happy with and advocate for the status quo. Those that don't want to see this site improve from the paved asphalt that exists today. Hollywood today is not the Hollywood of 10 years ago, and it's certainly not the Hollywood of the '80s. We all can't continue thinking that we deserve parking spaces steps from our destination and 20 minute drives from any two points in the City. If COVID has taught us one thing, it's that people actually enjoy not being stuck in their cars for hundreds of hours per year. People want to live and work and play in Hollywood, and I commend this project for designing something that not only addresses the needs of today but contemplates the evolution of the area, envisioning a forward looking project that plans for tomorrow. I'm happy to support it.

Response to Comment No. IND 37-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 38

Brian Ann Letofsky
Received May 6, 2020 (IND 38A)
Received May 6, 2020 (IND 38B)
Received May 13, 2020 (IND 38C)

Comment No. IND 38A-1

The commenter originally emailed Vince Bertoni, Director of City Planning, on April 26, 2020. This email was forwarded to Mindy Nguyen and received on May 6, 2020. The commenter's original letter is as follows:

Dear Sir:

I am writing to ask you to please STOP the Hollywood Millennial *[sic]* Project. We are in the midst of a Pandemic, probably the first of many and what we really don't require for our future is more urban density. The areas that have been hardest hit are areas with high density living and commuting. One of the factors that has probably helped Los Angeles is that most people commute in cars and live in single family dwellings. The idea of high density, multi purpose building is no longer a prospect for a hopeful future. 5 years ago this might have seemed like a smart idea, but not since February of this year. In February of this year the world changed and we have to adapt. Continuing with this project is a hideous idea. It is time to give this one up and go for a long rethink. High density has become a very bad idea for the future. You need to find some new solutions.

Response to Comment No. IND 38A-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

This comment also expresses general opposition to the Project based on its proposed density. It should be noted that the proposed density for the Project is compliant with the Project Site's zoning designation. Furthermore, as discussed in Topical Response No. 5 – Land Use and Planning, above, the Project's consistency, and therefore, potential conflicts, with applicable local and regional plans, along with related land use and planning impacts, were fully analyzed in Section IV.H, *Land Use and Planning*, of the Draft EIR. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR. While this comment is noted, as it does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

The Project may be operational as early as 2024 with buildout of either the West Site or the East Site. It is not possible at this time to predict with accuracy what the status of the COVID-19 virus will be in 2024, which represents the earliest year in which either the West Site or the East of the Project would be in operation. Furthermore, the comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. CEQA does not require analysis of speculative conditions related to the potential for diminished use of public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 38B-1

Thank you for your response. This project should not go forward given a new reality for out *[sic]* city and country. This is the wrong time to be continuing the same pattern of High Density living.

Response to Comment No. IND 38B-1

See Response to Comment No. IND 38A-1.

Comment No. IND 38C-1

I write to ask that you extend the comment period on the Hollywood Center Project do to people having to shelter in place. Voters need more time and there should be no rush on this important issue. There are many new factors to discuss about high density living given what we are still learning about viruses and the possibilities for more pandemics.

Response to Comment No. IND 38C-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 39

Stephen Twining
11693 San Vicente Boulevard, #131
Los Angeles, CA 90049
Received May 6, 2020

Comment No. IND 39-1

The commenter originally emailed Vince Bertoni, Director of City Planning, on April 26, 2020. This email was forwarded to Mindy Nguyen and received on May 6, 2020. The commenter's original letter is as follows:

Please extend the comment period for the Hollywood Center Project to 120 days. Please see the email sent by the Silverstein law firm dated April 17, 2020.

Response to Comment No. IND 39-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 39-2

Two other points in addition: We do not want the Manhattanization of Los Angeles and I specifically make reference tot *[sic]* he *[sic]* Los Angeles Times claiming that our layout with single family homes has diminished the spread of the Virus.

Response to Comment No. IND 39-2

This comment expresses general opposition to the Project based on the "Manhattanization of Los Angeles", but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 39-3

Attachment: This comment includes a copy of the April 17, 2020 letter submitted by the Silverstein Law Firm.

Response to Comment No. IND 39-3

Responses to this attachment are provided in Response to Comment Nos. 8A-2 and 8A-3.

Comment Letter No. IND 40

Mary Brown
William C. Brown
Received May 7, 2020

Comment No. IND 40-1

As a resident of Hollywood I am asking for the LA Department of City Planning to extend the public comment period for the proposed Hollywood Center Development (aka: Millennium Group) for a period of 90 days minimum once the "Safer at Home" order has been lifted. This proposed project is of great concern to our community, and while we are under a "Safer at Home" order due to the COVID-19 pandemic, we request more time in regards to stating our concerns on the project.

Response to Comment No. IND 40-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 40-2

Personally, I am opposed to this project. Not just for its irresponsible architecture that is both unsafe (active fault line) and unappealing, or because it strips away the historical value that is Hollywood, or because it has no intention of solving a housing crisis in L.A. that is economically drive *[sic]* by offering rents no Hollywood resident should have to afford. NO. Today, we have a new threat, it's called social proximity. And I find it surprising that the cities solution is to stack people on top of one another. Have we not learned anything from our cousins in New Jersey/Long Island, who are so densely packed in high-rise communities (and public transportation) that 1/3 of the nations *[sic]* 70,000 COVID-19 deaths can be accounted for in this region alone?

Response to Comment No. IND 40-2

This comment expresses general opposition to the Project based on its proximity to an active fault line, aesthetics, impacts to historic character of Hollywood, affordability and current COVID-19 related concerns but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that

geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment also expresses opposition to the Project based on its architecture. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

This comment further asserts that the Project strips away the historical value that is Hollywood. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Finally, the comment suggests that the density of the Project is synonymous with COVID-19 deaths occurring elsewhere in the country. The Project may be operational as early as 2024 with buildout of either the West Site or the East Site. It is not possible at this time to predict with accuracy what the status of the COVID-19 virus will be in 2024, which represents the earliest year in which either the West Site or the East of the Project would be in operation. Furthermore, the comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. CEQA does not require analysis of speculative conditions related to the potential for diminished use of public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's

impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 40-3

Space, that is something we need to be concerned about. Restoring and re-thinking our preexisting infrastructures that California has been known for – instead of striping them away and rebuilding a "modern" vision from non-Californian developers, would still drive our construction economy, create jobs; and all without caving to the international conglomerates and special interests groups. Because, stacking people on top of each other in NOT the answer.

Response to Comment No. IND 40-3

This comment expresses general opposition to the Project based on its proposed density. However, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 40-4

I believe that everyone should be able to have their opinion heard in an open forum. And it is for that reason I, like many other voting continuants, am alarmed to hear that the City has only provided the minimum comment period (April 16 – May 31st), during the "Safer At Home" order. This projects overall impact on the city needs to be thoroughly considered, and everyone deserves the right to speak. Not everyone has access to the internet to be able to review and comment in the time frame allotted. Further more *[sic]*, those opposed to this action deserve more time to inform the public on what we can do to voice our opinions, considering physical public forums, rallies and other group actions are not possible.

Response to Comment No. IND 40-4

The comment states that the public's opinions should be heard in an open forum. See Topical Response No. 1 – Public Participation and Review, above, which includes a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

Comment No. IND 40-5

Attachment: This letter is a duplicate of Comment Letter No. IND 40.

Response to Comment No. IND 40-5

Responses to this comment are provided in Response to Comment Nos. IND 40-1 through 40-4.

Comment Letter No. IND 41

Taylor Wishman
Received May 8, 2020

Comment No. IND 41-1

To whom it may concern, I am writing in support the Hollywood Center project and ask that you move this project ahead with without *[sic]* delay or extension to the 45-day comment period.

I am a born and raised Angeleno and I care deeply about this city. I am passionate about the environment and making the world a livable, sustainable place not just for me but for my two daughters. The direction we are heading is not a good one – we need to completely rethink human's impact on the environment and what it means for our future, our children's future, and their children's future. We can all make a difference by being conscious of our energy consumption and living sustainably. On a personal and smaller level, this means driving less and biking more. This means going plastic free. It means using less water and turning the AC down. These are all things we can do as individuals.

On a larger scale, our development needs to be sustainable and green. I'm attracted to Hollywood Center because it is a GHG net neutral project. Candidly all projects should hit this goal. I applaud this project for committed to this standard of no new emissions as a result of the project. If all projects did this, we would see no increase in pollution as a result of construction or operation of new buildings and projects.

It's transformational commitments like these that we need to tip the scales against global climate change.

Please move this project forward without delay, and please continue your efforts to address climate change. It's the biggest issue we face.

Response to Comment No. IND 41-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 42

Name Unknown
Received May 8, 2020

Comment No. IND 42-1

Thank you for pasting the template response you have included in several other email inquires *[sic]* on this same topic.

I would ask that instead of doing so, these requests made by the public are taken a little more seriously by your department. Per your email: **"The City has received many requests for an extension of the Hollywood Center Project Draft EIR comment period in light of COVID-19."**

I will also remind you that the city, your department specifically has granted extensions to the public comment period for one of the related projects, Citizen M. Attached to this email is a copy of the notice of extension to be included in the administrative record.

The city has also extended the public comment period for its sidewalks program stating: "Due to the current COVID-19 emergency, the Draft EIR public review and comment period has been further extended"

https://sidewalks.lacity.org/environmental-impact-report

I would like to know what your response is to the individuals who do not use or have access to internet or files online? Or disabled individuals? Or individuals who need time to read and review the several thousand pages of the EIR. Your department is continuing to take advantage of a national pandemic and it is truly appalling.

Please answer the quesiton *[sic]* asked in previous email which I will include again:

On what basis the city refuses to extend the comment period for the Hollywood Center project and how this compares to the extension the city provided to the related citizen M case.

Response to Comment No. IND 42-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Also, the Department of City Planning acknowledges the extensions to the comment periods for the Draft EIRs prepared for the citizenM Project and the City's Sidewalk Repair

Program. These projects are independent of the Hollywood Center Project, and each project is assessed independently by the City considering the circumstances applicable to each given project. In the case of the Hollywood Center Project, as discussed in Topical Response No. 1 – Public Participation and Review, above, the City met all the requirements under CEQA for public noticing of the Draft EIR. It should be noted that only one individual requested special accommodations during the comment period.

Comment No. IND 42-2

Attachment: The notice of extension for the citizenM project, as referenced in Comment No. IND 42-1.

Response to Comment No. IND 42-2

See Response to Comment No. IND 42-1.

Comment Letter No. IND 43

Lauren Soroky
Received May 8, 2020

Comment No. IND 43-1

Please count my support for Hollywood Center. It's projects like these that will get us out of the housing crisis we face and create a better Los Angeles for generations to come.

It's very simple, virus or no virus, we need housing. It's too expensive to live here, and the best thing we can do is build more housing. This project does that, and it does that in a big way. It's infinitely better than the parking lots that are there right now.

Please lend my name to moving this project forward, and please do not delay this project any further by extending any comment periods. This iteration of the project has been in the works for over 2 years. It's these long approval timelines that have contributed to the housing crisis we face. Please do not add to the crisis by lengthening the already extremely long process.

Response to Comment No. IND 43-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 44

Todd Regenbogen & Paulina Nguyen Regenbogen
Received May 10, 2020

Comment No. IND 44-1

Please extend the 45 day comment period on the Hollywood Center Project for 45 days AFTER the stay at home is lifted. This is only fair to the citizens of the area to make their case on a project that is simply renamed after it was turned down because of being built on a fault line. This is ridiculous that it must be approached again.

Please add my name to those who want to extend this and please let me know your thoughts on the situation.

Response to Comment No. IND 44-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Regarding development on a fault line, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 45

Dr. Margaret Martin
2010 Vine Street
Hollywood, CA 90068-3915
Received May 10, 2020 (IND 45A)
Received May 11, 2020 (IND 45B)

Comment No. IND 45A-1

I have been a resident and home owner in Hollywood for 36 years.

Please extend the time for public review and comment on the Hollywood Center Project.

With Mayor Garcetti's 'Safer At Home' order, the residents of Hollywood have not had sufficient access to information about the Hollywood Center Project nor have we had opportunity to make our feelings known.

Prior to the covid shutdown, we have been experiencing severe gridlock in Hollywood. Increasing density in our neighborhood will only exacerbate this situation and make it more difficult for us to keep ourselves safe and virus-free.

Adjustments must be made to the Hollywood Center Project to mitigate the impact of the project on the health, safety and livability of Hollywood, which is not just "a famous place in Los Angeles", but the place where we live and raise our children.

Please extend the comment period to at least 90 days AFTER Mayor Garcetti completely lifts the Safer At Home order.

Thank you.

Response to Comment No. IND 45A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also makes a general statement that adjustments must be made to the Hollywood Center Project to mitigate the impact of the Project on the health, safety and livability of Hollywood. While this comment is noted, it does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 45B-1

Thank you for your response.

However, it makes zero sense that the public should not be afforded the same extension that the governor has extended to the clerk's office – as if the public is not under the same constraints as the county clerk and everyone else in Los Angeles who is doing their best to stay safe and healthy and avoid the virus, illness and death.

In Los Angeles, we are in the epicenter of covid-19 for the state of California. Your reasoning is absurd. The governor never intended the public to be disadvantaged by his order involving the clerks. It makes no sense for you or anyone else to interpret his order that way.

I strongly object to that interpretation and I do not believe it was the governor's intention to disadvantage the public. If you or your office choose to interpret his order in that way, I think you are making an unfortunate error.

At the very least, your office should query the governor's office to ensure that his intention is being carried out as he intended.

Please ensure that such a query is made – and please let me know the response you receive FROM THE GOVERNOR'S OFFICE.

Again – I am very sure that Governor Newsom never intended to disadvantage the public in the midst – and at the epicenter – of the covid pandemic in Los Angeles.

Please do forward a copy to me of your correspondence with the governor's office when you have queried his office on this particular point, which I believe you had misinterpreted.

Response to Comment No. IND 45B-1

The comment states that the public should be afforded the same extension that the governor extended to the County Clerk's office. The Governor's Executive Order N-54-20 provides that lead agencies operating during this suspension period and pursuing review of a Draft EIR must: (i) post the required public notices on the lead agency's website for the same length of time that would be required for physical posting; (ii) submit all required notices to the State Clearinghouse's CEQAnet web portal; and (iii) perform public noticing and outreach to all interested parties as permitted and required by CEQA (e.g., providing notice to all interested parties who have requested notice). The Project's Draft EIR Notice of Availability was mailed, published, and posted online on April 16, 2020, prior to the Executive Order's effective date of April 22, 2020. However, the notices provided for the Draft EIR nevertheless complied with the Executive Order's requirements for lead agency's operating during the suspension by: (i) posting the Draft EIR Notice of Availability online on the Department of City Planning's website (https://planning.lacity.org/development-services/eir/hollywood-center-project-1) for the entirety of the public review period and thereafter; (ii) submitting all required notices to

the State Clearinghouse's CEQAnet web portal (https://ceqanet.opr.ca.gov/2018051002/3); and (iii) performing public noticing and outreach to all interested parties as permitted and required by CEQA (e.g., providing notice to all interested parties who have requested notice).

Refer to Response to Comment No. IND 45A-1 for a discussion of the City's decision to not extend the Project's public review period. Additionally, please note, as stated in Topical Response No. 1, pursuant to the Governor's Executive Order N-54-20, signed April 22, 2020, while the Governor suspended some statutory time lines, deadlines for public review and comment periods for draft EIRs were not suspended and, therefore, CEQA provisions governing public review remain unchanged.

Comment Letter No. IND 46

Helena Lipstadt
Received May 10, 2020

Comment No. IND 46-1

As a resident of Los Angeles and a near neighbor of the proposed development, I am writing to **demand an extension for the comment period on The Hollywood Center project.**

Los Angeles is on lockdown. Libraries where hard copies of the DEIR have been distributed for viewing are closed. Transportation to view a copy of the document downtown is very limited and access is problematic.

The surrounding community has many concerns about this project. **We demand more time to review the planned development. Closing the comment period on June 1 during a city-wide lockdown is unacceptable.**

Response to Comment No. IND 46-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 47

Frederick Rappaport
Received May 10, 2020

Comment No. IND 47-1

My name is Frederick Rappaport and I am a resident of the Hollywood foothills. I am writing to respectfully request an extension to the 45 day comment period vis-à-vis the Millennium Project.

Why the Planning Department fails to consider the Covid-19 crisis an extenuating circumstance to the comment period is beyond my comprehension.

I beg you to reconsider.

Thank you for taking the time to consider this vital issue.

Response to Comment No. IND 47-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The also comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 48

Susan Core
Received May 10, 2020

Comment No. IND 48-1

I am writing to ask for an extension to the comment period for the Millennium Project, now known as the Hollywood Center Project. I am not against development in Hollywood, but this oversized project is troubling on so many levels—radically changing the Hollywood skyline and threatening traffic flow. Its outsized proportion is entirely inappropriate for our neighborhood, and we cannot let it go through without comment.

Now, during a Pandemic is not the time to move forward.

Please postpone!

Response to Comment No. IND 48-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

This comment expresses general opposition to the Project based on its scope, scale, and height, as well as traffic concerns. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Regarding the Project's size, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

In regard to traffic, as noted on page IV.L-2 of Section IV.L, *Transportation,* of the Draft EIR, CEQA Guidelines Section 15064.3, Determining the Significance of Transportation Impacts, indicates that "…vehicle miles traveled is the most appropriate measure of transportation impacts." The revised guidelines require that lead agencies remove automobile delay, as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion, as a criterion for determining a significant impact on the environment pursuant to CEQA, except in locations specifically identified in the

revised guidelines, if any. In accordance with this requirement, CEQA Guidelines Section 15064.3(a), adopted in December 2018, states “a project’s effect on automobile delay does not constitute a significant environmental impact.” Therefore, traffic flow is no longer considered a CEQA issue and is not addressed in the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, for additional details regarding the analysis of traffic impacts in the Draft EIR. As discussed in Topical Response No. 2, the Project’s transportation/traffic-related impacts were fully analyzed in the Draft EIR’s Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City’s Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts.

Comment Letter No. IND 49

Russell Brown
Received May 10, 2020

Comment No. IND 49-1

I am a homeowner who lives within 5 minutes walking distance to the proposed Hollywood Center Project.

I am writing to STRONGLY URGE YOU to extend the comment period for this project. It is completely unreasonable for the city to expect a fair and comprehensive process can take place during this time. It would be irresponsible and a betrayal of the public's trust to not allow a fair hearing on this process.

Response to Comment No. IND 49-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 50

Marc Silverman
Received May 10, 2020

Comment No. IND 50-1

While the LA public is hobbled by the Covid-19 lockdown in Los Angeles, the City Planning Dept., taking a page from the Donald Trump handbook of dirty business tactics that always start with ignoring all constituents except the moneyed powers, insisting the minimal 45 day comment period not be extended regarding the Millenium *[sic]* Partners' plans for The Hollywood Center. With innumerable other building projects around the city also in the works and most businesses both large and small either temporarily or permanently shut down there will soon be a massive glut of empty office, apartment and condos only to be increased with the unwanted Hollywood Center…unwanted by all but the Millenium *[sic]* Partners. Hollywood is already beyond congested with a glut high end retail and private living space…which makes the decision by the City Planning Dept even more suspect as to why they will not extend the public comment period. Its *[sic]* yet another scam to award those with power and deep pockets at the expense of the existing local community of Hollywood which the LA Planning Dept should be serving the needs of first.

Response to Comment No. IND 50-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

This comment further expresses general opposition to the Project based on vacancies in Hollywood. This comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 51

Mark Manos
Received May 10, 2020

Comment No. IND 51-1

The Covid-19 Emergency has absolutely dominated the media and the consciousnesses [*sic*] of Angelenos since it has hit our community.

Our community needs more time to consider the ramifications of this giant development project.

Please extend the comment period so that this can truly be considered and discussed.

Response to Comment No. IND 51-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 52

Al Marsella and Joseph and Mary Marsella
Received May 10, 2020

Comment No. IND 52-1

We need a 45 day extension to adequately review this huge project especially the earthquake fault directly under it.

Response to Comment No. IND 52-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 53

Jonathan Posell
Received May 10, 2020

Comment No. IND 53-1

Please Extend *[sic]* the comment period 45 days.

Response to Comment No. IND 53-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 54

Joseph Remigereau
2222 N. Beachwood
Los Angeles, CA 90068
Received May 11, 2020

Comment No. IND 54-1

I want to request an extension over the 45 days current period of the subject project in order to access the documents

Response to Comment No. IND 54-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 55

George Abbott Clark
Received May 11, 2020

Comment No. IND 55-1

Please extend the 45 day comment period for the Millennium Project.

During the pandemic this is absolutely necessary.

Response to Comment No. IND 55-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The also comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 56

Suzanne Phillips
Received May 11, 2020

Comment No. IND 56-1

I request that the time for public comments be extended in light of the mandated shutdown. It is only right that the public be given the full opportunity to comment on a project that will so greatly impact the neighborhood.

Response to Comment No. IND 56-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 57

David Bishop
1933 Carmen Avenue
Los Angeles, CA 90068
Received May 11, 2020

Comment No. IND 57-1

I am writing this as a request to extend the CEIR *[sic]* comment period. I live three blocks from this project. I have lived here 41 years. The impact this project will have on the traffic in Hollywood, especially the 101 on and off ramps at Vine and Franklin will become an absolute nightmare.

Due to the lock-down, personal, social and business burdens have understandably kept this project off the radar. Considering the magnitude of this project and the monumental changes it will cause, it is only reasonable and fair to give people more time to register their comments.

Response to Comment No. IND 57-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also expresses a general concern that the Project will have an impact on traffic in Hollywood, especially on the US-101 on- and off-ramps at Vine Street and Franklin Avenue. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. It should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the Transportation Assessment (TA) for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also, refer to Response to Comment No. ORG 2-7 which discusses a recent meeting on July 1, 2020 between the City Department of Planning and Caltrans. As discussed therein, Caltrans' concerns were non-CEQA concerns and Caltrans did not raise any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment Letter No. IND 58

Kathleen York
Received May 11, 2020

Comment No. IND 58-1

We simply must have an extension regarding the Millennium Project. How is it Constitutional that we are on lockdown, but your office is going forward as though nothing is happening. Just STOP and allow those affected to review the documents properly, which are held in the “closed” library, and have their say.

Response to Comment No. IND 58-1

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The also comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 59

Adam Fischer
Received May 11, 2020

Comment No. IND 59-1

Please extend the deadline for comment on the Hollywood center project. It is not feasible for the public to review and express their opinions about this project during a global pandemic and a citywide lockdown. I am shocked that this is moving forward right now, and the cynical side of me thinks that certain interests are trying to force this on the public surreptitiously and during a time when it would receive little attention (which is disgusting).

Response to Comment No. IND 59-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 59-2

Alternatively you could just deny the project which would be the second time the public has stated that we don't want oversized monster projects like this in our city- especially in Hollywood which is not like downtown and would not support skyscrapers – and especially when it would be built on a major fault line!

How many times do we have to tell the city we don't want this project in Hollywood? Send these developers away for good!

Response to Comment No. IND 59-2

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

This comment also expresses general concerns regarding height and scale, as well as development on a fault line fault. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Nevertheless, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above. In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of

the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Regarding development on a fault line, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 60

Alex Lyras
Received May 11, 2020

Comment No. IND 60-1

I am writing to request for an extension to the 45 day comment period.

Hope you will help us attain this very important goal.

Response to Comment No. IND 60-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 61

Nicholas Woods
Received May 11, 2020

Comment No. IND 61-1

I would love to add my name to the list to request for an extension to the 45 day comment period.

Response to Comment No. IND 61-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 62

Esther Shechtman Pamir
Received May 11, 2020

Comment No. IND 62-1

Hi Mindy, I am writing to request for an extension to the 45 day comment period. Thank you

Response to Comment No. IND 62-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 63

Gregory P. Williams
Received May 11, 2020

Comment No. IND 63-1

Please extend the 45-day comment period on the Hollywood Center Project DEIR to allow people sheltering from Covid-19 to access the reports from the public library.

Response to Comment No. IND 63-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 64

Priscilla Gibbs
Received May 11, 2020

Comment No. IND 64-1

The comment period for the Millennium Hollywood Center Project should be extended and expanded to allow for public input during and after the pandemic shut down. The project is traffic disaster on an already compacted area.

Response to Comment No. IND 64-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

This comment further states that the Project is a traffic disaster on an already compacted area but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, traffic impacts were addressed in Section IV.L *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 65

Theodora and Robert Primes
2062 Watsonia Terrace
Los Angeles, CA 90068
Received May 11, 2020

Comment No. IND 65-1

We hope this is the proper forum to express our concerns about and objection to the mammoth “Hollywood Center Project.”

We moved into the Whitley Heights area of Hollywood in October 1978 and have lived in our home there for almost 42 years. We are aware that rising property values have caused long commutes into Hollywood and are among the causes of the gridlock that has paralyzed almost all of Los Angeles. Our perspective of the proposed development is that it offers only token amounts of housing that is truly affordable compared to a disproportional amount of expensive housing that will only further exasperate our problems.

The effects of the Covid19 pandemic will change everything in ways that are not yet foreseeable. The entertainment industry will look quite different and may never return to its prior robustness. Certainly, it is a time for caution until we can clearly see how our world will change during the next decade or so. Yet paradoxically, some mysterious force seems to be exerting pressure to close the public comment period despite the objections of many of our well informed and caring neighbors.

If you are not serving the interests of the people living in Hollywood, it begs the question, “Whose interests are you serving?”

Surely, waiting until we can predict the permanent effect of the destructive pandemic is better than exposing the planning department to charges of rushing through a controversial project for less than altruistic reasons!

Response to Comment No. IND 65-1

The commenter expresses general opposition to the Project based on its proportion of affordable housing compared to market-rate housing. While this comment is noted, it does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 66

Francisca Alegría
Received May 11, 2020

Comment No. IND 66-1

"I am writing to request for an extension to the 45 day comment period."

Response to Comment No. IND 66-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 67

Jamie Rosenthal
6312-6324 Yucca Street
Los Angeles, CA 90028
Received May 11, 2020

Comment No. IND 67-1

I hope you are staying well.

I am writing to request an extension for the comment period fo *[sic]* Hollywood Center Project DEIR.

Considering the city shutdown and the disruption this virus has caused for local business' *[sic]* as well as residents and employee stakeholders it seems only reasonable to extend this comment period. As a business and property owner that abuts this project I can tell you that I have had to spend every waking moment dealing with the disastrous repercussions from this unexpected virus. I am also a resident in the adjacent Hollywood Dell neighborhood. Stakeholders are currently absorbed with self-survival and deserve an extended window to concentrate on this complex project which will greatly impact their daily lives.

Response to Comment No. IND 67-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 68

Alfredo Septien
2103 Holly Drive
Los Angeles, CA 90068
Received May 11, 2020

Comment No. IND 68-1

I am a neighbor to this project and would be negatively affected by it. Due to our “shelter in place” orders put forth by the mayor, I feel it’s justified to make a request.

Please allow an extension to the 45 day comment period, with regards to the building of the Hollywood Center.

Response to Comment No. IND 68-1

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 69

Luminita Roman
1714 N. McCadden Place, #1103
Los Angeles, CA 90028
Received May 11, 2020

Comment No. IND 69-1

My name is Luminita Roman, and I am a resident of Hollywood, CA. I also happen to be the housing chair for the Hollywood Hills West Neighborhood Council. However, I am writing to you right now not in my official capacity but as a resident of Hollywood.

Response to Comment No. IND 69-1

This comment serves as an introduction to the remainder of the comment letter. Responses to these comments are provided in Response to Comment Nos. IND 69-2 through IND 69-4.

Comment No. IND 69-2

The reason why I am reaching out to you is to voice my concern over the project that is being fast-tracked through your office, without a real community input on this project. I live not too far from this proposed project and I will be personally impacted by it via additional traffic, noise, and everything that comes with a tsunami wave of people moving into my neighborhood, as the services are limited and we will have to compete for all those services.

Response to Comment No. IND 69-2

The comment expresses general concerns regarding the Project's traffic, noise and services. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, traffic impacts were addressed in Section IV.L *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Regarding noise concerns, noise and vibration impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary; and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

The comment also asserts that public services are already overburdened and that the Project will further this condition. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol, and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services.

Comment No. IND 69-3

First and foremost, it is imperative for the DEIR comment period to be extended, and I am asking for this to take place. The Covid-19 pandemic has taken people by storm and their lives have been turned upside down. With millions of job loss, people are focused now on how they will put food on the table for them and their families, meet their rental/mortgage obligations and thus are in the Survival mode. As we speak, the State of California is in the second phase of re-opening the economy. The DEIR for this project is the last thing on their minds right now, even though this project will affect their lives a great deal in the future. Since people are not in their right minds right now, it would behoove your department to allow for this pandemic to pass or for the economy to fully open before they would close the comment period for the DEIR for this project.

The Neighborhood Councils are shut down, our NC had its last meeting in February of 2020. How can you expect for the NCs to get the pulse of their stakeholders when everything is still on lockdown?

Response to Comment No. IND 69-3

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. Furthermore, Neighborhood Councils are not required to meet in person in order to confer, nor is it a CEQA or City requirement that Neighborhood Councils have to meet in person in order to provide comments. Furthermore, the Department of City Planning accepts comments up until the final decision is made on the Project.

Comment No. IND 69-4

I am asking the City of Los Angeles, and in special your department, to proceed with caution, as litigation over this project is most likely to follow and you will all have to answer in a court of law why you rushed this project through over so many objections that you received from the community.

Please advise accordingly.

Response to Comment No. IND 69-4

This comment mentions the potential for litigation on the Project, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 70

Anita Rosenberg
Received May 11, 2020

Comment No. IND 70-1

Mindy – please extend the period of comment on the Millennial *[sic]* project – which is a horrible project for our historic and beloved neighborhood. I am not sure what else to add in this email.

Response to Comment No. IND 70-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment states that this is a horrible project for our historic and beloved neighborhood. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment Letter No. IND 71

Name Unknown
Received May 11, 2020

Comment No. IND 71-1

Please extend comment period for Millennium Project

Response to Comment No. IND 71-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 72

The Pomerantz Family
Received May 11, 2020

Comment No. IND 72-1

To whom it may concern,

Please extend the public comment period on the Millennium Project.

We are residents, home owners, directly in the area which will be affected.

More time is needed due to concerns about the virus.

Response to Comment No. IND 72-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 73

Stephen DeCordova
2336 Lorenzo Drive
Los Angeles, CA 90068
Received May 11, 2020

Comment No. IND 73-1

Due to the coronavirus pandemic:

- Libraries where hard copies of the DEIR have been distributed for viewing are closed due to City mandate.
- Some people cannot drive. Taking public transit to view a copy downtown is not a choice for some, if they could even get into the building
- Your choice, hoping that the USPS will get to a mailbox your $6.00 copy of the DEIR in time to comment, or download 100s of pdfs to review.

Accordingly, **this is to request that the comment period regarding the Hollywood Center Project be extended to at least 45 days after the libraries housing copies of the DEIR have been re-opened, or the lockdown has been rescinded.** Please add my name to any petition requesting any such extension.

Response to Comment No. IND 73-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 74

Francie Kelley
7721 Firenze Avenue
Los Angeles, CA 90046
Received May 11, 2020

Comment No. IND 74-1

As a 40 year resident of the Hollywood Hills, I am writing to request an extension to the current 45 day public comment period on the Hollywood Center Project.

We are not living in normal times, and to expect that a comment period end in 45 days on a project that has such HUGE ramifications for local residents, during a time when most of the city is shutdown due to COVID 19, is ridiculous.

1. Libraries, where hard copies of the DEIR can be viewed are closed.

2. Many people cannot drive, and public transportation isn't an option for many, not to mention even being able to gain entrance to a public building in order to review the DEIR.

3. While it is possible to order a copy of the DEIR for $6.00 that will ship via USPS, there is no certainty that these reports can even be sent in time for proper review, or be sent at all.

So please, stand with residents and help us by allowing the comment period on Hollywood Center DEIR to be extended for at least 90 more days from June 1st.

Response to Comment No. IND 74-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 75

Christine Kantner
Received May 11, 2020

Comment No. IND 75-1

Under the current circumstances, please extend the comment period for the Millennium Project.

Response to Comment No. IND 75-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 76

Thomas Calderon
Received May 11, 2020

Comment No. IND 76-1

It has come to my attention that the public comment period for the Hollywood Center development will be drawing to a close in the midst of the corona virus pandemic safer-at-home restrictions. I strongly urge city officials and agencies involved in this process to reconsider the June 1st deadline and accommodate a longer timeline due to the extraordinary pressures we are all enduring. At the very least, pressing forward on a DEIR commentary period will leave an enduring blemish on this particular project and the city's already questionable history regarding development. This is shaping up to appear like yet another win for powerful special interest developers and their political partners against the best interest of the community and citizens of Los Angeles in general. When will government get this kind of process right? The city should strive to weigh more heavily on the input of less privileged constituents as a matter of course. My impression is that my voice, and that of the community's interest typically is at the end of the line as far as priorities go. It should be your job to make sure it's the opposite.

Response to Comment No. IND 76-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 77

Christine O'Brien
Received May 11, 2020

Comment No. IND 77-1

Hello Ms. Nguyen: your department and the Mayor's hubris actions to not extend the comment period for the Hollywood Center Project DEIR is unacceptable. Under current virus conditions and the lifestyle adaptations citizens have had to adjust shows just how out of touch your department and our city officials are. This DEIR document is well over 3,000 pages. To properly read and analyze the materials would take a paid staff in your department more than 45 days. As lay people we do not have that leisure, we are working jobs, families to attend to, etc. we are *[sic]* devote volunteer time to our community and city. The disregard for the citizens and their input is a sad statement on democratic principles. Please reconsider this selfish, poor decision and extend the response period.

Response to Comment No. IND 77-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 78

Michael Morrison
1645 North Vine Street
Los Angeles, CA 90028
Email received May 11, 2020

Comment No. IND 78-1

Please find attached my letter in support of the Hollywood Center Project. Please acknowledge receipt.

Response to Comment No. IND 78-1

This comment letter indicates that there is an attached letter to the email. A response to that letter is provided in Response to Comment No. IND 78-2.

Comment No. IND 78-2

I am an original owner of a condominium parcel at the Broadway building, just one block south of the proposed Hollywood Center project. Thank you for this opportunity to provide public comment upon the release of the draft environmental impact report. **I am writing to support this project and urge the city to approve the EIR and move this forward.** It has been more than 10 years in the making.

This central part of historic downtown Hollywood has been on the rise for the past two decades. It has not been an easy road. I invested in this property and proudly used this location as my office for many years.

I note that the opposition to this project has adopted the strategy to seek an extension of the public comment period because of the city's stay at home order in the wake of the pandemic. There is nothing about adhering to the "stay at home order" that makes it difficult to read the documentation that allows one to make an informed choice. To the contrary, it should be easier to read, because we have more time on our hands.

If anything, the devastating impact of the economic dislocation brought on by this global pandemic warrants keeping this project on schedule. Delaying a review period for an EIR that everyone has been waiting for sends a risky message to others who might have the courage to invest in Los Angeles in the age of covid.

This core part of Hollywood is inextricably tied to tourism and entertainment. As a result of this pandemic of indeterminate length, the Hollywood micro-economy is going to suffer severe setbacks. Delaying this project will have serious impacts on the ability of Hollywood to resume its contribution as an economic engine to the city and county.

An article (link: https://www.sgvtribune.com/2020/05/04/devastated-california-tourism-industry-losing-72-billion-report-says/) this past week in the San Gabriel Valley Tribune reported that California tourism is on track to lose $72B in visitor spending this year, nearly

half of what was generated in 2019. One can only imagine what the continued impact will be into 2020. With respect to the theaters that employ so many and keep our restaurants alive, experts suggest it may well be mid 2021 before it will be safe for people to sit in close proximity to each other again.

I encourage our city leaders to keep their eyes on the future of our city and to stay focused upon the vision of a Hollywood where people live and work in the neighborhood, use public transportation and benefit from having neighborhood amenities in walking distance. By the time this project opens its doors, we will have moved through this difficult chapter in the life of our city, our country and the world and we will have something to celebrate together.

Response to Comment No. IND 78-2

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 79

Tree Lockie
3369 Charleston Way
Hollywood, CA 90068
Received May 11, 2020

Comment No. IND 79-1

I am requesting an extension for the review process for the Hollywood Center Project.

The impact of this size project needs considerable input and review from the community and the low visibility of this project means we citizens must assure informed responses.

Because of new layers of homeowners responsibilities during the current stay at home requirements it is even more imparitive *[sic]* that an extension be applied.

Response to Comment No. IND 79-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 80

Scott Hemmann
7147 Hawthorn Avenue
Los Angeles, CA 90046
Received May 12, 2020

Comment No. IND 80-1

I urgently request an extension to the comment period on the Hollywood Center Project DEIR. Due to the current restrictions regarding the Covid 19 pandemic it is extremely unfair to leave the comment period at the current 45 days.

Response to Comment No. IND 80-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 81

Diane Weiss
Received May 12, 2020

Comment No. IND 81-1

Re: case no. ENV-2018-2116-EIR

As a resident of Hollywood, I am writing you to ferociously express my opinion about the so-called Hollywood Center/Millennium Project.

This development is one of the most disastrous ideas to come to now overdeveloped Hollywood. No one who actually lives in this neighborhood wants this monstrously oversized, lifestyle destroying, sure-to-be-unaffordable eyesore!

Response to Comment No. IND 81-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment expresses general opposition to Project regarding aesthetics and size, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 81-2

The developer has had a colossal failure in San Francisco. But even more importantly, the gridlock it would wreak on this already over-congested area would be hell for the residents and commuters and would result in fewer people visiting the area for commercial reasons. It is about 5 times over-sized. And on a faultline! The burden it would put on the electrical, sewer and water infrastructure is unacceptable. It could hardly be a worse idea!

Blocking views, dwarfing the Capitol Records building and looking ridiculous in it's [sic] size, this spells nothing but disaster for Hollywood. The phony notion that building near the metro to ease traffic is a joke. No one who can afford these over-priced new buildings rides the metro.

Response to Comment No. IND 81-2

The commenter expresses general opposition to the Project based on impacts related to traffic gridlock, massing too big, faulting, utility infrastructure demand, and view blockage. The commenter also states that no one who can afford these over-priced new buildings rides the metro. While these comments are noted, the comments do not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, traffic impacts were addressed in Section IV.L *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

In regard to aesthetics impacts, see Response to Comment No. IND 81-1.

In addition, geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Regarding utilities and infrastructure, the Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, of the Draft EIR. Also, Chapter IV.O, *Energy Conservation and Infrastructure*, of the Draft EIR, evaluates the energy implications of the Project, focusing on the following three energy resources: electricity, natural gas, and transportation-related energy (petroleum-based fuels). Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility, water supply, and energy infrastructure impacts.

Impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to

historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment No. IND 81-3

We need AFFORDABLE, sensible, scale-appropriate housing that will not ruin traffic flow in the neighborhood.

I hope this committee uses their heads and tells bad developers to go away.

Response to Comment No. IND 81-3

This comment expresses the desire for affordable housing. The Project would propose 133 senior affordable housing units.

The comment also expresses general opposition and opinions regarding the Project's massing and traffic but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, in regard to aesthetics impacts, see Response to Comment No. IND 81-1. In regard to transportation impacts, see Response to Comment No. IND 81-2.

Comment Letter No. IND 82

Kent Beyda
Received May 12, 2020 (IND 82A)
Received on May 16, 2020 (IND 82B)

Comment No. IND 82A-1

I am requesting an extension of the 45 day comment period on the Hollywood Center Project. In this time of pandemic many people do not have the time to devote to exploring the issues around what I feel will be a major disruption to our way of life in Hollywood. Thank you for your time.

Response to Comment No. IND 82A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 82B-1

Thank you for your reply. For those of us suffering under the current cover restrictions and who are dismayed at these horrible skyscrapers moving ahead this is not good news. Please enter these comments into the record.

Response to Comment No. IND 82B-1

The comment expresses general opposition to the Project. The comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 83

Todd Manion
Received May 12, 2020

Comment No. IND 83-1

I am writing to request an extension for comments on the Millennium Hollywood Center. As we are all house bound it has been difficult for many of our neighbors to provide feedback as they have not viewed the documents.

Response to Comment No. IND 83-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 84

Wrenn Chais
3267 Ledgewood Drive
Los Angeles, CA 90068
Received May 12, 2020

Comment No. IND 84-1

I would like to request an extension of the comment period for the Hollywood Center Project DEIR. As a result of Corona Virus, I am unable *[sic]* review and comment on the Draft EIR.

Transparency dictates that an extension is necessary.

Response to Comment No. IND 84-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 85

Cherilyn Smith
Received May 12, 2020

Comment No. IND 85-1

I am writing regarding the above referenced subject, located in Council District: 13 – [O'Farrell] in Hollywood, requesting that the response time be extended.

With the city being on lock down, *as ordered by Mayor Garcetti*, due to Covid 19, I find it unconscionable that this DEIR was even released and then there's the response period. With the city on lockdown it difficult to obtain from the city or search for additional records for responding. As well, with DEIR's being on a disk they can be very confusing unlike when all were printed!

Therefore, due to the extenuating circumstances, the response period for responding to the Hollywood Center Project DEIR is unreasonable and must be extended.

Thank you for your consideration during this difficult time.

Take care and stay safe!

Response to Comment No. IND 85-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 86

Barbara Mitchell
2810 Belden Drive
Los Angeles, CA 90068
Received May 12, 2020

Comment No. IND 86-1

We are all in this together. It is difficult to move around. Please extend the 45 day comment period on the Millennium Partners' "Hollywood Center". We are largely still under lockdown for everyone's health and safety. Please don't let these developers slide this through while we are all at home. At least give us a chance to respond properly and in person.

Thank you for your thoughtful insight on this matter.

Response to Comment No. IND 86-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The also comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 87

Brian Folb
6464 Sunset Boulevard, Suite 700
Hollywood, CA 90028
Received May 12, 2020

Comment No. IND 87-1

When my father built his first office building on Sunset Blvd. in Hollywood almost 60 years ago, he had a vision. At the time, there had been no new office product provided in this area for almost 30 years. He took the risk and created something different and unique, which provided space for those wanting to move their businesses to Hollywood and would in turn help revive the area. Over the next 10 years he built 3 additional high rise office buildings, 2 more on Sunset Blvd. and one on Highland and Franklin, totaling almost 300,000 sq. ft. of new office product in Hollywood which my family continues to own and operate today.

Now almost 60 years later, the buildings my father built, and others that have risen since, stand as symbols of a Hollywood that has become the home of residents, employees, and individuals who want to be a part of the center of Los Angeles.

Hollywood Center is a project that will continue this vision, and as my father's first building did, give a diversity of individuals the opportunity to call Hollywood their home. From young residents to seniors, Hollywood Center is a project we believe will be the catalyst this community needs as we look to revive our neighborhood following this pandemic.

This project will provide necessary open space, plans around the continued expansion of public transportation in Los Angeles, and stands for environmental stewardship by committing to LEED Gold Certification, the reduction of water usage, and no net new GHG emissions during construction and operation.

As longstanding members of the Hollywood community, my family and I have been focused on the revitalization of Hollywood and have taking an active leadership role in helping the community change for the better. Many of these positive changes came through the leadership and sacrifice of many people in addition to my family and the risks taken by those who chose to invest in Hollywood. Economic Development is essential to ensure that a community continues to stay relevant and a resource to its residents and visitors alike.

When housing is an essential need, we need to identify sites like this where density can occur. The DEIR has taken into consideration what this project will mean to our community and has shown where mitigation can occur in order to ensure that it is both built and operated correctly for years to come.

For these reasons and more, I strongly support this project and ask that you move it forward. Hollywood is ready for its next chapter, and visionary proposals like this is what we were built on.

Response to Comment No. IND 87-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 88

Lois Walker
Received May 12, 2020

Comment No. IND 88-1

I am requesting that you extend the comment period on the Hollywood Center Project DEIR.

Response to Comment No. IND 88-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 89

Cody Winchester
Received May 13, 2020

Comment No. IND 89-1

I'm an architectural designer living in Hollywood heights, and I have serious concerns over the proposed Hollywood Center Project. My understanding is that the footprint of these building span across the Hollywood Fault which is capable of producing at least a magnitude 6.0 seismic event. I believe the engineering team and client are grossly misrepresenting the potential risk to life that the project poses and I ask that you reject the development in the interest of public safety.

Response to Comment No. IND 89-1

The comment expresses general concerns about earthquake hazards. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 90

Leo Mellace
6357 Selma Avenue
Los Angeles, CA 90028
Received May 13, 2020

Comment No. IND 90-1

Please see attached for my Letter of Recommendation for the Hollywood Center Project.

Response to Comment No. IND 90-1

This comment letter indicates that there is an attached letter to the email. A response to that letter is provided in Response to Comment No. IND 90-2.

Comment No. IND 90-2

This letter is to voice my support the proposed Hollywood Center project. It's a project we've been following for some time and after going over the public details (Plans, Environmental Impact Report), I believe this project will help bring a greater sense of community to the neighborhood. I've had my business in the area near the project for a long time and we've watched developments help create a real sense of neighborhood that was never there before.

We're in the recording studio business and work closely with Capitol and have longed for a better pedestrian experience, more nearby green spaces and a more centralized space to hang and eat. I support the project and am particularly excited for the continued preservation of Capitol Records, an important landmark to music business people and that the neighborhood around this will now be more accessible and attractive. We always believed that famous intersection would repopulate with exciting new developments and the development partners all have great experience. It will be very good for the neighborhood to have this development fit into the revised elements of the Walk of Fame revitalization.

I support Hollywood Center, and we hope to see this project move forward swiftly.

Response to Comment No. IND 90-2

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 91

Jeff McDonough
Received May 13, 2020

Comment No. IND 91-1

So, you really think its *[sic]* ethical to open and close the comment period for this project that was already rejected, during this time when all council meetings are closed to the public? You think its *[sic]* ethical for your office to be both open and closed simultaneously depending on who one is?

I think you're underestimating the growing sentiments of the citizens of this city, especially now that more and more city employee/developer corruption is being revealed and prosecuted, and federal investigations are underway.

https://www.latimes.com/california/story/2020-05-13/la-city-hall-corruption-consultant-guilty-plea?utm_source=sfmc_100035609&utm_medium=email&utm_campaign=News+Alert:+L.A.+City+Hall+corruption:+Consultant+agrees+to+plead+guilty+in+racketeering+scheme+-+00&utm_term=https://www.latimes.com/california/story/2020-05-13/la-city-hall-corruption-consultant-guilty-plea&utm_id=6648&sfmc_id=2418629

Response to Comment No. IND 91-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also makes reference to the fact that the City has chosen not to extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The referenced Los Angeles Times article does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 92

Pat and Michael Peyser
627 N. Las Palmas Avenue
Los Angeles, CA 90004
Received May 14, 2020

Comment No. IND 92-1

We are writing to request an extension to the comment period for the “Hollywood Center Project” DEIR.

In the interest of fairness to the public…this extension is absolutely necessary during the current Corona pandemic.

Please do not allow the interests of the “Hollywood Center Project” developer to override the unusual demands of our public health at this time.

Response to Comment No. IND 92-1

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 93

Chiara Santi
Received May 14, 2020

Comment No. IND 93-1

I am submitting this letter to offer support during this public comment period for the proposed project, Hollywood Center. I am in support of this project and feel it will be an asset to the Hollywood community.

I have lived in Hollywood for several years now and I want to tell you that I appreciate this community…what it was, what it is, and what it can still become. In recent years this once entertainment industry hub, has struggled with the transition of becoming a neighborhood, especially in the area south of the Hollywood Hills.

Hollywood Center will bring over 1,000 units to the area, with 133 of those set aside for seniors – a population that is rapidly growing and seriously rent burdened. These units, and the individuals that come with them, will further grow our community as a neighborhood.

The project will also provide much needed jobs and open space. As someone with children I know how critical it is to have space in a city environment for us to go where our family can experience the community around us.

In closing, in addition to considering my support for Hollywood Center, I ask that you do not extend the public comment period and continue to move forward with the review of this project. In this time, we need big ideas like this, we need projects like this, we need neighborhoods that are lived in and that will continue to grow.

Thank you again for this opportunity to participate in the public comment process.

Response to Comment No. IND 93-1

The comment expresses support for the Project and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 94

Lauren Beyda
Received May 15, 2020

Comment No. IND 94-1

Please extend the 45 day comment period on The Hollywood Center DEIR!

Response to Comment No. IND 94-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 95

Adam Burke
Received May 15, 2020

Comment No. IND 95-1

I am an impacted resident of the development and request that the public comment period be extended.

Response to Comment No. IND 95-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 95-2

Are there any statistics on the efforts to increase density in transport corridors vs Metro ridership? From the research I've done, you're just creating traffic nightmares as ridership sinks and more residents are crammed into certain neighborhoods based on a failed infill theory. The condos are pricey, not helping the situation overall, and the people who occupy them, being wealthier, can and prefer to drive and don't use the Metro. If the stats are not panning out, the City needs to re-think. I live in a residential street in the Hollywood Dell that often has traffic jam in regular times, particularly when the Bowl is open.

Response to Comment No. IND 95-2

The comment expresses general opinions that the Project would create traffic issues as they related to an increase in density. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's TAG adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

It should also be noted that the proposed density for the Project is compliant with the underlying zoning designation. Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose

of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment Letter No. IND 96

Rebecca Waer
Received May 15, 2020

Comment No. IND 96-1

I hope this email finds you well during these tumultuous times.

I am a resident of Hollywood/Beachwood Canyon, and have lived here for nearly 12 years. We have seen much change in Hollywood during that time, some good, some not good. The Hollywood Center project, aka Millennium Project, falls under “not good.” I oppose the construction of this project, and am writing to express my opinion – as many other citizens have been urged to do, as well.

Response to Comment No. IND 96-1

The comment expresses general opposition to the Project. As this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 96-2

The traffic generated by such a huge project would overwhelm all the onramps to the 101 freeway. Beachwood Canyon Neighborhood Association shares that concern and is also well aware that this same traffic will clog all of the streets in Hollywood.

Response to Comment No. IND 96-2

The comment expresses a personal concern shared with the Beachwood Canyon Neighborhood Association that the Project will have an impact on traffic at the on-ramps to US-101 and on all the streets of Hollywood. While the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Comment No. IND 96-3

The project involves two multi-use towers 35 and 46 stories adjacent to and across the street from the Capitol Records Building. The issues that were present with that first rendition are the same with this new one. New name – same issues:

Response to Comment No. IND 96-3

The comment introduces issues that, in the commenter's opinion, is shared with the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. Responses to the comments are addressed in Response to Comment Nos. IND 96-4 through 96-7 below.

Comment No. IND 96-4

-Emergency Response: We know that such a monstrosity of a development will tap the already thin emergency response resources we now count on. Also, we are surrounded on three sides by parkland and need to know that the the *[sic]* fire department can get up here and quickly.

Response to Comment No. IND 96-4

This comment raises concerns about emergency response but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response.

Comment No. IND 96-5

-Traffic/Parking: Parking on every street near the development will be impacted and overflow cars will be driving up Beachwood in search for parking. Our parking situation is already a nightmare and these extra cars will only make it worse. Beyond that, all those extra cars will mean exiting the canyon in an emergency will only be more difficult.

Response to Comment No. IND 96-5

The comment expresses a general concern that the Project would impact parking on every street near the Project Site and cause cars to park near the commenter's residence, but does not provide any specific issues with respect to the content or adequacy of the Draft EIR. However, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 96-6

-Infrastructure: Imagine the amount of water that will be siphoned off to support this development not to mention the sewer and other services.

Response to Comment No. IND 96-6

The comment expresses a general concern about the Project's impact on water and sewer infrastructure. While the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, the Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 96-7

Please consider these concerns, as expressed by tax payers of Los Angeles and Hollywood. Consider what is good, and best, for Hollywood and Los Angeles in the long

term. This project is is *[sic]* not that. There a thousand other better ways to update Hollywood – this isn't it.

Thank you for your work and consideration of this urgent matter.

Response to Comment No. IND 96-7

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 97

Evan Saona
1645 Vine Street, #509
Los Angeles, CA 90028
Received May 15, 2020

Comment No. IND 97-1

I own a condo at 1645 Vine Street, Los Angeles 90028. I'm a bit concerned about the proposed Hollywood Center Project. First, I want to make it clear that I'm all for development in Hollywood. My concerns with he *[sic]* project are the height of the builds and traffic. A) Hollywood has a fairly uniform look and feel to it. I don't think the proposed buildings fit with the community. They seem way too big and out of place.

Response to Comment No. IND 97-1

The comment expresses general concerns about the height of the Project and its potential impact on traffic. While the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Regarding traffic, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 97-2

B) Traffic on Vine during peak hours is already a mess. What is the city planning to do about this? Construction and additional residents will only make this worse. Vine has 3 lanes going in each direction and a turning lane, yet traffic is often choked to one lane in each direction. Street parking is permitted 24/7 and takes up 1 lane. In addition, you have ride share vehicles frequently double parked waiting for passengers. Construction and adding additional residents with no change to the current traffic situation will be disastrous. Please take these comments into consideration as you work through the development planning process.

Response to Comment No. IND 97-2

The comment expresses concerns about traffic conditions, including traffic congestion during construction and operation, with specific reference to traffic impacts along Vine Street. The comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic,

above, which discusses traffic impacts resulting from the Project, including construction traffic.

Comment Letter No. IND 98

Gary Buchschacher Jr., MD, PhD
Received May 15, 2020

Comment No. IND 98-1

This letter is to express my strongest possible opposition to the proposed Hollywood Center project. The size and scale of the project, if completed, would be disastrous and ruinous to the main area of Hollywood and the surrounding neighborhoods, and is the complete antithesis of the type of projects that should be supported and approved for the Hollywood area.

Briefly, the project is much too large for the area and would result in an extraordinary plummeting of the quality of life for those living in the main Hollywood area and surrounding neighborhoods (and also for those visiting or commuting through the area), and would also detract from the experience of tourists who visit Hollywood.

From an aesthetic and neighborhood development standpoint: the skyline and views of the Hollywood Hills, including views of the Hollywood sign, would be destroyed. Nothing should ever be allowed to be built so large that it would cause such major damage to the views. The view of the Hills and the sign are one of the things that Hollywood is known for; these views are recognized as iconic throughout the world; people travel from all over the world just to experience and enjoy these views, as it makes people feel connected to Hollywood in a personal way; these tourists then bring their excitement home, which encourages others to visit Hollywood as well. The position of the proposed project is especially problematic in this regard as it would obscure much of the main and closest views from the Hollywood area. But it is not just tourists affected; many residents form the greater Los Angeles area also visit Hollywood for this experience as well. In addition, there are an incredible number of permanent residents in the area, many of whom have lived in the area for many years; these are the people primarily responsible for the progressing “rebirth” of Hollywood, and to destroy what is an integral part of their lives and neighborhood would be tragic and unjust.

Response to Comment No. IND 98-1

The comment expresses opposition to the Project based on its size and scale, effects on views of the Hollywood Hills and the Hollywood sign for residents, as well as tourists in Hollywood. Aesthetics and effects on views were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See pages IV.A-29 through IV.A-54 in Section IV.A of the Draft EIR, where the analysis supported by multiple visual simulations indicates that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline, and that the proposed buildings would comprise a small portion of the view fields, and would not substantially diminish broad scenic views from the hills. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Regarding effects on tourism, as described in Chapter II, *Project Description*, of the Draft EIR, the Project would redeveloped a Site that is largely comprised of surface parking and would add a number of pedestrian enhancements to the area, including elimination of several curb cuts on Vine Street, as well as a plaza and Paseo that would provide greater access to views of the Capitol Records Building and Jazz Mural, all of which could be utilized by tourists.

Comment No. IND 98-2

From a practical standpoint, there is absolutely no way that the area would be able to handle the additional population and, importantly, the traffic that such a project would generate. The traffic now is barely manageable; it is not unusual for traffic to be backed up for over a block, resulting in the necessity to sit through more than one cycle of stoplights simply to travel a half block. In addition to all of the residents who must travel through the area, there are thousands of commuters who use the corridor to both enter and exit the nearby freeway. The residents of the area deserve to be able to come and go from their home in a relatively free manner. The overwhelming issue of traffic would result in an inhospitable environment that would be torture to try to navigate-- and this situation, in turn, would actually reverse the progress made in the re-development and re-birth of Hollywood, as the area would become known as a place to avoid at all costs.

Response to Comment No. IND 98-2

The comment asserts that the area would not be able to handle the Project's additional population and traffic, but does not raise specific issues regarding the content or adequacy of the Draft EIR. The Draft EIR addressed population and housing impacts in Section IV.J, *Population and Housing*. As analyzed therein, population and housing impacts would be less than significant under the Project as the Project would not induce substantial unplanned population growth to the area (based on the Southern California Association of Governments' [SCAG] adopted 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy [2016-2040 RTP/SCS]), either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). The Project's increases in population and housing would be within SCAG's projections for the City in the Project's operational year and in 2040, the SCAG 2016-2040 RTP/SCS's horizon year.

Regarding traffic, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles

Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The traffic effects of the Project, including congestion, were discussed in the TA in Appendix N-1 of the Draft EIR. While it is acknowledged that the Project would contribute traffic to the local roadway network, traffic congestion is not a CEQA issue and is, therefore, not evaluated in the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 98-3

I have been a condominium owner in the Broadway Hollywood building for 13 years and have seen the neighborhood make progress in revitalization. I am not against change or progress. However, the type of project proposed would be a disaster and destroy the revitalizing neighborhood and sense of community that has been developing. The types of projects that should be encouraged and approved should be those that fit into and respect the neighborhood, its historic significance, its pre-existing architecture, and the residents and visitors to the area (an example would be the building on Vine Street that now houses h-Club; although it was new construction, the building looks like it has been around since the 1930's or 1940's and was perfectly integrated into the neighborhood). Projects should be of scale to the pre-existing structures, should be limited in height so as not to destroy iconic views, and should be of an overall size as not to overwhelm with their physical size or impact on infrastructure, traffic, or quality of life.

The right thing must be done: this project must not be approved and the project must be terminated; at the very least the project needs to be extremely scaled back such that the height of the buildings would top out at the maximum height of other buildings located within the surrounding block or two. Do not let another big developer trample and destroy yet another neighborhood and the spirit of the people who live, work and visit it. There are many other ways that a developer can invest in the revitalization of Hollywood-- and can do it in a respectful manner that celebrates the history of the neighborhood and does not destroy the neighborhood by transforming it into another generic area of high rise buildings which does nothing but fill the pockets of the developers.

Response to Comment No. IND 98-3

The comment expresses opposition to the Project based on concerns with regard to effects on the neighborhood, scale, historic resources, infrastructure, and traffic, but does not raise any specific issues with respect to the content or adequacy of the Draft EIR.

In regard to and the scale of the Project and effects on the neighborhood, see Response to Comment No. IND 98-1. In regard to traffic, see Response to Comment No. IND 98-2. Regarding effects on historic resources, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F-1 of the Draft EIR. Section IV.C of the Draft EIR analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame, and

other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources.

Regarding infrastructure, the Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with Los Angeles Municipal Code (LAMC) Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

Regarding water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by Senate Bill (SB) 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Comment Letter No. IND 99

Rachelle Lefevre
Received May 16, 2020

Comment No. IND 99-1

Please extend the comment period on the Hollywood Center Project DEIR. Due to COVID-19, the residents of Hollywood and the surrounding hills, have not had ample opportunity to research and submit comments. Proceeding in this way feels, at best, dishonest and, at worst, corrupt.

Response to Comment No. IND 99-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 100

Diane Alancraig
Received May 16, 2020

Comment No. IND 100-1

I would like to add my voice to those asking for an extension to the Hollywood Center Development Project. Covid is interrupting all our daily lives and it is inconceivable to that the City Planning Department does not consider this a reason to extend the 45 day public comment period for this Project.

Please reconsider and extend the deadline for 90 days after the “Safer at Home” order has been lifted. This will give everyone enough time to really look at the specs on this project that will affect so many lives in our neighborhood and city

Response to Comment No. IND 100-1

The comment requests that the City extend the Project’s 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR’s Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City’s determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 101

Aaron Jansen
Received May 16, 2020

Comment No. IND 101-1

First – Earthquake Fault: this project consists of building two *huge* towers on an earthquake fault. Enough said.

Response to Comment No. IND 101-1

The comment expresses an opinion regarding the Project's size and location on an earthquake fault, but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. However, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 101-2

Second – Emergency Response: Such a monstrosity development will tap the already thin emergency response resources we now count on. We are surrounded on three sides by parkland and need to know that the fire department can get up here and quickly. Also, all those extra cars will mean exiting the canyon in an emergency will only be more difficult.

Response to Comment No. IND 101-2

This comment raises concerns about emergency response but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response.

Comment No. IND 101-3

Third – Traffic/Parking: The traffic generated by such a huge project would overwhelm all the nearby 101 freeway. The already limited parking on every nearby street will be severely impacted. Overflow cars will be driving up Beachwood Drive searching for parking where the situation is already a nightmare, with these extra cars only making it worse.

Response to Comment No. IND 101-3

The comment expresses a general concern that the Project would adversely impact US-101 and parking on every street near the Project Site and cause cars to park near the commenter's residence. However, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. A noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 101-4

Fourth - Infrastructure: Imagine the amount of water and electricity for air conditioning that will be siphoned off to support this development not to mention the sewer and other services.

Response to Comment No. IND 101-4

The comment expresses a general concern about the Project's impact on water, electricity and sewer infrastructure. While the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, the Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to

meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

The Project's impacts on energy, including electrical power, are analyzed in Section IV.O, *Energy Conservation and Infrastructure,* of the Draft EIR. The Project's annual operational energy use is provided in Table IV.O-2 on page IV.O-25. As concluded on page IV.O-27, operation of the Project would not result in the wasteful, inefficient, or unnecessary consumption of electricity.

Comment Letter No. IND 102

Ann Haugen
6240 Scenic Avenue
Los Angeles, CA 90068
Received May 17, 2020

Comment No. IND 102-1

Hello. I live in Beachwood Canyon and feel very strongly against having this monstrosity built in our neighborhood. We don't have the capacity on the streets as it is now to handle all the traffic.

Response to Comment No. IND 102-1

The comment expresses an opinion about the Project's size and potential impact on traffic, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. While it is acknowledged that the Project would contribute traffic to the local roadway network, capacity of the streets is not a CEQA issue and is, therefore, not evaluated in the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 102-2

Please extend the comment period by 45 days. Thank you.

Response to Comment No. IND 102-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 103

Scott Addison Clay
Received May 18, 2020

Comment No. IND 103-1

I'm writing to you to express my opposition to the Hollywood Center Project Draft EIR. With a degree in Environmental/Civil Engineering, I can confidently say this is not a wise project due to the severe strain it will cause on our city's resources, infrastructure, emergency response, and our environment.

Many of you remember the first generation of this effort to build two huge towers next to Capitol Records and on an earthquake fault.

Response to Comment No. IND 103-1

The comment expresses opposition to the Project due to the Project's potential strain on resources, infrastructure, emergency response, and the environment. However, as this comment does not raise specific issues regarding the content and adequacy of the Draft EIR, no further response is warranted.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D of the Draft EIR concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment also makes reference to the "first generation" of this Project, also known as the Millennium Hollywood Project. However, the Millennium Hollywood Project is a different project that was previously proposed at the same Project Site, for which planning approvals and the environmental determination were invalidated. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 103-2

That version failed because the developer tried to skirt around CalTrans. The traffic generated by such a huge project would overwhelm all the onramps to the 101 freeway. Beachwood Canyon Neighborhood Association shares that concern and is also well aware that this same traffic will clog all of the streets in Hollywood.

Response to Comment No. IND 103-2

This comment summarizes traffic issues with the previous project, as they relate to Caltrans and freeway onramps. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

It is also acknowledged that Caltrans submitted two letters with comments on the transportation analysis to be conducted for the Project. The analyses requested by Caltrans are presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. The Caltrans analysis is not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond those included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 103-3

The project involves two multi-use towers 35 and 46 stories adjacent to and across the street from the Capitol Records Building.

The issues that were present with that first rendition are the same with this new one. New name - same issues:

Response to Comment No. IND 103-3

The comment notes the heights of the towers proposed by the Project and their location and makes an introductory statement regarding the issues with the Project are the same as with the prior Millennium Hollywood Project. As stated above, the analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 103-4 through 103-8.

Comment No. IND 103-4

Emergency Response: We know that such a monstrosity of a development will tap the already thin emergency response resources we now count on. Also, we are surrounded on three sides by parkland and need to know that the the *[sic]* fire department can get up here and quickly.

Response to Comment No. IND 103-4

This comment raises concerns about emergency response but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response.

Comment No. IND 103-5

Traffic/Parking: Parking on every street near the development will be impacted and overflow cars will be driving up Beachwood in search for parking. Our parking situation is already a nightmare and these extra cars will only make it worse. Beyond that, all those extra cars will mean exiting the canyon in an emergency will only be more difficult.

We already have one of the most congested areas in the entire city. With the sharp increase in traffic due to Netflix, the new Columbia center, and more recent construction, people loathe coming into Hollywood now. This project would not only clog more of Hollywood, it will slow down the 101 even more.

Response to Comment No. IND 103-5

The comment expresses a general concern that the Project would impact parking on streets near the Project Site and cause cars to park near the commenter's residence, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 103-6

Environmental Resources: Imagine the amount of water that will be siphoned off to support this development not to mention the sewer and other services.

Response to Comment No. IND 103-6

The comment expresses a general concern about the Project's impact on water and sewer infrastructure. While the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, the Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2,

Water Supply, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 103-7

Aesthetically, I think two massive towers right off of the highway will diminish the impact of all the other timeless icons of Hollywood.

Response to Comment No. IND 103-7

The comment expresses an opinion about the how the Project's size and location with respect to the freeway will have an impact on Hollywood icons, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Regarding the commenter's opinion that the Project would diminish the impact of the timeless icons of Hollywood, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F-1 of the Draft EIR. Section IV.C of the Draft EIR analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame, and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment No. IND 103-8

Please do not just shove this one through because of money. Such a project as this will tear at the fabric of Hollywood in a very negative way.

Response to Comment No. IND 103-8

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 104

Nick Egan
Received May 18, 2020

Comment No. IND 104-1

I am writing in support of the 45 Day extension comment period wit *[sic]* regard to the Hollywood Center Project.

Response to Comment No. IND 104-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 104-2

Although in the 30 years I have lived in Hollywood, most of the development of restaurants and retail outlets in Hollywood has been a positive one. However we are just about at breaking point with our small neighborhood streets now being used as short cuts to the 101 Freeway causing traffic jams at what had been quiet intersections for decades, therefore affecting the potential safety of residents on streets that were not built for heavy traffic usage and streets that have no sidewalks. I'm wondering how long before some one *[sic]* is killed by a car racing along narrow streets. Franklin Ave is jammed every evening around 5:00pm and the journey from Gelson's Supermarket on Franklin to my house on Scenic Ave, just off of Beachwood Drive can take up to 20 minutes on what should be a 3 minute drive. In addition the Parking in our street has become a nightmare from the overspill from the Restaurants between Bronson and Cheremoya.

Response to Comment No. IND 104-2

The comment expresses opposition to the Project based on how traffic will have impacts on safety within surrounding residential neighborhoods, as well as the potential for parking spillover, but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. However, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Specifically, as it relates to the potential safety of residents on streets, as analyzed on pages IV.L-44 and IV.L-45 of Section IV.L, the Project would be designed to comply with City standards and would provide adequate sight distance, sidewalks, crosswalks, and

pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways would continue to intersect at right angles. Street trees would be designed and located so as to not significantly impede driver and pedestrian visibility and would not present a hazard. Pedestrian entrances separated from vehicular driveways would provide access from the adjacent streets, parking facilities, and transit stops. Therefore, as determined therein, the Project would not substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, and impacts would be less than significant.

In addition, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 104-3

The last thing we need is to add to a further problem that hasn't been fixed in it's *[sic]* current disarray by the development of the Hollywood Centre.

Response to Comment No. IND 104-3

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 105

Luca Draccar
Received May 18, 2020

Comment No. IND 105-1

My name is Luca Draccar, I am a Broadway Hollywood resident.

I was trying to understand on the website https://mplosangeles.com/ what does "PRESERVE AN ICONIC VISION" mean?

Aesthetics destruction of a whole neighborhood probably?

Or put the area at risk in an already sensitive zone?

The developer uses a slogan like " … enhancement and historic preservation …" but he is probably having fun taking *[sic]* joke of people's common intelligence sense.

I see only economic speculation and nothing really related to the development of Hollywood.

I'm not against development, it's really welcome, but at the same high as the existing standard.

Response to Comment No. IND 105-1

This comment expresses general opposition to the Project based on aesthetics, its location within a sensitive zone, and historic preservation but does not raise any specific issues regarding the content and adequacy of the Draft EIR.

Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

The comment does not identify what type of sensitive zone within which the Project Site is located. In regard to the Project's location in a geologically-sensitive area, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

In regard to the Project's potential to generate emissions in an air quality-sensitive area, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than

significant after mitigation, where applicable. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

In regard to the Project's potential to generate noise in a noise-sensitive area, noise impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I of the Draft EIR concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

In regard to the Project's proximity to a potentially wildfire-sensitive zone, the Project Site is located within an urbanized area and is not within a Very High Fire Hazard Severity Zone. Additionally, the Project Site is surrounded by urban areas and not wildlands and, thus, would not expose people or structures, directly or indirectly, to a significant risk involving wildland fire.

Regarding historic resources, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F-1 of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment Letter No. IND 106

Jill Stewart
Received May 26, 2020

Comment No. IND 106-1

I hope all is well with you. Your transparency newsletter today was nicely written but very disappointing given its lack of transparency about how things are unfolding on the most controversial project on your desk, Hollywood Center, as well as a few other projects I now hear are moving too fast for the public to catch up.

I completely agree with Sean Hecht, at Frank G. Wells Environmental Clinic, who urged you to not follow the path of fast-tracking environmental review times on important projects -- because the public is highly constrained, and there is no getting around that fact. Hecht should know, as he is in the thick of these issues.

I keep getting emails from various Neighborhood Council leaders about how they have urged you to give them more time. How can these highly aware people deal with complex environmental document in any cogent manner when you go for fast-tracking?

It's a bad precedent and I hope you rethink this approach.

Response to Comment No. IND 106-1

The comment expresses opposition to the Project and the time allotted for environmental review due to the constraints of COVID-19, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted. However, the City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. Furthermore, Neighborhood Councils are not required to meet in person in order to confer or meet in person in order to provide comments. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 107

Gary Clemmer
Received May 26, 2020

Comment No. IND 107-1

Please find attached my letter in support of the Hollywood Center Project. I send it to add my voice to the conversation during this public comment period.

Response to Comment No. IND 107-1

Responses to the referenced letter are provided below in Response to Comment No. IND 107-2.

Comment No. IND 107-2

I am submitting this letter to offer support during this public comment period for the proposed project, Hollywood Center. I am in support of this project and feel it will be an asset to the Hollywood community.

I have lived and worked in Hollywood since 2000. For the past 12 years I have been a pastor on staff at Ecclesia Hollywood church. We have leased space at several buildings and parking lots over the years, most notably the Hollywood Pacific Theatre, from 2007 until it closed in July, 2013. Currently we lease office space on Gower Street and meeting space at the Hollywood Adventist Church building.

Throughout our existence Ecclesia has partnered with other Hollywood churches and non-profits to provide crucial human services to those in our city who are most vulnerable.

Some of these non-profits include Covenant House, The Center, and Oasis of Hollywood. For eight years we've partnered with Hollywood Presbyterian Church and Reality LA church to provide a Winter Refuge for chronically homeless people in Hollywood. We've garnered the support and partnership of the Department of Mental Health (DMH) and the Los Angeles Homeless Services Authority (LAHSA) and have seen many people get access to city services and find a life off of the streets.

At this unique point in time, with the ravages of COVID-19 felt so strongly in our world, nation and city, I think that it's crucial that we do everything we can do to both support the vulnerable among us and also to support the economic engines that can bring new jobs, new businesses and new vitality to our city. It is for this reason that I support the Hollywood Center Project. It will provide much needed residential space, senior housing, open civic space, and most importantly, it will create many jobs during both the construction phase and after completion in the form of service and support industries.

Additionally, the tax revenue will be essential to the LA city budget in order to maintain the existing level of support for essential human services.

Thank you for this opportunity to participate in the public comment for the Hollywood Center Project. I encourage the city to proceed with the plans to bring this exciting addition to Hollywood to life after so many years of waiting.

Response to Comment No. IND 107-2

The comment expresses support for the Project. However, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 108

Stacie Surabian
2769 Hollyridge Drive
Los Angeles, CA 90068
Received May 26, 2020

Comment No. IND 108-1

For the reasons below, I thoroughly oppose the construction of the Hollywood Center of the 2 huge towers next to Capitol Records.

Response to Comment No. IND 108-1

The comment expresses opposition to the Project for reasons that are referenced and responded to below in Response to Comment Nos. IND 108-2 through 108-5, and makes commentary on the height of the Project. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 108-2

The traffic generated by such a huge project would overwhelm all of the onramps to the 101 Freeway, Beachwood Canyon neighborhood (of which I've lived since 1995) and all of the streets in Hollywood which are already overflowing with traffic!

Response to Comment No. IND 108-2

The comment asserts that the Project would create traffic issues on the Hollywood Freeway (US-101), Beachwood Canyon neighborhood, and the streets of Hollywood, but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. However, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the LADOT and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Comment No. IND 108-3

Emergency Response: We know that such a monstrosity of a development will tap the already thin emergency response resources we now count on.

Response to Comment No. IND 108-3

This comment raises concerns about emergency response but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response.

Comment No. IND 108-4

Traffic/Parking: Parking on every street near the development will be impacted and overflow cars will be driving into neighborhoods nearby in search of parking. Parking throughout Hollywood is already a nightmare and these extra cars will only make it worse!

Response to Comment No. IND 108-4

The comment expresses a general concern that the Project would impact parking on every street near the Project Site and cause cars to park in the nearby neighborhoods, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 108-5

The project is planned right on top of the Hollywood Earthquake Fault and all studies point to the expectation that these towers will collapse.

Response to Comment No. IND 108-5

The comment asserts the Project is located on an earthquake fault and that there are studies which indicate the proposed towers will collapse. Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 109

Victoria M. Box
2018 Vine Street
Los Angeles, CA 90068
Received May 26, 2020

Comment No. IND 109-1

I am a resident living in upper Vine Street and I am directly impacted by this project.

I have several questions regarding the upcoming Hollywood Center Project proposed construction.

Response to Comment No. IND 109-1

This introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 109-2 through 109-8.

Comment No. IND 109-2

1. Will additional lanes on the 101 Freeway be added to handle the large increase in car traffic caused by your Hollywood Center Project?

2. Will alternate routes for cars traveling through the Franklin and Argyle on ramps north and south to the 101 Freeway be found to accommodate the additional traffic?

Response to Comment No. IND 109-2

The comment expresses concern about the potential for the Project to impact traffic on US-101. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L of the Draft EIR concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Comment No. IND 109-3

3. What compensation will the city give to current property owners living in the Hollywood Hills for their transportation, air quality, water quality, noise, sewage and parking inconveniences caused by the project?

4. What compensation will the city give to property owners that will have their current views of Hollywood and the surrounding areas obscured by the Hollywood Center Project?

5. Will property taxes go down for current homeowners impacted negatively because of the Hollywood Center Project?

Response to Comment No. IND 109-3

The comment expresses the opinion that compensation should be provided to the property owners who will be negatively affected by the Project but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted. In regard to the inconveniences caused by the Project, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the LADOT and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation, where applicable. The prescribed mitigation, which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Water quality impacts, as it relates to water quality standards and pollution, were addressed in Section IV.G, *Hydrology and Water Quality,* of the Draft EIR. As analyzed therein, Project construction would not result in discharge that would cause pollution, contaminate the quality of the water to a degree which creates a hazard to the public health, or be a nuisance that would be injurious to health. Project construction would comply with all applicable federal, State, and local requirements concerning the handling, storage, and disposal of waste to reduce the potential for Project construction to release contaminants. During Project operation, the Project would implement Low Impact Development (LID) Best Management Practices (BMPs), such that the Project would not result in any discharges that would cause regulatory standards to be violated. Therefore, impacts to water quality impacts would be less than significant.

Water quality impacts, as it relates to water supply, were addressed in Section IV.N.2, *Water Supply,* of the Draft EIR, with supporting technical infrastructure information included in Appendix P-1 of the Draft EIR. A City-approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein,

the Project would result in less-than-significant utility and water supply impacts. As stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA for the Hollywood Center Project, as required by SB 610, that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Noise impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I of the Draft EIR concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary; and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

Regarding the sewer system, the Project's impacts on wastewater were fully analyzed within Section IV.N.1, *Wastewater,* of the Draft EIR. As analyzed therein, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with Los Angeles Municipal Code (LAMC) Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

Regarding parking, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project, including the residential and commercial components. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Regarding views, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[133] Furthermore, as stated in the CEQA Guidelines Section 15131, economic effects of a project shall not be treated as significant effects on the environment. As such, economic impacts are not required for consideration under CEQA and are not addressed in the Draft EIR.

Comment No. IND 109-4

6. How many years will the project take to complete?

7. If the builder cannot finish the project on time – will the city give extensions of time? If so for how long will that be allowed?

8. Will the builder be allowed to leave the project unfinished?

9. Should the builder default-what legal recourses will the city have to recoup losses?

10. Will the city take out additional Earthquake insurance for the huge skyscraper being built should an earthquake cause it to fall?

11. If the builder should default and leave the property unfinished-what will be the actions of the City of Los Angeles?

Response to Comment No. IND 109-4

The comment expresses concern over the construction period and activities associated with the Project. As stated on page II-71 of Chapter II, *Project Description*, of the Draft EIR, in the overlapping construction scenario, construction could be completed in approximately 4.5 years (beginning 2021 and completed as early as 2024). In the sequential construction scenario in which the two sites are built one after another with no overlap, construction of the Project would be completed in under approximately seven years (beginning in 2021 and completed in 2027). The construction timeframe is based on reasonable assumptions developed specifically for the Project. Should unforeseeable circumstances arise, it is possible that construction could be extended. The comment inquires about circumstances where the Project is unfinished, the builder defaults, and whether the City will take out earthquake insurance. However, these comments do not raise any specific issues regarding the content or adequacy of the Draft EIR. Further, speculative circumstances are not required to be evaluated in the Draft EIR and are outside the scope of the CEQA process, and, as such, no further response is warranted.

Nonetheless, it is acknowledged that concerns about earthquake faults and geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft

[133] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D of the Draft EIR concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 109-5

12. Will the city provide detailed inspections to the public of the builder's progress and end result?

Response to Comment No. IND 109-5

The comment asks if the City will provide inspections available to the public of the builder's progress and end result. As the comment does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted. However, it should be noted that inspections of the builder's progress and end result are under the jurisdiction of the Los Angeles Department of Building and Safety (LADBS).

Comment No. IND 109-6

13. What additional accommodations for health and safety of homeowners when homeless populations and their camps under the freeway at Franklin Ave. are relocated because of the new project?

Response to Comment No. IND 109-6

The comment expresses concern about the potential for the Project to cause homeless people to move into nearby residential areas without any specific facts or substantial evidence to support this claim. Homeless-related concerns are social issues that are unrelated to the Proposed Project; as stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 109-7

14. How will the city pay for the additional services: police, water, sewer and firemen needed to accommodate new residents in this Hollywood Center Project?

Response to Comment No. IND 109-7

The commenter asks how the City will pay for additional public services and utilities needed to accommodate the Project. Economic effects are not the focus of the Draft EIR, which addresses the physical impacts of the Project on the environment. As noted in Section IV.K.1, *Fire Protection,* and Section IV.K.2, *Police Protection,* of the Draft EIR, in *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th

833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies to provide public safety services, including fire and police protection, and that it is reasonable to conclude that the City will comply with that provision to ensure that public safety services are provided.[134]

As the comment does not raise any issues with respect to the content or adequacy of the Draft EIR, no further response is warranted. Nonetheless, please note that fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional fire and police protection services that would result in the need for new or expanded fire and police services facilities, and impacts would be less than significant. Furthermore, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for the Los Angeles Police Department (LAPD) services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Regarding the sewer system, the Project's impacts on wastewater were fully analyzed within Section IV.N.1, *Wastewater,* of the Draft EIR. As analyzed therein, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department

[134] *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833, 847.

of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

Regarding water supply, the Project's impacts on water supply were fully analyzed within Section IV.N.2, *Water Supply*, of the Draft EIR. As stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment (WSA) for the Hollywood Center Project, as required by Senate Bill (SB) 610, that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 109-8

15. How will the City provide complete transparency to the public of the monies spent on this project?

16. What is the city's watchdog policy if crime or corruption is found regarding this project?

Response to Comment No. IND 109-8

The comment raises questions about public expenditures and policies related to corruption that may be associated with the Project but does not raise any specific issues regarding the content or adequacy of the Draft EIR. Furthermore, these issues are beyond the purview of CEQA. As such, no further response is warranted.

Comment Letter No. IND 110

Sarajane Schwartz
Received May 26, 2020 (IND 110A)
Received June 1, 2020 (IND 110B)

Comment No. IND 110A-1

The Homeowners on Beachwood Drive United is joining with almost every other organization in Hollywood in demanding an extension in the public comment period regarding the Hollywood Center Project.

We will be negatively impacted by the enormous increase in traffic, the congestion it will cause, and the inability to evacuate the hills in case of an emergency. For us it is a matter of life and death.

It is extraordinary that under the "unprecedented nature of Covid-19"--your own words--involving the largest project in Hollywood history with an over 3000 page report from out of town developers with a checkered past--to put it mildly-- the City appears to be ramming and sneaking this through at his time. It is shocking that at the very least you chose not to mandate an initial 60 day review period.

Not only is following the law mandatory, but also for public officials, the appearance of following the law and being fair and transparent is of the utmost importance.

We are no strangers to litigation and neither are these developers. Currently the Millennium group who is building this project is involved in the largest real estate litigation in the country concerning their "leaning tower of San Francisco". Extra care must be taken here. Why are the interests of constituents and tax payers being ignored while favoring those of shady developers? The FBI has already set up shop in Los Angeles with their successful investigations into corrupt relationships between City officials and developers while citizens' rights were squelched. Is this what is going on here?

Under these circumstances the greatest leeway must be given to residents to have the most possible time to examine this extremely flawed project that has been seriously questioned by various state officials as well as those directly impacted.

Under the best of conditions with no Covid this project should have obviously, justly, and appropriately been assigned the maximum comment period of 60 days, which you failed to do. But these are not the best or even usual times. ***Per CEQA Guidelines, Section 15105, the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days, except under unusual circumstances.*** Citizens are locked down in their homes. Citizens are locked out of public buildings. During this once in a century pandemic a proper, fair, and appropriate public comment period cannot occur. If these are not "unusual circumstances" one wonders what is. You are making a

mockery of these words. **Not only should the public comment period be extended, but the whole process should be postponed with a new deadline of August 1.**

We cannot state these views more strongly.

We await your response.

Response to Comment No. IND 110A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also makes reference to a different project located in San Francisco. The Project, as analyzed in the Draft EIR, retained experts to conduct fault studies specific to the Project Site. The fault investigations at the Project Site presented in the Draft EIR technical documents prepared by Group Delta Consultants (2015 and 2019) were performed with full transparency and witnessed by the CGS and City reviewing officials. All parties are considered experts in fault studies in Southern California. Furthermore, it should be noted that the speculation as to alleged illegal activities are not related to the adequacy of the Draft EIR. Accordingly, no further response is warranted regarding these issues.

The comment also expresses general concerns about impacts associated with traffic and emergency response. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, for additional discussion of traffic impacts and emergency response.

The remainder of the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 110B-1

I want to comment on the content of the DEIR for the Hollywood Center Project.

Response to Comment No. IND 110B-1

This introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 110B-2

Neither the transportation or fire department sections adequately address the acute issues of being able to safely and effectively evacuate the Hollywood Hills which border this project several blocks to the north for miles in case of a fire. They are in close proximity to this project and would be strongly, negatively, and devastatingly impacted. These areas sit in a very high fire severity zone with limited infrastructure and ingress as well as egress. The only evacuation direction is to the south into commercial Hollywood.

For example Hollywoodland, a limited, historic hillside residential neighborhood, sits a mile north of Franklin in Beachwood Canyon, is a bottleneck into Griffith Park, and is 80% surrounded by dry brush. The only way to evacuate is to the south away from the hills, but Beachwood Drive, the main artery ends in a dead end about 30 yards south of Franklin because it is cut off by the Hollywood Freeway.

Instead one must go west on Franklin in order to go south. The streets are either very narrow, like Gower, or several left turns are required to get on to wider Vine, because other streets are cut off by the Hollywood Freeway. These streets are already gridlocked. The increased traffic cause by The Hollywood Center Project would result in a massive number of deaths because a large necessary evacuation would simply be impossible. It will dwarf the number of fatalities in the Paradise, California fire caused by the inability to evacuate.

The limited infrastructure of Hollywood developed in the 1920's with the now additional newly built projects just barely is able to handle the capacity needed to adequately serve public safety. The massive unprecedented in scale and size Hollywood Center will be an even bigger disaster for Hollywood when there is a disaster.

Response to Comment No. IND 110B-2

The comment expresses the opinion that the Draft EIR does not adequately address evacuation of the Hollywood Hills in the case of a fire based on current perceived constraints in the hillside areas, and traffic added by the Project. See Topical Response No. 2 – Transportation and Traffic, which addresses emergency response, including within the hillside areas north of the Project Site.

Comment Letter No. IND 111

John McCarthy
2222 Holly Drive
Los Angeles, CA 90068
Received May 26, 2020

Comment No. IND 111-1

My name is John McCarthy and I lived with my family in the Hollywood Dell for 22 years at 2222 Holly Drive Los Angeles, CA 90068.

It has come to my attention, again, that the city may grant a permit to a company to build a huge structure that will dwarf the Capitol Records Building at 1750 Vine St, Los Angeles, CA 90028, which is .08 miles from my home.

Please explain to me how you will let this happen?

Beside the current Covid 19 situation that we are ALL living our neighborhood has MANY other pressing issues that this proposed site will only exacerbate.

At the top of the list is the growing (by the day) homeless issue that we and my fellow Dell residents are facing.

It is common knowledge that the number of people grows by the day...these are American Citizens who by the grace of God have found themselves on the street. Many are dealing with mental issues and the unfortunate individuals who find themselves in dire financial need will sure develop mental issues through the struggle they find themselves in trying to live on the street.

Please tell me what you are planning to do about the situation?

Seems to me that all the new construction going up and around Hollywood is targeting high earning individuals.

Take a look at the new Condos on Cahuenga just south of Sunset Blvd...right beside the new multi million dollar building is a camp set up on the sidewalk, right in front on the new building!!...I mean what do you plan to do to help these people?

I have been a 20 year member at the YMCA on Schrader in Hollywood, the new temporary/ permanent structure built in the parking lot, just south of the YMCA, to house a few hundred needy is a great start but that is just a band aid.

When are you going to build permanent low cost housing for the needy?

Response to Comment No. IND 111-1

The comment expresses opposition to the Project based its size, on homelessness in the vicinity, and lack of permanent low cost housing for the needy but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Homeless-related concerns are social issues that are unrelated to the Proposed Project. As stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

The comment also inquires whether the Project is going to build permanent low cost housing for the needy. As shown in Table II-1 on page II-14 of Chapter II, *Project Description,* of the Draft EIR, the Project would provide 133 senior affordable housing units on the Project Site.

Comment No. IND 111-2

Another grave concern is the already congested traffic...not only is the 101 a parking lot currently for much of the day now, try getting around on a Hollywood Bowl night, which in better times, are numerous...adding hundreds of cars to an already insane situation is beyond comprehension...what do you plan to do to curb the already over congested car reality?

Response to Comment No. IND 111-2

The comment expresses concern about the Project's impacts on traffic. While the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The traffic effects of the Project, including congestion, were discussed in the TA in Appendix N-1 of the Draft EIR. While it is acknowledged that the Project would contribute traffic to the local roadway network, traffic congestion is not a CEQA issue and was, therefore, not evaluated in the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

More specifically regarding traffic effects related to the Hollywood Bowl, Highland Avenue and Franklin Avenue are the primary access routes to the Hollywood Bowl. The intersections analyzed in the TA in Appendix N-1 of the Draft EIR were selected based on guidance from the City's adopted Transportation Assessment Guidelines (TAG) that were followed for that analysis. Applying the TAG criteria resulted in the identification of

the nine intersections illustrated in Figure 6 of the TA and discussed and analyzed in the main body of the TA. None of the required study intersections were along Highland Avenue or Franklin Avenue in the vicinity of the Hollywood Bowl (the westernmost study intersection was the intersection of Cahuenga Boulevard and Hollywood Boulevard). The Cahuenga Boulevard/Hollywood Boulevard intersection was identified in that analysis as operating at LOS F, with the Project adding trips to this location. As Cahuenga Boulevard is a route to the Hollywood Bowl, the Project could affect trips to the Hollywood Bowl. However, as discussed in Topical Response No. 2 – Transportation and Traffic, above, intersection level of service (LOS) is no longer the CEQA significance metric for transportation impacts.

Comment No. IND 111-3

Another concern is that the new structure is RIGHT ON AN EARTHQUAKE FAULTLINE!!! Please tell me how you plan to allow this structure to go up right on top of it??? I am very interested in your answer as I hope to never have to told you that what I have read (FROM PROPPER *[sic]* SCIENTIST) that it is not IF but WHEN a big earthquake will hit this well known fault line...how will you account for the many years of research alluding to this fact?...we all live with the understand that we must be ready if a big earthquake happens but to build right on this fault line is just crazy.

Response to Comment No. IND 111-3

The comment expresses concern about the Project's proposed location on an earthquake fault. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 111-4

Hope this sheds a light on my feelings and please know I am talking for a lot of residence *[sic]* who have been opposed to this development since its inception.

I look forward to your reply and hope that clearer heads prevail in this David vs Goliath situation.

Response to Comment No. IND 111-4

This concluding comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 112

L. Walker
Received May 27, 2020

Comment No. IND 112-1

I am writing to you to express my strong opposition to the construction of 2 huge towers adjacent to Capitol Records (Millennium Project.). I have been a resident of Beachwood Canyon since 1981.

Response to Comment No. IND 112-1

The comment expresses opposition to the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 112-2

This project (during and after construction) would generate traffic and traffic holdups that cannot be accommodated on the surface streets nor by the on/off ramps to the 101 Freeway. Traffic is currently a huge problem in Hollywood and this would push it over the top. Currently construction in Hollywood is rampant and road blockages have really impacted any travel through Hollywood.

Parking in Hollywood is already a problem. This development will not help this situation and will add to an existing problem.

Response to Comment No. IND 112-2

The comment expresses concern about the Project's impact on traffic and parking but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L of the Draft EIR was based on CEQA requirements and evaluated vehicle miles traveled (VMT), rather than traffic intersection service levels, which no longer serve as a basis under CEQA for determining transportation impacts. The total traffic effects of the Project, including congestion, are discussed in the TA in Appendix N-1 of the Draft EIR. It is noted that traffic congestion is not a CEQA issue and is not evaluated in the Draft EIR. As such, the analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 112-3

Emergency Response: This monstrosity of a development will tap the already thin emergency response resources we now count on.

Response to Comment No. IND 112-3

This comment raises concerns about emergency response, but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, which addresses emergency response.

Comment No. IND 112-4

If this development is allowed to proceed, the historic and iconic Capitol Records Studios will be impacted and affected.

Response to Comment No. IND 112-4

The comment expresses a concern that the Capitol Records Studios will be impacted by the Project. Impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame, and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above. Also note that the Project does not involve any proposals for changes to the occupancy and use of the Capitol Records Building, and no such changes are foreseeable. As stated on page II-36 in Chapter II, *Project Description*, of the Draft EIR, the Applicant has a lease with Capitol Records that can be extended until 2026. As the Capitol Records Building's underground recording studios and reverberation chambers are located on the Project Site, which is owned and operated by the Applicant, any interference with on-going activities within the building, or scheduling

to avoid such, would be coordinated directly between the Applicant and Capitol Records through tenant-landlord agreements.

Comment No. IND 112-5

I understand this project will be built on top of the Hollywood Earthquake Fault. Enough said.

Response to Comment No. IND 112-5

The comment asserts that the Project is located on an earthquake fault. Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 112-6

This development will further erode any charm or history that Hollywood currently has.

Again, I VEHEMENTLY OPPOSE this project.

Response to Comment No. IND 112-6

The comment expresses an opinion that the Project will remove the charm and history of Hollywood but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In regard to historic resources, see Response to Comment No. IND 112-4.

Comment Letter No. IND 113

Aaron M. Epstein
13455 Ventura Boulevard, #225
Sherman Oaks, CA 91423
Received May 27, 2020

Comment No. IND 113-1

I am a Hollywood property owner writing to ask that the public comment period on the *Hollywood Center Project* be extended for a minimum of 90 days after the City and State STAY AT HOME order has been lifted.

These are EXTENUATING CIRCUMSTANCES in that in-person meetings are not held, City Council and State Legislature meetings cannot be attended in person, travel by public transportation is a life threatening health risk, etc.

The proposed project itself must receive maximum examination in that it is similar to a project of the same developers in San Francisco that is presently SINKING because inadequate engineering and the Hollywood project is directly over the earthquake fault that has been designated by John G.? Parrish, recently retired California State Geologist.

To risk safety and lives, both today and in the future, extension of the existing 45 day time is of the highest necessity.

Response to Comment No. IND 113-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Regarding concerns about earthquake faults, geology impacts, including those regarding the Project Site's location relative to an active earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 114

Lynn Rosenberg
Received May 27, 2020

Comment No. IND 114-1

I have lived at Menorah Housing in Long Beach for approximately 8 years, and have found the staff friendly and helpful and the apartment building well run. It was a God send to me to find this housing as I am a low-income senior and there are few options out there that are affordable with caring people running it. The maintenance and support staff are also excellent.

I would definitely recommend Menorah Senior Housing as a good place for seniors to live.

Response to Comment No. IND 114-1

The comment expresses support for Menorah Senior Housing but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 115

Beverly Freeman
2018 Vine Street
Hollywood, CA 90068
Received May 27, 2020

Comment No. IND 115-1

I have lived on upper Vine Street, just above Franklin Ave. for most of my life and I am very concerned about the proposed Hollywood Center Project.

The following questions are but a few I have concerning the impact I have regarding my quality of life, property value and general well-being.

Response to Comment No. IND 115-1

The comment expresses concern about the Project's impact on the commenter's quality of life, property value, and well-being but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 115-2 through 115-8.

Comment No. IND 115-2

1. Will additional lanes on the 101 Freeway be added to handle the large increase in car traffic caused by your Hollywood Center Project?

2. Will alternate routes for cars traveling through the Franklin and Argyle on ramps north and south to the 101 Freeway be found to accommodate the additional traffic?

Response to Comment No. IND 115-2

The comment expresses concern about the potential for the Project to impact traffic on US-101, including at on-ramps at Franklin Avenue and Argyle Avenue, which is the same comment presented in Comment No. IND 109-2 above. Accordingly, see Response to Comment No. IND 109-2.

Comment No. IND 115-3

3. What compensation will the city give to current property owners living in the Hollywood Hills for their transportation, air quality, water quality, noise, sewage and parking inconveniences caused by the project?

4. What compensation will the city give to property owners that will have their current views of Hollywood and the surrounding areas obscured by the Hollywood Center Project?

5. Will property taxes go down for current homeowners impacted negatively because of the Hollywood Center Project?

Response to Comment No. IND 115-3

The comment expresses the opinion that compensation should be provided to the property owners who will be negatively affected by the Project, which is the same comment presented in Comment No. IND 109-3 above. Accordingly, see Response to Comment No. IND 109-3.

Comment No. IND 115-4

6. How many years will the project take to complete?

7. If the builder cannot finish the project on time – will the city give extensions of time? If so for how long will that be allowed?

8. Should the builder default-what legal recourses will the city have to recoup losses?

9. Will the city take out additional Earthquake insurance for the huge skyscraper being built should an earthquake cause it to fall?

10. If the builder should default and leave the property unfinished-what will be the actions of the City of Los Angeles?

Response to Comment No. IND 115-4

The comment expresses concern over the construction period and activities associated with the Project, which is the same comment presented in Comment No. IND 109-4 above. Accordingly, see Response to Comment No. IND 109-4.

Comment No. IND 115-5

11. Will the city provide detailed inspections to the public of the builder's progress and end result?

Response to Comment No. IND 115-5

The comment asks if the City will provide inspections available to the public of the builder's progress and end result, which is the same comment presented in Comment No. IND 109-5 above. Accordingly, see Response to Comment No. IND 109-5.

Comment No. IND 115-6

12. What additional accommodations for health and safety of homeowners when homeless populations and their camps under the freeway at Franklin Ave. are relocated because of the new project?

Response to Comment No. IND 115-6

The comment expresses concern about the potential for the Project to cause homeless people to move into nearby residential areas, which is the same comment presented in Comment No. IND 109-6 above. Accordingly, see Response to Comment No. IND 109-6.

Comment No. IND 115-7

13. What funds have been set aside to cover the up-grade of the infrastructure of our historic area to accommodate this massive project?

Response to Comment No. IND 115-7

The comment expresses concern about upgrading infrastructure to accommodate the Project, which is the same comment presented in Comment No. IND 109-7 above. Accordingly, see Response to Comment No. IND 109-7.

Comment No. IND 115-8

14. How will the City provide complete transparency to the public of the monies spent on this project?

15. What is the city's watchdog policy if crime or corruption is found regarding this project?

Response to Comment No. IND 115-8

The comment raises questions regarding public expenditures and policies related to corruption that may be associated with the Project but does not raise any specific issues regarding the content or adequacy of the Draft EIR. Furthermore, these issues are beyond the purview of CEQA. As such, no further response is warranted.

Comment Letter No. IND 116

Stuart Freeman
2018 Vine Street
Los Angeles, CA 90068
Received May 27, 2020

Comment No. IND 116-1

I am a resident living in upper Vine Street and I am directly impacted by this project.

I have several questions regarding the upcoming Hollywood Center Project proposed construction.

Response to Comment No. IND 116-1

This introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 116-2

1. I have read many stories about how people who move into these areas when built do not actually take the subway or other rapid transit but rather use their cars. It is also typical for these projects to claim to not need as many car parking spaces because of their proximity to rapid transit. How many parking spaces are going to be provided and what guarantees can be provided that people living in the new construction will not each have a car and seek parking on the adjacent neighborhood streets as a result?

Response to Comment No. IND 116-2

The comment expresses concern about transit usage and the amount of parking provided by the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. While the Project cannot guarantee that new residents will not each have a car, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area (TPA), parking impacts would not be considered significant under CEQA. Additionally, the Project would implement a variety of Transportation Demand Management (TDM) strategies as Project Design Feature TRAF-PDF-1 to support strategies to encourage public transit such as providing unbundled parking, on-site locations to purchase Metro passes, transit subsidies, a commute trip reduction program; shared mobility features (i.e., bike and car share); bicycle friendly infrastructure, education and encouragement programs on available transit options; and on-site management of TDM programs.

Comment No. IND 116-3

2. What steps will be taken to assure local residents that all of the trucks hauling away dirt from the construction site will be handled with forethought to avoid traffic accidents, smog, and pavement erosion in the area?

Response to Comment No. IND 116-3

The comment expresses concern about construction trucks causing traffic, smog, and pavement erosion in the area. As stated in Project Design Feature TRAF-PDF-2 on pages IV.L-28 and -29 of Section IV.L, *Transportation,* of the Draft EIR, the Project would implement a Construction Management Plan (CMP), which would include street closure information, a detour plan, haul routes, and a staging plan. The CMP will formalize how construction will be carried out and identify specific actions that will be required to reduce effects on the surrounding community. The CMP will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site. Construction management meetings with City Staff and other surrounding construction-related project representatives (i.e., construction contractors), whose projects will potentially be under construction at around the same time as the Project, will be conducted bimonthly, or as otherwise determined appropriate by City Staff. This coordination will ensure construction activities of the concurrent related projects and associated hauling activities are managed in collaboration with one another and the Project.

Regarding smog emissions, as stated on page IV.B-54 of Section IV.B, *Air Quality,* of the Draft EIR, construction of the Project has the potential to generate temporary regional criteria pollutant emissions through the use of heavy-duty construction equipment, such as excavators and forklifts, through vehicle trips generated by workers and haul trucks traveling to and from the Project Site and through building activities. As discussed on page IV.B-49 of the Draft EIR, regulatory compliance with applicable emission control standards, including the California Air Resources Board (CARB) air toxics control measure (ATCM) that limits heavy-duty diesel motor vehicle idling to five minutes at any location (Title 13 CCR, Section 2485), the Truck and Bus regulation that reduces NOx, PM10, and PM2.5 emissions from existing diesel vehicles operating in California (13 CCR, Section 2025), and the In-Use Off-Road Diesel Fueled Fleets regulation that reduces emissions by the installation of diesel soot filters and encouraging the retirement, replacement, or repower of older, dirtier engines with newer emission controlled models (13 CCR, Section 2449) would minimize air pollutant emissions from haul trucks. Furthermore, as concluded on page IV.B-60, with implementation of Mitigation Measure AQ-MM-1, which would implement construction equipment features for equipment operating at the Project Site, the regional NO_X emissions would be reduced to a level below the SCAQMD regional threshold of 100 pounds per day. Therefore, smog emissions from construction trucks and activities would be reduced to less-than-significant levels.

Regarding pavement erosion, new development projects are typically required by the City to pay its fair share of costs to repair eroded pavement as a result of construction activities.

Comment No. IND 116-4

3. How loud will back-up generators be if power is intermittent for a time, and back-up power generation is needed? The Everly had this problem, and the neighborhood suffered listening to loud noises for many, many hours.

Response to Comment No. IND 116-4

The comment expresses concern about the noise level from back-up generators. As stated on page IV.I-52 of Section IV.I, *Noise,* of the Draft EIR, emergency generators for the residential buildings on the West Site and East Site would provide emergency power 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 (providing vertical distance) 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.

Comment No. IND 116-5

4. Our neighborhood is already woefully deficient in having enough parking spaces for the apartments on Argyle. This causes people to park up on our street, Vine so that parking is very difficult. Is there provision for creating more parking spaces than the project needs, and making the spots available to local apartment dwellers? In Pasadena, there are large public parking structures available for people coming into the city to eat, drink, or see a play. Is there a large public parking structure included with this development?

Response to Comment No. IND 116-5

The comment expresses concern about the amount of parking required for the Project but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces) to adequately serve the Project, including the residential and commercial components. Furthermore, as the Project Site is located within a TPA, parking impacts would not be considered significant under CEQA. However, no public parking structure is proposed as part of the Proposed Project.

Comment No. IND 116-6

5. What tax concessions have been awarded this project, and for how long? Increased traffic, and more densely populated buildings will require more fire, police, and other public services to be available. If tax concessions are given to

the project, does that mean that the rest of us poor homeowners will be picking up the tab?

Response to Comment No. IND 116-6

The comment expresses concern that homeowners will be paying for fire, police, and other public services to support the Project. Impacts to fire and police protection services were addressed in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, respectively, with supporting data provided in Appendix M of the Draft EIR. It was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities.

Regarding fire protection services, as stated on page IV.K.1-16 of Section IV.K.1, *Fire Protection,* of the Draft EIR, the Project would comply with all applicable health and safety requirements, including: the provision of fire resistant doors, materials, walkways, stairwells, and elevator systems (including emergency and fire control elevators); installation of a fire sprinkler suppression system, smoke detectors, signage, fire alarms, building emergency communication systems, smoke control systems; implementation of an Emergency Safety Plan; compliance with Los Angeles Fire Department (LAFD) fire apparatus and personnel access requirements; and water systems and roadway improvements improved to the satisfaction of the LAFD. In addition, the LAFD recommended a variety of fire prevention and protection features, including installation of Knox Boxes, building identification, emergency access lanes, building setbacks, and a required Fire Annunciator panel or Fire Control Room. Compliance with applicable Los Angeles Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in LAMC Section 57.118, and which are required prior to the issuance of a building permit. All of these requirements would reduce the demand on LAFD facilities, equipment, and fire protection services.

Furthermore, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for the Los Angeles Police Department (LAPD) services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a

seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Regarding other public services, such as parks and recreational facilities, as stated on page IV.K.4-18 of Section IV.K.4, *Parks and Recreation,* of the Draft EIR, given the Project's open space and recreational amenities, including common space areas, pools, outdoor seating and lounging, fitness areas, locker rooms, children's rooms, game rooms, private libraries, and multi-purpose rooms, it is expected that the Project-related recreational demand would be at least partially accommodated on the Project Site. Likewise, it can be reasonably assumed that residual off-site park usage would likely be dispersed among the seven neighborhood parks, five community parks, and three regional parks that the Los Angeles Department of Recreation and Parks (RAP) has indicated would serve the Project Site. Therefore, the various open space amenities provided on the Project Site would offset the demand of the Project on off-site parks and recreational facilities.

Comment No. IND 116-7

6. We as residents have endured the Everly, the W, and many more projects being constructed here in Hollywood in the last few years. As you might imagine, we grow tired of the never ending construction issues. Can we put a stop to other additional projects in the area after this one? This one will go on for quite some time, and residents should be given a break from this endless construction.

Response to Comment No. IND 116-7

The comment requests that there should be a stop to other projects and construction in the area after this Project but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 116-8

7. Why is such a tall tower needed for this project? It is taller than any other in the area, and seems out of place of Hollywood.

Response to Comment No. IND 116-8

The comment expresses concern for the height of the Project but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 116-9

8. Hollywood traffic is a nightmare at about 5pm each weekday. People que *[sic]* up for entrance to the freeway, or go up Cahuenga to Barham to get to the valley.

What steps can be taken to mediate the impact that so many new vehicles to the area will cause? Are freeway onramps going to be made to flow better?

Response to Comment No. IND 116-9

The comment expresses concern for the Project's impact on traffic in the area and freeway ramps but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. See also Topical Response No. 2 – Transportation and Traffic, for a discussion of traffic impacts from the Project, including impacts to the US-101 and its on- and off-ramps.

Comment No. IND 116-10

9. I grew up here. I went to Cheremoya Elementary, LeConte Jr. High, and Hollywood High School. What impact on the schools will this project have? How many school age children are envisioned to live in this new project? What tax revenue will the schools receive?

Response to Comment No. IND 116-10

The comment expresses concern about the Project's impact on nearby schools. School impacts, specifically the three schools mentioned by the commenter, were addressed in Section IV.K.3, *Schools,* of the Draft EIR. As stated in Table IV.K.3-2 on page IV.K.3-11 of the Draft EIR, the Project could generate 239 elementary school students, 65 middle school students, and 137 high school students for a total increase of 441 school students. As further discussed on page IV.K.3-13 of the Draft EIR, pursuant to California Government Code Section 65995, the Project Applicant would be required to pay fees in accordance with SB 50. Payment of such fees is intended for the general purpose of addressing the construction of new school facilities, whether schools serving the Project in question are at capacity or not. Pursuant to California Government Code Section 65995(h), payment of such fees is deemed full mitigation of a project's development impacts. Therefore, the Project's operational impacts on schools would be less than significant.

Comment No. IND 116-11

10. Homeless people have taken over many of the underpasses, and freeway medians in Hollywood. What steps are being considered by the city government and your project to help mitigate this problem? If you create loud noise, and congestion, it is likely they will just head up into the hills to our properties to camp out which would be unacceptable to property owners who have been here far longer than any of these many, many building projects and the people living in them?

Response to Comment No. IND 116-11

The comment expresses concern about the potential for the Project to cause homeless people to move into nearby residential areas without any specific facts or substantial evidence to support this claim. Homeless-related concerns are social issues that are

unrelated to the proposed Project; as stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 116-12

11. What new infrastructure will be required to provide power and water to all of these new residents, and how much will existing homeowners in the area be expected to pay in increased taxes to provide that new infrastructure?

Response to Comment No. IND 116-12

The comment asks what new infrastructure will be required to provide water and power for the Project and if the existing homeowners will be expected to pay increased taxes to provide the new infrastructure. The Project's impacts on energy are analyzed in Section IV.O, *Energy Conservation and Infrastructure,* of the Draft EIR. The Project's annual operational energy use is provided in Table IV.O-2 on page IV.O-25 of the Draft EIR. Furthermore, the Project would implement Project Design Features GHG-PDF-1, which would include key green building and LEED measures to optimize energy performance to reduce Project energy demand. As concluded on page IV.O-27 of the Draft EIR, operation of the Project would not result in the wasteful, inefficient, or unnecessary consumption of electricity.

The Project's impacts on water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. As discussed therein, the Project would result in less-than-significant utility and water supply impacts.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 116-13

This comment letter is a repeat of the first email sent by the commenter.

Response to Comment No. IND 116-13

See Response to Comment Nos. IND 116-1 through IND 116-12.

Comment Letter No. IND 117

Nick Freeman
2018 North Vine Street
Los Angeles, CA 90068
Received May 27, 2020

Comment No. IND 117-1

I write as a six-year resident of upper Vine St. and I have some pressing concerns and questions over the project proposed nearby.

Response to Comment No. IND 117-1

This introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 117-2

1. Why is construction proposed on a confirmed fault line? Is that not recklessly endangering the lives of citizens in the area?

Response to Comment No. IND 117-2

The comment asserts that the Project is proposed on an earthquake fault line. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 117-3

2. Are there any plans to address the local homeless population, with some large camps within a hundred feet of the construction zone, particularly along the freeway overpass? Most efforts seen thus far merely shuffle the homeless somewhere else, a process which repeats until they invariably return to where they were.

Response to Comment No. IND 117-3

The comment expresses concern about the potential for the Project to move the homeless population without any specific facts or substantial evidence to support this claim. Homeless-related concerns are social issues that are unrelated to the proposed Project; as stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 117-4

3. Will there be any infrastructure improvements, especially in the case of the freeway? Before the quarantine, I was essentially forced to make use of the metro to make the commute to CalState LA, and I can only see additional construction further impacting the roads that already reach gridlock at rush hours.

Response to Comment No. IND 117-4

The comment asks if there will be additional infrastructure improvements for the freeway to accommodate the Project's construction but does not raise any specific issues regarding the content or adequacy of the Draft EIR. Although freeway analyses for the Project were not required for CEQA per the City's Transportation Assessment Guidelines (TAG), the analyses were presented for informational purposes in Appendix I of the Transportation Assessment (TA) for the Hollywood Center Project. The analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections. Regarding congestion in Hollywood, the total traffic effects of the Project during construction and operation were discussed in the TA in Appendix N-1 of the Draft EIR. It should be noted that traffic congestion is not a CEQA issue and is not evaluated in the Draft EIR. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 117-5

4. Is there a timetable for the proposed construction, and will the city be transparent about its progress? I cannot help but think of the large 'Target' shopping center on Sunset and Western that was locked in a legal quadmire *[sic]* for years, staying as a big, half-built eyesore for all those around.

Response to Comment No. IND 117-5

The comment asks about the timeline for completion of the Project. As stated on page II-71 of Chapter II, *Project Description*, of the Draft EIR, in the overlapping construction scenario, construction could be completed in approximately 4.5 years (beginning 2021 and completed as early as 2024). In the sequential construction scenario, in which the two sites are built one after another with no overlap, construction of the Project would be completed in under approximately seven years (beginning in 2021 and completed in 2027). The remaining concern from the commenter regarding transparency does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 117-6

5. Is there any compensation planned for the property owners in the area for having their quality of life negatively impacted due to the noise, pollution, and traffic that an active construction zone produces?

Response to Comment No. IND 117-6

The comment expresses the opinion that compensation should be provided to the property owners who will be negatively affected by the Project but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 118

Nick Hryciw
Received May 27, 2020

Comment No. IND 118-1

I hope you and your loved ones are staying safe and healthy during this time.

I am writing you to express my firm opposition to the Hollywood Center Project as currently planned. With the height of the towers, all views north of my residence at The Broadway Hollywood will be obstructed and an overload of traffic would be introduced within just a few blocks of Hollywood and Vine.

More importantly, these towers will overshadow the iconic Capitol Records building which is an historic mainstay of the Hollywood skyline. These towers that are better suited for downtown and will disrupt our skyline and the more 'neighborhood' feel of Hollywood.

Response to Comment No. IND 118-1

The comment expresses opposition to the Project based on the Project's height, blocking of views, and traffic. Regarding the Project's effects on views, this analysis was provided in Section IV.A, *Aesthetics,* of the Draft EIR. Regarding effects on views from private residences, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, was on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[135] See also Topical Response No. 4 – Aesthetics and Topical Response No. 5 – Land Use and Planning, above.

Impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F-1 of the Draft EIR. Section IV.C of the Draft EIR analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building. As analyzed therein, and also in Topical Response No. 6 – Historical Resources, above, operational impacts on the Capitol Records Building would be less than significant.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L of the Draft EIR concluded that the Project would result in less-than-

[135] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Regarding other concerns related to the Hollywood Broadway Building, see the responses to comments provided to the Broadway Hollywood Homeowners Association in Comment Letter No. ORG 37.

Comment No. IND 118-2

Although I (and every neighbor I know) adamantly oppose the current plan, I fully support alternate plans to construct the towers no more than 14-18 stories. The new construction in Hollywood has been exciting and is bringing a new vibrance to our streets, however, I believe it is important we don't lose the architectural integrity and ambiance of our Neighborhood.

Response to Comment No. IND 118-2

The comment expresses support for alternate plans to construct the towers no more than 14 to 18 stories. The Draft EIR provides analysis for Alternative 2, which analyzes an alternative that would conform to the Project Site's existing zoning designation. As stated on page V-28 of Chapter V, *Alternatives,* of the Draft EIR, the East Building would be 18 stories and reach a height of 243 feet at the top of the 18th story and 293 feet at the top of the bulkhead. The West Building would be 14 stories and reach a height of 195 feet at the top of the 14th story and 235 feet at the top of the bulkhead.

Regarding general concerns about architectural integrity and the ambiance of the neighborhood, the architecture of the Project has been designed to be distinct from, but compatible with, the modernist architectural character of the Capitol Records Building and the greater Hollywood neighborhood. The proposed buildings have been located and configured to preserve important views of the Capitol Records Building and to promote compatibility between new construction and the historic Capitol Records Complex. See also Topical Response No. 6 – Historical Resources, above.

Comment No. IND 118-3

Thank you in advance for logging this communication as an official vote of opposition in the record of public comment.

Response to Comment No. IND 118-3

The conclusory comment is noted. The comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 119

Theresa Meyers
Received May 27, 2020

Comment No. IND 119-1

I am a neighbor and friend of Nick. He has expressed the feelings of many of us, and quite beautifully. The neighborhood, and I have strong feelings in opposition to this project and I join all the voices in urging you to protect our neighborhood and our property values.

Response to Comment No. IND 119-1

The comment refers to Comment Letter No. IND 118 but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Accordingly, see Response to Comment Nos. IND 118-1 through 118-3.

Comment Letter No. IND 120

Monet Corso
Received May 27, 2020

Comment No. IND 120-1

I hope you are *[sic]* your families are staying safe and busy during this interesting time.

I am writing this evening, along with several other neighbors I believe, to express how opposed I am to the addition of the two towers of the Hollywood Center Project. Please read because I think I make a few good points.

I have been following the “Heart of Hollywood” and your plans and ideas for “Hollywood Blvd” are incredible. They honestly made me feel so much pride and joy.

I have been driving to Hollywood to visit the Pantages since I was 4 years old (1984), and the moment the KOR Development Group announced they were building lofts on the corner of Hollywood and Vine in the old Broadway Hollywood Building I was one of the first three owners. I owned my very first condo in the Heart of Hollywood at age 26, and I have not left. Instead I dove in, met everyone around me, watched my neighborhood grow into something incredible, and I am now raising my daughter here. I know all my neighbors, and my neighborhood. And we are all devastated by the thought of two monstrosities infiltrating our classic Hollywood. **The is a neighborhood that is meant to be improved and restored, not taking over and congested.** This entire project feels corrupt.

Response to Comment No. IND 120-1

The comment provides an introduction to the commenter and expresses concern about the size of the Project and corruption but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 120-2

While I agree with improving the neighborhood, I DO NOT agree with harming the parts that make it so special. The view, the hills, the landmarks are what make Hollywood special. **The Hollywood sign rising high above and overlooking all of us is why we moved to Hollywood and not downtown.** To block that view, and take that from so many people is taking the heart out of Hollywood. I moved here to look at the sign and see Capitol Records every day. This is a historic neighborhood and we need to try to keep some things sacred. What we have here is an incredible metropolitan type neighborhood that is accessible and does not have the feel of a big city.

Response to Comment No. IND 120-2

The comment expresses concern about the Project blocking views of the Hollywood sign and the Capitol Records Building but does not raise any specific issues with respect to

the content or adequacy of the Draft EIR. However, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. Although the aesthetics analysis provided in the Draft EIR is informational and not required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A, where the analysis supported by multiple visual simulations indicates that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline, and that the proposed buildings would comprise a small portion of the view fields, and would not substantially diminish broad scenic views from the hills. In the event the comment includes concerns about effects on private views, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[136] See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 120-3

But, if this project starts, 4-6 years of construction and congestion will be unbearable to the people that call Hollywood home. We will not be able to enjoy our outdoor space for years. It was rough when the W was being built, but at least the W set itself inside the city and respected the neighborhood and did not put 46 stories in the middle of our blocks.

Response to Comment No. IND 120-3

The comment states that construction and congestion will be unbearable to residents and that they will not be able to enjoy outdoor spaces. However, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 120-4

Below:

This will be us in the shadows of those towers,

[136] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

The people that first bought homes and started investing in this neighborhood and building business here.



The two-towered project contains over 1,000 housing units and open space for community programming. Rendering by Handel Architects. | Courtesy of Hollywood Center

Response to Comment No. IND 120-4

The comment expresses concern about the Project's shade and shadow impacts on the commenter's residence. Shade/shadow impacts are not identified in CEQA Guidelines Appendix G and, thus, are not required to be evaluated in the City's Draft EIR.

Comment No. IND 120-5

I agreed with last year's ruling that this development is "Fatally Defective"

A California appeals court determined Wednesday that the environmental analysis of a $1 billion, skyline-altering development next to Hollywood's iconic Capitol Records building is "fatally defective."

The three-judge panel affirmed that the project description in the environmental analysis was too ambiguous, inhibiting the public from fully reviewing a development that could have profound impacts on the neighborhood.

"Missing from this application was any description or detail regarding what Millennium intended to build," wrote Second District Court of Appeal pro-tem judge Ann Jones. "The project description is not simply inconsistent, it fails to describe the siting, size, mass, or appearance of any building proposed."

Response to Comment No. IND 120-5

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 120-6

The traffic on these 4 corners is already bad enough that during morning traffic hour when I am trying to take my daughter to school 3 miles away, I spend 70% of the trip on Vine trying to get up to Franklin, or back down from Franklin to my loft. I cannot even begin to imagine what the traffic will be like if you add 1000 units.

Response to Comment No. IND 120-6

The comment expresses concern about traffic on Vine Street and Franklin Avenue but does not raise specific issues regarding the content and adequacy of the Draft EIR. However, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 120-7

I am not sure exactly what needs to be done to have this project be reevaluated. A building around 11-15 floors would be something our neighborhood would happily entertain, but as the design currently stands, it will devastate this neighborhood. I DO want Hollywood to grow. It is great for businesses and the economy for our city, but not like this.

Response to Comment No. IND 120-7

The comment expresses that the Project should be reevaluated to be around 11 to 15 floors but does not raise specific issues regarding the content or adequacy of the Draft EIR. It should be noted that Alternatives 2 and 4, as described in Chapter V, *Alternatives,* of the Draft EIR, present alternatives that would have buildings between 11 to 15 floors. It should be noted that as stated on page V-69 and V-152 of Chapter V, *Alternatives,* of the Draft EIR, Alternative 2 and Alternative 4, respectively, would not include senior affordable residential units and would not meet the Project Objective to provide affordable senior housing with outdoor spaces in proximity to public transportation, allowing an age-specific demographic to continue to live in their residence of preference while maintaining access to services and goods.

Comment Letter No. IND 121

Theo Green
1645 Vine Street, Apt 510
Los Angeles, CA 90028
Received May 27, 2020

Comment No. IND 121-1

As a resident and homeowner at the Broadway Hollywood Building at 1645 Vine St, I'm writing to register my opposition to the proposed Hollywood Center Project.

Response to Comment No. IND 121-1

The comment expresses general opposition to the Project. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 121-2 through 121-5.

Comment No. IND 121-2

I'm broadly in favour *[sic]* of the development of Hollywood. New buildings have been appearing regularly in the five years I've lived here, and I welcome them all. I would welcome this new development too, but only if its height was restricted to match the other buildings in the area.

For almost a hundred years since the Hollywoodland sign went up, city planners in this area have carefully preserved line-of-sight views of the hills and the iconic sign. Those views, from streets such as Vine, Hollywood Blvd, but also Argyle, Gower, Ivar and others add value and iconic beauty to whole blocks of this neighborhood.

Views of the hills and iconic sign from my property, and most of the properties in those streets, will be blocked if the towers are built at the proposed height. I believe that would reduce the intrinstic *[sic]* value of whole swathes of Hollywood, and damage both property values and tourism in the area. Those views from street level and from properties, not only of the Hollywood sign, but also the iconic Capitol Records building have been preserved for decades by careful development.

To block the views and introduce to the skyline two giant skyscrapers seems to violate the care previous decades of city planners have taken to preserve what makes this area special.

Response to Comment No. IND 121-2

The comment expresses concern about the Project's height and blockage of views of the Hollywood Sign and Hollywood Hills. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. Although the aesthetics analysis provided in the Draft EIR is informational and not required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A, where the analysis supported by multiple visual simulations indicates that the

Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline. Also, as stated in Section IV.A, public views along the street corridors referenced in the comment, such as Vine Street, Hollywood Boulevard, Argyle Avenue, Gower Street, and Ivar Avenue, would not be obstructed by the Project. In the event the comment includes concerns about effects on private views, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[137] See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 121-3

When considered together with the inevitable strain such huge buildings would put on the area's already congested traffic, the aesthetic concerns become existential ones. Rather than attract more residents to the area, impossibly congested streets and a loss of iconic views will surely encourage many to look elsewhere, for well-planned streets without constant traffic jams.

Response to Comment No. IND 121-3

The comment asserts that the Project will have strains on aesthetics and traffic but does not raise specific issues regarding the content or adequacy of the Draft EIR. In regard to aesthetics concerns, see Response to Comment No. IND 121-2.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 121-4

Finally, I'm concerned that this developer's other Californian skyscraper, the Millennium Tower in San Francisco, is a famously poorly planned and executed building: leaning, sinking, tilting and now subject to over $500 million of lawsuits, its residents bitterly regret having moved into a building where the lack of diligence by developers has wiped out their investment. To build such an oversized development in an inappropriate area of Los

[137] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Angeles, with a troubled developer, on streets not designed to take even as much traffic as they currently have, seems to be folly however you look at it.

Response to Comment No. IND 121-4

The comment refers to a different project and does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted. Nonetheless, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards.

Comment No. IND 121-5

Again, I would support this application if the height of the building were in the 12 storey *[sic]* range, but not at the current proposed height.

Response to Comment No. IND 121-5

The comment states that the commenter would support a 12-story development but not the Project as currently proposed. As the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 122

Leslie Blumberg
6126 Hollywood Boulevard
Los Angeles, CA 90028
Received May 28, 2020

Comment No. IND 122-1

I would like to take this opportunity to offer my support for the Hollywood Center project.

I am the owner of the Fonda Theatre on Hollywood and Gower, so this development will be part of my neighborhood. I welcome the addition to the eastern side of the Hollywood Blvd community. It will change things. I look forward to the change. I am also a board member of the Hollywood BID, now the Hollywood Partnership.

It is impossible to write a letter at this time without mentioning the devastating situation we find ourselves in. The pandemic has pulled back the curtain on many conditions that have exacerbated the effects of the pandemic, not the least of which is the marginalization of the elderly. It is heartbreaking and frightening to see our seniors become the most vulnerable victims of this catastrophe. It is also dangerous for our society. I believe strongly that good housing for low-income seniors, integrated within mixed use housing complexes, is the most felicitous solution to a grim problem. I applaud this development for making space for seniors in their plans, and I hope this approach is a harbinger of things to come in other developments in L.A. and across the country.

It is mainly because of this allowance for seniors -- and also the project's LEED Gold certification and provision of outdoor space -- that I applaud this development and encourage the city to facilitate its forward movement.

Response to Comment No. IND 122-1

The comment expresses support for the Project but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 123

Yoni Chriqui
1601 Vine Street, 6th Floor
Los Angeles, CA 90028
Received May 28, 2020

Comment No. IND 123-1

I am a resident at the Broadway Hollywood Building Stakeholder and Historic Resource: The building and sign are a LA Historical-Cultural Monument and the building is a contributor to the Hollywood Blvd Commercial and Entertainment District with its primary entrance now located at 1645 Vine Street, at the corner of Hollywood Blvd. The building is identified in the EIR as: 6300 Hollywood Boulevard.

Response to Comment No. IND 123-1

The comment serves as an introduction to the commenter's residence but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 123-2

I urge your department to prevent the construction of the two towers (35 and 46 stories). As a developer myself, I am all for mindful developments but those two towers will be out of context and will have a large impact on our neighborhood. I have been living in Hollywood since 2006 and would love to see it grow. 1000 units and 30,000 sq. ft. of retail will create more traffic, block our views of the hills and Hollywood and have us in the shadows of those towers. In addition, the towers will not blend among the historic structures surrounding them.

A building around 12-15 floors would be something I would happily entertain but as it currently stands, the project will devastate our neighborhood. W Hollywood and 1600 Vine for instance were large scale developments but blend in the neighborhood.

Response to Comment No. IND 123-2

The comment expresses opposition to the Project based on its height, traffic, views, shadows, and historic surroundings but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. Although the aesthetics analysis provided in the Draft EIR is informational and not required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A, where the analysis supported by multiple visual simulations indicates that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline. In the event the comment includes concerns about effects on private views, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be

considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[138] See also Topical Response No. 4 – Aesthetics and Topical Response No. 5 – Land Use and Planning, above. Regarding the potential for the Project to shade the surrounding residential buildings, shade/shadow impacts are not identified in CEQA Guidelines Appendix G and, thus, are not required to be evaluated in the City's Draft EIR.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Regarding the commenter's opinion that the Project's towers would not blend among the historic structures surrounding the Project Site, the architecture of the Project has been designed to be distinct from, but compatible with, the modernist architectural character of the Capitol Records Building and the greater Hollywood neighborhood. The proposed buildings have been located and configured to preserve important views of the Capitol Records Building and to promote compatibility between new construction and the historic Capitol Records Complex. See also Topical Response No. 6 – Historical Resources, above.

The comment expresses preference to buildings with heights between 12 to 15 floors but does not raise specific issues regarding the content or adequacy of the Draft EIR. It should be noted that Alternatives 2 and 4, as described in Chapter V, *Alternatives,* of the Draft EIR, present alternatives that would have buildings between 11 to 15 floors. It should be noted that as stated on page V-69 and V-152 of Chapter V, *Alternatives,* of the Draft EIR, Alternative 2 and Alternative 4, respectively, would not include senior affordable residential units and would not meet the Project Objective to provide affordable senior housing with outdoor spaces in proximity to public transportation, allowing an age-specific demographic to continue to live in their residence of preference while maintaining access to services and goods.

[138] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Comment Letter No. IND 124

Connie G. Gurich
5733 Arbor Vitae
Los Angeles, CA 90045
Received May 28, 2020

Comment No. IND 124-1

The Hollywood Area, especially Hollywood and Vine has always maintained a height restriction for new residential construction in keeping with its environs. Unless the City was willing to condemn existing structures to widen streets and allow more traffic in these streets, including adjacent streets, it must deny the construction of the two proposed towers as designed. It should immediately impose a redesign at half the height and half the density. By adding another 1000 residential units on Vine and Yucca it is assuring the area will become like "downtown LA" with all its congestion and emissions. The quality of life will deteriorate rather than improve by such dense construction in both number of units and height of the buildings. Pure profit cannot be the sole measure of why a project is approved. We need to consider the present and future surroundings of the area for the betterment of a healthy, happy life. The sole purpose of governmental authorities is to provide and enforce regulations that promote the health, safety and welfare of its constituencies. It is time that someone in your position stands up for our rights to live in a healthy environment. You cannot prioritize the rights of the Developer to make a profit in preference to the community's right to a healthy environment. Thank you.

Response to Comment No. IND 124-1

The comment expresses opposition to the Project based on its height, density, and impacts on traffic but does not raise any specific issues regarding the content and adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

It should be noted that the proposed density for the Project is compliant with the zoning designation. Furthermore, as discussed in Topical Response No. 5 – Land Use and Planning, above, the Project's consistency and, therefore, potential conflicts, with applicable local and regional plans, along with related land use and planning impacts, were fully analyzed in the Draft EIR's Section IV.H, *Land Use and Planning*. The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR.

The Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result

in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 125

Eric MacIver
Received May 28, 2020

Comment No. IND 125-1

I am a homeowner at the Broadway Hollywood Building Stakeholder and Historic Resource: The building and sign are a LA Historical-Cultural Monument and the building is a contributor to the Hollywood Blvd Commercial and Entertainment District with its primary entrance now located at 1645 Vine Street, at the corner of Hollywood Blvd. The building is identified in the EIR as: 6300 Hollywood Boulevard (B.H. Dyas Department Store Building/Broadway Department Store), Map No. B.12.

Response to Comment No. IND 125-1

The comment serves as an introduction to the commenter's residence but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 125-2

Firstly, thank you for everything you are all doing to protect our community during the COVID-19 pandemic. However, the EIR being released on April 15, in the middle of this pandemic, with only a 45-day comment period, will certainly limit the quality and number of responses to it. The time required to review a 1500-page document in the middle of a Shelter at Home order that has everyone scrambling daily to find ways to survive financially is an undue burden. My review has necessarily been limited by this administrative failure.

Response to Comment No. IND 125-2

The comment expresses concern that their review was limited due to the 45-day comment period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 125-3

The EIR fails to adequately examine the very negative aesthetic impact of the Hollywood Center. Its two gigantic skyscrapers irreversibly damage the integrated visual look of the Hollywood area from whatever direction you look. Additionally, an iconic feature of Hollywood is the Broadway Hollywood sign, which can be viewed by cars on the 101 Freeway as they enter Hollywood. This view will be lost. The aesthetic damage is equally severe at the Broadway Hollywood (and neighboring buildings), since the Hollywood Center will block views of such Hollywood landmarks as the Hollywood Sign and the

Griffith Park Observatory, diminishing the aesthetic and cultural significance of the building.

Response to Comment No. IND 125-3

The comment states that the Draft EIR failed to examine the aesthetic impacts of the Project. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. Although the aesthetics analysis provided in the Draft EIR is informational and not required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A of the Draft EIR, where the analysis supported by multiple visual simulations indicates that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline. In the event the comment includes concerns about effects on private views, as stated on page IV.A-26 of the Draft EIR, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[139] See also Topical Response No. 4 – Aesthetics, above. Regarding other concerns related to effects on historic resources in the area and on the Hollywood Broadway Building and sign, see the responses to comments provided to the Broadway Hollywood Homeowners Association, in Comment Letter No. ORG 37.

Comment No. IND 125-4

Perhaps most importantly, the EIR is completely deficient in its conclusion that the Hollywood Center will have no significant transportation impact. Before the pandemic traffic was jammed at the Hollywood/Vine intersection. This has been exacerbated by the recent installation of a four-way walk sign (which was not taken into account in the EIR). Traffic will be even worse in future years since diminished ridership on public transportation will result from concerns over the spreading of infectious diseases in crowded spaces. Neither of these factors is considered in the EIR.

The Broadway Hollywood will be particularly negatively impacted because its only entrance is a narrow alley that can be entered only by going south on Vine past Hollywood Blvd and then turning right. The increase in traffic at the Hollywood/Vine intersection will make it even more difficult to enter our building.

Notwithstanding this, the EIR reaches the ridiculous conclusion that the Hollywood Center Project will result in no increased traffic. I am shocked by this conclusion and request that the traffic study by redone appropriately.

[139] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Response to Comment No. IND 125-4

The comment states that the Draft EIR is deficient in its finding that the Project would have no significant transportation impact. It should be noted that the Draft EIR did not state that there would be no increased traffic, as stated by the commenter. Based on the City's new methodology, and as detailed below, the Project would result in less-than-significant transportation impacts. The Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. Also see the responses to comments provided to the Broadway Hollywood Homeowners Association, in Comment Letter No. ORG 37, and see traffic related responses provided in Response to Comment Nos. IND 8I-74 to 8I-78. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 125-5

Finally, the EIR notes that the Hollywood Center may take up to six years to build. This will clearly result in major traffic disruption for a long period. This factor by itself demands that the utmost scrutiny be given to the project before it disrupts Hollywood for the better part of a decade. It is clear to me that such scrutiny has not occurred.

Response to Comment No. IND 125-5

The comment states that construction of the Project would result in a major traffic disruption but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts during construction.

Comment Letter No. IND 126

Penny Safranek
Received May 29, 2020

Comment No. IND 126-1

My letter was in support of the proposed Hollywood Center specifically. Many of my friends are in desperate need of affordable housing. And I would be grateful to know when the waiting lists are open!

Response to Comment No. IND 126-1

The comment expresses support for the Project but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. However, as noted on page II-71 of Chapter II, *Project Description,* of the Draft EIR, in the overlapping construction scenario, construction could be completed in approximately 4.5 years (beginning 2021 and completed as early as 2024). In the sequential construction scenario in which the two sites are built one after another with no overlap, construction of the Project would be completed in under approximately seven years (beginning in 2021 and completed in 2027). The disclosure of waiting lists is beyond the purview of CEQA, and as such, no further response is warranted.

Comment Letter No. IND 127

Lanny Ziering
1645 Vine Street, Apt 507
Los Angeles, CA 90028
Received May 28, 2020

Comment No. IND 127-1

I live in Hollywood at 1645 Vine Street, Apt 507, LA, CA 90028

I am deeply concerned about the planned Hollywood Center Project. This project is totally out of scale with the surrounding neighborhood and will have significant negative impact on the quality of life for all residents in the area. I am not against there being any residential development in the area, but I am very strongly against a development which is out of scale and character with our community, especially a project that will have such a large negative impact on traffic, noise, pollution and our urban life.

Response to Comment No. IND 127-1

The commenter expresses concern about the Project's impact on scale, views, traffic, noise, pollution, and urban life but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Regarding traffic, the Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Regarding noise, noise impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to nearby noise and vibration sensitive residential and commercial uses; however, it should be noted that these impacts would be temporary; and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

Regarding pollution, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would

be less than significant after mitigation, where applicable. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Comment No. IND 127-2

I was shocked to learn that the approval process for the project is taking place during the Covid-19 pandemic while we are under both State of California and City of Los Angeles Shelter at Home orders. How can the Mayor's office and City Council have allowed this? It certainly appears that the City of LA is facilitating an attempt by the developer to ram through a project while local residents have little or no way to respond.

At a minimum the consideration period for project approval must be extended until residents are able to move around freely so that we can respond to the EIR in an appropriate manner. Hopefully, we can stop this wholly inappropriate project before it does permanent damage to our community.

Response to Comment No. IND 127-2

This comment expresses opposition about the Draft EIR's public comment period during the COVID-19 pandemic. Regarding approval of the Project, it should first be clarified that no decision is being made at this time. The purpose of the public review period is to solicit comments from public agencies and other interested parties on the contents of the Draft EIR. As stated in Chapter I, *Introduction,* of the Draft EIR, upon the close of the public review period, the City will proceed to evaluate and prepare responses to all comments received from public agencies and other interested parties during the public review period. The comment also requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 128

Michael Shaner
Received May 28, 2020

Comment No. IND 128-1

I live at 1645 North Vine street in a condo in the Broadway/Hollywood building which is about 12 stories.

The incredibly massive high rise HOLLYWOOD CENTER project that's being proposed to be developed is overdone in the extreme,, *[sic]* and why is the city allowing 36 & 45 story buildings that dwarf everyone else in Hollywood??

The Highest buildings in that specific area are 12 to 14 stories? It totally blights the whole view of anyone in the vicinity, they would be the Godzilla of Hollywood. Seems unfair, not thought out, and greed based.

Response to Comment No. IND 128-1

The comment expresses concern about the Project's height and blocking of views but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 128-2

How has this developer been able to circumvent that? Besides bringing 1000 units plus of residential living, it will also cause a massive traffic jam in an area that already takes forever to negotiate.

Please vote NO on this monstrosity.

Response to Comment No. IND 128-2

The comment expresses opposition to the Project based on its potential to cause traffic but does raise any specific issues with respect to the content and adequacy of the Draft EIR. The Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 129

George Andraos and Arkadi Hayrapetyan
1775 Ivar Avenue
Los Angeles, CA 90028
Received May 28, 2020

Comment No. IND 129-1

We submit this joint comment letter as the owner and operator of the property located at 1775 Ivar Avenue, directly abutting the proposed Hollywood Center Project to the west, at the southwesterly corner of the intersection of Ivar Ave. and Yucca St. Our property was originally built in 1931 and has operated as Joseph's Café, a restaurant with public dancing and live entertainment for over thirty years. Our property was recently featured in Quentin Tarantino's *Once Upon A Time In… Hollywood* depicting classic Hollywood and taking advantage of the iconic view of the Capital *[sic]* Records from our site. While we recognize the importance of thoughtful development in Hollywood, in reviewing the Draft EIR for the Hollywood Center Project we note the following concerns and potential for impacts on one of its immediately adjacent neighbors, Josephs *[sic]* Café.

Response to Comment No. IND 129-1

The comment provides an introduction to the commenter and expresses concerns about the Project. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 129-2

First, we are concerned over the project's impacts at the intersection and Ivar Ave. and Yucca St. and parking in the area. Our property is situated at the southwestern corner of the intersection and we are all too familiar with the heavy congestion and traffic that occurs daily. We also fear the project would exacerbate existing disastrous parking conditions in the vicinity—this is particularly important as the project not only creates additional need for parking but also removes a large number of existing surface parking spaces from the area. As proposed, we are not sure how the intersection and parking could possibly support a project of this scale.

Response to Comment No. IND 129-2

The comment expresses concern about the Project's impacts on traffic and parking but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. The Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result

in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project, including the residential and commercial components. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 129-3

Second, we are concerned over losing our views of the Capital *[sic]* Records Building. Our property has had a clear view of the Capital *[sic]* Records Building since it was constructed.

Response to Comment No. IND 129-3

The comment expresses concern about the Project blocking views from the commenter's location of the Capitol Records Building. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. While the concern regarding loss of views from the property is noted, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, private properties are not considered as viewing locations since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the general public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[140] See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 129-4

Third, we note the Draft EIR lacks an accurate characterization of our property and is devoid of analysis on mitigating potential impacts to our property and its uniquely sensitive and long-standing use. The Draft EIR does not mention Joseph's Café and only generally references the following on page III-3: "The structures directly west of the Project Site on the west side of Ivar Avenue include two, three-story multi-family buildings and various retail, restaurant, and service uses." Joseph's Café should be specifically analyzed as an established entertainment and restaurant venue, with live entertainment, dancing, and night/morning hours. There should be an analysis not only about the project's impact on surrounding uses, but also existing uses' impact and compatibility on the incoming project. If a residential or senior living structure is proposed directly next to our operation, noise and other considerations should be studied.

[140] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Response to Comment No. IND 129-4

The comment expresses concern about the Draft EIR mischaracterizing the commenter's property and not including analysis and mitigation addressing the property. The property is located west of the Project Site on the west side of Ivar Avenue. In regard to air quality impacts, as detailed on pages IV.B-29 and IV.B-30 of Section IV.B, *Air Quality,* of the Draft EIR, certain land uses that are occupied by these population groups, such as residences, hospitals, and schools, are considered to be air quality-sensitive land uses. Therefore, Joseph's Café would not be considered a sensitive receptor or air quality-sensitive land use. As such, the Project would not result in an air quality impact on Joseph's Café.

In regard to noise, as detailed on pages IV.I-14 and IV.I-15 on page IV.I, *Noise,* of the Draft EIR, the City's 2006 L.A. CEQA Thresholds Guide states that residences, schools, motels and hotels, libraries, religious institutions, hospitals, nursing homes, auditoriums, concert halls, amphitheaters, playgrounds, and parks are generally more sensitive to noise than commercial and industrial land uses. Therefore, Joseph's Café would not be classified as a noise-sensitive receptor as it is a commercial land use. Nonetheless, mitigation measures to address construction noise provided in Section IV.I, *Noise,* of the Draft EIR, would benefit the property. In regard to vibration, Joseph's Café is identified as a vibration-sensitive receptor. As shown in Table IV.I-4 on page IV.I-18 of Section IV.I of the Draft EIR, the single-story commercial buildings on the west side of Ivar Avenue are identified as Locations 16 and 17 in the analysis. As further stated in Table IV.I-17 on page IV.I-79 of the Draft EIR, there would be no construction vibration impacts on Joseph's Café. Therefore, all applicable considerations have been analyzed within the Draft EIR.

Comment No. IND 129-5

Fourth, we echo the potential impacts and increased stress on existing public services availability and aging infrastructure such a wastewater, police, and fire that have been commented on by other interested parties and surrounding property owners.

Response to Comment No. IND 129-5

The comment expresses concern about the Project's impacts on existing public services and aging infrastructure. Impacts related to fire and police protection services were addressed in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, respectively, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 of the Draft

EIR concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

The Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water

years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 129-6

Lastly, we ask the City consider our comments and also that the public comment period on the Draft EIR be extended to at least 90 days following the end of the "Stay At Home" order.

Response to Comment No. IND 129-6

The comment is a request to the City to extend the comment period to at least 90 days following the end of the "Stay At Home" order. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 130

Marie de Varennes
5950 Foothill Drive
Los Angeles, CA 90068
Received May 28, 2020

Comment No. IND 130-1

I am writing to request that you extend the time for public comment on the proposed Hollywood Center. A period of 90 days after the lifting of the shelter in place order has been proposed, and this seems fair to me. At the present time, many of the residents and businesses that would be impacted by this project are struggling to cope with unprecedented circumstances. Some are even struggling for survival. Concluding the comment period during this time, when people are distracted by their basic needs, and when there is no way of posing questions in person about this complex project, seems a gift to the developers at the expense of residents. Every day brings more charges of corruption to City Hall and its officials; it is a sensitive time when the appearance of fairness has even more weight than usual.

Response to Comment No. IND 130-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 130-2

I have been a resident of District 4 for 45 years, and live about a 15-minute walk from this project. I do not object to the building boom in Hollywood – it is the massive size of this project, grossly out of scale with the neighborhood, that I object to, along with the strains it will put on our crumbling infrastructure.

Response to Comment No. IND 130-2

The comment expresses opposition to the Project based on its size, scale, and strain on infrastructure but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

In regard to infrastructure, the Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for

the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with Los Angeles Municipal Code (LAMC) Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 130-3

I implore you to extend the comment time, out of respect to residents, businesses, and the historic dignity of Hollywood's classic buildings, which the whole world comes to see, and which will be dwarfed by this behemoth.

Response to Comment No. IND 130-3

The commenter's concluding statement re-asserts the previous concerns about the Draft EIR's public comment period. See Response to Comment No. IND 130-1.

Comment Letter No. IND 131

Steven Fierberg, ASC
Received May 29, 2020

Comment No. IND 131-1

I'm writing to protest the construction of the Hollywood Center. It will dwarf every other building in Hollywood and destroy the 'feel.'

I am very in favor of more development, but these are horrendous. Please STOP them.

Response to Comment No. IND 131-1

The comment expresses opposition to the Project based on its size and scale but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment Letter No. IND 132

John Given
2461 Santa Monica Boulevard, #438
Santa Monica, CA 90404
Received May 29, 2020

Comment No. IND 132-1

It is truly unconscionable that the 45-day public comment period for the massive and complex reboot of the Millennium Hollywood project, now dubbed the Hollywood Center, with it's *[sic]* highly technical and lengthy Draft EIR (well over 12,000 pages), has not already been extended. The public review and comment period for this project should have been much, much longer, even if our state and local communities were not still in the midst of the Safer At Home period, which promises to extend well into the summer if not beyond.

A project of this size and impact could never have been adequately vetted by community members in a mere 45 days, even in the best of times. But during the COVID-19 pandemic there are significant environmental justice issues in denying an extension, and in pretending that greater online access, or in some cases delivery of cd-rom or thumb drives or massive print editions (of course, only to those who know to request them) will be adequate to the task. More likely, people with no legitimate hope of making a meaningful review and comment do *[sic]* to lack of time or access will take the chance that they may rely on others with better access and technology.

The City's decision not to use its discretion to do the right thing in this case is beyond perplexing, especially as it occurs against a backdrop of daily news articles on corruption at the highest levels of our City government (for example, today's online story by Ms. Alpert Reyes and Mr. Zahniser, available at https://www.latimes.com/california/story/2020-05-29/josehuizar-george-esparza alleged-secret-sexual-harassment-settlement). The City hides behind the weak argument that its hands are essentially tied and it *must* limit the public review period. But this is false. As the Hillside Federation's email makes clear, the City has broad discretion to determine the appropriate review period, discretion it has used readily in the past. This is confirmed by the Chief Counsel for the state agency charged with oversight of CEQA.

Our California Supreme Court has held that the environmental review process is intended "to demonstrate to an apprehensive citizenry that the [City] has, in fact, analyzed and considered the ecological implications of its action." An EIR "is a document of accountability . . . protect[ing] not only the environment but also informed self government." *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.

Angelenos are deservedly apprehensive about the environmental review process in Los Angeles due to the terrible corruption in our City government of which we seem to learn

more every day, and also due to the City's business-as-usual approach to planning and land use decision-making, even while we are at the height of the worst public health emergency in the modern era that limits public access to public buildings such as libraries, where environmental review documents are ordinarily available for review, and where computer systems are available to be used by members of the public who do not have the personal resources to own that technology. One cannot review a 12,400 page DEIR on a smartphone.

The City's decision to do the right thing in this case would go a long way to resolving the apprehension of its citizens. I urge you to extend the public comment period in the Hollywood Center by a reasonable amount, but certainly by no less than an additional 45 days. (A more reasonable extension to ensure environmental justice concerns are adequately met would be to extend until 60 days *after* public libraries reopen so that the usual public access to environmental documents is available to interested members of the public.)

Response to Comment No. IND 132-1

The comment expresses concern that their review was limited due to the 45-day comment period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 133

Sheri Hellard
Received May 29, 2020

Comment No. IND 133-1

Please extend the public comment period for the Hollywood Center Draft EIR. It is inconceivable to give such a short amount of time to review the 12,400 page document. There must be time to allow for fully informed public participation by extending the public comment period by a reasonable amount.

Response to Comment No. IND 133-1

The comment expresses concern that their review was limited due to the 45-day comment period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 133-2

The amount of traffic on Franklin avenue without this project already makes it close to impossible to get out of my neighborhood of The Oaks during rush hour in the morning and the evening.

Response to Comment No. IND 133-2

The comment expresses concern about the existing traffic and the Project's potential to impact traffic but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. The Project's transportation/traffic-related impacts were fully analyzed in the Draft EIR's Section IV.L, *Transportation*, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) and prepared pursuant to the City's Transportation Assessment Guidelines (TAG) adopted in July 2019. The TA is included in Appendix N-1 of the Draft EIR. As discussed therein, the Project would result in less-than-significant transportation/traffic related impacts. Furthermore, the Project would implement Project Design Feature TRAF-PDF-1 for a Transportation Demand Management (TDM) Program, which would discourage single-occupancy vehicle trips and encourage alternative modes of transportation, thus slightly reducing and offsetting increases in traffic. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 134

Fariba Kalantari, DDS, FAGD, FICOI, FICD, FACD
President, Famous Hollywood Dental Care
6464 W Sunset Blvd, Suite 1080
Hollywood, CA 90028
Received May 29, 2020

Comment No. IND 134-1

Attached please find my letter of support for Hollywood Center Project.

Response to Comment No. IND 134-1

Responses to the referenced letter are provided below in Response to Comment No. IND 134-2.

Comment No. IND 134-2

Thank you for this opportunity to submit a letter to express my support for the Hollywood Center project. This is a long awaited project and it will be an exciting addition to the Hollywood community.

I have a dental practice serving the businesses and residences in Hollywood since 2006. I have also had the honor of serving as the Chair of Hollywood Chamber of Commerce in 2016. During my Tenure I have witnessed many great changes, but there is still so much to do.

Please do not delay the proceedings on this project. It is important to take seriously the opportunity to contribute to the economic recovery of our city and state in this time. As an owner of a dental business, I have had to shut down my operation for an indeterminate time, and it is hard to imagine what “recovery” will look like. This journey we are on will likely be measured by years, not months. I see the impact on my colleagues and my patients.

Hollywood has been waiting for this project for over 10 years. This company has listened to the community and is bringing much needed housing and, in particular, housing for low income senior citizens, a fast growing component of our society. In a dense urban neighborhood where there is virtually no open space for people to gather or to sit and take a break, they have created walk-through areas, which our neighborhood sorely needs.

I encourage the city to proceed with the plans to bring this exciting addition to Hollywood to life.

Response to Comment No. IND 134-2

The comment expresses support for the Project but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 135

David Bolour
2720 S. La Cienega Boulevard, Suite A
Los Angeles, CA 90034
Received May 27, 2020

Comment No. IND 135-1

I am submitting this letter to offer support during this public comment period for the proposed project, Hollywood Center. I am in support of this project and feel it will be an asset to the Hollywood community.

My family has owned residential and commercial property in Hollywood since 1984. We have seen the growth of Hollywood over the years but would love to see Hollywood continue growing to accommodate the businesses, residents and visitors of the community.

The team who has designed this project have imagined an exciting and 21st century design that will be an enhancement to this community. The housing that is proposed, will give a much-needed open space for pedestrian access that will create a safer environment for the people in our community. Jobs will be created for both construction and ongoing business operations which are also critical to Los Angeles.

Thank you for this opportunity to participate in the public comment for the Hollywood Center Project. I encourage the city to proceed with the plans to bring this exciting addition to Hollywood to life after so many years of waiting.

Response to Comment No. IND 135-1

The comment expresses support for the Project but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 136

Hunter Jackson
Received May 29, 2020

Comment No. IND 136-1

I am a resident at the Broadway Hollywood Building at 1645 Vine Street.

The building and sign are a LA Historical-Cultural Monument and the building is a contributor to the Hollywood Blvd Commercial and Entertainment District with its primary entrance now located at 1645 Vine Street, at the corner of Hollywood Blvd. The building is identified in the EIR as: 6300 Hollywood Boulevard (B.H. Dyas Department Store Building/Broadway Department Store), Map No. B.12.

Response to Comment No. IND 136-1

The comment serves as an introduction to the commenter's residence, but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 136-2

I am writing w/r/t the above captioned EIR regarding the Hollywood Center Project. It was surprising to me that the EIR was released on April 15, in the middle of a pandemic, with only a 45-day comment period. This is far too short a period for review and comment.

Response to Comment No. IND 136-2

The comment expresses concern that their review was limited due to the 45-day comment period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 136-3

The EIR fails to adequately examine the very negative aesthetic impact of the Hollywood Center. Its two gigantic skyscrapers are inconsistent with the height and scale of every other building in the area. I am not opposed to developing these parking lots with facilities like those proposed. I am opposed to the scope of this project as described in the EIR.

One great feature of this area is the Broadway Hollywood sign located at my buiding *[sic]*, which can be viewed by cars on the 101 Freeway as they enter Hollywood. This view will be lost. The aesthetic damage is equally severe at the Broadway Hollywood (and neighboring buildings), since the Hollywood Center will block views of such Hollywood

landmarks as the Hollywood Sign and the Griffith Park Observatory, diminishing the aesthetic and cultural significance of the building.

Response to Comment No. IND 136-3

The comment states that the Draft EIR failed to examine the aesthetic impacts of the Project. Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A of the Draft EIR, where the analysis supported by multiple visual simulations indicates that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline. In the event the comment includes concerns about effects on private views, as stated on page IV.A-26 of the Draft EIR, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[141] See also Topical Response No. 4 – Aesthetics, above. Regarding other concerns related to effects on the Hollywood Broadway Building and sign, see the responses to comments provided to the Broadway Hollywood Homeowners Association, in Comment Letter No. ORG 37.

Comment No. IND 136-4

Perhaps most importantly, the EIR is completely deficient in its conclusion that the Hollywood Center Project will have no significant transportation impact. Before the pandemic, traffic was jammed at the Hollywood/Vine intersection. This has been exacerbated by the recent installation of a four-way walk sign (which was not taken into account in the EIR). Traffic will be even worse in future years since diminished ridership on public transportation will result from concerns over the spreading of infectious diseases in crowded spaces. Neither of these factors is considered in the EIR.

The Broadway Hollywood will be particularly negatively impacted because its only entrance is a narrow alley that can be entered only by going south on Vine past Hollywood Blvd and then turning right. The increase in traffic at the Hollywood/Vine intersection will make it even more difficult to enter our building.

Notwithstanding this, the EIR reaches the somewhat ridiculous conclusion that the Hollywood Center Project will result in no increased traffic. I am shocked by this conclusion and request that the traffic study by redone appropriately.

[141] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Response to Comment No. IND 136-4

The comment states that the Draft EIR is deficient in its finding that the Project would have no significant transportation impact. See Response to Comment No. IND 125-4.

Comment No. IND 136-5

Finally, the EIR notes that the Hollywood Center may take up to six years to build. This will clearly result in major traffic disruption for a long period. This factor by itself demands that the utmost scrutiny be given to the project before it disrupts Hollywood for the better part of a decade. It is clear to me that such scrutiny has not occurred.

Response to Comment No. IND 136-5

The comment states that construction of the Project would result in a major traffic disruption but does not any specific issues with respect to the content or adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts during construction.

Comment Letter No. IND 137

Andrew Quintero
Received May 29, 2020

Comment No. IND 137-1

The Covid Crisis has made many of the basic responsibilities that must be carried out by the citizens of Los Angeles and the local leadership exponentially more difficult. When contacting local government it is common and expected to be told that services and operations are functioning more slowly due to the requirements of dealing with the pandemic.

This is reasonable and fair.

By the same token, the public comment period for the Hollywood Center Draft EIR must be extended so that the residents of Hollywood are are *[sic]* afforded the same courtesy our local leadership enjoys. The people who will be affected by the development of Hollywood Center face as many if not more of the struggles and responsibilities that slow the productivity of our local government. Reviewing a 12,400 page document is already a difficult task. Adding the delays and restrictions of the shutdown to the process make it close to impossible for people to exercise their rights as city residents.

This being Los Angeles, traffic is a huge concern and the recent impact of the Covid Crisis on public transportation - which has long been touted as the solution to congestion problems that will be made worse by the Hollywood Center Development - must be given more thorough review. Especially in light of how ridership of public transportation has suffered due to safety concerns relating to the virus.

I am asking that the good faith act of extending the public comment period be implemented so that those who live, work and love in Hollywood - and throughout Los Angeles - can make a proper assessment of the impact that his enormous development will have on the community.

Response to Comment No. IND 137-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment expresses general concern about traffic and impacts on public transportation but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved

by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. Furthermore, the Project would implement Project Design Feature TRAF-PDF-1 for a Transportation Demand Management (TDM) Program, which would discourage single-occupancy vehicle trips and encourage alternative modes of transportation, thus slightly reducing and offsetting increases in traffic. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 138

Brian Dyer
Received May 29, 2020 (IND 138A)
Received June 1, 2020 (IND 138B)

Comment No. IND 138A-1

Please include this email and attachments in the file for ENV-2018-2116-EIR.

It is baffling that, although the Planning Department has a myriad of requests for an extension to the comment period for the ENV-2018-2116-EIR, the Planning Department, as of yet, has not done so. Planning will not give Los Angeles residents the courtesy of extending the comment period for two weeks, from 45 days to 60 days, per CEQA Guidelines Section 15105, which is well within Planning's jurisdiction to do so. This behavior appears to be a strategic and hostile action against the Los Angeles citizenry and extremely beneficial to the developer, which Planning's behavior appears to only serve.

Attached is an article in the planning report, which quotes, Ray Chan, Vince Bertoni, Joel Jacinto, and John Vildovich. I would like to point out that since the article was written in 2016, two of the gentlemen mentioned in the article, Mr. Chan and Mr. Jacinto, are now being investigated by the FBI for corrupt practices while managing the Planning Department. This is not to say the Hollywood Center project was under their aegis, since this second iteration of Millennium's project was published in 2018. It is only to show that residents continue to be way sided by a Planning Department that has moved from "Safety" to one of "Economic Development" and to do so, actively courts outside developers, making it easy for such corruption to occur.

As a further demonstration of Planning's maddeningly response mechanism to its citizenry, besides the article, I am attaching two correspondences which I received from Planning (please note, even though the emails were sent as a neighborhood council officer, I want to make it clear that I am requesting the extension as a resident. Bylaws and plain old ethics prevent me from doing so. In the attached emails, it is demonstrated that Planning volunteered to organize and initiate a meeting with the developer of a controversial project for my stakeholders to strategize and steer the developer through the planning and planning commission process.

Mr. Bertoni has boasted recently of transparency in Planning, but the truncation of a comment period for the public during the Covid Crisis, where people are now being not only parents, but teachers, food deliverers to elderly family members, and disruptively unemployed and needing to look for work is, paints his comments as a hollow statement.

In this day and age when the Planning Department and City Council members are continually being exposed as betraying the public trust, this resistance by Planning to open the comment period up, even with a meager one of two weeks, comes off as

aggressively strategic for the developer, rather than legal. That, and the effects of this pandemic, prevents me from actively participating in my neighborhood.

Planning can and should be able to serve both the citizenry of Los Angeles and the developer by making the extension.

Ms. Nguyen, I know that you do not set Planning's policies, and only apply them to a project.

Please log my request for an extension to the comment period for ENV-2018-2116-EIR.

Response to Comment No. IND 138A-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 138A-2

Attachment 1: ULI-LA Forum: LA City Leaders Collaborate to Improve Planning and Development Process, May 23, 2016.

Attachment 2: Email between Nuri Cho, with the City of Los Angeles, and the commenter, dated between October 15, 2018 and October 22 208.

Response to Comment No. IND 138A-2

The two attachments are in reference to an article and emails from people referenced in the prior comment. However, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 138B-1

Please submit the message below (also attached) and the accompanying attachments to comments of the DEIR for the Hollywood Center Project ENV-2018-2116-EIR.

June 1, 2020

To Whom It May Concern,

Please note that I am submitting this as a resident, and not on behalf of any organization.

Response to Comment No. IND 138B-1

Responses to the referenced letter and attachments are provided below in Response to Comment Nos. IND 138B-2 and 138B-3.

Comment No. IND 138B-2

The reason for these comments is to request City Planning to alleviate concerns with Conflicts of Interest(s) in Section IV of the Draft Environmental Report for the Hollywood Center Project with Group Delta with its work with Millennium Partners. It is requested that the City request outside interpretation and consultation of the report with the California Geological Survey. the California Geological Survey as Group Delta may prove to strongly biased on behalf of its employer, Millennium Partners.

(Please note, that even though many community stakeholders requested a delay during the pandemic for comments on the 13,000 page DEIR, and Planning Departments *[sic]* decision to not grant it, assumptions on the validity of Group Delta's studies need to be challenged more closely).

There is no denying that a trace of the Hollywood Fault runs under the project site. The Group Delta studies admit as much. The question is whether or not it is active during the Holocene era. Group Delta has said it is not, the State Geologist, as quoted in the LA Times, November 2014, said, ""Our conclusion from the data is that there is an active fault, and it does run right along the course that's right along the map." The California Geological Survey has not indicated a change of position from Group Delta's studies. It is up to the City to accept that.

Alarmingly, the applicants are asking for the removal of the 50 foot setback, which infers the Eastside of the project will be built over the fault.

Before going forward with project approval, the City should look at past behaviors of the Millennium Partners application from the previous DEIR iteration for the first project, Millennium Hollywood (originally locating the fault on quarter mile north of the project, moving the footprint of the project North, so it wouldn't lie on the fault, etc.). In this case, why would Group Delta use illustrations from LA Weekly in its referenced Argyle study, rather than pulling from the public FER 253 document itself to place the fault lines?) It should be requested that the City study all supplied illustrations, to make sure the trenching was done along the original 2014 FER 253, and/or note any variances in what was submitted.

The studies also do not state where the determined active sections/trace faults are in the vicinity, and how they will affect the "inactive" fault. There are generalities given about other faults, Whittier, Newport-Inglewood, etc., but nothing specific about the Hollywood fault's active traces. In 2014, the Napa quake happened on what was previously an "inactive" fault. More troubling, is the knowledge that the Napa earthquake was caused by a fault considered to be "inactive" for 1.6 million years. Once again, there is no question if there is a fault underneath the project. It is whether or not it is active, so the City can give its blessing, rather than saying "no" because of State law.

Extremely troubling, is that these studies cannot be taken as un-biased. Group Delta has a conflict of interest with Millennium Partner's association with the CAP Park.

Friends of CAP Park was set up as a non-profit by members of Phil Aarons' office and had Mr. Aarons and his staff on the Board (see attached form 990 and attached Millennium presentation, page 14). The Friends of CAP Park are housed in the Millennium Partners offices. CAP Park, Millennium's sister project, would effectively be a one-mile long overpass.

Group Delta specializes in, and has won awards for designing overpasses. Thus, Group Delta cannot be an uninterested concern in its studies of the area. It is not known if the possibility of awarded construction of the Park without any bidding process might have influenced the reports in favor of Millennium's investment. Group Delta was hired by Millennium Partners to do the geological studies for the project site, after the original plans for Millennium were seen as faulted (they located the fault one quarter mile North of the project site.

Group Delta, should the CAP Project proceed, stands in line to reap millions of public and private funds. There is no statement if the construction of Millennium's CAP Park project will go out to bid. In fact, there is language that this might not need happen, since CAP Project is a private concern, mixed with public government financing.

The FBI is currently investigating Pay or Play activities with the Planning Department, Building and Safety and City Council members and staff. We should expect a project of this magnitude, that all of its participants, including outside concerns wielding money and influence in the community for their own betterment, to follow the dictates of the California Fair Political Practice Commission, which all City employees are obligated to follow.

Once again, it is requested that the City confer with the unbiased California Geological Survey on the validity of the studies presented by Group Delta.

Response to Comment No. IND 138B-2

The comment expresses concern about the Group Delta studies that are provided and analyzed in the Draft EIR. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D of the Draft EIR concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Regarding concerns about Group Delta and a request that their report be subject to outside interpretation and consultation, see Response to Comment Nos. 8I-6 and 8I-10.

With regard to the FER 253 report cited in the comment, the FER 253 was published in 2014. The pre-dates the 2015 and 2019 Group Delta investigations and thus does not

have the benefit of the additional and more recent data. See Response to Comment No. 8I-10 for additional details.

Comment No. IND 138B-3

Attachment 1: National Geographic, What Caused California's Napa Valley Earthquake? Faults Explained, published August 25, 2014.

Attachment 2: Friends of Hollywood CAP Park, Form 990-2014.

Attachment 3: Millennium Partners and Argent, Millennium Hollywood Presentation.

Attachment 4: Duplicate letter.

Response to Comment No. IND 138B-3

The attachments provided do not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 139

Emma Riordan
Received May 29, 2020

Comment No. IND 139-1

Comments for Millennium Hollywood Center DEIR.....

http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_5-15-13.pdf

Due to the Coronavirus Pandemic Crisis.....it was impossible to go through the massive Millennium Hollywood Center DEIR...with no physical meetings, stay at home orders, no Neighborhood Council meetings.. ..

It would have been nice, decent, to have a comment period extension, as per many requests...so I am submitting comments on The Hollywood Millennium DEIR, from 2013....which I'm more familiar with..it is the same developer, of yet another oversized, traffic inducing, Hollywood historic compromising, out of context project, on the same state geologist confirmed dangerous building site....

It's the story of the opposition expressed, and the lawyers comments representing the opposition, before all the lawsuits were withdrawn once Millennium contributed generously so they would like the obscene projects

.....$$$$$$$$

Response to Comment No. IND 139-1

The comment expresses concern about the City's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. Furthermore, Neighborhood Councils are not required to meet in person in order to confer or meet in order to provide comments.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 139-2

It has all of Caltrans issues with the Millennium projects that CD13 councilmember stood up and claimed at the city council hearing that Caltrans wasn't opposed to Millennium projects.

'Caltrans waves red flag on Millennium Hollywood project'....

Caltrans has made it clear that without significant changes in the giant Millennium Hollywood project, the effect on the 101 Freeway could be disastrous. http://www.latimes.com/business/realestate/la-fi-hiltzik-20130619,0,1425817.column#

The Judge shut the projects down and agreed with Caltrans ..'Inadequate Traffic Studies'..

Response to Comment No. IND 139-2

The comment expresses concern with the Project's impacts on US-101 by referencing the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

It should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the Transportation Assessment (TA) for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 139-3

It's the story of a developer paid historic preservation consulting firm, and the city went along with their analysis/claim there was no historic compromise plopping the monster skyscrapers in front of the Historic Cultural Monument #857, Capitol Records Building, or

compromising the National Historic Register of Famous Places area of Hollywood, totally ignoring, and in conflict with, Hollywood Heritage reasons why they were all wrong for and would compromise the Historic area.

https://www.hollywoodheritage.org/millenium

Once again, Millennium got what it paid for, and the city went with the PAID CONSULTANT'S historic 'analysis'....$$$$$$$$$

Everyone was/is shamefully on board with blocking, overwhelming, and basically trashing Hollywood's iconic, world renown Historic Resources, The Capitol Records Building and The Hollywood Sign.

What kind of city allows this?

It also might have LA Conservancy issues/problems/opposition there, until THEY withdrew their law suit and then they liked the projects too..Millennium $$$$$$$$$$

Response to Comment No. IND 139-3

The comment expresses concern about the Project's historic analysis, scale, and blocking of views but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame, and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

It should be noted that the Los Angeles Conservancy provided a comment letter to the Draft EIR. Responses to the Los Angeles Conservancy letter are provided in Response to Comment Nos. ORG 41-1 through 41-9.

Comment No. IND 139-4

And AMDA's issues/problems with the projects until Millennium made a generous contribution, enough for them to withdraw their law suit and like the projects.

...as well as The W Hotel.

Response to Comment No. IND 139-4

The comment makes reference to alleged problems with the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Furthermore, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

It should be noted that AMDA provided a comment letter to the Draft EIR. Responses to the AMDA letter are provided in Response to Comment Nos. ORG 44-1 through 44-65.

Comment No. IND 139-5

Since the city refused to give Angelenos a DEIR Comment Extension, for Millennium's newest projects, ...this is the best I can do, with the kids home from school, the mother in law not well, both husband and myself out of work, lining up and waiting to get into the grocery store, disinfecting everything that comes into the house...and trying to keep the rest of us virus free and healthy and survive A STRESSFUL, FRIGHTENING, PANDEMIC CRISIS.

So, thank you, Planning Director, CD13 Councilmember, and L.A. Mayor for being so very, very understanding.....

Response to Comment No. IND 139-5

The concluding comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 139-6

2013 Millennium DEIR

http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_5-15-13.pdf

IN 2013...COUNCILMEMBER GARCETTI ASKED FOR A MILLENNIUM DEIR COMMENT PERIOD EXTENSION ..... HE GOT IT.....

THERE WERE NO 'UNUSUAL CIRCUMSTANCES', LIKE A PANDEMIC CRISIS.....

City of Los Angeles
February 2013
Millennium Hollywood Project

LETTER NO. 04 - COUNCIL OFFICE OF ERIC GARCETTI (pg. 41)

Eric Garcetti Councilmember
13th District Council
member City of Los Angeles
District 13
November 2, 2012

Comment No. 04-1

The Planning Department has released the draft Environmental Impact Report (EIR) for the proposed Millennium Project at 1750 Vine Street, which commenced a 45 day public comment period:

The proposed project is large in scale and includes what could be one of the tallest buildings in all of Hollywood. As I'm sure you are aware, the proposed project has generated controversy among my constituents.

Accordingly, I request that the public comment period be extended to 60 days to increase the public's opportunity to comment on the draft EIR.

Letter #4..Page 41..

http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_05-15-2013.pdf

City File 13-0593
https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=13-059

Response to Comment No. IND 139-6

The comment requests that the City extend the Project's 47-day public review period. See Response to Comment No. IND 139-1.

Comment No. IND 139-7

MILLENNIUM HOLLYWOOD CENTER DEIR COMMENT PERIOD EXTENSION REQUEST REJECTED.....

The City has received your request, together with other requests, for an extension of the Hollywood Center Project Draft Environmental Impact Report (Draft EIR) comment period in light of COVID-19.

Per CEQA Guidelines Section 15105, the public review period for a Draft EIR should not be less than 30 days nor should it be longer than 60 days,

----------EXCEPT UNDER UNUSUAL CIRCUMSTANCES----------

A PANDEMIC CRISIS IS NOT 'UNUSUAL CIRCUMSTANCES'

A developer of a project that a Judge previously shut down, comes back with another project on the same site, warned by state geologists it's too dangerous to build on, has an active EQ fault running through the site, and people could die if they build there, but that's not.....

'UNUSUAL CIRCUMSTANCES'

Response to Comment No. IND 139-7

This comment expresses opposition to the Draft EIR's public comment period. See Response to Comment No. IND 139-1.

Comment No. IND 139-8

Millennium) Hollywood Center EIR: Does the City Really Want to Hear from the Public?
https://citywatchla.com/index.php/cw/los-angeles/19789-hollywood-center-eir-does-the-city-really-want-to-hear-from-the-public

Millennium...Despite Corruption Charges, LA Officials are Cutting Corners for Skyscrapers on Earthquake Fault
https://www.citywatchla.com/index.php/cw/los-angeles/19658-despite-corruption-charges-la-officials-are-cutting-corners-for-skyscrapers-on-earthquake-fault

MILLENNIUM HOLLYWOOD POSTER CHILD FOR PAY TO PLAY CORRUPTION
https://citywatchla.com/index.php/la-watchdog-hidden/19847-millennium-hollywood-poster-child-for-pay-to-play-corruption

Editorial: Just How Dirty is L.A. City Hall? The Times Editorial Board 18 May 2020
https://www.latimes.com/opinion/story/2020-05-15/city-hall-corruption-huizar-silent

To Keep Track of City Hall Corruption, Follow the Lies and Trust Your Eyes
https://citywatchla.com/index.php/cw/los-angeles/19813-to-keep-track-of-city-hall-corruption-follow-the-lies-and-trust-your-eyes

Response to Comment No. IND 139-8

The comment includes links to various websites with content referencing corruption but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 139-9

Millennium.....HOLLYWOOD CENTER IS MILLENNIUM

The Millennium project is disturbing example of L.A. City leaders trying to get a massive development approved despite formal warnings by the State of California of the project's proximity to the Hollywood Earthquake Fault.

This "rupture fault" is capable of actually rupturing the surface of the land, splitting buildings into pieces.

In 2013, when the project was being considered by the City Council, a rare letter was sent to Council President Herb Wesson by the head of the state's California Geological Survey, alerting Wesson that the project "may fall within an earthquake fault zone."

State Geologist John Parrish said his agency launched a study of the Hollywood fault after several independent studies suggested it may be active.

He warned that that if a deeper study, expected by 2014, found the Hollywood fault to be active, the City of L.A. would be required by state law to withhold permits for new development projects until testing could prove that there is no risk. (See Attachment 20. Letter from John Parrish, State Geologist, California Geological Survey).

LA Weekly reported: "State geologists released a long-awaited new map of the Hollywood fault, which confirmed that the Millennium twin skyscraper project, as activists claimed, sits directly atop a fault trace – an old rupture that marks the active fault – and thus is illegal to build."

Caltrans also jumped in, warning that the massive proposed twin skyscrapers, of a precedent-setting height and size for Hollywood, would severely back up the 101 Freeway, creating hazards and environmental effects that could not be mitigated.

Community activist George Abrahams called for a Grand Jury investigation to review how the Millennium project won backing from the City Geologist, Building & Safety, Planning Commission, City Council and the Mayor.

He told LA Weekly: "This whole matter stinks so badly that it's time for a criminal investigation to get to the bottom of how City Hall colluded with the developer for so long to hide the truth."(See Attachment 21. LA Weekly, March 6, 2014, "An Earthquake Could Topple Hundreds of Buildings, and L.A. Leaders Are Doing Nothing")

City safety officials agreed with the developer and ignored the California State Geologist, using old maps pre-dating the new findings, and insisting that there was no active fault and the proposed twin skyscrapers were appropriate.

On July 24, 2013, in a 13-0 vote and backed by Mayor Eric Garcetti, the project was approved by City Council.

In 2015, a judge halted the project, ruling that the City of Los Angeles failed to fully assess how the $1-billion project would affect surrounding neighborhoods.

According to the Los Angeles Times, “In a 46-page decision, Los Angeles County Superior Court Judge James C. Chalfant said Los Angeles inappropriately disregarded the concerns of Caltrans that traffic on the 101 Freeway might significantly worsen with the development and be unsafe.” (See Attachment 22. Los Angeles Times, “Judge halts Millennium Hollywood skyscraper project”)

It is chilling that today, the investor-developers still seeking to build the Millennium skyscrapers in Hollywood, are the same investment partners who built the disastrous sinking Millennium Tower in San Francisco. That building is sinking into the earth, and leaning over because of its failing foundation.

Millennium Partners anchored the building in sand, not rock.

In 2015, residents of the luxury condo units, which range from $1.6 to $10 million, realized their building was sinking. By 2018, Millennium Tower had sunk 17 inches and tilted 14 inches.

In September 2018, large cracks appeared in a thick window, prompting the City of San Francisco to issue a notice of violation. (See Attachment 23. NBC Bay News, September 4, 2018, “New Crack in San Francisco’s Tilting Millennium Tower”

More than 50 lawsuits are underway in San Francisco by condominium owners living in the tilting and sinking Tower. This rare disaster has been widely exposed by New York Times, The Wall Street Journal, and “60 Minutes.”

Yet today, the same Millennium Partners group of investor-developers are trying, a second time, to get their twin skyscrapers approved — and they have moved one of their proposed towers directly atop the Hollywood Quake Fault, in defiance of the California State Geologist.

The proposed Millennium twin skyscrapers also have a new name, “Hollywood Center,” to escape the Millennium Partners’ stained name from its sinking building in San Francisco.

The name change has worked so far: there's been no L.A. media coverage linking the sinking San Francisco skyscraper to the two men proposing twin skyscrapers next to and atop an L.A. quake fault.

However, the Los Angeles Times did report the following:

"Most alarming is the fact that the proposed new project is sited astride the Hollywood Fault Zone and the 7.0 magnitude active Hollywood Earthquake Fault, as officially Alquist-Priolo mapped by the State of California."

Any construction of an occupied building across this fault is unsafe folly. (See Attachment 24. Los Angeles Times, April 12, 2018, "Controversial $1-billion Hollywood high-rise project relaunched by developer").

In the fall of 2018, The New York Times reported even worse news:

Earthquake scientists gathering in Los Angeles unveiled a seminal new study that upwardly revises estimates of damage to West Coast skyscrapers from a quake.

The Southern California Earthquake Center, a research organization of seismologists and engineers, has found that the severity of shaking in L.A. and West Coast cities has been significantly under-estimated.

L.A.'s tall buildings are, as a result, dangerously under-designed.

Engineers found that buildings higher than 20 stories can suffer far more damage, with greater potential for collapse and widespread death, than believed by local engineers.

The Mayor, City Council and City Departments took no steps to respond, yet researchers at the Southern California Earthquake Center warned that municipal engineers would undoubtedly push back against the shocking findings. (See Attachment 25. New York Times, June 27, 2018,"A Seismic Change in Predicting How Earthquakes Will Shake Tall Buildings").

https://www.2preservela.org/grand-jury-complaint-investigate-pay-to-play/

STATE GEOLOGIST WARNINGS IGNORED...

"We feel very confident..we're very confident it's there," Parrish told reporters.. "Surface rupture is very dangerous.

In fact, it's calamitous to structures that are built across the surface trace of an active fault." .....State Geologist Dr. John Parrish....

"It has the potential to rupture sometime in the future..the best thing to do is stay off the trace.." ....State Geologist Tim McCrink)

MASSIVE HOLLYWOOD PROJECT SITS ATOP QUAKE FAULT, CALIFORNIA SAYS
http://www.latimes.com/local/lanow/la-me-ln-hollywood-fault-map-20141106-story.html

“Our conclusion from the data is that there is an active fault, and it does run right along the course that’s right along the map,” state geologist John Parrish said.

STATE MAP SHOWS ACTIVE FAULT LINE UNDER PROPOSED HOLLYWOOD SKYSCRAPER PROJECT
http://abc7.com/news/map-shows-fault-line-under-proposed-hollywood-skyscraper-project/384590/

"It has the potential to rupture sometime in the future..the best thing to do is stay off the trace.." State Geologist Tim McCrink

NEW STATE FAULT MAPS SHOW HIGHER EARTHQUAKE RISKS IN HOLLYWOOD
http://articles.latimes.com/2014/jan/08/local/la-me-0109-hollywood-fault-20140109

The state's new map shows that the proposed Millennium Hollywood skyscraper project is within the roughly 500-foot fault zone.

State geologist John Parrish said the state's fault line goes underneath Millennium

"We feel very confident about where we drew that line, within a 50-foot accuracy back and forth..we're very confident it's there," Parrish told reporters at a downtown Los Angeles news conference.

"Surface rupture is very dangerous. In fact, it's calamitous to structures that are built across the surface trace of an active fault."

Los Angeles officials did not order trenching for any of the three projects before the City Council approved those projects.

L.A. COUNCIL OK'S HOLLYWOOD SKYSCRAPERS DESPITE CONCERNS OVER QUAKE FAULT LINE
http://articles.latimes.com/2013/jul/24/local/la-me-millennium-vote-20130725

"...concerns about seismic safety were raised, citing the project's proximity to the Hollywood fault.

On Saturday, the head of the California Geological Survey, John Parrish, sent a letter to Council President Herb Wesson alerting him that the skyscrapers "may fall within an earthquake fault zone."

Parrish said Wednesday that a map drawn by his agency in 2010 showed that the Hollywood fault "goes right through the Millennium site."

He criticized a seismic report produced by the developer that said extensive testing showed that the building site was safe and did not lie on the fault line.

Parrish said the report did not refer to his agency's map and left out other important information.

Mayor Garcetti announced Wednesday that he would sign the deal.."

JUDGE THROWS OUT HOLLYWOOD MILLENNIUM SKYSCRAPER PROJECT
http://www.laweekly.com/news/judge-throws-out-hollywood-millennium-skyscraper-project-5530876

Millennium San Francisco Leaning and Tilting Tower
60 Minutes https://www.youtube.com/watch?v=gTB_HkocZOQ

Questions Mount..Millennium San Francisco
https://www.youtube.com/watch?v=mBkC11Ymh_4

Millennium San Francisco..More Bad News...Investigative Report
https://www.youtube.com/watch?v=wfmHw91tuWI

Millennium San Francisco Can't Stand Straight
https://www.cbsnews.com/news/high-end-san-francisco-apartment-cant-stand-straight/

Millennium San Francisco Leaning and Tilting Tower
https://www.youtube.com/watch?v=CmzplpXg5hU

Millennium (San Francisco) Woes
https://www.youtube.com/watch?v=QBync9-fWpo

San Francisco's Big Seismic Gamble.....

FULLER, ANJALI SINGHVI and JOSH WILLIAMS
New York Times APRIL 17, 2018

Link: https://www.nytimes.com/interactive/2018/04/17/us/san-francisco-earthquake-seismic-gamble.html

> With Millennium Tower, San Francisco got a foretaste of what it means to have a structurally compromised skyscraper

The area around Millennium Tower is considered among the most hazardous for EARTHQUAKES .....

The US Geological survey rates the ground there - layers of mud and clay- as having a very high risk of acting like quicksand during an earthquake, a process known as liquification."

Millennium Tower has sunk almost a foot and a half and is leaning 14 inches toward neighboring high rises.

THE DEVELOPER AND CITY OFFICIALS KNEW OF THE BUILDING'S FLAWS FOR YEARS BUT KEPT THEM CONFIDENTIAL UNTIL 2016, WHEN NEWS LEAKED TO THE PUBLIC.

San Francisco's Landmark Tower for the Rich and Famous is Sinking and Tilting http://www.sfchronicle.com/bayarea/article/SF-s-landmark-tower-for-rich-and-famous-is-8896563.php?t= 1ef0887a203aa214ae&cmpid=twitter-premium

P.J. Johnston, spokesman for tower builder Millennium Partners and its principal owner, Sean Jeffries, said a nine- month, independent structural safety review in 2014 "determined the settlement has not significantly affected the seismic performance of the building, and does not represent a safety risk."

Millennium's engineers anchored the building over a thick concrete slab with piles driven roughly 80 feet into dense sand.

"To cut costs, Millennium did not drill piles to bedrock," or 200 feet down, the transit center authority said in its statement.

Had it done so, the agency said, "the tower would not be tilting today

http://sf.curbed.com/2016/8/1/12341914/millennium-tower-sinking

Millennium Tower roundup: Soil testing begins, developer insists it was built to code and inspectors may have known about issues in 2009

Now, a separate report given to homeowners at the site says that the building could sink as far as 31 inches eventually.
http://www.bizjournals.com/sanfrancisco/blog/real-estate/2016/09/millennium-tower-sf-titling-scandal-details- emerge.html?ana=e_me_set1

San Francisco board of supervisors millennium hearing -- 9-22-2016
http://www.bizjournals.com/sanfrancisco/blog/real-estate/2016/09/millennium-tower-sf-titling-scandal-details- emerge.html?ana=e_me_set1

Sinking Millennium Tower puts building agency on the spot
http://www.sfgate.com/bayarea/article/Sinking-Millennium-Tower-puts-building-agency-on-9220921.php

http://www.businessinsider.com/why-is-millennium-tower-sinking-2016-9/#san-francisco-supervisor-aaron-peskin-says-yes-in-early-september-peskin-raised-suspicion-that-city-officials-knew-the-building-might-sink-before-anyone-moved- in-11

video of hearing:
http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=11&clip_id=26197

A 58-story skyscraper in San Francisco is sinking and people are fighting over whose fault it is
http://www.businessinsider.com/why-is-millennium-tower-sinking-2016-9/#millennium-tower-sits-on-the-edge-of-san- franciscos-eastern-shoreline-1

Everything we know about the Millennium Tower scandal - Business Insider
http://www.businessinsider.com/why-is-millennium-tower-sinking-2016-9/#theres-also-confusion-about-why-the-buildings-developers-were-allowed-to-anchor-the-building-80-feet-into-packed-sand-rather-than-200-feet-down-to- bedrock-12

L.A. IGNORES STATE GEOLOGIST FOR MILLENNIUM PROJECTS.....

State Geologist Dr. John Parrish confirmed Millennium Hollywood Vine building site is on an active EQ fault line, and warned is too dangerous to build on.

MASSIVE HOLLYWOOD PROJECT SITS ATOP QUAKE FAULT, CALIFORNIA SAYS
http://www.latimes.com/local/lanow/la-me-ln-hollywood-fault-map-20141106-story.html

“Our conclusion from the data is that there is an active fault, and it does run right along the course that’s right along the map,” state geologist John Parrish said.

NEW STATE FAULT MAPS SHOW HIGHER EARTHQUAKE RISKS IN HOLLYWOOD
http://articles.latimes.com/2014/jan/08/local/la-me-0109-hollywood-fault-20140109

The state's new map shows that the proposed Millennium Hollywood skyscraper project is within the roughly 500-foot fault zone.

"We feel very confident about where we drew that line, within a 50-foot accuracy back and forth..we're very confident it's there," Parrish told reporters at a downtown Los Angeles news conference.

"Surface rupture is very dangerous. In fact, it's calamitous to structures that are built across the surface trace of an active fault."

Los Angeles officials did not order trenching before the City Council approved projects.

Response to Comment No. IND 139-9

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also asserts that the Project is located on top of a quake fault. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment also makes reference to a different project located in San Francisco. The Project, as analyzed in the Draft EIR, retained experts to conduct fault studies specific to the Project Site. The fault investigations at the Project Site presented in the Draft EIR technical documents prepared by Group Delta Consultants (2015 and 2019) were performed with full transparency and witnessed by the CGS and City reviewing officials. All parties are considered experts in fault studies in Southern California. Therefore, the fault investigations prepared for the Project and as analyzed in the Draft EIR have no connections to the studies and development of the building located in San Francisco.

Comment No. IND 139-10

PRESS RELEASE:

WHILE PANDEMIC RAGES, CITY OF LA RELEASES ENVIRONMENTAL IMPACT REPORT FOR NEW MILLENNIUM HOLLYWOOD PROJECT

Under a Cloud of FBI Investigations, and for Same Developer that Built the “Leaning Tower of San Francisco,” LA Officials Slap Public in the Face

In the midst of the COVID-19 crisis, the City of Los Angeles on April 16, 2020 released the draft environmental impact report for the new Millennium Hollywood skyscrapers project. And the City did so with the bare minimum 45 days for the public to comment.

“Could the city be any more corrupt at this time?” said attorney Robert P. Silverstein, who has successfully fought the LA City Council and Millennium developer for several years.

Regarding the city’s action today (see notice from City Planning Dept. at bottom of this email), Silverstein noted:

“This is the project that the Mayor Eric Garcetti and Councilman Mitch O’Farrell greenlighted to put skyscrapers on top of the 7.0-magnitude Hollywood Earthquake Fault.”

“This is the project where Councilman Mitch Englander in July 2013 mysteriously conducted the hearing that led to the City Council’s approval.”

https://www.youtube.com/watch?v=xMe7fq_ZXcQ&t=13s

“Englander last month agreed to plead guilty to federal obstruction of justice, part of a wider-ranging federal corruption probe of LA City officials.”

“This is the project that won the City Council’s Planning and Land Use Management Committee approval in June 2013. Two of the committee’s three members were Councilman Jose Huizar, who is himself under FBI investigation, and Englander, soon to be in federal prison.”

“This is the project where the City’s Department of Building and Safety, under then head Raymond Chan, approved the developer’s bogus earthquake studies. The FBI is also investigating Chan, as repeatedly reported in the media.”

“This is the project where the California State Geologist warned the City Council of grave threat to human life because of the project’s location over the Hollywood Earthquake Fault. The mayor and City Council ignored the state’s top geologist.”

“This is the project that Caltrans fought, stating the city and Millennium’s traffic studies were fraudulent.”

“This is the project from the same developer, Millennium Partners, guilty of the ‘Leaning Tower of San Francisco’ disaster.”

“And this is the project that more than 40 community groups and thousands of residents pleaded with city leaders to deny, all to no avail.”

That forced stopthemillenniumhollywood.com, community groups represented by

Silverstein, to sue the City Council and Millennium in 2013.

In 2015, Silverstein and the community won the trial against the City Council and Millennium.

The City Council and Millennium appealed and lost.

The City Council then went to the California Supreme Court and again lost. “But like Jason from the grave, Millennium is back.”

“This time they slightly tweaked the project and are lurking under a new name, called ‘Hollywood Center’.

But a rose by any other name stinks just as bad,” Silverstein said. " 'Hollywood Epicenter’ is more accurate,” he added.

“These massive proposed skyscrapers will have all the dangers of the original project, and more.”

Silverstein explained that developer Millennium Partners rebranded the project ....

..."to avoid the taint of their bogus earthquake studies, and to hide their connection to the San Francisco leaning and sinking tower, one of the biggest construction screw ups in modern times."

On the same day Garcetti is reported in the LA Times to be looking at pay cuts and furloughs for city workers because of the COVID-19 crisis, and announced "there will be big cuts," his Planning Department drops this bomb on the public, said Silverstein.

"In this dire time, it's a disgrace that Garcetti and his strained city staff are working so tirelessly for a developer with such a shady record," Silverstein said.

"What kind of leadership is this, and how many more city officials should the FBI investigate?" asked Silverstein.

Response to Comment No. IND 139-10

The comment includes a press release but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

The comment makes reference to a different project located in San Francisco. The Project, as analyzed in the Draft EIR, retained experts to conduct fault studies specific to the Project Site. The fault investigations at the Project Site presented in the Draft EIR technical documents prepared by Group Delta Consultants (2015 and 2019) were performed with full transparency and witnessed by the CGS and City reviewing officials. All parties are considered experts in fault studies in Southern California. Therefore, the fault investigations prepared for the Project and as analyzed in the Draft EIR have no connections to the studies and development of the building located in San Francisco.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in the Draft EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Furthermore, it should be noted that the speculation as to alleged illegal activities are not related to the adequacy of the Draft EIR. Accordingly, no further response is warranted regarding these issues.

Comment No. IND 139-11

Sent last week but have not received response it arrived..sending again..for the record

Response to Comment No. IND 139-11

The comment is noted. However, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 139-12

Attachment: Duplicate letter

Response to Comment No. IND 139-12

The attachment is a duplicate of the prior letter. Responses are provided above in Response to Comment Nos. IND 139-1 through 139-12.

Comment Letter No. IND 140

Chip Clements
Received May 30, 2020

Comment No. IND 140-1

I write this email to object to the latest version of the grossly over-sized development currently named "The Hollywood Center," which would stab a couple of mega-structures, 46 and 35 stories, into the heart of Hollywood. They are better-suited for the Los Angeles downtown area than the Hollywood community.

I currently live in Beachwood Canyon and I've lived in Hollywood for more than 40 years. I'm mostly a fan of the vast revitalization we've seen in that time. But a 46-story building seems a vast over-reach and one that will do more damage than good for Hollywood residents. And if this kind of development is permitted at this point, what kinds of gross over-developments will follow?

Response to Comment No. IND 140-1

The comment expresses opposition to the Project based on size and height. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 140-2

More specifically, I'm concerned about this development's impact on the traffic on our already-crowded streets, our already heavily-burdened water and sewage systems, and the limited parking in the Hollywood/Vine area.

Response to Comment No. IND 140-2

The comment expresses concern about the Project's impact on traffic, water and sewage, and parking. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L of the Draft EIR concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

The Project's impacts on wastewater and water supply are fully analyzed within Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City approved Water Supply Assessment (WSA) for the Project is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-

significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Therefore, there would be sufficient water supplies available to service the Project.

As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 140-3

I would support the Hollywood Center development if it proposed buildings compatible with other multi-story developments in Hollywood. But this Hollywood Center development, as proposed, is like plopping an elephant into a rabbit habitat and it should be sent back to the drawing board.

Response to Comment No. IND 140-3

The comment expresses that the Project should be compatible with other developments in Hollywood. Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the

Project's land use compatibility and the extent to which existing neighborhoods would be disrupted, divided, or isolated. As analyzed therein, and as stated in Topical Response No. 5 – Land Use and Planning, above, the Project Site is located within a designated Regional Center and would be developed within existing surface parking lots and, thus, would not encroach into existing, surrounding residential neighborhoods. Furthermore, the Project Site is surrounded by residential, commercial, and mixed-use, buildings that vary in building style and scale. The Project would be consistent with the on-going mixed-use redevelopment in the area and targeted growth policies applicable to Regional Centers and Transit Priority Areas (TPAs), and would be sited and designed to enhance the character of the Regional Center. In regard to the Project's height, see Response to Comment No. IND 140-1 and Topical Response No. 4 – Aesthetics, above, which discusses aesthetics impacts of the Project.

Comment Letter No. IND 141

Morris Berman
Received May 30, 2020

Comment No. IND 141-1

I am writing in behalf of myself and my neighbors regarding the proposed Hollywood Center Project. This project is completely out of scale to anything in the neighborhood and will have a deleterious effect on nearly aspect of the area; huge increases in traffic and congestion and general degradation of the environment. I hope that this project will be scaled back or abandoned altogether to help retain the quality of life in Hollywood and adjoining areas.

Response to Comment No. IND 141-1

The comment expresses an opinion that the Project is out of scale with the neighborhood and would cause increases in traffic, congestion, and degradation of the environment but does not raise any specific issues with respect to the content or adequacy of the Draft EIR.

Regarding scale, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Regarding traffic, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

In regard to degradation of the environment, while the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, as stated on page ES-1 of the *Executive Summary* of the Draft EIR, the purpose of the Draft EIR is to inform decision-makers and the general public of the potential environmental impacts resulting from the proposed Project. As stated on page ES-4, the Project would result in significant and unavoidable impacts with regard to cultural resources and noise and vibration during Project construction; these impacts are temporary and would cease at the completion of construction activities. All other impacts, including operational impacts, would be less than significant.

Comment Letter No. IND 142

George Sunga
Received May 30, 2020

Comment No. IND 142-1

If possible please extend to comment period on the Hollywood Center Project DEIR.

Response to Comment No. IND 142-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 143

Diane Laskin
Received May 30, 2020

Comment No. IND 143-1

This project is out of scale with this community. It's an abomination. There is already severe traffic flow issues in and around this area. It has on occasion taking 20 minutes to drive from Sunset to Franklin on Vine. There has been and should continue to be a height moratorium on structures in Hollywood, that of the height of the mast on the Capitol Records building.

Response to Comment No. IND 143-1

The comment expresses concern about the Project's scale, height, and traffic impacts. While the comment does not raise any specific issues with the respect to the content or adequacy of the Draft EIR, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above. As described in Topical Response No. 5, the Project's height would be allowed under existing State and City zoning provisions and would comply with the zoning for the Project Site.

Regarding traffic, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 143-2

It was already determined when the Millennium project tried to force its way into our community, that it was out of scale, problematic for safe traffic flow, and seismically dangerous. Please put a halt to these skyscrapers in Hollywood.

Response to Comment No. IND 143-2

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project. The comment does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted.

See Response to Comment No. IND 143-1 for a discussion of the Project's aesthetic and traffic impacts. Also, geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D of the Draft EIR concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 144

Susan and Warren Jason
Received May 30, 2020

Comment No. IND 144-1

As homeowners and members of both the Hollywood Dell Community Association (HDCA) and the Broadway Hollywood Homeowners Association, as well as being owners of four condominiums in the Broadway Hollywood Building at the iconic corner of Hollywood Boulevard and Vine Street, we fully object to the Hollywood Center Project for several reasons:

Response to Comment No. IND 144-1

The comment expresses opposition to the Project. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 144-2

The Broadway Hollywood building and neon sign are a LA Historical and Cultural Monument. The building is a contributor to the Hollywood Blvd Commercial and Entertainment District with the primary entrance now located at 1645 Vine Street, at the corner of Hollywood Boulevard. The building is identified in the EIR as: 6300 Hollywood Boulevard.

Response to Comment No. IND 144-2

The comment provides background of the commenter's building but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 144-3

We are appalled that the EIR was released on April 15, in the middle of a pandemic, with only 45 days to review an over 1,300 page document. It fails to address obstruction of iconic views, 101 freeway and street traffic, access and density, among other issues.

Response to Comment No. IND 144-3

The comment objects to the review period and time of release of the Draft EIR. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also states that the Draft EIR does not address obstruction of views, the US-101 freeway and street traffic, access, and density. Aesthetics impacts were analyzed

in Section IV.A, *Aesthetics,* of the Draft EIR. Although the aesthetics analysis provided in the Draft EIR is informational and not required by CEQA, see pages IV.A-29 through IV.A-54 in Section IV.A, where the analysis supported by multiple visual simulations indicates that the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline. In the event the comment includes concerns about effects on private views, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[142] Also see the responses to comments provided to the Broadway Hollywood Homeowners Association, in Comment Letter No. ORG 37, and Topical Response No. 4 – Aesthetics, above.

Regarding density, as analyzed in Section IV.H, *Land Use and Planning*, of the Draft EIR and Topical Response No. 5 – Land Use and Planning, above, the Project's density would be allowed under existing State and City zoning provisions. Furthermore, the Project would be consistent with the allowable densities under the existing Redevelopment Plan designations and allowances of the Los Angeles Municipal Code (LAMC).

Regarding traffic, freeway, and access, these impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic-related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 144-4

This project will not enhance this area. Two gigantic, out-of-place skyscrapers will change the culture, livability and sense of community Hollywood is trying so hard to achieve and maintain.

Views from in four directions will be blocked. Views from the hills to the South will be obstructed. Views to the Hollywood Sign, the hills and the Griffith Observatory will be blocked, especially from our north facing unit.

These two buildings will be an eyesore, out of place and not in scale for the Hollywood District.

142 *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Response to Comment No. IND 144-4

The comment expresses opposition to the Project based on height, scale, and blockage of views. See Response to Comment No. IND 144-3, which addresses view obstruction and Topical Response No. 4 – Aesthetics, above, for a discussion of height and scale.

Comment No. IND 144-5

Traffic is already a nightmare. Construction could take up to six years and our building has only one alley entrance on Vine.

The EIR doesn't even address the extreme existing traffic nightmare that occurs every Summer during Hollywood Bowl season which has been an ongoing issue that remains unresolved. This project will add further insult to injury with respect to an already overwhelming local traffic debacle.

The EIR also fails to address the serious objections raised by CalTrans. The 101 freeway entrance at Argyle, Vine and Franklin has traffic backed up several blocks for several hours each weekday and Hollywood Bowl evenings.

Response to Comment No. IND 144-5

The comment expresses concern about traffic, access to the commenter's building, and traffic from the Hollywood Bowl. While the comment does not provide any facts and, therefore, no substantial evidence, to support this claim and does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. It should also be noted that the Project would not change the direct access into the commenter's building. Also see the responses to comments provided to the Broadway Hollywood Homeowners Association, in Comment Letter No. ORG 37, and see traffic-related responses provided in Response to Comment Nos. IND 8I-74 to 8I-78.

More specifically regarding traffic effects related to the Hollywood Bowl, Highland Avenue and Franklin Avenue are the primary access routes to the Hollywood Bowl. The intersections analyzed in the TA in Appendix N-1 of the Draft EIR were selected based on guidance from the City's adopted Transportation Assessment Guidelines (TAG) that were followed for this analysis. Applying the TAG criteria resulted in the identification of the nine intersections illustrated on Figure 6 of the TA and discussed and analyzed in the main body of the TA. None of the required study intersections are along Highland Avenue or Franklin Avenue in the vicinity of the Hollywood Bowl (the westernmost study intersection was the intersection of Cahuenga Boulevard and Hollywood Boulevard). The Cahuenga Boulevard/Hollywood Boulevard intersection was identified in this analysis as operating at LOS F, with the Project adding trips to this location. As Cahuenga Boulevard is a route to the Hollywood Bowl, the Project could affect trips to the Hollywood Bowl.

However, as discussed in Topical Response No. 2 – Transportation and Traffic, above, intersection LOS is no longer the CEQA significance metric for transportation impacts.

The comment states that the Draft EIR fails to address objections raised by Caltrans. However, the commenter does not identify what these objections are and does not provide any specific information. Further, the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. It is also acknowledged that Caltrans prepared two letters with comments on the transportation analysis to be conducted for the Project. The analyses requested by Caltrans are presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. The Caltrans analysis is not a required CEQA analysis per the City's TAG. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 144-6

The EIR fails to examine the negative aesthetic impact of the Hollywood Center. It fails to address the density, the traffic, the transportation aspect. We already have more traffic in this area due to ride sharing. Due to the pandemic, people will rethink taking public transportation. This pandemic will have lasting effects. With over 1,000 more apartments in the Hollywood Historic District, our streets will begin to resemble Hong Kong.

Response to Comment No. IND 144-6

The comment states that the Draft EIR fails to analyze the Project's impacts on aesthetics, density, traffic, and transportation. See Response to Comment No. IND 144-3 and 144-4 for responses to the commenter's concerns related to aesthetics and density. See Response to Comment No. IND 144-5 for a response to the commenter's concerns related to traffic and transportation.

Comment No. IND 144-7

We thoroughly and completely disapprove of the Hollywood Center Project and the ridiculous time limit placed on examining and digesting an over 1,300 page EIR.

Response to Comment No. IND 144-7

The comment expresses general opposition to the Project and the public review period. The City determined that the Draft EIR comment period for the Project would not be

extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 144-8

Thank you very much for your anticipated time, attention and action in both extending the EIR response time and in thoroughly reevaluating and extensively reconceptualizing the Hollywood Center project.

Your immediate response to this very urgent matter will be appreciated.

Response to Comment No. IND 144-8

The comment requests action in extending the Draft EIR response time and reconceptualizing the Project, but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 145

Linda Deutsch
Received May 30, 2020

Comment No. IND 145-1

I am a property owner in the Hollywood Dell where I have resided for 23 years and I am a member of the Hollywood Dell Civic Association (HDCA).

I am writing about project Case Number: ENV-2018-2116-EIR and State Clearinghouse Number: 2018051002.

Response to Comment No. IND 145-1

The introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 145-2

I am joining in the letter written to you on behalf of our entire neighborhood regarding the draft environmental impact report (DEIR) on the proposed Hollywood Center Project. I have been shocked by the timing of your actions, issuing a major report when the Covid-19 emergency has prevented residents from appearing in person to lodge objections and pose questions regarding a project that is likely to negatively affect our quality of life for decades to come.

Please answer these questions:

- Why was it necessary for you to issue a 13,000 page report at the time that an unprecedented health emergency requires the full attention of all residents? It was released on April 16, a full month after the Stay At Home order had been put in place for all residents.
- Why did you reject requests to extend the comment period given the situation?
- Did you consider the fact that residents, many of whom were suddenly out of work, would be too involved in their very survival to take time to read your voluminous report and comment on it?
- Did you consider that some residents fell ill with Covid-19 and others, who were considered essential workers, were called on to save lives during this time?
- Your report was not going to draw their attention during this period. Was it your intention to prevent them from commenting?
- Do you realize now that life in Hollywood will be so drastically altered in the aftermath of this crisis that the conclusions of your Draft EIR may be irrelevant?

I am requesting that you table your report until after the Covid-19 emergency has passed and allow residents the time to study it and comment on it in person. This is a huge project that will have a major impact on the entire city and should be carefully considered.

Response to Comment No. IND 145-2

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 146

Mary Ann Skweres
Received May 30, 2020

Comment No. IND 146-1

The issues listed below -- present in the development of the Hollywood Center ENV-2018-2116- EIR -- will adversely impact my neighborhood, the Hollywood Dell. I also believe this development is dangerous for the people and tourists who live in and frequent Hollywood.

Response to Comment No. IND 146-1

The comment expresses an opinion that the Project is dangerous for the people and tourists in Hollywood but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 146-2

1) Emergency Response: his massive development will tap the already thin emergency response resources we now count on.

Response to Comment No. IND 146-2

This comment raises concerns about emergency response but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response.

Comment No. IND 146-3

2) Traffic/Parking: Parking on every street near the development will be impacted. Not enough parking is provided and overflow cars will be driving into nearby neighborhoods like the Dell in search of parking. Parking throughout Hollywood is already a nightmare and these extra cars will only make it worse.

Response to Comment No. IND 146-3

The comment expresses a general concern that the Project would impact parking on every street near the Project Site and cause cars to park near the commenter's residence but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. However, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 146-4

3) Infrastructure: How much water will be siphoned off to support this development not to mention sewer and other services?

Response to Comment No. IND 146-4

The comment expresses a general concern about the Project's impact on water and sewer infrastructure. However, the comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. The Project's impacts on wastewater and water supply are fully analyzed in Section IV.N.1, *Wastewater*, and Section IV.N.2, *Water Supply*, respectively, in the Draft EIR. Supporting technical infrastructure information is included in Appendix P-1 of the Draft EIR. A City-approved Water Supply Assessment (WSA) for the Project, as required by SB 610, is included in Appendix P-2 of the Draft EIR. As discussed therein, the Project would result in less-than-significant utility and water supply impacts. In regard to wastewater, as stated on page IV.N.1-13 of Section IV.N.1, *Wastewater*, of the Draft EIR, construction of the Project would include all necessary on- and off-site sewer pipe improvements and connections to adequately connect to the City's existing sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under the City's Building and Safety Code and the Los Angeles Department of Public Works requirements. All necessary improvements would be verified through the permit approval process of obtaining a sewer connection permit from the City. Furthermore, as stated on page IV.N.1-14 of the Draft EIR, in accordance with LAMC Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system.

In regard to water supply, as stated on page IV.N.2-29 in Section IV.N.2, *Water Supply*, of the Draft EIR, the Los Angeles Department of Water and Power (LADWP) determined in the approved WSA, as required by SB 610, for the Hollywood Center Project that there is adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP, annually during normal, single-dry, and multiple-dry water years over the next 20 years, as well as through at least 2040 (the planning horizon of the LADWP's 2015 Urban Water Management Plan [UWMP]). In addition, as stated in the approved WSA for the Hollywood Center Project, the Project's water demand falls within the LADWP's 2015 UWMP's projected increases in Citywide water demands, while anticipating multi-dry year water conditions during the planning period. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Therefore, there would be sufficient water supplies available to service the Project.

Comment No. IND 146-5

4) This developer has a terrible record. During the first generation of this effort to build two huge towers next to Capitol Records, this developer tried to skirt around CalTrans. The traffic generated by such a huge project would overwhelm all the on ramps to the 101 freeway. Beachwood Canyon Neighborhood Association shares the Dell's concern and is also well aware that this same traffic will clog all of the streets in Hollywood.

For their Millennium Tower San Francisco, this same developer cut corners and the tower is leaning – the condo owners in that development risk their lives while the tower moves every day.

Response to Comment No. IND 146-5

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

It is also acknowledged that Caltrans prepared two letters with comments on the transportation analysis to be conducted for the Project. The analyses requested by Caltrans are presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. The Caltrans analysis is not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

The comment also makes reference to a different project located in San Francisco, which has no relation to the Project analyzed in the Draft EIR. As such, no further response is warranted.

Comment No. IND 146-6

5) Another dangerous idea from this developer: The Hollywood Center is planned right on top of the Hollywood Earthquake Fault. All studies point to the expectation that these towers will collapse.

Response to Comment No. IND 146-6

The comment assumes that the Project would be located on the Hollywood Fault and expresses the opinion that the towers will collapse as a result. However, the comment does not provide any facts and, therefore, no substantial evidence, to support this claim and does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 146-7

6) With the outbreak of Covid-19, we need to be conscious of the dangers of dense housing. We all know how New York City has been impacted.

Response to Comment No. IND 146-7

The comment expresses a general opinion about density but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 146-8

We do not need such a dangerous project by an untrustworthy developer in the Heart of Hollywood. Shut this warped idea down forever.

Response to Comment No. IND 146-8

The comment expresses a general opinion about the Project but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 147

Kathleen Martin
Received May 31, 2020

Comment No. IND 147-1

I am very concerned with the proposed tower project, particularly being implemented in such a rushed fashion during Covid-19 quarantine.

I am in leadership with the following organizations which work for the health and welfare of people in the Hollywood community:

- Rotary Club of Hollywood

- The Salvation Army, located on Hollywood Blvd

- First Presbyterian Church of Hollywood on Gower and Carlos, which includes The Children's Center on LaBaig and Yucca.

Response to Comment No. IND 147-1

The comment expresses concern about the Project and establishes the commenter's affiliations in the Hollywood community but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 147-2

One question:

'Why is the building of 46 stories deemed appropriate for the cultural and historic community of Hollywood, when currently the tallest buildings are not more than 20 stories?'

Response to Comment No. IND 147-2

The comment expresses concern about the Project's height. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above, which addresses the issue of building height with respect to the existing development. Regarding cultural and historic concerns, impacts on historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. As concluded therein, the Project would not materially impair the historic setting of historical resources in the Project vicinity.

Comment Letter No. IND 148

Mathias Sapper
Received May 31, 2020

Comment No. IND 148-1

I'm mostly concerned with the traffic impact.

Vine Street, Cahuenga Blvd and Gower Street are major Artery Freeway Exits that connect the San Fernando Valley with the city and in this case Hollywood. As it stands today the existing traffic during rush hour is a nightmare. A 1,000 unit apartment building complex is going to crate total havoc on Hollywood streets. At rush hour you will see up to 1,500 cars coming out of the project parking structures and spill into the local streets.

I have witness how a smaller 20 story apartment building on Gower Street turned Gower into total gridlock. If you drive down Gower Street in early morning rush hour heading south you get stuck at a red traffic light at Selma. While the light is red the traffic light on the next street at Sunset turns green. The waiting cars on Gower clear the block. Once the traffic light at Sunset turns red, the block between Selma and Sunset fills up with cars that come out of the Viacom building parking garage at 1575 North Gower Street and cars that come from Selma Ave and turn right onto Gower. Once the Selma traffic light turns green the block between Selma and Sunset is stuffed with cars so much so you can't drive through the light. It's as if the light was timed for the people who live in that Viacom 20 story Apartment building. Most of the cars that turn from Selma into Gower (going south) come from that same Viacom Building. There's another parking garage exit on 1500 N. El Centro. Here the cars turn right on El Centro, then right at Selma and finally right on Gower. For the people who live in the community this intersection duo Selma and Sunset has turned into an impossible wait. I have waited 4 rotations of red lights before being able to move one or two car positions forward and enough to cross the intersection. Traffic on Gower has never been this bad in the 30 years I have lived here.

And this is a 20 story building. Now imagine a 50 story building and a 40 story building.

Does the city believe that the future owners of these apartments will be using the subway to go to work? They won't. Of the 872 units for sale you will have her driving a car and the partner driving a car as well. You can expect 1,500 cars at rush hour spilling into Vine street. And you will have complete and total Gridlock.

The current Corona Virus Pandemic makes it even worse. You are safer in your car than on a public bus or Subway. Don't expect anyone using public transport anytime soon.

Response to Comment No. IND 148-1

The commenter describes his experience of the current traffic conditions and expresses concern about the Project's potential to significantly increase congestion on local street. However, the comment does not raise any specific issues with respect to the content and

adequacy of the Draft EIR. The Project's traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 149

Kwock Koe
Received May 31, 2020

Comment No. IND 149-1

As a resident of Hollywood, I ask for an extension of the period for public comment concerning the "Hollywood Center Development". Because of the Covid pandemic, and now the public unrest, citizens could not attend meetings downtown. More time should be given to consider all the issues of the Hollywood Center. Issues like public safety, geology assessment, and traffic should be of major concern. Please allow people more time to make comments and ask questions.

thank you,

Response to Comment No. IND 149-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment expresses concern about public safety, geology assessment, and traffic. However, this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR. Public safety, including fire and police services impacts, were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding

signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 150

Milan Kalra
Received May 31, 2020

Comment No. IND 150-1

PLEASE REVIEW AND PRINT ATTACHED FOR ADMINISTRATIVE & PUBLIC RECORD.

Response to Comment No. IND 150-1

The comment is noted. Specific comments regarding the Draft EIR are provided and responded to below.

Comment No. IND 150-2

This letter and all materials contained in the links within this letter are to be included in the administrative record for the above-referenced matter.

Response to Comment No. IND 150-2

The comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 150-3

The DEIR Executive Summary outlines various Alternatives explored in relation to this Project.[1]

Granting entitlement beyond what the zoning currently allows – 3: 1 FAR vs. the Project's proposed 6.97 : 1 FAR, representing a 230% FAR increase, is grossly negligent and morally repugnant given the effect of density & air quality on respiratory illness and fatality in the pandemic & post-pandemic era.

Only Alternative 2 is conforming with the existing zoning and still with its proposed buildings at 18 and14 stories respectively, represents greater magnitude than nearly all existing buildings in Hollywood.[2]

Even Alternative 5 addressing the Proposed Hollywood Community Plan is inappropriate and mercenary with its 4 buildings at 29, 20, and dual 7 stories each, allowing a 4.5 :1 FAR, with heights & density **exceeding all of current Hollywood.[2]** As the Coronavirus pandemic has & will continue to force us to reassess the dangers & lethality of a high-density urban plan, **approving any project beyond its current zoning allowance exceeds rational & prudent judgment by the City.**

Footnote 1:
https://planning.lacity.org/eir/HollywoodCenter/deir/Draft%20EIR%20Sections/ES.%20Executive%20Summary.pdf

Footnote 2: https://en.wikipedia.org/wiki/List_of_tallest_buildings_in_Los_Angeles

1. Sunset Gordon (23 stories)
2. Comerica (22 stories)
3. Sunset Vine Tower (20 stories)
4. Argyle House (17 stories)
5. Kimpton Everly Hotel (16 stories)

Response to Comment No. IND 150-3

The comment expresses concern that the Project and alternatives would be beyond what the zoning currently allows but does not comment on or present any evidence with respect to the content or adequacy of the Draft EIR. Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above, which addresses density and FAR.

Comment No. IND 150-4

Density & Air pollution largest risk factors for COVID-19 & other respiratory contagions:

Density

- "Density is New York City's Big 'Enemy' in the Coronavirus Fight"[3]
- "New York is far more crowded than any other major city in the United States. It has 28,000 residents per square mile, while San Francisco, the next most jammed city, has 17,000, according to data from the U.S. Census Bureau."[3] **And yet, Hollywood, the site of the proposed megalithic project, has a density range of 23,870[4] to 41,740[5], grappling with a significantly greater risk factor for pandemic exposure, illness, & death even before this proposed development of unprecedented scale & density in Hollywood's history.**
- Garcetti's vision of "Manhattanizing"[6] Hollywood is now dangerously lethal, with this mega density project further forcing subway & mass transit use that is being heavily cautioned against in NYC with massive shutdowns as primary pandemic mitigation measures. In fact, the CDC urges people to drive alone instead of taking public transit for the foreseeable future. [7]

Footnote 3: https://www.nytimes.com/2020/03/23/nyregion/coronavirus-nyc-crowds-density.html

Footnote 4: https://statisticalatlas.com/neighborhood/California/Los-Angeles/Hollywood/Population

Footnote 5: Hollywood population 2019 = 146,510 / 3.51 square miles* = 41,740 residents / sq mile

*Zimas and https://maps.latimes.com/neighborhoods/neighborhood/hollywood/

Footnote 6: https://www.dailynews.com/2013/02/12/wendy-greuel-attacks-eric-garcetti-on-hollywooddevelopment/

Footnote 7: https://www.nytimes.com/2020/05/28/health/cdc-coronavirusoffices.html?campaign_id=154&emc=edit_cb_20200529&instance_id=18946&nl=coronavirusbriefing&regi_id=77954439&segment_id=29614&te=1&user_id=319bc4de

Response to Comment No. IND 150-4

The comment expresses concern about the Project's density and air pollution impacts but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. In regard to the Project's density, see Response to Comment No. IND 150-3.

Regarding air pollution, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation, where applicable. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Comment No. IND 150-5

Air Pollution

From Section IV. Air Quality of the DEIR8 (p.2), the risks & undeniable links to respiratory disease & lung damage of Ozone are clearly stated:

"According to the USEPA, ozone can cause the muscles in the airways to constrict potentially leading to wheezing and shortness of breath. Ozone can make it more difficult to breathe deeply and vigorously; cause shortness of breath and pain when taking a deep breath; cause coughing and sore or scratchy throat; inflame and damage the airways;

aggravate lung diseases, such as asthma, emphysema, and chronic bronchitis; increase the frequency of asthma attacks; make the lungs more susceptible to infection; continue to damage the lungs even when the symptoms have disappeared; and cause chronic obstructive pulmonary disease. Long-term exposure to ozone is linked to aggravation of asthma, and is likely to be one of many causes of asthma development and long-term exposures to higher concentrations of ozone may also be linked to permanent lung damage, such as abnormal lung development in children. According to the California Air Resources Board (CARB), inhalation of ozone causes inflammation and irritation of the tissues lining human airways, causing and worsening a variety of symptoms and exposure to ozone can reduce the volume of air that the lungs breathe in and cause shortness of breath.

Similar risks are outlined for NOx on p. 3:

"VOCs are organic chemical compounds of carbon and are not "criteria" pollutants themselves; however, **they contribute with NOx to form ozone**, and are regulated to prevent the formation of ozone. According to CARB, some VOCs are highly reactive and play a critical role in the formation of ozone, other VOCs have adverse health effects, and, in some cases, VOCs can be both highly reactive and have adverse health effects."

And yet, the Project <u>would violate both California state & National Ozone (O3) standards</u> of .09 ppm [1 hour] and .07 ppm [8 hour]. (p.11)

Even the very prejudiced thresholds SCAQMD developed that far exceed state & national guidelines <u>would be violated, both during Construction of 4.5 years (2021-2025) & Operationally</u>:

"As shown in Table IV.B-5, construction-related daily emissions ***would exceed the SCAQMD thresholds of significance for NOx*** [emphasis] and emissions levels would [Not] be below the applicable thresholds of significance. Therefore, the Project's or the Project with the East Site Hotel Option's construction impacts would be potentially significant." (p. 56)

"The operational-related daily emissions from the Project and the Project with the East Site Hotel Option ***would exceed the SCAQMD thresholds of significance for NOx*** [emphasis] in year 2025. Therefore, operational impact**s** would be considered potentially significant." (p.57)

The boiler plate mitigation measures to manipulate a summary assessment of 'No Significant Impact' are egregiously false & criminal in light of what we know regarding air pollution's contribution to respiratory disease & markedly increased fatality:

"The Harvard study suggests lower pollution levels in the years before the pandemic could have resulted in a significant decrease in Covid-19 death rates."[9]

"A US study suggests **Covid-19 death rates rise by about 15% in areas with even a small increase in fine-particle pollution levels** [emphasis] in the years before the pandemic."[9]

"The Lombardy and Emilia Romagna regions had death rates of about 12%, compared with 4.5% in the rest of Italy. The study, published in Science Direct, says: "The high level of pollution in northern Italy should be considered an additional co-factor of the high level of lethality recorded in that area."" [9]

"**People with COVID-19 who live in U.S. regions with high levels of air pollution are more likely to die from the disease** than people who live in less polluted areas, according to a new nationwide study from Harvard T.H. Chan School of Public Health." [10]

"The study found, for example, that someone who lives for decades in a county **with high levels of fine particulate pollution is 8%* more likely to die from COVID-19 than someone who lives in a region that has just one unit (one microgram per cubic meter) less of such pollution**. [emphasis]"[10]

"Research shows almost 80% of deaths across four countries were in most polluted regions"[11]

"High levels of air pollution may be "one of the most important contributors" to deaths from Covid-19, according to research. The analysis shows that of the coronavirus deaths across 66 administrative regions in Italy, Spain, France and Germany, **78% of them occurred in just five regions, and these were the most polluted** [emphasis]." [11]

As documented in Table IV. B-2 (p. 25)[8], **the area already is Non-Attainment – Extreme in violation of both California state (CAAQS) and National (NAAQS) standards.** The City's priority & focus must be at minimum sustaining, if not improving, air quality. **Allowing 4.5 years of this Project's non-compliant construction pollution that continues *indefinitely* through its operational phase is a documented danger & lethality to all of Hollywood's 146,000 residents.** Much of the project's net air quality analysis was predicated on the substantial substitution of mass transit for vehicular use, which in a post-pandemic age, is a dangerous & unsound premise. The resulting vehicular pollution from idling in clogged on and off ramps of the 101freeway at Cahuenga/Wilcox, Vine St, and Argyle/Gower were well-demonstrated in CALTrans' condemning study of the pre-cursor Millenium project.

Further manipulated EIRs or boilerplate mitigation measures to yield a 'No Impact' or 'Less Than Significant Impact' assessment defy common sense & unprejudiced judgment. **The City must be liable for preventable illnesses & deaths from its position of pursuing such high-density projects and the granting of Entitlements that threaten public health during and after the COVID-19 crisis.**

To perpetuate & incite egregious density and forever degraded air quality, documented as leading contributors to respiratory death, is undeniably criminal & morally unconscionable in a post-pandemic age.

Footnote 8:
https://planning.lacity.org/eir/HollywoodCenter/deir/Draft%20EIR%20Sections/IV.B%20Air%20Quality.pdf

Footnote 9: https://www.bbc.com/news/health-52351290 Air pollution linked to raised Covid-19 death risk.

Footnote 10: https://www.hsph.harvard.edu/news/hsph-in-the-news/air-pollution-linked-with-higher-covid-19-death-rates/

Footnote 11: https://www.hsph.harvard.edu/news/hsph-in-the-news/air-pollution-linked-with-higher-covid-19-death-rates/

Response to Comment No. IND 150-5

The comment states that the Draft EIR's air quality analysis provides mitigation measures that are boilerplate and inadequate to reduce NO_X but does not provide any facts and, therefore, no substantial evidence, to support this claim. As stated on pages IV.B-60 through IV.B-63 in Section IV.B, *Air Quality,* of the Draft EIR, the Project would implement mitigation measures applicable to both construction and operational emissions to reduce impacts to a less than significant level. As noted therein, with implementation of Mitigation Measure AQ-MM-1, regional NO_X emissions from construction would be reduced to below the regional threshold for NO_X, and impacts related to regional NO_X construction emissions would be less-than-significant. Furthermore, with implementation of Mitigation Measure AQ-MM-2, regional NO_X emissions from operations would be reduced to below the regional threshold for NO_X, and impacts related to regional NO_X operational emissions would be mitigated to a less-than-significant level.

The commenter asserts that the Project's air quality analysis is predicated on the use of mass transit and is unsubstantiated due to COVID-19. CEQA does not require analysis of speculative conditions. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on air quality emissions due to public transportation use during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets

the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

As discussed in Chapter 1, *Introduction*, in this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding the construction and operational impacts of this option is warranted.

Comment Letter No. IND 151

Tinker Lindsay
Received May 31, 2020

Comment No. IND 151-1

I am begging you to extend the comment period on the Hollywood Center Project DEIR. The procedure has been handled outrageously - we have all been in lockdown with no way to attend meetings or even access the reports. This project will be devastating to residents in Hollywood, and ruin historic landmarks. At least give us a chance to weigh in on the negative effects of this greed-driven building project.

Thank you for taking action on behalf of your constituents.

Response to Comment No. IND 151-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment expresses an opinion that the Project will ruin historic landmarks but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment Letter No. IND 152

Michael Wiesinger
Received May 31, 2020

Comment No. IND 152-1

I've had to revise this before sending, due to yet again more tragedy taking place in our lives and that of so many others throughout the country - right here in the City of Angels. We could sure use some *ANGELS* at this time. That said, Now is not the time for the City of Angels to be concentrating their efforts on obtaining the 'go ahead' to construct a project that has no business in the heart of Hollywood. Better yet, city officials, specifically, Mayor Garcetti should be focusing their energies on how to make us safe from the pandemic at large, taking care of our homeless epidemic, cleaning up our streets, and protecting us from the outrage at large now plaguing us.

Response to Comment No. IND 152-1

The comment expresses concern about how the City should not concentrating on constructing the Project. It should be clarified that no decision is being made at this time about the Project. The purpose of the public review period is to solicit comments from public agencies and other interested parties on the contents of the Draft EIR. As stated in Chapter 1, *Introduction,* in the Draft EIR, upon the close of the public review period, the City will proceed to evaluate and prepare responses to all relevant comments received from public agencies and other interested parties during the public review period. In addition, see Topical Response No. 1 – Public Participation and Review, above, for a discussion of CEQA public participation requirements and steps undertaken by the City to facilitate public participation in association with this EIR.

Comment No. IND 152-2

On that note, I am writing as a concerned resident with regard to comment for the Hollywood Center Project ("DEIR). My husband and i *[sic]* live in Whitley Heights, the historic HPOZ district in the LA area, which is within 550m of the proposed project. In fact, the view from our home looks directly out at the proposed site. If this project were to commence, the environmental impact would without a doubt permanently damage & degrade the historic structures, OUR HOMES by the level of subterranean construction of such scale.

First, we cannot understand why a project of this magnitude is once again being pursued, when it was already defeated nearly seven years ago when it was found that the land to which this project will sit on was deemed unsafe due to the fact an active fault runs beneath the property. Yet, here we are again, numerous neighboring communities - Larchmont Village, Hancock Park, Greater Wilshire Neighborhood Council, Brentwood Hills HOA, and Holmby Hills *[sic]*, to name a few, which now have to spend time battling what we all deem ***irresponsible development***. You are no doubt aware of said

opposition. So our question to you is WHY the need for such "out of character" development in the Hollywood area? These are our thoughts:

Response to Comment No. IND 152-2

The comment expresses an opinion that the Project would permanently damage and degrade historic structures and the commenter's residence. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C of the Draft EIR analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

The comment also expresses concern for the Project's scale. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, the Project's scale as it relates to aesthetics impacts was analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also states that the Project will be developed on an active fault. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 152-3

Your proposed rationale:

1. Job creation
2. Economic stimulation
3. Continued revitalization of the Hollywood area

Our assumption of your rationale:

1. POLITICAL GAIN!!!
2. A denser, more populated Hollywood equals more crime and congestion, if not properly planned and executed
3. Out of touch with, and utter disregard for public safety and its impact on the IMMEDIATE surrounding communities!!!

What do we support:

1. YES, we believe in job creation
2. YES, we believe in economic stimulation
3. YES, we believe in the on-going gentrification of Hollywood, however..

What is FAIR, ACCEPTABLE and NECESSARY:

1. Responsible development with height restrictions that compliment *[sic]* the existing, beautiful and historic Hollywood skyline and community - nothing above 15-20 stories.
2. Genuine respect and regard for the concerns about the existing proposal.
3. The commitment to an INCREASE of law enforcement manpower, which will be necessary to ensure public safety - not only in the immediate public space, but for the surrounding neighborhood communities.

During the last round of the Millennium Project - same developer - now branded The Hollywood Project, Mayor Eric Garcetti, whom at that time was running for Mayor of Los Angeles, to my recollection, flip flopped on his support for this project...originally, he was in favor of the development. However, pre-election, it was reported that he was against the project. Once again, where does he stand now?

As our Mayor, and a proclaimed "Angeleno", one would hope he would stand with council districts in the surrounding area and support the cause to preserve the historical integrity and future of Hollywood, and not sell out to greedy developers.

I (we) will close by stating that we support the revival of a new Hollywood. But, let's achieve this through a plan that benefits everyone involved and not just those that are out for themselves.

Response to Comment No. IND 152-3

The commenter expresses concern about the Project's height and density, its potential to increase crime and congestion, and its impact on public safety. In regard to height and density, see Response to Comment No. IND 152-2.

Regarding crime and public safety, fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Regarding congestion, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles

Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment No. IND 152-4

Attachment: Graphics and text provided by the commenter about Whitley Heights, the commenter's neighborhood and district.

Response to Comment No. IND 152-4

The attachment provides graphics and text about Whitley Heights, including its status as Hollywood's first National Register District. However, the attachment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 153

Terri Gerger
Received May 31, 2020

Comment No. IND 153-1

Please confirm receipt.

Thank you

Response to Comment No. IND 153-1

The comment is noted. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 153-2 through 153-7.

Comment No. IND 153-2

Dear Ms. Nguyen: I am a homeowner and twenty-four year resident of the Hollywood Dell. I have been an active member of the Hollywood Dell Civic Association since 1996, served on the HDCA Executive Board, and was the past President of HDCA for roughly 8 years. The Hollywood Dell is the hillside neighborhood directly north of the Project site.

These comments are specific to IV.K.4-Public Services - Parks and Recreation

Response to Comment No. IND 153-2

The introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 153-3 through 153-7.

Comment No. IND 153-3

I. Existing Parks in the Project Area

According to the Report- page IV.K.4- 12

"The nearest public park, Selma Park at 6567 is located approximately 0.35 miles southwest of the Project Site."

This is incorrect. This is incorrect (actually .42 miles). The Department of Recreation and Parks (RAP) has been operating and maintaining the Franklin Ivar Park at 6351 Franklin Avenue since July 1, 2018. Franklin Ivar Park is just a two blocks (.20 miles) from the Project site See attached Board of Recreation and Park Commissioner's Board Report Dated July 17, 2019 (No. 19-139)

Excerpt from the Board Report:

SMMC, a state agency, is the sole owner of real property commonly referred to as Franklin-Ivar Park (Park), a 0.75 acre passive park located at 6351 Franklin Avenue in the community of Hollywood, which opened to the public in 2017. SMMC had previously requested that RAP operate the Park on its behalf. This request was approved by the Board on June 11, 2018 (Report No. 18- 148)....

QUESTIONS:

Why was the Franklin Ivar park not included in your Project Analysis? This park is just 2 blocks (.2 miles) from the Project site and will certainly be the main park utilized both during construction and by the Project's residents once the project is completed.

What is the impact on the Franklin Ivar park that would be generated by the long term operation of the Project?

What is the potential impact on the Franklin Ivar park caused by the temporary construction activities?

Response to Comment No. IND 153-3

The comment requests clarifications on various questions related to Section IV.K.4, *Parks and Recreation,* of the Draft EIR. The commenter states that Selma Park is 0.42 miles from the Project Site. The Draft EIR is correct regarding the distance of Selma Park from the Project Site. As stated on page IV.K.4-12 in Section IV.K.4, *Parks and Recreation*, of the Draft EIR, Selma Park is located approximately 0.35 miles southwest of the Project Site. This distance is measured from the mid-block of Ivar Avenue, which is the west edge of the Project Site.

The comment asks why Franklin Ivar Park is not included in the Project analysis. The analysis for parks and recreational facilities are dependent on the list of City of Los Angeles Department of Recreation and Parks (RAP) facilities provided in Appendix M-4 of the Draft EIR. While RAP operates and maintains the Franklin Ivar Park, Franklin Ivar Park is under the jurisdiction of the Mountains Recreation and Conservation Authority (MRCA). In addition, at the time the original research was conducted for the Draft EIR, Franklin Ivar Park was not operational or listed in the City's RAP data base. Furthermore, it was also not mentioned in any community and agency responses to the Notice of Preparation.

The comment inquires about the impact on the Franklin Ivar Park that would be generated by the Project's temporary construction. Similar to what was analyzed in the Draft EIR for the Project's construction impacts on nearby RAP facilities, the Franklin Ivar Park is not located along a major street that would provide access to the Project Site during construction (e.g., along a haul route). Project Design Feature PDF-TRAF-2 (the Construction Traffic Management Plan) would also ensure that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.

Additionally, the distance of this park from the construction activity and the intervening development would avoid potential noise or conflict with construction activities. A small number of construction workers may visit the park during or after a workday. However, construction workers are temporary employees with high turnover associated with the various phases of construction, so such park use would be rare and short-term. Because Franklin Ivar Park has neither on-site or adjacent parking, and it is not highly likely that construction workers would want to walk the 0.2 miles find a table or seat to have lunch. The Franklin Ivar Park does not provide any active recreational facilities that would draw construction workers before or after work. As such, it is reasonably expected that construction workers would not use the park to the extent that it would result in the accelerated deterioration of the park. Therefore, temporary construction impacts on the Franklin Ivar Park would be less than significant.

Regarding the impact on the Franklin Ivar Park during Project operation, the CEQA threshold standard regarding impacts on parks and recreational facilities is whether an increase in the use of existing neighborhood and regional parks or other recreational facilities would occur that would cause or accelerate substantial physical deterioration. Franklin Ivar Park is a 0.75-acre passive park offering an art plaza, stage, seating, gardens, and landscaping. The Project provides for 0.779 acres of public open space, art plaza, paseo, stage, seating, gardens, and landscaping. The Project would also include space for outside dining or coffee. Because Franklin Ivar Park would not have on-street or off-street parking, residents would walk or ride bicycles to the park. However, because the Franklin Ivar Park would not provide facilities not already enjoyed in the Project's open space, as well as not having any dining options, it is not anticipated that it would be heavily used by Project residents to the extent that it would cause or accelerate substantial physical deterioration.

The comment that Franklin Ivar Park "will certainly be the primary park utilized," is not supported by substantial evidence since Franklin Ivar Park would provide the same recreational facilities and slightly less open space enjoyed at the Project Site, and Franklin Ivar Park does not provide a children's playground. As such, this park would not draw families to the same extent as Selma Park or Yucca Park, the latter of which has both a playground and outdoor fitness equipment. Both of these parks, located approximately 0.35 and 0.38 miles from the Project Site, respectively, are also within easy walking or cycling distance from the Project Site. The addition of the Franklin Ivar Park to the list of parks described in the Draft EIR would increase rather than deplete the supply of parks in the area, and as such would not change the evaluation or conclusion of the Draft EIR that the Project would have a less-than-significant impact with respect to parks and recreational facilities.

Comment No. IND 153-4

II. Hollywood Community Plan

According to the Report - page IV.K.4-7

"Policy I- states that the desires of the local residents should be considered in the planning of recreational facilities"

Local residents have met with representatives of this project on numerous occasions and discussed neighborhood mitigations relating to park and recreation services, yet there's been no commitment by the applicant to address any of them.

QUESTION:

Is there a draft Development Agreement designating of some, or all, of the Quimby Fee payment by the Project for the use of the Franklin Ivar Park, the nearest park to the Project?

Please let us know if there is a draft Development Agreement? And, how the community can receive a copy so that we may comment on it.

This park will most certainly be used by the construction workers during construction and by the residents of the Project, once completed.

Quimby Fees could be utilized by the Franklin Ivar Park to improve lighting and security; purchase children's play equipment and shade structures, add to the tree canopy in the par, and fund Phase II of the Franklin Ivar Park plan.

As the closest <u>existing</u> park to the Project site it should receive the bulk of the Quimby Fees from the Project to maintain and improve the park experience for the Hollywood community.

Response to Comment No. IND 153-4

The comment states that local residents met with the Project's representatives to discuss parks and recreational services. The commenter then inquires if the Development Agreement designates some, or all, of the Quimby Fee payment by the Project for Franklin Ivar Park. While a Development Agreement is anticipated for the Project, no draft documents or details of the agreement are currently available.

The commenter also states that the Franklin Ivar Park will be used by the construction workers and residents of the Project. However, this assertion is not supported by substantial evidence and is not likely for the reasons discussed in Response to Comment No. IND 153-3.

Regarding dedicating Quimby Fees to the Franklin Ivar Park, the Applicant cannot choose the recipients of the City's required Dwelling Unit Construction Tax and Quimby fees, which are distributed at the City's discretion. The requirement for such fees is indicated at the completion of the developer's initial application with the City. Such fees are pending with final determination of fees occurring with the approval of the Vesting Tentative Tract Map. This would occur subsequent to the certification of Final EIR and Project approval.

Comment No. IND 153-5

III. Inconsistency in DEIR

According to the Report- page IV.K.4-9

"The Project's entitlement applications, including its Vesting Tentative Map application, were deemed complete on April 10, 2018, subsequent to the Park Fee Ordinance becoming effective. As such, the Project is subject to the park fee provisions of the Park Fee Ordinance."

According to the Report - page IV.K.4-20

"On April 5, 2017, the RAP Board of Commissioners approved payment of in-lieu fees for the Project via a recommendation to the Advisory Agency."

Questions:

How can the RAP Board of Commissioners approve payment in-lieu fees for the Project (April 5, 2017) before the Vesting Tentative Map is complete (April 10, 2018)? Please explain.

Please provide a copy of the documents supporting this approval. The RAP website does not have a resolution for this approval on April 5, 2017. https://www.laparks.org/commissioners/agendas-minutes-reports/2017

Will the RAP Board of Commissioners approve a new payment of in-lieu fees based on the Park Fee Ordinance in effect at the time the Vesting Tentative Map was completed?

Where is the Park Fee Calculation Application (PF- 1001) required to be submitted for this project? Please provide a copy. https://www.laparks.org/planning/park-fees.

Response to Comment No. IND 153-5

This comment asks several questions regarding the City's Park Fee Ordinance and how the Project would comply with the Ordinance, but does not comment on the content or adequacy of the Draft EIR. As such, no further response is warranted.

The Board Report to which the commenter referenced was for an Early Consultation, which, pursuant to Los Angeles Municipal Code (LAMC) Section 12.33 D.1, requires the Applicant to meet with RAP and the Department of City Planning prior to submitting a tract map application with the City. Per LAMC Section 12.33 D.1, "[t]he purpose of this early consultation is to discuss whether the City requires land dedication for the project and/or to discuss credit available to the applicant, if any". Pursuant to LAMC Section 12.33 D, "All new residential dwelling units […] shall be required to dedicate land, pay a fee, or provide a combination of land dedication and fee payment for the purpose of acquiring,

expanding and improving park and recreational facilities for new residents." The RAP submitted a letter dated August 5, 2018 to the Department of City Planning, recommending that the Project dedicate land to the City or provide a combination of land dedication and fee payment in order to fulfill the Project's requirements under provisions of LAMC Section 12.33. This recommendation is incorporated as a Condition of Approval for the Vesting Tentative Tract Map (VTTM). Should the VTTM be approved, its approval would be contingent upon compliance with the Condition of Approval prior to the recordation of the map. The Project's Park Fee Calculation Application is public record and would be available from the City. However, the final fees will depend on the scope of development approved by the City approval of the Project. The analysis of parks and recreation services impacts is based on an estimate of the Project's residential population size (based on the number of approved dwelling units).

Comment No. IND 153-6

IV. Project Impacts – Methodology

According to the Report- page IV.K.4- 16

"The commercial, retail, and potential hotel uses are not considered to generate additional demand to park and recreational facilities."

QUESTIONS:

How many people are expected to be at the commercial, retail or hotel properties on a daily basis?

Why are these additional people to the project considered not to generate additional demand to the park and recreational facilities. Especially the Franklin Ivar park only 2 blocks away?

Considering the COVID-19 impacts, and the desire for safe outdoor recreation, how will the increased demand for park and outdoor recreation be addressed by the Project?

Response to Comment No. IND 153-6

The commenter expresses concern about the methodology used to address the Project's impacts on parks and recreational facilities. For the purpose of the EIR analysis, commercial and other retail uses are not considered to generate demand on parks since Dwelling Unit Construction Tax and Quimby fees are based on residential units and increases in residential population. In addition, the City of Los Angeles Public Recreation Plan and RAP's 2009 Citywide Community Needs Assessment calculate demand on parks according to residential/parkland ratios. The RAP considers demand on parks based on new residential population to the City, not on total daytime population within a geographic area. In many cases, employees and visitors are already residents of the City

(or will be residents of the City) and, as such, are already considered in the RAP's existing and future demand calculations.

With regard to COVID-19 impacts, see Response to Comment No. ORG 2B-13. As stated therein, CEQA does not require analysis of speculative conditions. Therefore, forecasting the impact of COVID-19 on park facilities use is speculative. Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 153-7

These comments are my specific observations and questions to the Parks and Recreations section of the EIR. I would also like to go on record and say that it is absolutely disgraceful that the Planning Department has continued with this limited public comment period (45 days) during a global pandemic, despite the pleas of numerous community-members, despite the quarantine orders, which can only be described as "unusual circumstances," and despite the massive size of the EIR.

Response to Comment No. IND 153-7

The comment expresses an opinion about the length of the public comment period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 154

Mark Rasmussen
Received May 31, 2020

Comment No. IND 154-1

As a resident of Hollywood for 49 years I would like to ask you to extend the deadline for the DEIR for the Hollywood Center Project. Because of the pandemic it has been difficult to consider that ill-advised project.

Response to Comment No. IND 154-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 155

Mary Ann Cherry
Received May 31, 2020

Comment No. IND 155-1

Question regarding THE (rebranded) MILLENNIUM TOWERS/HOLLYWOOD CENTER

Considering recent FBI investigations (delayed due to COVID) into corrupt dealings between high end real estate developers and city council members, wouldn't it be wise to hold off any more questionable real estate development? It'd be in your best interest, to avoid the appearance of impropriety.

Response to Comment No. IND 155-1

The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The remainder of the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 156

Julie Carter
Received June 1, 2020

Comment No. IND 156-1

Supporting the advancement of this project is irresponsible in every way. Ignoring the safety and future of Hollywood and all the people in the community, surrounding communities and visitors is to prioritize greed.

Response to Comment No. IND 156-1

The comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 157

Anna Josenhans & Greg Hayden
2748 Westshire Drive
Los Angeles, CA 90068
Received June 1, 2020

Comment No. IND 157-1

As residents of Beachwood Canyon, we strongly disapprove of the Hollywood Center/Millennium Project! Building a skyscraper on an earthquake fault line is simply ludicrous! In addition, the blight on the landscape is of serious concern. Capitol Records, a historic landmark, will be effectively destroyed and dwarfed by a behemoth completely out of a place in a landscape of two to four story buildings. Please consider and respect my community's feelings.

Also, please feel free to call us with questions or further clarification of our comments at 323.463-6303.

Response to Comment No. IND 157-1

The commenter expresses opposition to the Project due to an assertion that the Project would be built on an earthquake fault (the Hollywood Fault), and that it would destroy and dwarf the Capitol Records Building (a historic landmark). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The size and scale of the Project as it relates to aesthetics were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Regarding impacts to the Capitol Records Building, historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to the Capitol Records Building and other nearby historical resources. No direct impacts to the Capitol Records Building would occur and potential indirect impacts on the building due to construction vibration and settlement were determined to be less than significant with implementation of mitigation measures. See also Topical Response No. 6 – Historical Resources, above.

Comment Letter No. IND 158

C. Stephen Grant
Received June 1, 2020

Comment No. IND 158-1

Please do not approve this project to be built in Hollywood. The structures are too high for the surrounding area, too large for the road/traffic infrastructure, too unresponsive to the housing requirements of residents.

This is a (literally) huge mistake.

Response to Comment No. IND 158-1

The commenter expresses opposition to the Project based on its size and scale, lack of road/traffic infrastructure, and housing concerns. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, impacts regarding the size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

The comment expresses a general opinion about being unresponsive to the housing requirements of residents. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, the Draft EIR addressed population and housing impacts in Section IV.J, *Population and Housing*. As analyzed therein, population and housing impacts would be less than significant under the Project.

Comment Letter No. IND 159

Anne Crawford deZonia
2471 Hollywood Drive
Los Angeles, CA
Received June 1, 2020

Comment No. IND 159-1

As a resident of Beachwood Canyon, and someone who tries to navigate through Hollywood on a daily basis, with little success, **I oppose this project** on many levels.

It is too large for the neighborhood, the streets can not *[sic]* handle the traffic it will generate, parking is insufficient, and it is out of scale and need for Hollywood.

Please add my name to those of residents of the area who oppose this project.

Response to Comment No. IND 159-1

The commenter expresses opposition to the Project based on its size and scale, traffic that it will generate, and insufficient parking. However, this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. The concern regarding the size and scale of the Project is addressed in the Response to Comment No. IND 158-1.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. Per Los Angeles Municipal Code (LAMC) Section 12.21 A, the Project would be required to provide 1,513 parking spaces and proposes to provide a total of 1,521 to adequately serve the Project, which would be slightly more than the number of spaces required by the LAMC. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA. The Project is also providing bicycle parking compliant with the LAMC requirements. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 160

Marvin Van Ekeren
1957 N. Bronson Ave.
Los Angeles, CA 90068
Received June 1, 2020

Comment No. IND 160-1

I am a recent owner of property here in a Hollywood at 1957 N Bronson Ave. Before the pandemic traffic would back up off the 101 highway. SoI *[sic]* can guess as we reopen traffic will be back soon. This project will create even more issues with traffic. Please don't let this project make an already difficult situation even worse.

Response to Comment No. IND 160-1

The commenter expresses opposition to the Project based on traffic it would generate. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, impacts regarding traffic were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 160-2

I also want to share my fear with this developer. We are all aware of what is going on with the dangerous tower in San Francisco and it would be a shame to let the same thing happen here in Hollywood. Thank you for your time and consideration in my request.

Response to Comment No. IND 160-2

The commenter expresses concern about the Millennium Towers project in San Francisco. The comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Furthermore, the referenced tower in San Francisco is unrelated to the Project. However, geology impacts were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment Letter No. IND 161

Elena Beecher
1723 Ivar Avenue
Los Angeles, CA 90028
Received June 2, 2020

Comment No. IND 161-1

I hope this email finds you well. I am writing on behalf of 1723 Ivar Avenue in hopes that you are still accepting written comments on the Hollywood Center Project due to the current climate.

Response to Comment No. IND 161-1

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 161-2

We are concerned that the current plan routes every piece of vehicular traffic for the West building onto Ivar Ave., instead of putting entrances/exits onto Yucca or Vine. We are supportive of the development but deeply concerned about focussing *[sic]* all of the traffic onto our street.

Response to Comment No. IND 161-2

The comment expresses opposition to the Project based on its potential to cause traffic impacts on Ivar Avenue. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above. It also acknowledged that the Project has been designed to eliminate curb cuts along Vine Street to reduce vehicle conflicts and interference with pedestrian activity along the Hollywood Walk of Fame. Also, no new driveways are proposed along Yucca Street (one existing driveway to remain on Yucca Street east of Vine Street). Yucca Street, west of Vine Street, and Vine Street are both within a Pedestrian Enhanced District (PED) and designated for Tier 2 bicycle lanes within the City's Bicycle Lane Network (BLN) in Mobility Plan 2035. With no new driveways along either of these street frontages, the removal of one existing curb cut along Yucca Street on the West Site, and the removal of five existing curb cuts along Vine Street, the Project would promote pedestrian circulation and safety along these streets within a PED. For these reasons, the Project's driveways on the West Site are located on Ivar Avenue.

Furthermore, traditional circulation analysis related to intersection level of service (LOS) was conducted for the intersection of Ivar Avenue and Yucca Street (Intersection No. 18)

and the intersection of Ivar Avenue and Hollywood Boulevard (Intersection No. 32) within the non-CEQA analysis provided within Appendix I of the TA. However, as stated in Topical Response No. 2, intersection LOS no longer serves as the basis for determining significant impacts related to transportation pursuant to CEQA and is only included for informational purposes. See Appendix I of the TA for detailed discussion and results of the LOS analysis.

Comment No. IND 161-3

Thank you for taking our concerns into consideration and please let me know if you have any questions or would like to discuss further.

Response to Comment No. IND 161-3

This conclusion comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 162

William J Doig
6358 Yucca Street, #310
Hollywood, CA 90028
Received June 1, 2020

Comment No. IND 162-1

This is a comment about the proposed Hollywood Center project ENV-2018-2116-EIR.

Response to Comment No. IND 162-1

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 162-2

As a local tenant living on Yucca Street near the corner of Ivar Street this project would effect *[sic]* me greatly. I have enjoyed living here and working from home since 2014. As it stands currently the neighborhood is crowded and noisy, especially in the summertime when tourists abound. The idea of HC bringing in the amount of additional people proposed would be a disaster. It is already very difficult to cross the streets in this area without danger of being struck by a vehicle driven by someone unfamiliar with the neighborhood and distracted.

Response to Comment No. IND 162-2

The comment expresses a general opinion about the Project area being overly congested and populated, especially by tourists, and is concerned that the Project would exacerbate this problem. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, impacts regarding population and housing were addressed in Section IV.J, *Population and Housing*. As analyzed therein, the Project's population and housing impacts would be less than significant. That is, the Project would not induce substantial unplanned population growth to the area [based on the Southern California Association of Governments' adopted 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS)], either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

Regarding congestion, while this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. Furthermore,

the Project would implement Project Design Feature TRAF-PDF-1 for a Transportation Demand Management (TDM) Program, which would discourage single-occupancy vehicle trips and encourage alternative modes of transportation, thus slightly reducing and offsetting increases in traffic. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 162-3

Also, if those somewhat reasonable parking lots are gone it would be very difficult for anyone on a budget to visit, as street parking is severely limited. One of the nicest things which the lots provide, aside of course from parking, is a tremendous amount of glorious sunshine. This is what California is famous for and a key feature for tourism.

Response to Comment No. IND 162-3

The comment expresses an opinion that it would be very difficult for anyone on a budget to visit the area if the parking lots are removed and that the parking lots are open to the sunshine. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, as noted in Chapter II, *Project Description*, of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA. The Project is also providing bicycle parking compliant with the LAMC requirements to encourage bicycling to and from the Project Site.

Comment No. IND 162-4

The view of the HOLLYWOOD sign and the lovely hills where it sits will definitely be obstructed for many walking down the Boulevard, as well as the longtime tenants that live in original low profile buildings.

Response to Comment No. IND 162-4

This commenter is concerned that views of the Hollywood Sign and hills would be obstructed by the Project. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. However, as described therein, there are no existing views across the Project Site of the historic Hollywood Sign from adjacent streets or other public areas. As such, high-rise construction would not block views of this scenic resource. Public views of broader scenic resources, such as the mountains and Hollywood Sign, would be available through street corridors; however, these views would not be affected by development of the Project. The comment includes concerns about effects on private views; as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence would not be considered a viewing location since views of broad horizons, aesthetic

structures, and other scenic resources would not be available to the public. In addition, the California courts have routinely held that "obstruction of a few private views in a project's immediate vicinity is not generally regarded as a significant environmental impact."[143] See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 162-5

In conclusion I do Not consider this project a welcome addition to my neighborhood. The years of construction, noise and inconvenience for all residents and businesses would be unbearable to say the least. On top of all that, as a seasoned Set Designer and architecture buff I find the proposed project visually unappealing.

Response to Comment No. IND 162-5

This comment expresses general opposition to the Project, especially in regard to construction noise and aesthetic impacts. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, noise and vibration impacts were analyzed in Section IV.I, *Noise*, of the Draft EIR, with supporting information provided in the Construction Noise and Vibration Study and a Construction Traffic and Operational Noise Study, both included in Appendix K of the Draft EIR. The analysis in Section IV.I concluded that that Project's construction activities would result in significant and unavoidable noise and vibration impacts to certain nearby noise and vibration sensitive receptors; however, it should be noted that these impacts would be temporary and that during Project operation, noise and vibration impacts would be less than significant. See also Topical Response No. 7 – Noise and Vibration, above.

In addition, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

[143] *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App. 4th 249, 279.

Comment Letter No. IND 163

Alexa Iles Skarpelos
6421 La Punta Drive
Hollywood, CA 90068
Received June 1, 2020

Comment No. IND 163-1

Here attached are my comments as a resident of Hollywood on the DEIR for the Hollywood Center Project

Please confirm receipt.

Response to Comment No. IND 163-1

Responses to the referenced letter are provided below in Response to Comment Nos. IND 163-2 to IND 163-15.

Comment No. IND 163-2

I am a homeowner and twenty-year resident of the Hollywood Dell. I have been an active member of the Hollywood Dell Civic Association since 2000, served on the HDCA Executive Board since 2010, and currently President of the HDCA. I also serve on the Hollywood Community-Police Advisory Board. Over the years I have volunteered with numerous community organizations, projects and events.

Response to Comment No. IND 163-2

This introductory comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 163-3

To begin, I would like to register my deep disappointment and shock that the decision makers in the City of Los Angeles have ignored the numerous requests from residents and neighborhood organizations to extend the public comment period due to the unusual circumstances around the COVID-19 pandemic. To release this draft environmental impact report in the midst of this crisis, while we are being told to “shelter at home” and allow just 45 days to review thousands of pages in this report, is appalling.

Additionally, to suggest that the report was available to anyone who wanted to review it online, does not address the members of my community who may not have access to a computer at home, or reliable Internet service. The report must be made available and accessible for the public to review. Since your own offices and the public libraries where one might view the documents in person were both closed to the public due to the Mayor’s

"Safer At Home" orders, the only option was for you to arrange for a printout of the report be delivered to whomever requested it. That's a lot of paper.

Response to Comment No. IND 163-3

The comment expresses disappointment that the City did not extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment No. IND 163-4

I have a lot of questions about how this project will impact my neighborhood. The Hollywood Dell is located a mere block north of the Project site. There has been a lot of development in Hollywood since I came to the area 20 years ago. As a rule, I don't object to thoughtful and appropriate development. However, I also have seen first-hand how lengthy construction efforts for massive projects can cause real and lasting problems for the surrounding community.

Response to Comment No. IND 163-4

The commenter questions how the Project will impact their neighborhood and generally mentions problems with lengthy construction efforts in Hollywood. Specific questions are responded to below in Response to Comment Nos. IND 163-5 through 163-15.

Comment No. IND 163-5

I. **Scale.** 46-story high-rise buildings in an environment of buildings a fraction of that height will result in a huge and long-lasting eyesore for those of us who live and work in this area. Why were the applicants allowed to create a design that is so massive in height? Why aren't they being asked to come up with a plan that is more in scale with the existing and proposed projects around the Project site?

Response to Comment No. IND 163-5

The commenter expresses concern about the size, height, and scale of the Project. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, impacts regarding the size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above. As described in Topical Response No. 5, the Project's height would be allowed under existing State and City zoning provisions and would comply with the zoning for the Project Site.

The comment also questions whether a plan was considered that is more in scale with the existing and proposed projects around the Project Site. Chapter V, *Alternatives*, of the

Draft EIR, provides a discussion of alternatives to the Project, including reduced height alternatives. As described therein, Alternative 2, Development under Existing Zoning Alternative, would conform to the Project Site's existing zoning designation and would reduce heights to 18 stories for the East Building and 14 stories for the West Building.

Comment No. IND 163-6

II. **Historic.** One of my great joys is seeing the historic Capitol Records building as I come in and out of my neighborhood. How could this project claim that the historic views of this Hollywood icon will be retained? Seeing it through slivers of openings doesn't really honor its place in Hollywood's history.

Response to Comment No. IND 163-6

The commenter questions how historic views of the Capitol Records Building would be retained. As described on page IV.C-57 in Section IV.C, *Cultural Resources*, of the Draft EIR, the juxtaposition of substantially taller buildings would alter the visual setting of the Capitol Records Building, which historically was one of the most visually prominent buildings in the Hollywood skyline until the late 1960s when several taller buildings were constructed on Sunset Boulevard. Protection of the historical significance of the Capitol Records Building is a stated objective of the Project. To meet that objective, the Project includes setbacks, grade-level open space, and tower massing that would maintain important public street views to the Capitol Records Building and would ensure that new construction would be appropriately distanced so that the mass and scale would not obscure the distinctive shape and architectural features of the Capitol Records Building from public view. In addition to maintaining important views of the Capitol Records Building, the Project architecture has been purposely designed to respond to the architectural character of the Capitol Records Building, long celebrated as an outstanding example of Mid-Century Modern architecture.

The Project architecture would maximize focal views toward and through the Project Site, as discussed in Section IV.A, *Aesthetics*, (1) Scenic Vistas, of the Draft EIR, such as views of the Capitol Records Building and the Gogerty Building from sidewalks along Vine Street, Argyle Avenue, and Yucca Street, from the intersection of Hollywood Boulevard and Vine Street, and a view through a surface parking lot between the Pantages Theatre and the Equitable Building. As described in Section IV.A, page IV.A-10, focal views of the Capitol Records Building from Hollywood Boulevard are partially blocked by existing buildings, primarily the Pantages Theatre near Argyle Avenue and the Equitable Building (at Hollywood Boulevard and Vine Street). However, from Hollywood Boulevard, the Capitol Records Building is visible from the intersection of Hollywood Boulevard and Vine Street and substantially visible through a 50-foot-wide surface parking lot located between the Pantages Theatre and the Equitable Building. Broad views or vistas of the Capitol Records Building are also available from the hillside neighborhoods to the north and northwest of the Project Site. While the Project would block some focal views of the historic Capitol Records Building from sections of Ivar Avenue, Hollywood Boulevard, and Argyle Avenue, the Capitol Records Building would continue to be visible from more

prominent view locations, such as the Hollywood Hills and the intersection of Hollywood and Vine, or other sections along local streets.

In addition, as described in Chapter II, *Project Description*, and in Section IV.C, *Cultural Resources*, of the Draft EIR, there are several Project objectives and design features that emphasize the importance of the Capitol Records Complex and its architectural/historical heritage. As it relates to consideration of aesthetics, the Project includes architecturally distinct buildings that pay homage to and are compatible with the Capitol Records Complex. See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 163-7

III. **Traffic.** One of the biggest impacts from the recent development in the Hollywood Entertainment District is the increase in traffic. Since the DEIR fails to provide traffic studies that address the key intersection at Franklin Avenue and Argyle, just a block north of the project, there's a lack of information on how the Project will add to the problem. Why weren't the applicants required to submit something on this? In the previous (2012 DEIR) CALTRANS commented that the traffic analysis didn't include anything looking at the key 101 freeway ramp intersections closest to the Project site. CALTRANS rightly pointed out that there needed to be a traffic analysis to show the projected queue build-up for the on and off-ramps at Argyle, Cahuenga, Gower and Vine Street. That was six years ago. Why haven't the applicants been advised to provide this for the current DEIR?

Response to Comment No. IND 163-7

The commenter states that the Draft EIR failed to provide a traffic study that addresses the increase in traffic at Franklin Avenue and Argyle Avenue. In addition, the commenter is concerned that the traffic analysis did not consider queue build-up for the on and off-ramps from US-101. Impacts regarding traffic were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. As discussed in Section IV.L, page IV.L-1 of the Draft EIR, the TA was prepared in accordance with LADOT's Transportation Assessment Guidelines (TAG) adopted in July 2019 and pursuant to a memorandum of understanding (MOU) with LADOT dated December 3, 2019, documenting its assumptions and technical methodologies. In accordance with TAG and consistent with the City CEQA Transportation Thresholds (adopted July 30, 2019), the Draft EIR includes an assessment of whether the Project would result in: (1) potential conflicts with transportation-related plans, ordinances, or policies; (2) a substantial increase in vehicle miles traveled (VMT); or (3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with the City's CEQA Transportation Thresholds, an assessment of whether the Project would result in inadequate emergency access is included. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts.

As further discussed in Section IV.L, page IV.L-1 of the Draft EIR, TAG also requires an assessment of "non-CEQA" transportation issues; however, given that these are not required under CEQA, this analysis was included in the TA and not the Draft EIR, unless they related to the assessment of potential conflicts with transportation-related plans, ordinances, or policies. The "non-CEQA" analysis in the TA (Appendix N-1) included (1) pedestrian, bicycle, and transit access; (2) project access, safety, and circulation; (3) construction traffic; and (4) residential street cut-through analysis. As described on page 42 of the TA, study intersections were developed in conjunction with LADOT. Nine study intersections were chosen based on guidance from LADOT's TAG, which indicates that intersections immediately adjacent to the site and those in proximity to the site through which 100 or more project-generated trips would travel should be analyzed. Given the distance to the Project Site, the Franklin Avenue and Argyle Avenue intersection was not selected as a study intersection. Furthermore, given that the study of impacts on intersections is a "non-CEQA" transportation issue, it is not required to be evaluated as a part of the analysis in the Draft EIR as the commenter suggests.

The commenter also raised concerns that the traffic analysis did not consider queue build-up for the on and off-ramps from the US-101. See Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Comment No. IND 163-8

IV. **Transit.** The idea of density forcing Angelenos out of their cars and into public transportation is an idealistic theory. Assuming that 100% of the residents of these buildings will forgo car travel because of the proximity to mass transit is a fantasy. Where are the studies that show the rates of transit usage, and more important, that reveal the continued use of automobiles in similar scale projects with access to comparable mass transit options? How about the very real reluctance to use mass transit after this COVID-19 pandemic?

Response to Comment No. IND 163-8

The comment asserts that forcing transit use instead of vehicle use is an "idealistic theory" and assuming 100 percent of residents of the Project would use mass transit is "a fantasy." The comment questions if there are studies are that show the rates of transit usage compared to automobile use in similar developments. In accordance with LADOT's TAG, the Project's VMT analysis does not assume 100 percent transit use by Project residents. Rather, the trips and trip lengths included in the VMT calculation based on LADOT's VMT calculator, which averages all types of trips generated by residents, such as commute trips, school trips, shopping trips, etc., across a 24-hour period. Based on these trips and their distances, VMT is calculated.

Furthermore, the Project is committing to implementing a variety of Transportation Demand Management (TDM) strategies as a Project Design Feature (PDF) (Project Design Feature TRAF-PDF-1). As part of the TDM Program, the Project would support

strategies to encourage public transit such as providing unbundled parking, on-site locations to purchase Metro passes, transit subsidies, a commute trip reduction program; shared mobility features (i.e., bike and car share); bicycle friendly infrastructure, education and encouragement programs on available transit options; and on-site management of TDM programs. The TDM Program measures are aimed at discouraging single-occupancy vehicle trips and would collectively serve to reduce dependence on single-occupancy vehicles. The trip reductions that were applied as part of the TDM program in the VMT analysis were estimated based on the City's VMT Calculator tool as discussed and documented on page 26 of the TA in Appendix N-1. The effectiveness of TDM measures contained in the VMT Calculator is estimated based on empirical research from the California Air Pollution Control Officers Association (CAPCOA) which currently represents the latest state of the practice TDM research. Appendix H to the TA provides calculations in support of the specific TDM measures applied for this project, including the applicability of select measures and equations used in the analysis. The combined effects of project location, land use mix, TDM measures, and proximity to the built environmental characteristics such as density of destinations, diversity of travel options, and distance to transit are well documented and applied here.[144] Also see Attachment G, Transportation Demand Management Strategies in the LA VMT Calculator to the LADOT's TAG, which provides more detail regarding the research sources and calculation of effectiveness for the TDM measures included in the VMT Calculator.[145] These resources and documents provide substantial evidence in support of the methodology, application of reductions, and resulting analysis outcomes demonstrating that a project with this land use mix, provision of effective TDM measures, in this location, would experience substantial reductions in single occupant vehicle trips.

The commenter also expresses concern about transit use after the COVID-19 pandemic. CEQA does not require analysis of speculative conditions. The comment does not provide any substantial evidence that Project operation would exacerbate the effects of the COVID-19 virus. Consideration of post-pandemic traffic is speculative and does not require analysis pursuant to CEQA Guidelines Section 15384(a). Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on the public's use of public transit during future Project operations is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2).

144 For additional research and information, see USEPA Smart Growth: https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model, accessed August 25, 2020.

145 Los Angeles Department of Transportation, Development Review for Transportation Assessment, https://ladot.lacity.org/businesses/development-review#transportation-assessment, accessed August 25, 2020.

Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 163-9

V. **Homeless.** I am a member of the Hollywood Community-Police Advisory Board and I have worked with our LAPD partners in the Hollywood Division to address the key issues in our community. I was quite surprised that there was no mention of the ongoing and overwhelming homelessness crisis that we have been dealing with for the past several years. Hollywood has (as of 2019) approximately 2,953 people un-housed, living on the streets. Many of them are in encampments around the Project site, under the freeway overpasses and ramp embankments. This is a huge problem throughout Los Angeles, but it is front and center in this area. The associated garbage and disease concerns have been amplified during the COVID-19 pandemic. How could this Project ignore such a major issue in the area?

Response to Comment No. IND 163-9

The commenter questions why the Draft EIR did not consider the homelessness crisis, including associated garbage and disease concerns that have been amplified during the COVID-19 pandemic. Homeless-related concerns are social issues that are unrelated to the Proposed Project. As stated in the CEQA Guidelines, Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 163-10

VI. **Public Green Space**. One of the great accomplishments of our neighborhood has been the creation of the Franklin Ivar Community Park. It took years and countless volunteer hours to secure the property, create a design (with much public input) and fund the project. One of the reasons that we were so intent on seeing this pocket park completed, was the lack of public green space in Hollywood. The report talks about public spaces, but it doesn't paint a full picture of how green or natural the experience will be for visitors. Providing a cement plaza with a few planters doesn't really create the much needed "park" experience people look for (especially now, in a post COVID-19 reality). How can we ensure that our Franklin Ivar Community Park, the closest park to the Project site, doesn't become overwhelmed with people and lose its neighborhood charm? What are the requirements for the public spaces? How green will they be?

Response to Comment No. IND 163-10

The comment indicates a lack of clarity in the Draft EIR related to public open space, associated requirements, and expresses concern regarding parks/public spaces and the potential degradation to Franklin Ivar Park due to the Project.

Regarding public open space provided by the Project, as described in Chapter II, *Project Description*, starting on page II-52 of the Draft EIR, pursuant to Los Angeles Municipal Code (LAMC) Section 12.21 G, based on the proposed number of housing units and the mix of unit types, the Project would be required to provide at minimum of 120,175 square feet of usable open space. The Project proposes approximately 166,582 square feet of open space, including approximately 33,922 square feet of publicly accessible open space, 89,060 square feet of common open space, and 43,600 square feet of private open space in the form of private balconies. Table II-1, on page II-14 of the Draft EIR, provides a breakdown of all open space components provided for the Project overall. As described on page II-58 of the Draft EIR, ground floor, publicly accessible open space would be provided to connect the Project Site to the surrounding uses, including the Pantages Theatre and the Hollywood Walk of Fame. The Open Space Plan would remove surface parking lots and provide cultural and social amenities, such as paseo linkages, plazas, enhanced and activated street fronts, and would also incorporate a public art program in conjunction with landscape and open space design. The Project's open space amenities at the ground level would include areas for shopping, outdoor seating, landscaping, open-air dining, public performances, art installations, and special events. As shown in Figure II-16, on page II-35 of the Draft EIR, this includes three distinct areas including:

- Lounge: An approximately 8,163-square-foot outdoor gathering space, with seating, fireplace, and library.

- East Plaza: An approximately 10,198-square-foot performance area with a stage to host public acoustic performances by nearby school and community music groups, accented by the existing "Hollywood Jazz 1942–1972" mural and proposed outdoor seating to view performances or gather when the stage is inactive. The Plaza would also feature a landscaped palm tree grove and a bike center.

- Garden: An approximately 4,499-square-foot landscaped area, situated away from the adjacent streets and located inside of the block to provide a grassy area, seating alcoves, and a water feature to serve as a transition between the Lounge and Plaza areas.

In addition to the above, Project residents would also have access to their own recreational amenities, as stated on page II-23 through II-26, in Chapter II, these amenities would include pools, fitness areas, locker rooms, and recreational rooms. Given these open space and recreational amenities, it is expected that Project residents and visitors would primarily utilize on-site open space and amenities for their recreational needs, and it is not anticipated that nearby parks, including Franklin Ivar Park, would be

heavily used by Project residents or visitors to the extent that it would cause or accelerate substantial physical deterioration.

Regarding the impact analysis of Project effects on parks and recreation, see Section IV.K.4, *Public Services – Parks and Recreation*, of the Draft EIR, which concludes that the Project would have a less-than-significant impact with respect to parks and recreational facilities, including the potential for the Project to cause substantial physical deterioration of existing parks.

Comment No. IND 163-11

VII. **Parking.** The biggest negative by-product of the development boom in the area of Hollywood just south of the Hollywood Dell is the fact that workers and patrons of the businesses use our neighborhood streets for free parking. Again, the reality is that even though there is mass transit, people still use their cars to get to work. What part of the report addresses that concern? There's not enough parking planned onsite for the residents, customers, workers, and hotel guests as it is.

Response to Comment No. IND 163-11

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

The comment asserts that recent development in the Hollywood area has resulted in an increased use of street parking but does not provide substantial evidence to support this claim. The comment further asserts that people use their vehicles rather than use mass transit, that the Project does not provide enough parking, and questions where this is addressed in the Draft EIR. Issues related to transit and vehicle use were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a TA approved by the LADOT included in Appendix N-1 of the Draft EIR. As discussed in Section IV.L, page IV.L-1 of the Draft EIR, the TA was prepared in accordance with LADOT's TAG adopted in July 2019 and pursuant to a MOU with LADOT dated December 3, 2019, documenting its assumptions and technical methodologies. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the LAMC (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA. The Project is also providing bicycle parking compliant with the LAMC requirements. Thus, the commenter is incorrect in their assertion that the Project does not provide enough parking for residents, customers,

workers, and hotel guests. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 163-12

VIII. **Inclusion.** In general, I was very disappointed at how little consideration was given in the report to the nearby residential neighborhoods like ours. We have struggled over the years with the weird boundary line that falls at Franklin Avenue. LA City Council District 4 (ours) is north of Franklin, while LA City Council District 13 (Project site) is south of Franklin. Many of the issues that affect those of us north of Franklin, originate in the area directly south of Franklin. Just because we don't live in the district of the Project site, doesn't mean it won't be a huge impact on our lives. Where is the outreach effort? Why weren't the sound studies, traffic studies and other impacts measured from our location?

Response to Comment No. IND 163-12

The comment expresses disappointment that the impacts to the neighborhoods north of Franklin Avenue were not considered in the Draft EIR, specifically within the noise and traffic studies, and generally for other topics where impacts were measured. In addition, the comment questions where the public outreach effort was during this process. As discussed in Section IV.I, *Noise*, of the Draft EIR, noise propagates over a distance, and noise level reduces with distance depending on the type of noise source and the propagation path. Thus, as described on page IV.I-15 of the Draft EIR, the noise evaluation considered noise-sensitive uses, or receptors, within 500 feet of the Project Site. These 13 noise-sensitive receptors were shown in Figure IV.I-3, *Noise-Sensitive Receptor Locations*, on page IV.I-16 of the Draft EIR. The Project is bordered by Yucca Street to the north and Franklin Avenue is approximately 537 feet north of Yucca Street. Thus, it is not anticipated that there would be significant noise impacts on the neighborhoods north of Franklin Street. Furthermore, many of the neighborhoods north of Franklin Street are also north of US-101, which is considered a major noise source. Given this noise source and that noise levels reduce with distance, the potential for noise impacts from the Project on these neighborhoods was determined to be low.

Issues related to traffic are addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a TA approved by the LADOT included in Appendix N-1 of the Draft EIR. Page 10 of the TA described the Project's study area as extending to Gower Street to the east, Franklin Avenue to the north, Wilcox Avenue to the west, and Selma Avenue to the south. As described therein, this study area is a 0.25-mile radius around the Project Site and was selected based on guidance from the LADOT TAG. The study area also contains segments of US-101. Based on the guidance provided by the LADOT TAG, the neighborhoods north of Franklin Avenue were not required to be considered in the analysis, and, thus, for the purpose of CEQA, the Draft EIR presented a thorough traffic analysis.

While the comment does not identify other topics that should have included a discussion of potential impacts to the neighborhoods north of Franklin, such as noise and traffic, these environmental topics typically include a discussion of impacts relative to the Project Site. Given the distance, it is unlikely that the neighborhoods north of Franklin would be impacted by the Project.

In response to the comment that questioned the public outreach effort, as described in Sections 15121(a) and 15362 of the CEQA Guidelines, an EIR is an informational document that will inform decision-makers and the general public of the environmental impacts resulting from the project, identify possible ways to minimize any significant effects, and consider reasonable project alternatives. In compliance with the CEQA Guidelines, the City of Los Angeles, as the lead agency, provided opportunities for participation throughout the environmental process. This included the distribution of an Initial Study and Notice of Preparation (NOP) for a 30-day period, commencing August 28, 2018, and ending September 27, 2018 (see Appendix A of the Draft EIR). The City distributed the NOP to State, regional, and local agencies, interested organizations, and members of the public to formally convey that the City was preparing a Draft EIR for the Project and to solicit input regarding the scope and content of the Draft EIR. In addition, the NOP included notification that a public scoping meeting would be held on September 12, 2018 to further solicit input regarding the Draft EIR from the public. The meeting was held in an open house or workshop format and provided public agencies and interested parties the opportunity to view materials, ask questions, and provide oral and written comments to the City regarding the scope and focus of the Draft EIR as described in the NOP and Initial Study. A total of 204 written comment letters and emails responding to the NOP were submitted to the City and were considered in preparation of the Draft EIR. Thus, there was public outreach conducted and feedback received on the Project.

Comment No. IND 163-13

IX. **Fire.** I have very real concerns about fire danger. With the recent and devastating wildfires, the fact that the hillside is a Very High Fire Hazard Severity Zone (VHFHSZ) keeps us all on our toes. Our neighborhood streets are typically narrow / substandard widths. They are steep and have lots of sharp curves. That, combined with the limited access points into our neighborhood from the areas where emergency vehicles would come from makes me along with my neighbors very concerned about how quickly the fire and police could arrive on the scene during an emergency. How come the Project site proximity to a VHFHSZ is not addressed in the report?

Response to Comment No. IND 163-13

The comment questions why wildfire impacts and the Project Site's proximity to a VHFHSZ zone is not considered in the Draft EIR. Wildfire impacts are discussed in Section IV.F, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed therein, the Project Site is located within an urbanized area and is not within a VHFHSZ. Additionally, the Project Site is surrounded by urban areas and not wildlands and, thus,

would not expose people or structures, directly or indirectly, to a significant risk involving wildland fire, and no impacts would occur. This comment also raises concerns about emergency response. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response, including within the hillside areas north of the Project Site.

Comment No. IND 163-14

X. **Earthquakes.** We have been preparing our neighborhood for what we are told is the inevitable major earthquake event. We have participated in evacuation exercises, my husband and I have both taken CERT training and we work public safety officials to prepare our neighborhood and ourselves. How then, can this very real safety concern not be an issue for this Project?

Response to Comment No. IND 163-14

This comment expresses general concerns about earthquakes. Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 163-15

I know there are likely many more questions, but due to the restrictive process and time limits, it's all I can muster.

I look forward to a response.

Response to Comment No. IND 163-15

This conclusion comment is noted; however, as this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 164

Katie Haupt
Received June 1, 2020

Comment No. IND 164-1

My vote is NO on this. We already
Have too much traffic in Hollywood and
It's
Overbuilt already plus the on and off ramps won't support the influx.

Response to Comment No. IND 164-1

The comment expresses opposition to the Project based on traffic and density in Hollywood. While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Although freeway on- and off-ramp analyses are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, a ramp queuing analysis was presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR, including an analysis of the Project's traffic effects in service levels at Argyle Avenue/US-101 southbound on-ramp. The southbound on-ramp was evaluated because it would experience the greater distribution of Project traffic compared to the northbound ramp.

Although not a CEQA topic, Table 6B, *Hollywood Center Existing Year (2018) Intersection Levels of Service Unsignalized Study Intersections*; Table 13B, *Future Year (2027) Plus Project Intersection Analysis – Project Unsignalized Study Intersections*; and Table 15B, *Future Year (2040) Plus Project Intersection Analysis – Project Unsignalized Study Intersections*, presents the existing and future service levels at the southbound Argyle/US-101 on-ramp. As shown in these tables, the on-ramp would continue to operation at LOS A. The delay time is cited as 1.9 seconds in the A.M. and 3.2 seconds delay in the P.M. Existing conditions are based on direct observation as discussed in Appendix N-1 and on computed future use. Field observations described on page 49 of Appendix N-1, identified several intersections that currently experience congestion but did not identify the US-101 on-ramps as problem areas. As further shown in Appendix I of the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and associated intersections.

Comment Letter No. IND 165

Anna Judy and Jeff Dowden
6375 La Punta Drive
Hollywood, CA 90068
Received June 1, 2020

Comment No. IND 165-1

Please find attached to this email my comments and questions on the DEIR for the Hollywood Center Project.

Response to Comment No. IND 165-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. IND 165-2 to IND 165-6.

Comment No. IND 165-2

I, along with my husband, am a 23-year resident of the Hollywood Dell. I have been an active member of the Hollywood Dell Civic Association, and currently serve on the HDCA Board as Outreach Chair. My husband was integral in writing the grant proposal that funded the creation of the Franklin Ivar Park, which was dedicated in November of 2017. We are both very concerned that any large-scale developments in Hollywood be done thoughtfully and sensitively.

The Hollywood Dell Neighborhood is situated in the hills just north of the Project site. The Dell is bordered by Cahuenga Blvd. to the west, Argyle Avenue to the east, Franklin Avenue to the south and extends north to the Hollywood Reservoir.

Figure 1: Hollywood Dell Civic Association Neighborhood Map

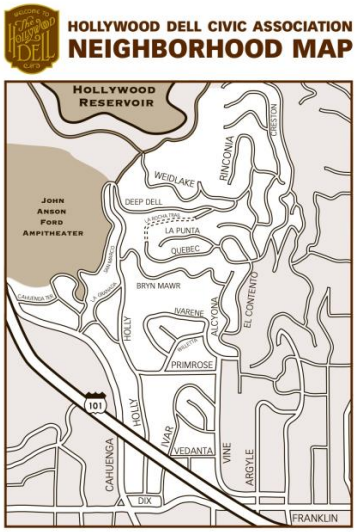

Figure 2: Photo from residence in Hollywood Dell facing south towards the proposed Project



Response to Comment No. IND 165-2

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 165-3

1. Despite its proximity to the Project site, why was the Hollywood Dell neighborhood omitted in the noise-sensitive receptor locations?

2. What was the rationale for excluding the hillside neighborhoods north of the Project site from consideration with regards to NOISE?

"Noise is unwanted sound and, therefore, is an important factor in the quality of urban life. There are two main types of sound: ambient and intrusive. Ambient sound is the background sound that aggregates all sound emissions, far and near, as received within a particular locale. It is the "given" level of sound to which we are accustomed in our residential, work or other particular environments; the generally not unpleasant "hum" of sound about us. Intrusive sound is greater than the ambient sound level; it is perceived as 'noise'."

"Noise-sensitive receptors are locations where people reside or where the presence of unwanted sound could adversely affect or disrupt the types of activities associated with the land use..."

Generally, noise is most audible when traveling by direct line-of-sight. Line-of-sight is the straight line along which an observer has unobstructed vision. Barriers such as walls, berms, trees or buildings that break the line-of-sight between the sound source and the receiver greatly reduce noise levels by filtering or interrupting the projection. Sound barriers can reduce sound levels by up to 20 dBA. However, if a barrier is not high or long enough to break the line-of-sight from the source to the receiver, its effectiveness is greatly reduced

In recent years Hollywood Dell residents have been impacted by noise from concerts emanating from the Hollywood Bowl. The volume had become an issue as the Hollywood Bowl sound system became more powerful. Neighbors on my street, as far as 2,300 feet away from the Bowl, were unable to ignore the din from both inside and outside their homes. In response to feedback from the community, the Hollywood Bowl management took steps to address the issue. They conducted sound tests and made significant efforts to monitor sound levels and adjust their operations to minimize the negative impacts on adjacent neighborhoods.

Over the past 10 years, south of our neighborhood, there has been a proliferation of rooftop venues at trendy boutique hotels in the Hollywood Entertainment District. The amplified music and noise from these popular hotspots have become intrusive and annoying to many hillside residents, as it flows without a break in the line-of-sight across great distance.

In January of 2010 the W Hotel Hollywood (12 stories) opened its popular rooftop pool deck at Hollywood and Argyle.

In June of 2016, Mama Shelter, at Selma & Wilcox is a boutique hotel (6 stories) with a rooftop venue that projects sound into the surrounding neighborhoods.

The Dream Hotel, (10 stories) which opened in July of 2017, near the intersection of Selma & Wilcox, features an 11,000 square foot rooftop venue called the Highlight Room.

All three of these examples are south of the Project site, and further away from the Hollywood Dell. They are also significantly lower (less than 50% on average) in overall height than the 46-story proposed towers of the Project, and equivalent in height to the two 11-story structures. The sound carries, unimpeded from these rooftops to our hillside and can be heard as far as 4,000 feet away.

The planned outdoor spaces listed for this Project are:

(i) Westside Site Plaza
(ii) Amenity Deck (level 2), West Site

(iii) Amenity Terrace, West Senior Building
(iv) Rooftop Terrace, West Senior Building
(v) East Site Plaza, Performance Stage
(vi) Amenity Deck (level 2), East Site
(vii) Roof Terrace, East Senior Building

3. What is the plan for making sure similar NOISE resulting from the operation of the completed Project doesn't have a significant negative impact on the adjacent neighborhoods? How can this be enforced?

4. How can the sound emanating from these massive skyscrapers be stopped from flowing, especially from the upper floors and outdoor spaces that face the hills to the north?

5.. *[sic]* **Why wasn't there any mention of the Community-Police Advisory Board (CPAB) "Recommended Conditions for Unenclosed / Open Rooftop / Elevated Patio operations?"** Please see attachment at end of this letter.

These conditions were created to ensure public safety and maintain a quality of life for the visitors and stakeholders within the Hollywood community. They were in response to the proliferation of rooftop venues and the increase in noise complaints. The recommendations address hours of use, low / ambient sound and amplified sound. The full document is included as an attachment to this letter.

Response to Comment No. IND 165-3

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

The comment questions the rationale for excluding the Hollywood Dell neighborhood and neighborhoods to the north of the Project Site as noise-sensitive receptor locations and from the noise impact analysis. The comment notes that noise from the rooftop decks in Hollywood carries up to the surrounding hillside neighborhoods and asks what the Project is going to do to reduce this impact, and how it can be enforced. Lastly, the comment questions why the Community-Police Advisory Board "Recommended Conditions for Unenclosed/Open Rooftop/Elevated Patio Operations" was not considered in the Draft EIR.

As discussed in Section IV.I, *Noise*, of the Draft EIR, noise propagates over a distance, and noise level reduces with distance depending on the type of noise source and the propagation path. The comment lists Project open spaces areas. The West Site Plaza would be an open space pedestrian area located on Level 1. No event programming or use of amplified speakers would occur in this area. The West Site Amenity Deck and East Site Amenity Deck (both on Level 2) would each feature a pool, garden, and open space area and would include ambient/background music speakers (not loud "concert-level"

entertainment speakers) used to provide soft ambient music for the listening enjoyment of the amenity deck (Level 2) users. As identified in Project Design Feature NOI-PDF-3 in the Draft EIR, the Project will require that these speakers be downward- or inward-facing and used for background music only. The West Senior Building Amenity Terrace would be an open space area for the senior residents and guests and would be located on Level 1. No event programming or use of amplified speakers would occur in this area. The West Senior Building and East Senior Building Rooftop Terraces would each be an open space area for the senior residents and guests and would be located on the rooftop of the 11-story building as proposed under the Project. No event programming or use of amplified speakers would occur in these areas.

The East Site Plaza Performance Stage area would be an open space pedestrian area location on Level 1. This area would host occasional live, acoustic performances or provide pre-recorded, low-level, background music via ambient music speakers. Acoustic performances or ambient music speakers with pre-recorded, low-level, background music on the East Site Performance Stage will be limited to a sound level equivalent to 85 dBA measured at 25 feet from the performers. Compliance with this performance standard will be ensured through pre-performance noise tests/measurements for performances or ambient music speakers with potential to exceed the sound level, along with any necessary adjustments to the location and nature of proposed performances or ambient music speakers. Furthermore, the East Site Plaza Performance Stage generally faces southward towards the East Site Building. Thus, the design of the East Site Plaza Performance Stage would be such that performance noise would generally be directed into the Project Site's East Site Plaza area and not towards the residential community to the north of the Project Site. As discussed, the design of the Project is such that potential noise-generating activities associated with ambient/background music speakers and acoustic performances on the East Site Plaza Performance Stage would be located on the lower levels of the Project (i.e., Levels 1 and 2) and not on the rooftops, and that the ambient/background music speakers and East Site Performance Stage would be oriented to face the Project Site interior and away from the residential community to the north of the Project Site. Furthermore, controls would be in place minimize noise to the off-site environment as specified in Project Design Feature NOI-PDF-3. Thus, the Project would not include loud or amplified rooftop noise sources that may be associated with the W Hotel, Mama Shelter, and Dream Hotel uses referenced in the comment. Thus, the Project would not cause significant noise impacts on the neighborhoods north of Franklin Street.

As described on page IV.I-35 of the Draft EIR, since the Project has various open air areas (e.g. decks, rooftops, plazas) that create a relatively complex soundscape, on-site operational noise was modeled using CadnaA noise propagation program to estimate the various noise sources and their effects on the ambient noise environment. CadnaA considers environmental factors, such as noise reflection and attenuation from intervening structures, topography, and distance (both horizontally and vertically) from a noise source. For purposes of providing a conservative noise analysis for outdoor spaces, the maximum occupant load of Project outdoor spaces was calculated based on an

occupancy load factor of 15 square feet per person for an assembly area without fixed seats, according to the California Building Code Table 1004.5 Maximum Floor Area Allowances Per Occupant.[146] Although this occupancy load factor provides an overestimation of the occupancy load and associated noise within passive landscaped areas, it has been applied to the square footage of the Project's outdoor spaces to provide a conservative worst-case noise analysis and actual capacities would be much lower. The Rooftop Terraces on the West Senior Building (page IV.I-50) and the East Senior Building (page IV.I-51) were both evaluated for potential ambient noise impacts and, as shown in Table IV.I-12 on page IV.I-47, both had noise levels that would be well below the ambient noise levels at all sensitive receptor locations due to noise attenuation over distance and, in some cases, the presence of intervening structures that interrupt the line-of-sight to receptors, including the Hollywood Dell neighborhood to the north of the Project Site. As discussed above, the Project has been designed to locate potential noise-generating activities associated with ambient/background music speakers and acoustic performances on the East Site Plaza Performance Stage on the lower levels of the Project (i.e., Levels 1 and 2) and not on the rooftops. The Project would not include loud or amplified rooftop noise sources that may be associated with the W Hotel, Mama Shelter, and Dream Hotel uses referenced in the comment. Therefore, the Project would not generate unobstructed rooftop noise that would cause noise impacts to the residential community to the north of the Project Site. Given that there were no noise impacts at all sensitive receptor locations within 500 feet, the noise impacts beyond this boundary, including neighborhoods north of Franklin Avenue, would be less. Additionally, as stated on page IV.I-52 of the Draft EIR, the composite noise level of all operational sources at each sensitive receptor, which represents the worst-case scenario for all activity at all outdoor spaces and assumes an acoustic performance taking place at the East Site Plaza, Performance Stage, would result in less-than-significant noise impact. Moreover, the cumulative noise impact analysis on pages IV.I-90 to IV.I-120 concluded that cumulative impacts regarding operational noise would be less than significant without mitigation. When considered together with related projects, operational noise impacts would not result in a cumulatively considerable impact. Accordingly, cumulative impacts would be less than significant without mitigation.

While the Hollywood Community-Police Advisory Board's "Recommended Conditions for Unenclosed/Open Rooftop/Elevated Patio Operations" is noted, as indicated above, noise from the rooftop use areas of the Project were evaluated, and impacts were determined to be less than significant.

Comment No. IND 165-4

6.. *[sic]* Why isn't the environmental impact of light pollution addressed in the EIR?

Light pollution is the presence of artificial light in the night environment and is exacerbated by excessive, misdirected or obtrusive use of light. Light trespass occurs when unwanted

[146] California Building Standards Commission, 2019 Title 24, Part 2, Volume 1 – California Building Code.

light enters one's property from another property. Over-illumination is the excessive use of light.

Recent developments in lighting technology, and specifically LED lighting has resulted in a new source of intrusion in our residential neighborhoods. Newly built, ultra modern homes integrate elaborate lighting systems that can run 24/7, use low amounts of energy, and project light across greater distance. These "light boxes" create glaring and jarring impacts on those who live around them.

While light might not seem like "noise" it does travel and impact neighbors in similar ways. Uninterrupted bright lighting can create a visual disturbance and invade the space of neighbors.

Response to Comment No. IND 165-4

The comment is concerned with light pollution and incorrectly asserts the issue was not addressed in the Draft EIR. Aesthetic impacts, including artificial light, were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

An analysis of operation artificial light was included in Section IV.A, on page IV.A-60 of the Draft EIR. As described therein, the Project would introduce new lighting, including wayfinding lights, security lighting, landscape lighting, street-level commercial signs, paseo lighting, architectural accent lighting, and interior lighting visible through windows, all of which would be installed pursuant to Los Angeles Municipal Code (LAMC) lighting requirements. None of the proposed architectural accent lighting would include any moving lights or dynamic lighting effects, such as electronic message display. All proposed lighting would be steady in intensity and color throughout a single night. No still or moving images would be projected onto the buildings. Furthermore, the Project's architectural and rooftop lighting and commercials signs would be consistent with the intent of Hollywood Signage Supplemental Use District (HSSUD) to complement the character-defining features of a historic building. In addition, the use of rooftop illumination would be consistent with HSSUD policy encouraging illuminated signage to reflect a modern, vibrant image of Hollywood as a global center of the entertainment industry.[147] Generally, the Project is anticipated to include rooftop lighting with "uplighting" or backlighting, to provide a soft glow. Existing pole-mounted parking lot flood lights located on both the West and East Sites would be removed as parking would be located within the interior and subterranean parking levels. As such, the effects of vehicle headlights would be reduced.

All lights in public areas would comply with LAMC lighting regulations that include approval of street lighting plans by the Bureau of Street Lighting. Additionally, the Project would implement Project Design Feature AES-PDF-4, which requires that construction and operational lighting will be shielded and directed downward (or on the specific on-site

147 City of Los Angeles Department of City Planning, Ordinance No. 181,340, effective November 17, 2010.

feature to be lit) in such a manner so as to avoid undue glare or light trespass onto adjacent uses. With the incorporation of Project Design Feature AES-PDF-4 and compliance with the applicable LAMC regulations, the Draft EIR concluded that lighting and illuminated signage associated with the Project would not adversely affect day or nighttime views in the area.

Comment No. IND 165-5

We're deeply troubled that the public comment period of 45 days was not given an extension under the very "unusual circumstances" caused by the safer at home restrictions of the COVID-19 pandemic. If not for these unusual circumstances, the Hollywood Dell Civic Association and Hollywood Dell residents would be frequently meeting and discussing this DEIR—as would many of our neighboring communities. The public has been left at a great disadvantage due to these circumstances. I can't help but wonder if this was a strategic decision by the City to fast-track this Project.

We also must ask why our City leadership, and The City Planning Department always seem to be behind rather than in front of planning, with the residents being the ones to plead with the City to ameliorate the outcome of a lack of City Planning. Examples are the McMansion laws, the Party House Ordinance, and the present problem of the intense annoyance and quality of life issues caused by rooftop / outdoor decks. Rather than working on city planning for residents, it sometimes feels that the City of Los Angeles works on developer support.

Avoiding a problem is more effective than trying to correct an existing one.

We look forward to your response to our questions.

Response to Comment No. IND 165-5

The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above. The comment also asserts that the Department of City Planning is not providing solutions to help residents and is instead helping developers. These comments do not raise any specific issues with respect to the content and adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 165-6

Attachment: Community-Police Advisory Board, Recommended Conditions for Unenclosed / Open Rooftop / Elevated Patio Operations, May 29, 2019.

Response to Comment No. IND 165-6

This comment notes that the Community-Police Advisory Board "Recommended Conditions for Unenclosed/Open Rooftop/Elevated Patio Operations" is provided as an attachment. This comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 166

Judith Whitman
Received June 1, 2020

Comment No. IND 166-1

The planning commission may not consider Covid19 a reason for extension, but:

The IRS extended payment
The basketball season extended
All conferences do
Disneyland is closed
Mortgages are extended
Rents are cut in half
Movie theatres closed
Criminal Courts only emergencies
Children's Court only emergencies
Schools and Colleges
Theme parks closed

But the planning commission doesn't think Covid 19 is a reason for extension? Seriously?

Response to Comment No. IND 166-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 167

Barbara Hodous
Received June 1, 2020

Comment No. IND 167-1

TO DAVID RYU AND HIS STAFF -- As a voting constituent of your district and a long-time Hollywood resident, I ask you to do whatever is possible to extend the date for comments on the EIR for this disaster of a project known as Hollywood Center or Millenium *[sic]*. The whole city has come to a standstill in the 45 days since the report was made available and, as I understand it, even the planning commission does not hold meetings as normally required because of the coronavirus. Yet this deadline ---- alone among almost every other deadline -- is not being extended. For example, the courts of appeal extended all briefing deadlines because of the virus situation, even though briefing does not require in-person meetings. There is no excuse except corruption for this deadline not to be extended. This whole project stinks to high heaven, as they used to say. The traffic mess alone that this project will cause is sufficient to have it be denied.

I urge you and anyone else involved to demand an extension for comments on this EIR. Thank you.

Response to Comment No. IND 167-1

The comment requests that the City extend the Project's 47-day public review period. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

The comment also asserts that the Project's traffic will cause a mess but does not raise specific issues regarding the content and adequacy of the Draft EIR. However, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Comment Letter No. IND 168

Emily Ferry
1958 Vista Del Mar
Los Angeles, CA 90068
Received June 1, 2020

Comment No. IND 168-1

I live on Vista del Mar in Hollywood and am terribly concerned about the Hollywood Center Project.

Response to Comment No. IND 168-1

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 168-2

First, it has been established that the proposed structures are on an earthquake fault. In addition to the many lives that might be lost were the tower(s) to come down, both in the building(s) themselves and in the surrounding area, what would the responsibility of Millennium Partners be in terms of repair and/or demolition? I cannot be blamed for distrusting the construction and management skills of this corporation, as they are the developers of the infamous, disaster ridden Millennium Tower in San Francisco.

Response to Comment No. IND 168-2

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault) and concerns about construction of another project outside of the Project vicinity. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 168-3

Secondly, traffic in the Hollywood area has become (Prior to Covid-19, of course.) a nightmare. There is already virtually no available parking on my street, and, at rush hour, the backup of cars going west on Franklin, waiting to enter the 101 freeway going north, sometimes comes to a complete standstill, backing up for twenty blocks. If rush hour has become nonnegotiable now, what will happen when thousands of cars are added to the

mix? Has Caltrans actually approved this plan? I find it hard to imagine so, and there is no opinion from Caltrans attached to the DEIR.

Response to Comment No. IND 168-3

The comment expresses opposition to the Project based on its potential to cause traffic impacts, including impacts to US-101 and its ramps. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above. As stated therein, traditional circulation analysis related to intersection level of service was conducted within the non-CEQA analysis provided within Appendix I of the TA. The intersection of Argyle Avenue and Franklin Avenue/US-101 Northbound on-ramp (Intersection No. 10) and the intersection of North Gower Street and Franklin Avenue (Intersection No. 11), the two of which are nearest to the unsignalized intersection of Franklin Avenue and Vista Del Mar, are both analyzed. See Appendix I of the TA for detailed discussion and results of the LOS analysis. However, intersection level of service no longer serves as the basis for determining significant impacts related to transportation pursuant to CEQA and are only included for informational purposes.

Also, Section IV.L, *Transportation*, page IV.L-49 of the Draft EIR, contains a summary of engagement with Caltrans and describes Caltrans' request for additional analysis that focused on potential traffic conflicts pertaining to direct and cumulative trips on State facilities in the Project vicinity, including off-ramp queuing and mainline merge and weaving analysis at requested locations. As described therein, the analyses requested by Caltrans were presented for informational purposes and contained in Appendix I of the TA, which is provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Comment No. IND 168-4

Thirdly, City services. Where will the water come from? Will our water pressure be effected? Will more firemen and policemen be hired? How will the city pay for this? Will there be a raise in our taxes? And what about our aging sewers? Many of the main lines in this neighborhood were installed in the 1940's *[sic]* and are already breaking from the strain.

Response to Comment No. IND 168-4

The comment questions the Project's impacts on city services, including water, fire, police, and sewers. With respect to water supply, Section IV.N.2, *Water Supply*, of the Draft EIR evaluated the impacts of the Project on domestic water infrastructure and water supply. The section also quantified the Project's water demand and evaluated the ability of the local municipal water infrastructure and water supply to meet this demand. As described therein, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment for the Hollywood Center Project that there are adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP. Thus, sufficient domestic water supplies are available to service the Project and surrounding areas and impacts are anticipated to be less than significant. As the domestic water supplies would be available and sufficient, there would not be a decrease in the amount of water or water pressure that is available to serve the surrounding areas. As such, water pressure in the surrounding areas would not change.

With respect to fire and police protection services, impacts to these services were addressed in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, respectively, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines and the thresholds used by the City to determine the significance of impacts to fire and police protection services, the analyses focused on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police protection services facilities. As such, Sections IV.K.1 and IV.K.2 of the Draft EIR concluded that impacts to fire and police protection services would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries.

This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

With respect to sewer infrastructure, Section IV.N.1, *Wastewater*, of the Draft EIR, addresses potential Project impacts on existing wastewater conveyance infrastructure and treatment facilities that would serve the Project Site. The analysis provides an overview of existing infrastructure and facilities and evaluates whether sufficient capacity is available to serve the Project's estimated wastewater generation. As described on page IV.N.1-15 of the Draft, Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable Los Angeles Sanitation District and California Plumbing Code standards. Furthermore, in accordance with Los Angeles Municipal Code Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system. If, during construction, existing sewer lines are found to be substandard or in deteriorated condition, the Project Applicant would be required to make necessary improvements to achieve adequate service under the City's Building and Safety Code and the Los Angeles Department of Public Works requirements. In addition, system-wide infrastructure improvements throughout the greater Hollywood area and the City are regularly assessed by the City's Department of Public Works and other departments, as applicable, through capital improvement programs. Thus, the Project's infrastructure would be able to accommodate the Project.

Comment No. IND 168-5

Finally, what about air quality? All those additional cars - how can they not make the smog ever so much worse?

Response to Comment No. IND 168-5

The comment expresses concern over the air quality impacts of the Project. Air quality impacts were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, air quality impacts associated with operational mobile-source and stationary-source emissions (NOx) would be potentially significant, with occasional maintenance and testing of the emergency generators as the primary contributor to the significant impact. However, the Project would implement Mitigation Measures AQ-MM-2 which would reduce regional NO_X emissions from operations to below the regional threshold for NO_X, and impacts related to regional NO_X operational emissions would be mitigated to a less-than-significant level.

Additionally, as addressed in Section IV.B and Appendix E of the Draft EIR, construction and operational air quality impacts would be less than significant after mitigation, where applicable. The prescribed construction mitigation, which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated. This includes daily nitrogen oxides (NOx), which is a primary contributor to smog.

Comment No. IND 168-6

The real issue here is transparency. From the very beginning, the Millennium Hollywood, now the Hollywood Center, has reeked of cronyism and malfeasance. As more and more news articles appear about the bribery of City Council members, how do the citizens of Los Angeles know that this practice has been curtailed? How can any resident of this city place trust in the DEIR for the Hollywood Center Project, considering its history?

I beg you to consider these objections.

Response to Comment No. IND 168-6

The comment expresses concern with the Draft EIR based on news articles regarding alleged illegal activities. The speculation as to alleged illegal activities are not related to the adequacy of the Draft EIR. Accordingly, no further response is warranted regarding these issues.

The comment also makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project. The commenter's concerns of corruption do not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 169

Michael Brittain
2228 Vista Del Mar Pl.
Hollywood, CA 90068
Received June 1, 2020

Comment No. IND 169-1

I wish to state my total opposition to this construction project. It could continue only if it is a third as high as proposed. Would be great win *[sic]* Las Vegas but not in such a dense site as Hollywood Blvd. It's just inappropriate.

Response to Comment No. IND 169-1

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment Letter No. IND 170

Billy Mallery
Received June 1, 2020

Comment No. IND 170-1

I am concerned about such development in Hollywood (image attached) as there has already been SO MUCH BUILDING already !! We the local residents can already feel the impact as traffic has become MUCH WORSE. It feels like Hollywood has become OVERPOPULATED as is!! And now these towering building are being considered??? Honestly I think that the current new buildings are appropriate in height (under 20 stories I believe) for Hollywood's quaintness and historical charm.

Let the developers go DOWNTOWN if they really want to go that high. It would be ridiculous and impractical to "sqeeze" *[sic]* into Hollywood's landscape.

Therefore me and my family and neighbors too, are AGAINST THIS NEW DEVELOPMENT IDEA 100%.



Response to Comment No. IND 170-1

The comment expresses opposition to the Project based on potential traffic impacts and its size and scale. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

The size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment Letter No. IND 171

Alyssa Van Breene
Received June 1, 2020

Comment No. IND 171-1

I am sending this email to offer support during this public comment period for the proposed project, Hollywood Center. I am in support of this project and feel it will be an asset to the Hollywood community.

My family has owned the property located at 6051 Hollywood Blvd. for three generations. We want to see projects like Hollywood Center be built and provide opportunity for the Hollywood community. Hollywood NEEDS this project.

The team who have designed this project have *[sic]* imagined an exciting and 21st century design that will be an enhancement to the Hollywood community. I have discussed the project with team members who are thoughtful and CARE about Hollywood.

The project creates affordable housing units for senior citizens, open civic space for recreation and interaction, density near public transportation and will create jobs.

Please hear those of us who want to see Hollywood improve with projects like the Hollywood Center. Hollywood needs development just like this to reinvigorate and re-brand a neighborhood many Angelenos think poorly of.

Thank you for this opportunity to participate in the public comment for the Hollywood Center Project. I encourage the city to proceed with the plants to bring this exciting addition to Hollywood life after so many years of waiting.

Response to Comment No. IND 171-1

The comment expresses support for the Project but does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 172

Yvonne Westbrook
2815 N. Beachwood Dr.
Hollywood, CA 90068
Received June 1, 2020

Comment No. IND 172-1

I am opposed to the Millennial project, as a home owner in Beachwood Canyon and as a resident of Hollywood. I have lived in the canyon since 1971 and while I am not opposed to change, I am opposed to changes that will negatively impact the general environment. LA is notoriously ahistorical and there comes a point when it's not just about erasure of this or that building, but doing damage by overloading the existing infrastructure to the extent at which a locale becomes unfriendly, difficult, barely livable. The Millennium project will push Hollywood, which is already so impacted that it can take 25 minutes to drive the two mile stretch on Franklin Ave from Western/Los Feliz to the 101 frwy on ramps at Argyle. From Beachwood Canyon there is no longer a reliable route or time to avoid bumper to bumper traffic. The proposed project—no matter the amount of lip service paid to pedestrian "traffic"—will greatly, negatively impact the air quality, the traffic, the skyline and its being built atop a fault that will make the structure unreliable.

Response to Comment No. IND 172-1

The comment expresses opposition to the Project based on traffic, historical resources, and general environmental impacts. The comment makes reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Regarding the current Hollywood Center Project and concerns about traffic, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The traffic effects of the Project, including congestion, were discussed in the TA in Appendix N-1 of the Draft EIR. While it is acknowledged that the Project would contribute traffic to the local roadway network, traffic congestion is not a CEQA issue and was, therefore, not evaluated in the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

The comment also states that the Project will negatively impact air quality, traffic, and the skyline. Air quality impacts were addressed in Section IV.B, *Air Quality*, of the Draft EIR,

with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation, where applicable. The prescribed mitigation which requires certain types of construction equipment and features to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Regarding the skyline, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Regarding the Project Site's location on top of a fault, seismic impacts were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 172-2

Mr Garcetti, a guy who talks liberal and acts Trump-like, policy-wise, seems to beholden to the NY developers, or just developers period. I'm so sick of yes-men and yes-women on the City Counsel *[sic]*...it's extremely disheartening that LA is a *[sic]* the top of the most corrupt cities in America list. The latter makes me think writing my opinion is a complete waste of time. I hope those of you on the take rot is the worst kind of hell, though I've surmised for the person that has no conscience, there is no hell...also no love, no sense of real meaning, no depth, utter stupidity and shortsightedness.

Response to Comment No. IND 172-2

The comment expresses opposition to the Project. The comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 173

Marian Dodge
2648 N. Commonwealth Ave.
Los Angeles, CA 90027
Received June 1, 2020

Comment No. IND 173-1

Please enter my comments in the Hollywood Center Project in the file.

Response to Comment No. IND 173-1

This comment is an introduction to an attached letter. Responses to the referenced letter are provided below in Response to Comment Nos. IND 173-3 and IND 173-4.

Comment No. IND 173-2

There are several aspects of the Hollywood Center Project that are troubling and need to be addressed further.

Response to Comment No. IND 173-2

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 173-3

The most egregious of these is the analysis of earthquake fault line rupture. The consultant rather miraculously determined that the impact of the project built right on top of an earthquake fault line would be Less than Significant. Is the consultant saying that the construction of the building would not cause an earthquake? Perhaps they are asking the wrong question. What would be the impact of an earthquake on the buildings and the surrounding community?

The City has already suffered the consequences of not asking the right questions in the Porter Ranch debacle. That project underwent CEQA which determined that the project would have little or no impact on the community. No one asked if the surrounding community would have an impact on the project. Then in October 2015 gas started leaking from an underground SoCalGas storage facility in the Santa Susana Mountains near Porter Ranch. More than 11,000 residents had to be temporarily relocated by SoCalGas and two schools were relocated. Now there are multiple lawsuits. This entire disaster could have been avoided if the City had asked the right question during the CEQA process.

Apparently the consultant was not in Hollywood during the Northridge earthquake in 1994. Hollywood suffered considerable damage due to liquefaction – which was noted in the

analysis – although the Northridge fault lies 16 miles north of the site. The historic Egyptian Theatre in Hollywood was red-tagged and closed. A section of the Santa Monica freeway collapsed. Will stronger seismic regulations protect the City from harm?

I can predict the answer the consultants will give: today's more technologically advanced engineering and construction techniques will protect the buildings.

Response to Comment No. IND 173-3

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. While the comment notes several examples of damage pertaining to the Northridge earthquake, they are not directly applicable to the content or adequacy of the Draft EIR. The Project's building design and construction must conform to the current seismic design provisions of the City's Building Code, which incorporates relevant provisions of the California Building Code (CBC). The Los Angeles Building Code incorporates the latest seismic design standards for structural loads and materials to accommodate maximum ground accelerations expected from known faults affecting the Project Site. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment also asserts that the surrounding community would potentially have an impact on the Project. There is no requirement under CEQA to analyze the impact of existing environmental conditions on a Project. See *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.

Comment No. IND 173-4

The City must bear in mind that the Hollywood Center Project is being planned by Millennium Partners, the same firm that constructed the Millennium Tower project in San Francisco which is now referred to as The Leaning Tower. A December 3, 2018 article in the San Francisco Chronicle described it this way:

> One of the city's flashiest luxury condo towers when it opened in April 2009, the Millennium, at 301 Mission St., has become notorious internationally over the past two years as San Francisco's leaning tower, settling 18 inches and leaning 14 inches to the west. The flawed foundation sparked multiple lawsuits from residents against the developer, Millennium Partners, as well as the architect and engineers who designed the concrete and glass building.

Millennium's dubious track record does not give me comfort. Does the City want to take the same risk with the same firm? Does the City want to face multiple lawsuits from flawed design and construction?

Millennium Partners is a New York-based firm. Given the San Francisco fiasco, their performance rating is not stellar. Why aren't we giving projects to Los Angeles-based firms or California firms so that we can truly support the local economy?

The Millennium Hollywood project keeps resurrecting itself from the dead. It's time to have the zombie declared legally dead.

Response to Comment No. IND 173-4

The comment expresses opposition to the Project based on the developer being Millennium Partners. The commenter also expresses concern about the Millennium Towers project in San Francisco. The comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. Furthermore, the referenced tower in San Francisco is unrelated to the Project. However, geology impacts were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment also makes reference to the Millennium [Hollywood] Project, a different project that was previously proposed at the same Project Site and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Comment Letter No. IND 174

Hilary McLeod
Received June 1, 2020

Comment No. IND 174-1

This letter is to protest the approval of the Hollywood Center project, based upon the excessive size and scope of the planned facility. Since the founding of the Hollywood civic area in the 1880's *[sic]*, the constraints of the geographic features of the region have directed the placement, size, and use of buildings constructed in the area. As businesses developed, the movie industry flourished, and it constructed the buildings needed to support that craft.

As the entertainment industry grew in size, it recognized the need to build venues to make and show films without overwhelming it's *[sic]* budget. The industry also recognized the need to attract an audience to a venue that had enjoyable films and an appropriate, comfortable theater. Films were made featuring amazingly attractive stars, creative animated features, and historical places; think Audrey Hepburn, Shrek, Gone With the Wind.

What do you think would have happened if the movie makers had cast Shrek as the star of Gone With the Wind? What if Audrey Hepburn had undergone a body make-over to resemble an over-endowed hooker?

What would have happened, is that the audiences would have been appalled. No one would have believed that Shrek belonged in Gone With the Wind. No one would have wanted to see Audrey Hepburn look any way other than her beautiful self.

People would have rejected these films, and money would have been lost, because people know when things look wrong. People know when things are out of scale. People know when "one thing is not like the other."

The Hollywood Center project is wrong. It is wrong because it is out of scale with regard to it's *[sic]* size in area. It is wrong because it is excessively taller that any nearby structure. It is wrong because it mocks the geology and landscape of the area planned for it's *[sic]* construction. It is wrong because the scope and scale is not like any other nearby development.

This project should not be approved to continue development, as this "audience member" is appalled.

Response to Comment No. IND 174-1

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetic impacts were analyzed in

Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment Letter No. IND 175

Richard Gerger
Received June 1, 2020

Comment No. IND 175-1

Please confirm receipt.

Response to Comment No. IND 175-1

This comment request acknowledgement of receipt of the Draft EIR by the City. Receipt was acknowledged as requested.

Comment No. IND 175-2

I have been a homeowner and resident of the Hollywood Dell for the past twenty-four years. My wife and I have been active members of the Hollywood Dell Civic Association since we moved to the neighborhood from Beachwood Canyon in 1996. The Hollywood Dell is the hillside neighborhood directly north of the Project site.

The majority of my comments and questions are specific to Section IV.J. – Population and Housing of the Draft EIR.

Response to Comment No. IND 175-2

This introductory comment is noted. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 175-3 through 175-11.

Comment No. IND 175-3

1. The report indicates the Land Use Element of the City's General Plan is comprised of 35 Community Plans and states the "City's Community Plans are intended to provide an official guide for future development and propose approximate locations and dimensions of land use at the community level." Furthermore, the report acknowledges the Project is located within the Hollywood Community Plan area and the 1988 Hollywood Community Plan is still in effect. However, the report professes that:

   > "The Project or the Project with the East Side Hotel Option would not induce substantial unplanned population growth in an area, either directly (for example by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). Therefore, the Project would result in less than significant impacts related induced (sic) substantial unplanned population growth."

without including analysis of the impact from the Project or the Project with the East Side *[sic]* Hotel Option on population and housing growth within in the Hollywood Community Plan area. Rather, in an effort to support the opinion quoted above, the report relies on analyses based on population, housing, and employment growth estimates for the entire City of Los Angeles, not population, housing, and employment growth estimates for the Hollywood Community Plan area.

Why does the evaluation of population growth rely on growth estimates for the entire City of Los Angeles and what analyses have been done to support the opinion quoted above based on growth estimates for the Hollywood Community Plan area?

Response to Comment No. IND 175-3

The comment questions why the population growth relies on growth estimates for the entire City of Los Angeles as opposed to the Hollywood Community Plan area. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted. As described in Section IV.J, *Population and Housing*, on page IV.J-11 of the Draft EIR, because the 1998 Hollywood Community Plan did not provide growth projections beyond 2010, the growth projections provided for the Hollywood Community Plan area do not reflect current conditions or future projections. As such, the Southern California Association of Governments (SCAG) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (2016-2040 RTP/SCS) is the most recently adopted regional plan that provides population, housing, and employment projections for the City of Los Angeles for the period between 2012 and 2040. Therefore, for the purpose of the Project's analysis, population, housing, and employment projections based on the 2016-2040 RTP/SCS for the City are analyzed with the Project growth to determine impacts. As the 2016-2040 RTP/SCS provides data and projections for 2012 and 2040 only, projections for Project Baseline Year 2018 and Project Buildout Year 2027 are interpolated from the 2012 and 2040 data (see calculations in Appendix L of this Draft EIR).

The Project's proposed residential population was calculated based on the Citywide Person Per Household Factor for multi-family units.[148] The employment estimates for the Project are based on an Economic and Fiscal Impact Report (Economic Report) of the Environmental Leadership Development Program (ELDP) Application prepared for the Project, provided in Appendix B of this Draft EIR.[149]

[148] Based on 2017 Census American Community Survey 5-Year Estimate data (2013–2017), www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2015/5-year.html, per correspondence with Jack Tsao, Housing Planner, Los Angeles Department of City Planning, July 31, 2019.

[149] HR&A Advisors, Economic and Fiscal Impact Report, Hollywood Center Project, April 2018. Provided in Appendix B of the Draft EIR.

The Project's population, housing, and employment impacts were then compared to projections from SCAG for the City of Los Angeles. The Project's impacts are also evaluated against other applicable City and regional/household goals, objectives and policies, and other CEQA significance thresholds.

Comment No. IND 175-4

2. The report includes discussion of the cumulative impacts of the Project or the Project with the East Side Hotel Option and Appendix L of the report includes a "calculation of the cumulative number of housing units, population, and employees attributable to" the 123 projects located in the City of Los Angeles and the 27 projects located in the City of West Hollywood listed in Table III-1 of Chapter III of the report. As noted by the report, the Project is located within the Hollywood Community Plan area and the 1988 Hollywood Community Plan is still in effect. However, the report professes that:

   > "…the Project's or the Project with the East Side Hotel Option's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on population and housing would be less than significant."

   without including analysis of the cumulative impact from the Project or the Project with the East Side Hotel Option and other projects listed in Table III-1 of Chapter III of the report located in the Hollywood Community Plan area on population and housing within in the Hollywood Community Plan area. Rather, in an effort to support the opinion quoted above, the report relies on analyses based on population, housing, and employment growth estimates for the entire City of Los Angeles, not population, housing, and employment growth estimates for the Hollywood Community Plan area.

   Why does the evaluation of the cumulative impacts on population and housing rely on growth estimates for the entire City of Los Angeles and what analyses have been done to support the opinion quoted above based on growth estimates for the Hollywood Community Plan area?

Response to Comment No. IND 175-4

The comment questions why cumulative impacts of population growth rely on growth estimates for the entire City of Los Angeles as opposed to the Hollywood Community Plan area. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted. See Response to Comment No. IND 1785-3 which explains that because the 1998 Hollywood Community Plan did not provide growth projections beyond 2010, the growth projections provided for the Hollywood Community Plan area do not reflect current conditions or future projections. As such, the 2016-2040 RTP/SCS is the most recently adopted regional plan that provides population, housing, and employment projections for the City of Los Angeles for

the period between 2012 and 2040. Thus, projections for cumulative impacts is based on the 2016-2040 RTP/SCS for the City as opposed to projects in the Hollywood Community Plan area.

Comment No. IND 175-5

3. The report acknowledges the Project is located within the Hollywood Community Plan area and the 1988 Hollywood Community Plan is still in effect. Furthermore, the report states that key provisions relating to population and housing of the Hollywood Community Plan regarding preferred development in the Project vicinity include:

   > **Objective 3:** To make provision[s] for the housing required to satisfy the varying needs and desires of all economic segments of the Community, maximizing the opportunity for individual choice.
   >
   > **Objective 4a:** To promote economic well-being and public convenience through allocating and distributing commercial lands for retail, service, and office facilities in quantities and patterns based on accepted planning principles and standards.

   The report, however, does not identify Objective 7 of the Hollywood Community Plan as a key provision relating to population and housing. Objective 7 states:

   > **Objective 7:** To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

   Section IV.J., Population and Housing of the report also does not include the proposed residential density categories and their capacities pursuant to the Hollywood Community Plan. Under the Hollywood Community Plan, the proposed dwelling units per gross acre for high density residential areas is 60+ - 80.

   What is the proposed number of dwelling units per gross acre (as defined in the Hollywood Community Plan) of the Project or the Project with the East Side *[sic]* Hotel Option?

   It appears the Project proposes approximately 200 dwelling units per gross acre (as defined in the Hollywood Community Plan), how is this proposal consistent with the 60+ - 80 range identified for high density residential areas in the Hollywood Community Plan?

What is the impact on population growth within the Hollywood Community Plan area of substantially increasing the density for high density residential areas in the Hollywood Community Plan area?

The Project increases the number of dwelling units per gross acre by proposing two towers with heights substantially higher than existing developments, what is the impact of the Projects proposed increase in density on Objective 7 of the Hollywood Community Plan, i.e., "to promote the preservation of views … for the enjoyment of both local residents and persons throughout the Los Angeles region" pursuant to Objective 7 of the Hollywood Community Plan?

Response to Comment No. IND 175-5

The comment questions the consistency of the Project and the Project with the East Site Hotel Option with the Hollywood Community Plan with regard to permissible density, and asks how the density and height of the Project over existing development relate to consistency with Objective 7 of the Hollywood Community Plan. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Regarding the Project's consistency with the Hollywood Community Plan, refer to the discussion contained in Section IV.H, *Land Use and Planning*, of the Draft EIR and Topical Response No. 5 – Land Use and Planning, above. As discussed in Topical Response No. 5, the Project would be consistent with the allowable densities under the existing Hollywood Community Plan designations and allowances of the Los Angeles Municipal Code (LAMC). The analysis in Section IV.H is supported by Land Use Plans and Policies: Project Consistency Tables included in Appendix J of the Draft EIR. Moreover, with regards to the Hollywood Community Plan's 80 dwelling unit per acre density, the commenter is referred Response to Comment No. ORG 13B-14, which provides that the 80 dwelling unit per acre density does not apply to the Project Site.

Regarding the density and heights of the Project and how they related to Objective 7 of the Hollywood Community Plan, consistency with Objective 7, as it relates to view preservation is evaluated in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 175-6

4. The report states "[w]hile HQTAs account for only three percent of the total land area in SCAG's region, HQTAs are expected to accommodate 46 percent and 55 percent of future household and employment growth, respectively, between 2012 and 2040. The report frequently refers to the expectation that HQTAs will accommodate a significant portion of population and employment growth in section IV.J, Population and Housing, of the report. However, these expectations were

developed prior to the COVID-19 pandemic. As a result of the pandemic it is currently known that public confidence and use of public transit is significantly reduced. People do not want to be in enclosed environments where they may be exposed to the virus. Furthermore, people may become less willing to reside in high density developments.

What is the expected impact of the COVID-19 pandemic on population and employment growth in HQTAs?

Response to Comment No. IND 175-6

The comment states that the population and housing analysis did not account for the effects of COVID-19 and the potential for diminished use of public transportation. CEQA does not require analysis of speculative conditions. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis on in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on population and housing increases within High Quality Transit Areas, particularly from transportation behaviors surrounding future Project operations, is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 175-7

5. The report professes that:

> "…the Project's or the Project with the East Side Hotel Option's contribution to cumulative impacts would not be cumulatively considerable. As such, cumulative impacts on population and housing would be less than significant."

However, the report also acknowledges that the "West and East Buildings would have a substantially greater height and intensity than existing development in the area" and the Project would boost residential densities, significantly increasing housing opportunities in the Hollywood Community Plan area." However, the analysis in Section IV.J, Population and Housing of the report does not appear to include discussion or analysis of the expected cumulative impact on population and housing in the Hollywood Community Plan area of boosting residential densities consistent with densities proposed by the Project.

What is the expected cumulative impact on population and housing for the Hollywood Community Plan area resulting from the boost in residential densities proposed by the Project?

Response to Comment No. IND 175-7

The comment questions the cumulative impact on population and housing result from increased residential densities proposed by the Project and the Project with the East Site Hotel Option. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted. Furthermore, as described in Response to Comment No. IND 175-4 projections for cumulative impacts is based on the 2016-2040 RTP/SCS for the City because the Hollywood Community Plan does not reflect current conditions or future projections. As noted on page IV.J-24 of Section IV.J, *Population and Housing,* of the Draft EIR, the projected cumulative population, household, and employment growth from the Project and the related projects would be within the 2040 SCAG projections identified in the 2016-2040 RTP/SCS for the City.

Comment No. IND 175-8

6. The report opines the Project presents "No Conflict" with Objective 7 of the Hollywood Community Plan. Objective 7 states:

> **Objective 7:** To encourage the preservation of open space consistent with property rights when privately owned and to promote the preservation of views, natural character and topography of mountainous parts of the Community for the enjoyment of both local residents and persons throughout the Los Angeles region.

However, in supporting this opinion the report does not address the impact of the West and East Buildings, which the report acknowledges "would have a substantially greater height and intensity than existing development in the area," on views of local residents or persons throughout the Los Angeles region. Towers which are of substantially great height and intensity than any existing or other currently proposed development in the Hollywood Community Plan area will certainly have an impact of the views of local residents or persons throughout the Los Angeles region.

What is the impact on views of the Hollywood Hills from existing developments south of the Project and of views of the area south of the Hollywood Hills from existing residential areas located in the Hollywood Hills?

Would the impact on views of the Hollywood Hills from existing developments south of the Project and of views of the area south of the

Hollywood Hills from existing residential areas located in the Hollywood Hills be mitigated by reducing the height and intensity of the West and East Buildings to levels consistent with existing development in the area and proposed densities described in the Hollywood Community Plan?

Response to Comment No. IND 175-8

The comment raises questions regarding the "No Conflict" determination in the Draft EIR associated with Objective 7 of the Hollywood Community Plan, including impacts on views of local residents, residential areas south of the Project Site, and throughout the region. Consistency with this objective is discussed on page IV.A-58 and page IV.A-59, in Section IV.A, *Aesthetics*, of the Draft EIR. As stated therein, and as supported by visual simulations the Project would not block any significant existing views of the Hollywood Hills through street corridors, or adversely impact views or change the natural character and topography of mountainous parts of the Hollywood Community. Thus, the Project would not conflict with the objective of the Community Plan to provide enjoyment of open space by both local residents and persons throughout the Los Angeles region. In addition, regarding views from the south and to the Hollywood Hills, see the analysis on page IV.A-42 and the visual simulation referenced and provided in Figure IV.A-13, Key View 7 – Existing and Simulated Views of the Project Site from Vine Street, South of Sunset Boulevard at De Longpre Avenue, as well as the discussion on page IV.A-54, which states: "As shown in the discussion and simulations of view impacts, construction and operation of the Project would not significantly block views of the Hollywood Sign, the Hollywood Hills, or the Downtown skyline. While the Project would block some focal views of the historic Capitol Records Building from sections of Ivar Avenue, Hollywood Boulevard, and Argyle Avenue, the Capitol Records Building would continue to be visible from more prominent view locations, such as the Hollywood Hills and the intersection of Hollywood and Vine, or other sections along local streets." See also Topical Response No. 4 – Aesthetics, above, for further discussion of visual impacts resulting from the Project.

Also, as stated on page IV.A-26, the focus of the view analysis, consistent with CEQA and City practice, is on views from public vantage points. Under the City's 2006 L.A. CEQA Thresholds Guide, an office building or private residence referenced in the comment would not be considered a viewing location since views of broad horizons, aesthetic structures, and other scenic resources would not be available to the public.

Comment No. IND 175-9

7. The report does not address the traffic impact of the Project or the Project with the East Side *[sic]* Hotel Option on the Franklin Avenue/Argyle Avenue intersection. This intersection is one block to the north of the project site. Prior to COVID-19, commuters waited several light cycles to pass through this intersection during heavy traffic periods. The project will increase traffic at this intersection.

Why was the Franklin Avenue/Argyle Avenue intersection excluded from the report's traffic analysis?

What is the expected impact of the Project or the Project with the East Side *[sic]* Hotel Option on traffic at the Franklin Avenue/Argyle Avenue intersection?

Response to Comment No. IND 175-9

The comment questions why the Franklin Avenue and Argyle Avenue intersection was excluded from the Draft EIR's traffic analyses for the Project and the Project with the East Site Hotel Option, and if there is an expected impact at that intersection. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Impacts regarding traffic were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. As discussed in Section IV.L, page IV.L-1 of the Draft EIR, the TA was prepared in accordance with LADOT's Transportation Assessment Guidelines (TAG) adopted in July 2019 and pursuant to a memorandum of understanding (MOU) with LADOT dated December 3, 2019, documenting its assumptions and technical methodologies. In accordance with TAG and consistent with the City CEQA Transportation Thresholds (adopted July 30, 2019), the Draft EIR includes an assessment of whether the Project would result in: 1) potential conflicts with transportation-related plans, ordinances, or policies; 2) a substantial increase in vehicle miles traveled (VMT); or 3) increased hazards due to a geometric design feature or incompatible use. In addition, in accordance with the City's CEQA Transportation Thresholds, an assessment of whether the Project would result in inadequate emergency access is included. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts.

As further discussed in Section IV.L, page IV.L-1 of the Draft EIR, TAG also requires an assessment of "non-CEQA" transportation issues; however, given that these are not required under CEQA, this analysis is included in the TA and not the Draft EIR, unless they relate to the assessment of potential conflicts with transportation-related plans, ordinances, or policies. The "non-CEQA" analysis in the TA (Appendix N-1) includes 1) pedestrian, bicycle, and transit access; 2) project access, safety, and circulation; 3) construction traffic; and 4) residential street cut-through analysis. As described on page 42 of the TA, study intersections were developed in conjunction with LADOT. Nine study intersections were chosen based on guidance from LADOT's TAG, which indicates that intersections immediately adjacent to the Project Site and those in proximity to the Site through which 100 or more project-generated trips would travel should be analyzed. Given the distance to the Project Site, the Franklin Avenue and Argyle Avenue intersection was not selected as a study intersection. Furthermore, given that the study

of impacts on intersections is a “non-CEQA” transportation issue, it is not required to be evaluated as a part of the analysis in the Draft EIR as the commenter suggests.

Comment No. IND 175-10

8. The report does not address the traffic impact of the Project or the Project with the East Side *[sic]* Hotel Option on the north bond on-ramp to U.S. Highway101 from Cahuenga Avenue or the north bond on-ramp to U.S. Highway 101 from Franklin Avenue. Prior to COVID-19, these on-ramps and the streets providing access to these on-ramps were heavily congested on a daily basis during the evening commute. The project will increase traffic at these on-ramps and the streets providing access to these on-ramps.

   Why were the north bond *[sic]* on-ramp to U.S. Highway 101 from Cahuenga Avenue and the north bond on-ramp to U.S. Highway 101 from Franklin Avenue excluded from the report’s traffic analysis?

   What is the expected impact of the Project or the Project with the East Side *[sic]* Hotel Option on traffic at the north bond on-ramp to U.S. Highway 101 from Cahuenga Avenue, the north bond on-ramp to U.S. Highway 101 from Franklin Avenue, and the streets providing access to these on-ramps?

Response to Comment No. IND 175-10

The commenter questions why the Draft EIR’s traffic analysis did not consider queue build-up for the on and off-ramps from the US-101 Freeway for the Project and the Project with the East Site Hotel Option. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted. Section IV.L, *Transportation*, page IV.L-49 of the Draft EIR, contains a summary of engagement with Caltrans and describes Caltrans’ request for additional analysis that focused on potential traffic conflicts pertaining to direct and cumulative trips on State facilities in the Project vicinity, including off-ramp queuing and mainline merge and weaving analysis at requested locations. As described therein, the analyses requested by Caltrans were presented for informational purposes and contained in Appendix I of the TA, which is provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans’ letters. See also see Topical Response No. 2 – Transportation and Traffic, above. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans’ concerns were non-CEQA concerns. Based on this, Caltrans has

not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 175-11

9. The report does not address the traffic impact of the Project or the Project with the East Side *[sic]* Hotel Option on U.S. Highway 101. Prior to COVID-19, traffic on U.S. Highway 101 through the Hollywood area was heavily congested on a daily basis during the morning and evening commute. The project is located one block to the south of U.S. Highway 101; the project will increase traffic on this highway.

   Why was the U.S. Highway 101 excluded from the report's traffic analysis?

   What is the expected impact of the Project or the Project with the East Side Hotel Option on traffic on U.S. Highway 101?

Response to Comment No. IND 175-11

The commenter questions why the US-101 was excluded from the Draft EIR's traffic analysis and what the expected impact of the Project or the Project with the East Site Hotel Option on traffic on the US-101. As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding hotel uses is warranted.

Regarding impacts on the US-101, see page IV.L-49, in Section IV.L, *Transportation*, of the Draft EIR, which contains a summary of engagement with Caltrans and identifies an analyses requested by Caltrans and presented for informational purposes in Appendix I of the TA, which is provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters.

Regarding the comment that the traffic analysis did not account for the effects of COVID-19 and the potential for diminished use of public transportation, CEQA does not require analysis of speculative conditions. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis on in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on traffic conditions, particularly from transportation behaviors surrounding future Project operations, is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis

of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment Letter No. IND 176

Augusta Weaver-Johnson
3130 Deronda Drive
Hollywood CA, 90068
Received June 1, 2020

Comment No. IND 176-1

I am addressing this letter to you regarding concerns I have about the Millennium project scheduled for commencement of building in Hollywood in the near future. As a lifelong resident of Hollywoodland, in Beachwood Canyon, I have watched with interest the explosion of development in Hollywood in the past few years. Yes, it is wonderful to see our city restored and brought into world-class status, but I am also deeply concerned that traffic mitigation issues are simply not being addressed for a project of this size, nor the density of the surrounding area considered.

What is the plan for traffic mitigation around this area? With two-lane streets on Yucca, Argyle, and Vine, the surrounding streets simply do not seem wide enough to support the vehicular traffic that would accompany the occupancy of TWO 46-story buildings. I feel it would be far more reasonable to reduce the building size by half, if only to ameliorate any potential traffic mitigation issues.

I am eager to find out what is planned by the City to alleviate such a dilemma. Right now, it does not seem viable to prevent a hazardous traffic situation from occurring in that area should a project of this size be built. It seems logical and reasonable that it should be required by the City to be reduced in both size and scope.

Thank you for your attention to this letter of grievance.

Response to Comment No. IND 176-1

The comment expresses concern with traffic impacts as a result of the Project's size and the density of the surrounding area. The comment also makes reference to the Millennium [Hollywood] Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Traffic impacts for this Project were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts and, thus, no mitigation is proposed. However, the Project would implement Project Design Features, as described on page IV.L-26, which

requires the implementation TRAF-PDF-1, Transportation Demand Management Program, which is aimed at discoursing the use of single-occupancy vehicle trips and encouraging alternative modes of transportation, and TRAF-PDF-2, Construction Traffic Management Plan, which includes measures to reduce traffic impacts during construction. See also see Topical Response No. 2 – Transportation and Traffic, above.

Specifically, as it relates to the hazardous traffic situations, as analyzed on pages IV.L-44 and IV.L-45 of Section IV.L of the Draft EIR, the Project would be designed to comply with City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways would continue to intersect at right angles. Street trees would be designed and located so as to not significantly impede driver and pedestrian visibility and would not present a hazard. Pedestrian entrances separated from vehicular driveways would provide access from the adjacent streets, parking facilities, and transit stops. Therefore, as determined therein, the Project would not substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses and impacts would be less than significant.

Comment Letter No. IND 177

Cyrus Kashfian
Received June 1, 2020 (IND 177A)
Received June 1, 2020 (IND 177B)

Comment No. IND 177A-1

Please see attached letter.

Response to Comment No. IND 177A-1

Responses to the referenced letter are provided below in Response to Comment No. IND 177A-2.

Comment No. IND 177A-2

The comment is a duplicate of Comment No. FORM 3

Response to Comment No. IND 177A-2

Responses to this comment are provided in Response to Comment Nos. FORM 3-1 to 3-5.

Comment No. IND 177B-1

Please see attached files.

Response to Comment No. IND 177B-1

Responses to the attached files are provided below in Response to Comment No. IND 177B-2.

Comment No. IND 177B-2

The comment letter is comprised of Comment No. ORG 37A and two additional comments.

The first additional comment states the following: The Transportation section fails to adequately explain how a proposed 1.3 million square foot project will have insignificant traffic impacts to the neighboring residences and businesses at Hollywood and Vine. Specifically, we request that a traffic study be conducted to take a focused approach on the various items approved in the April 10, 2020 LADOT memorandum (DEIR Appendix N-2) including, but not limited to, 1) the TDM Program and the assumptions that have been used to reduce trips in the VMT Calculator, and 2) a review of the Neighborhood Traffic Management Program, the Traffic Signal Warrant Analysis, Project Access, and Driveway Access and Circulation.

The second additional comment states the following: I request that Alternative 2 be considered *[sic]*

Response to Comment No. IND 177B-2

Responses to the portions of the letter that are provided in Comment No. ORG 37A are provided in Response to Comment No. ORG 37A-2 through 37A-11.

The commenter also asserts that Section IV.L, *Transportation*, of the Draft EIR does not adequately explain how the Project will have insignificant traffic impacts and requests that a traffic study be conducted to focus on the TDM Program, Neighborhood Traffic Management Program, Traffic Signal Warrant Analysis, Project Access, and Driveway Access and Circulation. Traffic impacts, and all of the requested focus areas by the commenter, were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Specifically, the Transportation Demand Management (TDM) Program was included in the analysis as Project Design Feature TRAF-PDF-1 and was provided on pages IV.L-26 to IV.L-28 of the Draft EIR. The Vehicle Miles Traveled (VMT) analysis in the Draft EIR was conducted using the City's VMT Calculator. The VMT Calculator uses a combination of empirical trip generation rates based on actual data collected in the City and data from the Institute of Transportation Engineers (ITE), the City's travel demand forecasting model (itself calibrated to local Los Angeles conditions), and empirical research from the California Air Pollution Control Officers Association (CAPCOA) and other relevant research regarding TDM measures, and importantly integrates the MXD (mixed-use) methodology from the U.S. Environmental Protection Agency (USEPA). The MXD methodology considers the combined effects of land use diversity/internalization, proximity to transit, and various built environment factors and was calibrated and validated.[150] The transit mode split assumptions in the VMT Calculator are directly from the calibrated City travel demand forecasting model. The Traffic Signal Warrant Analysis is provided within Appendix K of the TA.

As further discussed in Section IV.L, page IV.L-1 of the Draft EIR, TAG also requires an assessment of "non-CEQA" transportation issues; however, given that these are not required under CEQA, this analysis was included in the TA and not the Draft EIR, unless they related to the assessment of potential conflicts with transportation-related plans, ordinances, or policies. The "non-CEQA" analysis in the TA (Appendix N-1) included (1) pedestrian, bicycle, and transit access; (2) project access, safety, and circulation; (3) construction traffic; and (4) residential street cut-through analysis. Neighborhood traffic, specifically referred to as Residential Street Cut-Through, was analyzed within the TA on

[150] The USEPA MXD methodology was based on and calibrated to travel survey data gathered from 239 mixed-use developments in six major metropolitan regions and was validated against an additional 28 mixed-use sites. See https://www.epa.gov/smartgrowth/mixed-use-trip-generation-model for further information.

pages 109 through 122. Project access, which includes driveway access and circulation, was analyzed within the TA on pages 42 through 100.

The comment also expresses support for Alternative 2 analyzed in Chapter V, *Alternatives,* of the Draft EIR. The comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 178

Rosalind Helfand
Received June 1, 2020

Comment No. IND 178-1

I'm writing to submit my comments on the Hollywood Center, case no. ENV-2018-2116-EIR.

Response to Comment No. IND 178-1

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 178-2

The construction period and ongoing maintenance and uses of the Center will have a huge environmental impact on the region. While housing is greatly needed, the type of housing provided by the Center, which will mostly be for upper income people, will only serve to lock in inequity rather than reducing it.

Response to Comment No. IND 178-2

The commenter provides a general statement that construction and operational impacts of the Project will have an environmental impact on the region and concern about income inequality, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. Income inequality is a social issue and, as stated in the CEQA Guidelines, Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. Furthermore, the Project would provide 133 senior affordable housing units on the Project Site. As such, no further response is warranted.

Comment No. IND 178-3

In addition, the proposed design does not add nearly enough to goals to green Los Angeles. We are in a time of great environmental crisis and every new development must add to environmental resilience not detract from it. Although the Center may possibly help fulfill a goal of infill and taking advantage of public transport (but this seems iffy) rather than continuing to expand outwards, because it mostly caters to the rich, these benefits are hugely reduced.

Response to Comment No. IND 178-3

The commenter provides a general statement that the Project does not propose enough goals to green Los Angeles, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted. Nonetheless, see pages II-68 and II-69 of the Draft EIR which discuss the Project's sustainability features. Also, as stated on pages IV.E-41 and IV.E-42 of Section IV.E, *Greenhouse Gas*

Emissions, of the Draft EIR, the Project would implement Project Design Feature GHG-PDF-1 as part of the Project, which would allow the Project to achieve the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Gold Certification. A summary of key green building and LEED measures is provided below:

- The Project will incorporate heat island reduction strategies for 50 percent of the Project Site hardscapes or provide 100 percent structured parking and incorporate heat island reduction strategies for the Project roof areas.

- The Project will promote alternatives to conventionally fueled automobiles by designating a minimum of 8 percent of on-site non-residential parking for carpool and/or alternative-fueled vehicles and shall pre-wire, or install conduit and panel capacity for a minimum of 30 percent of the Code-required parking spaces, with 10 percent of the Code-required spaces further improved with electric vehicle charging stations.

- The Project will optimize building energy performance with a 20 percent reduction from the LEED Version 4 (v4) baseline consistent with LEED requirements (equivalent to approximately 11.6 percent reduction from the 2016 Title 24 standards).

- The Project will reduce water consumption by 40 percent for indoor water and 100 percent for outdoor water from the LEED v4 usage baseline. The reductions would be achieved through potential strategies such as the installation of water efficient fixtures that exceed applicable standards and water efficient landscaping.

Comment No. IND 178-4

This project's impacts cannot be sufficiently mitigated and it should not go forward.

Response to Comment No. IND 178-4

The comment expresses opposition to the Project based on a statement that the Project's impacts cannot be sufficiently mitigated. As the comment does not explain what significant impacts need mitigation, nor does the commenter provide any substantial evidence to support his claim. As such, no further response is warranted.

Comment Letter No. IND 179

Pamela Vanderway
1851 Ivar Ave, Apt. 406
Hollywood CA, 90028
Received June 1, 2020

Comment No. IND 179-1

Thank you for your response to the unrest in the streets. It is much appreciated.

As today is the deadline to respond with concerns regarding the Hollywood Center Project, I am responding despite the unrest.

Response to Comment No. IND 179-1

This introductory comment is noted; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 179-2

As residents of Ivar between Yucca and Franklin, my neighbors and I will be negatively affected by the project as currently proposed. It's *[sic]* scale is immense for this area, and my research indicates it will end up costing the citizens money and cause frustrations rather than bringing benefit to the community.

Response to Comment No. IND 179-2

The comment expresses opposition to the Project based on its size and scale relative to the Hollywood community. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 179-3

First, there is the issue of traffic. At present it sometimes it takes 20 minutes to drive 5 or 6 blocks down Vine. The 101 freeway (when we are not in quarantine!) is a virtual parking lot for a 1/2 mile each direction off of Cahuenga during rush hour. On Franklin where my

building's driveway exits, I have experienced traffic jams at the base of the driveway! The addition of the enormous number of residences intended to be in The Hollywood Center will make driving much worse, and in addition the congestion along with the height of these buildings will trap unhealthy air from exhaust pipes here.

Response to Comment No. IND 179-3

The comment expresses opposition to the Project based on its potential to cause traffic impacts along the US-101, Cahuenga Boulevard, and Franklin Avenue. Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. While it is acknowledged that the Project would contribute traffic to the local roadway network, traffic congestion is not a CEQA issue and is, therefore, not evaluated in the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above, for a discussion of traffic impacts from the Project, including impacts to US-101 and its on- and off-ramps.

Regarding the commenter's assertion on unhealthy air from exhaust pipes trapped from congestion along with the height of the buildings, air quality impacts were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, operation of the Project has the potential to generate criteria pollutant emissions through vehicle and truck trips traveling to and from the Project Site. However, the Project would be located within an identified Transit Priority Area (TPA) that has multiple public transit options (with access to existing regional bus and rail service), and employment opportunities, restaurants and entertainment, all within walking distance. The Project's location within a TPA would minimize the Project's vehicle trips and VMT and minimize the corresponding mobile source air pollutant emissions generated by the Project residential and commercial uses. Furthermore, the Project's mobile source operational emissions were evaluated for the potential to generate carbon monoxide (CO) hotspots from traffic congestion. It is not buildings that trap pollutants but rather stable atmospheric conditions that hinder the horizontal and vertical dispersion of pollutants in the atmosphere. As discussed on page IV.B-43 of the Draft EIR, the greatest quantities of CO emissions are produced from motor vehicle combustion and are usually concentrated at or near ground level because they do not readily disperse into the atmosphere, particularly under cool, stable (i.e., low or no wind) atmospheric conditions. Localized areas where ambient concentrations exceed State and/or federal standards are termed "CO hotspots." As discussed on pages IV.B-68 and IV.B-69 of the Draft EIR, the Project would not result in CO hotspots inclusive of existing background CO concentrations, even under conservative assumptions of congested roadway intersections and stable atmospheric conditions that would tend to trap or hinder pollutant dispersion into the atmosphere. As determined within the Draft EIR, the Project's localized operational air quality impacts would be less than significant.

Comment No. IND 179-4

We are likely to see increased health issues, traffic related issues, road rage incidents and the like and these will require MORE policing, more EMT support, MORE road repair. These things cost money publicly and privately. (But will not be paid for the developers who caused the problems...)

Response to Comment No. IND 179-4

The commenter provides a general statement that there will be increased health, traffic-related, and road rage issues that would result in an increased need for public services and repair to public infrastructure at the cost of the City and private residents, but does not raise any specific issues regarding the content or adequacy of the Draft EIR.

Regarding health risk, a quantified construction Health Risk Assessment (HRA) was performed. As discussed on pages IV.B-70 and IV.B-71 of Section IV.B, *Air Quality*, of the Draft EIR, the findings of the HRA show that the Project, with incorporation of Mitigation Measure AQ-MM-1 would result in cancer risk below 10 in one million for the maximum impacted residential and worker receptors. The maximum non-cancer impacts for the Project would be below a hazard index of 1.0. The results of the refined AERMOD dispersion modeling provides further substantial evidence that toxic air contaminant (TAC) emissions from construction activities would not expose sensitive receptors to substantial TAC concentrations. With regard to operation, toxic or carcinogenic air pollutants are not expected to occur in any substantial amounts in conjunction with operation of the proposed land uses within the Project Site. Based on the uses expected on the Project Site, potential long-term operational impacts associated with the release of TACs would be minimal, regulated, and controlled, and would not be expected to exceed the South Coast Air Quality Management District (SCAQMD) thresholds of significance. Therefore, impacts would be less than significant.

Regarding traffic, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a TA approved by the LADOT included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Regarding policing and EMT support, fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. It should be noted that economic effects are not the focus of the Draft EIR, which addresses the physical impacts of the Project on the environment. As noted in Section IV.K.1, *Fire Protection,* and Section IV.K.2, *Police Protection,* of the Draft EIR, in *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833, the court found that Section 35 of Article XIII of the California Constitution requires local agencies

to provide public safety services, including fire and police protection, and that it is reasonable to conclude that the City will comply with that provision to ensure that public safety services are provided.[151] Furthermore, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for Los Angeles Police Department (LAPD) services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Comment No. IND 179-5

Please don't let the enchantment of 100 or so homes for low income seniors trick you into allowing this project to move forward as is. It will be cheaper for the city just to build a single building for those very same seniors than for the city's residents to pay the increased costs associated with this size of development.

Response to Comment No. IND 179-5

The commenter provides a general statement that it would be cheaper for the City to build senior housing than the cost for private residents with the inclusion of low-income senior housing as a part of the Project, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted.

Regarding costs for the residents, as stated in the CEQA Guidelines, Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 179-6

As for our neighborhood on Ivar in particular, parking is already very difficult in the area and would become nearly impossible if the staff and patrons of businesses included in

[151] *City of Hayward v. Board of Trustees of California State University* (2015) 242 Cal.App.4th 833, 847.

the development began driving around looking for a spot *[sic]* our tiny street, which is walking distance from the proposed site. (*[sic]* We are not included in the Hollywood Dell Parking pass group. We are a block of residential buildings, most with not enough parking garages for residents. Already our residents are often forced to circle the neighborhood and night, park up to 1/2 mile or more away from our homes due to this situation. Some of our residents have been mugged on the way home from work at night because of this. (We used to be able to park in Hollywood Dell entry area, but no more.) The Hollywood Center is sure to make these matters worse.

Response to Comment No. IND 179-6

The commenter states that the Project would exacerbate an already difficult parking situation for the surrounding neighborhood. As noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 179-7

I am also very concerned about the seismic reports done on this project. A building of this size collapsing would turn Hollywood into the likes of NYC on 911. Why would we as risk that on behalf of the profit of private investors?

Response to Comment No. IND 179-7

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 179-8

Lastly, this behemoth development will mar the sight of Capital *[sic]* Records, one of the most iconic buildings in all of Los Angeles.

Response to Comment No. IND 179-8

The commenter asserts that the Project would impair the view of the Capitol Records Building, an iconic building in Los Angeles. As described in Chapter II, *Project Description*, and in Section IV.C, *Cultural Resources*, of this Draft EIR, there are several

Project objectives and design features that emphasize the importance of the Capitol Records Complex and its architectural/historical heritage. As further described in Section IV.C, *Cultural Resources*, page IV.C-57 of the Draft EIR, the juxtaposition of substantially taller buildings would alter the visual setting of the Capitol Records Building, which historically was one of the most visually prominent buildings in the Hollywood skyline until the late 1960s when several taller buildings were constructed on Sunset Boulevard. However, protection of the historical significance of the Capitol Records Building is a stated objective of the Project. To meet that objective, the Project includes setbacks, grade-level open space, and tower massing that would maintain important public street views to the Capitol Records Building and would ensure that new construction would be appropriately distanced so that the mass and scale would not obscure the distinctive shape and architectural features of the Capitol Records Building from public view. In addition to maintaining important views of the Capitol Records Building, the Project architecture has been purposely designed to respond to the architectural character of the Capitol Records Building by maximizing focal views toward and through the Project Site, as discussed in Section IV.A, *Aesthetics*, (1) Scenic Vistas, of the Draft EIR. Such views include that of the Capitol Records Building and the Gogerty Building from sidewalks along Vine Street, Argyle Avenue, and Yucca Street, from the intersection of Hollywood Boulevard and Vine Street, and a view through a surface parking lot between the Pantages Theatre and the Equitable Building. As described in Section IV.A, page IV.A-10, focal views of the Capitol Records Building from Hollywood Boulevard are partially blocked by existing buildings, primarily the Pantages Theatre near Argyle Avenue and the Equitable Building (at Hollywood Boulevard and Vine Street). However, from Hollywood Boulevard, the Capitol Records Building is visible from the intersection of Hollywood Boulevard and Vine Street and substantially visible through a 50-foot-wide surface parking lot located between the Pantages Theatre and the Equitable Building. Broad views or vistas of the Capitol Records Building are also available from the hillside neighborhoods to the north and northwest of the Project Site. While the Project would block some focal views of the historic Capitol Records Building from sections of Ivar Avenue, Hollywood Boulevard, and Argyle Avenue, the Capitol Records Building would continue to be visible from more prominent view locations, such as the Hollywood Hills and the intersection of Hollywood and Vine, or other sections along local streets. See also Topical Response No. 4 – Aesthetics, above.

Comment No. IND 179-9

In short, this project, if built, would make our neighborhood and our surrounding neighborhoods unlivable, unnavigable and potentially dangerous. Hollywood welcomes change, but we expect it to be thoughtful change. We can do better. Send this group back to the drawing board.

Response to Comment No. IND 179-9

The commenter asserts that the Project would make the local neighborhood unlivable and potentially dangerous, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. Specifically, as it relates to unnavigable and potentially

dangerous neighborhoods, as analyzed on pages IV.L-44 and IV.L-45 of Section IV.L, the Project would be designed to comply with City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways would continue to intersect at right angles. Street trees would be designed and located so as to not significantly impede driver and pedestrian visibility and would not present a hazard. Pedestrian entrances separated from vehicular driveways would provide access from the adjacent streets, parking facilities, and transit stops. Therefore, as determined therein, the Project would not substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses and impacts would be less than significant.

Comment Letter No. IND 180

Alison Leslie
1645 N. Vine St., Suite #712,
Los Angeles, CA 90028
Received June 1, 2020

Comment No. IND 180-1

We have a unit in the Broadway Building at 1645 Vine St. in Hollywood. I believe the addition of these two buildings in the Hollywood Center Project will severely impact the quality of life in our neighborhood. These tall buildings belong in downtown LA, not here. Have you driven north on Vine St. towards the 101 during rush hour? There is so much traffic now that it will become absolute gridlock with the addition of these two buildings. The streets and the freeway on-ramps will not be able to handle the increased traffic. Can you let me know what you will be doing to rectify the traffic situation if the buildings are built?

Response to Comment No. IND 180-1

The comment expresses opposition to the Project based on the proposed building heights and the Project's potential to exacerbate existing traffic congestion on freeway onramps and surrounding streets. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts.

Regarding congestion in Hollywood, the total traffic effects of the Project, including congestion, are discussed in the TA in Appendix N-1 of the Draft EIR. It should be noted that traffic congestion is not a CEQA issue and is not evaluated in the Draft EIR. See also Topical Response No. 2 – Transportation and Traffic, above.

Regarding traffic on the US-101 Freeway and ramps, see page IV.L-49, in Section IV.L, *Transportation*, of the Draft EIR, which contains a summary of engagement with Caltrans and identifies an analyses requested by Caltrans and presented for informational purposes in Appendix I of the TA, which is provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. See also see Topical Response No. 2 – Transportation and Traffic, above.

Comment No. IND 180-2

This comment contains a letter from the Broadway Hollywood Homeowners Association to its homeowners/residents to submit a comment letter in opposition of the Project and includes a sample letter, which is a duplicate of Comment No. FORM 3.

Response to Comment No. IND 180-2

Responses to the comments in the sample letter are provided in Response to Comment Nos. FORM 3-1 through 3-5. As the main letter from the Broadway Hollywood Homeowners Association does not raise any specific issues regarding the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 181

Rosemary DeMonte
Received June 1, 2020

Comment No. IND 181-1

Save Hollywood.Org is opposed to the new over-developed Hollywood Center Project, which is brought to us by the same creators of the denied Millennium Project. This same development team gave San Francisco the Millennium Tower that is sinking, and then blamed the City of San Francisco for not doing due diligence and has left investors and the city with huge debt and mitigation.

Response to Comment No. IND 181-1

This introductory comment expresses opposition to the Project; however, as the comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 181-2

The project is still to be built over the active Hollywood fault line in a city destined to suffer a major quake, and this project has a high likelihood to cause an unaccountable cost of lives and destruction for a city whose services and infrastructure are overtaxed as it is. The City shouldn't be willing to trust these bad actors to guarantee an acceptable and safe development. The state seismologists deem this site dangerous. We should listen to the scientists and not those who want to make a large profit at the cost of the safety of our city.

Response to Comment No. IND 181-2

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). While this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the

Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 181-3

Traffic. This development is surrounded by F-rated failing intersections now. Adding more unneeded hotels and market-rate deluxe housing cannot be justified just because there is a Metro stop nearby. Luxury living people do not take public transportation and the City needs to accept that in order to have smart planning. We should be pushing Senior and low-cost housing, but the developers want to make money, not make a better planned city. This project as proposed is thereby creating traffic hell for all of Hollywood and the hills above. Developing such a huge project below the Hollywood Hills will make a difficult situation for delivering aid and services in case of emergencies and natural disasters. The streets cannot and do not support the traffic or provide the parking now and this project and all the others do not provide enough parking for the population they will bring. Caltrans says that the project will exacerbate the traffic conditions and the infrastructure will ultimately fail.

Response to Comment No. IND 181-3

The comment expresses opposition to the Project based on its potential to cause traffic impacts. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. Furthermore, the Project would implement Project Design Feature TRAF-PDF-1 for a Transportation Demand Management (TDM) Program, which would discourage single-occupancy vehicle trips and encourage alternative modes of transportation, thus slightly reducing and offsetting increases in traffic. See also see Topical Response No. 2 – Transportation and Traffic, above.

Specifically, about the intersections, as discussed in Topical Response No. 2 – Transportation and Traffic, above, intersection level of service (LOS) is no longer the CEQA significance metric for transportation impacts. The intersections analyzed in the Transportation Assessment (TA) in Appendix N-1 of the Draft EIR were selected based on guidance from the City's adopted Transportation Assessment Guidelines (TAG) that were followed for this analysis.

As discussed in Chapter 1, *Introduction*, to this Final EIR, the Project with the East Site Hotel Option is no longer being considered by the Applicant as part of the Project. Therefore, no further response regarding the construction and operational impacts of this

option is warranted. Furthermore, the Project would provide 133 senior affordable housing units on the Project Site and not just market-rate residential units.

Regarding the commenter's assertion that "luxury living people" would not take public transportation, CEQA does not require analysis of speculative conditions related to the potential for future residents to take public transportation. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the potential for future residents and their use of public transportation is speculative. Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

The comment states that "We should be pushing Senior and low-cost housing." The Project is proposing to include 133 of its 1,005 units as senior affordable housing units. As such, the Project includes senior and affordable housing.

With regard to emergency response and traffic effects in hillside areas, refer to Topical Response No. 3 – Transportation and Traffic, above.

Regarding the commenter's concerns on parking, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

The comment states that Caltrans says that the Project will exacerbate traffic conditions and infrastructure will fail. However, the commenter does not raise any specific issues with respect to the content or adequacy of the Draft EIR. It is also acknowledged that Caltrans prepared two letters with comments on the transportation analysis to be conducted for the Project. The analyses requested by Caltrans were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. The Caltrans analysis is not a required CEQA analysis per the City's TAG. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were

non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 181-4

Housing – This project does not comply with the CRA Hollywood Community Plan. The DEIR and Plan fail to acknowledge the affordable housing requirements demanded by CA HSC 33413 (2) (A) (i) which shall be implemented under CA AB 1505. The total base number of affordable units must be increased prior to any density bonus being applied. This must be re-analyzed in all projects asking for entitlements under any specific or community plan in place prior to Palmer v. City of Los Angeles.

Response to Comment No. IND 181-4

The comment asserts that the Project does not comply with the affordable housing obligations of the CRA Hollywood Community Plan, which is assumed to reference the Hollywood Redevelopment Plan demanded by the California Health and Safety Code.

The provision states that "[t]he requirements of this subdivision shall apply, in the aggregate, to housing made available pursuant to paragraphs (1) and (2), respectively, and not to each individual case of rehabilitation, development, or construction of dwelling units, unless an agency determines otherwise," and is also provided in Section 410.4 of the Hollywood Redevelopment Plan, which provides that "[t]he percentage requirements set forth in this Section shall apply in the aggregate to housing in the Project Area and not to each individual case of rehabilitation, development or construction of dwelling units." As such, the asserted affordable housing requirement is not a Project-specific requirement.

Comment No. IND 181-5

Infrastructure- Resources. This State and City have a water deficiency and the sewage system. The overall systems are antiquated and failing to transport sewage to treatment facilities which are thereby polluting the ocean. We just don't have enough water or the infrastructure to provide it to the residents and businesses of this City. Even if the development installs new underground plumbing systems, it will still be an increase of usage on the older pipes throughout Hollywood. How is this being addressed?

Response to Comment No. IND 181-5

The comment questions the Project's impacts on city services, including water and sewers. With respect to water supply, Section IV.N.2, *Water Supply*, of the Draft EIR evaluates the impacts of the Project on domestic water infrastructure and water supply. The section also quantifies the Project's water demand and evaluates the ability of the local municipal water infrastructure and water supply to meet this demand. As described therein, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment for the Hollywood Center Project that there are adequate water supplies available from existing LADWP entitlements and supplies to

meet the Project's projected water demand, when considering the existing and planned future demand on LADWP. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Thus, sufficient domestic water supplies are available to service the Project and surrounding areas and impacts are anticipated to be less than significant. As the domestic water supplies would be available and sufficient, there would not be a decrease in the amount of water that is available to serve the surrounding areas. As such, water pressure in the surrounding areas would not change.

With respect to sewer infrastructure, Section IV.N.1, *Wastewater*, of the Draft EIR, addresses potential Project impacts on existing wastewater conveyance infrastructure and treatment facilities that would serve the Project Site. The analysis provides an overview of existing infrastructure and facilities and evaluates whether sufficient capacity is available to serve the Project's estimated wastewater generation. As described on page IV.N.1-15 of the Draft, Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable Los Angeles Sanitation District and California Plumbing Code standards. Furthermore, in accordance with Los Angeles Municipal Code Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system. Thus, the Project's infrastructure would be able to accommodate the Project.

Comment No. IND 181-6

Power. Our Power grid is failing, old and with inadequate capacity to service the demand now, let alone all the new demands from this project.

Response to Comment No. IND 181-6

The comment makes a general assertion that the power grid is failing and has inadequate capacity to serve the Project, without providing any specifics or substantial evidence. Energy infrastructure was addressed in Section IV.O, *Energy Conservation and Infrastructure*, of the Draft EIR. As stated on pages IV.O-34 electricity consumption would be serviceable by LADWP and included in LADWP's total load growth of the City's power system, and SoCalGas' existing and planned natural gas capacity and supplies would be sufficient to serve the Project, and would not require additional capacity. And as analyzed on pages IV.O-45 through IV.O-47, based on the required load forecast projections by LADWP and by SoCalGas, infrastructure impacts would be less than significant and would not require the construction of new energy facilities or the expansion of existing facilities.

Comment No. IND 181-7

Emergency Services – Having vehicles equipped with sirens isn't enough when the traffic is so congested that vehicles can't move out of the way. The location of this project will be a huge bottleneck for delivering police and the fire department services in emergencies

and fires which threaten the hillsides of Los Angeles especially now with the climate changes.

Response to Comment No. IND 181-7

This comment raises concerns about emergency response and services but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response, including within the hillside areas north of the Project Site. In addition, See Section IV.K.1 *Fire Protection*, and IV.K.2, *Police Protection*, of the Draft EIR, and note that impacts associated with fire and police services, including emergency response, were determined to be less than significant.

Comment No. IND 181-8

City Councilman O'Farrell said he had reservations about the old plan but he fully supported it, he never said so at that time and we are supposed to believe him now?

Please deny this project especially due to the delinquent behavior of the developers in this and the San Francisco project.

Response to Comment No. IND 181-8

The comment expresses general opposition to the Project due to its history and the developers. As the comment does not raise any issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 182

Joan Ehrlich
Received June 1, 2020

Comment No. IND 182-1

I'm extremely upset you are not extending the comment period during a pandemic/stay at home and curfews with riots and National Guard on the street!

I am very opposed to the Hollywood Center Project / formerly Millennium for many reasons. But very distracted by the above.

I hope I remember all the reasons at this time *[sic]*

Response to Comment No. IND 182-1

The comment expresses concern about the comment period. The City determined that the Draft EIR comment period for the Project would not be extended, and remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

The comment also makes reference to the former Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Last, the comment expresses opposition to the Project. Specific comments regarding the Draft EIR are provided and responded to below in Response to Comment Nos. IND 182-2 through 182-8,.

Comment No. IND 182-2

On an earthquake fault

Response to Comment No. IND 182-2

The comment expresses opposition to the Project due to the Project Site's location relative to an earthquake fault (the Hollywood Fault). Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-

related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 182-3

traffic is already extreme and this makes it worse- Caltrans feels freeway exits and 101 will be negatively impacted in addition to the streets.

Response to Comment No. IND 182-3

The comment expresses opposition to the Project based on its potential to exacerbate existing traffic conditions. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Regarding the US-101, it should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 182-4

old infrastructure- water, sewage, power already over stressed and old.

Response to Comment No. IND 182-4

The comment questions the Project's impacts on city services, including water, sewers and power although it does not state specific facts to indicate that the Draft EIR's analysis of these topics is deficient and, as such, no further response is warranted. Nonetheless, with respect to water supply, Section IV.N.2, *Water Supply*, of the Draft EIR evaluates the

impacts of the Project on domestic water infrastructure and water supply. The section also quantifies the Project's water demand and evaluates the ability of the local municipal water infrastructure and water supply to meet this demand. As described therein, the Los Angeles Department of Water and Power (LADWP) determined in the approved Water Supply Assessment for the Hollywood Center Project that there are adequate water supplies available from existing LADWP entitlements and supplies to meet the Project's projected water demand, when considering the existing and planned future demand on LADWP. Furthermore, the Project would implement Project Design Feature WS-PDF-1 and provide specific water efficiency features to conserve water and reduce Project water demand. Thus, sufficient domestic water supplies are available to service the Project and surrounding areas and impacts are anticipated to be less than significant. As the domestic water supplies would be available and sufficient, there would not be a decrease in the amount of water that is available to serve the surrounding areas. As such, water pressure in the surrounding areas would not change.

With respect to sewer infrastructure, Section IV.N.1, *Wastewater*, of the Draft EIR, addresses potential Project impacts on existing wastewater conveyance infrastructure and treatment facilities that would serve the Project Site. The analysis provides an overview of existing infrastructure and facilities and evaluates whether sufficient capacity is available to serve the Project's estimated wastewater generation. As described on page IV.N.1-15 of the Draft, Project-related sanitary sewer connections and on-site infrastructure would be designed and constructed in accordance with applicable Los Angeles Sanitation District and California Plumbing Code standards. Furthermore, in accordance with Los Angeles Municipal Code Sections 64.11 and 64.16.1, the Project would pay the required sewer connection fees to help offset the Project's contribution to the City's wastewater collection infrastructure needs and would require approval of sewer permits prior to connection to the sewer system. Thus, the Project's infrastructure would be able to accommodate the Project.

Regarding power, the Project's impacts on energy are fully analyzed with Section IV.O, *Energy Conservation and Infrastructure,* of the Draft EIR. As detailed on page IV.O-32, based on LADWP's 2017 Power Strategic Long-Term Resource Plan's forecasts, LADWP's existing and planned electricity capacity and electricity supplies would be sufficient to serve the Project's electricity demand, which are provided in Table IV.O-2. Furthermore, the Project's electricity consumption during operation would be included in LADWP's total load growth of the City's power system. Therefore, the Project would result in less-than-significant impacts on energy.

Comment No. IND 182-5

I live North of Franklin and ALREADY worry about fire trucks(HIGH risk firezone *[sic]*), ambulance *[sic]* and LAPD getting to my neighborhood when needed

Adding so many more people in these structures without requiring additional emergency services.

Response to Comment No. IND 182-5

This comment raises concerns about emergency response but does not raise any specific issues with respect to the content and adequacy of the Draft EIR. See Topical Response No. 2 – Transportation and Traffic, above, which addresses emergency response.

Comment No. IND 182-6

After COVID MORE people NOT less people will be driving personal cars to avoid contact with others – avoiding rideshare and public transport there would need to be 2 parking spots per bedroom.

Response to Comment No. IND 182-6

The comment asserts that the effects of COVID-19 would result in the potential for diminished use of ridesharing and public transportation, and an increase need for parking. However, CEQA does not require analysis of speculative conditions. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis on in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the impact of COVID-19 on traffic conditions, particularly from transportation behaviors surrounding future Project operations, is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Furthermore, as noted in Chapter II, *Project Description,* of the Draft EIR, the Project would provide up to 1,521 vehicle parking spaces, which would be slightly more than the number of spaces required by the Los Angeles Municipal Code (LAMC) (i.e., 1,513 spaces), to adequately serve the Project. Furthermore, as the Project Site is located within a Transit Priority Area, parking impacts would not be considered significant under CEQA.

Comment No. IND 182-7

After COVID people will be avoiding high density high rise living including elevators.

Response to Comment No. IND 182-7

The comment asserts that the effects of COVID-19 include people avoiding living in high-rise housing. Please refer to Response to Comment No. IND 182-6 regarding speculative impacts.

Comment No. IND 182-8

I moved to Hollywood for it's *[sic]* Hollywood character not to see Hollywood look like Manhattan - most tourists come for same reason ad *[sic]* tourism brings A LOT of money

Build this Downtown instead !!

I am out of time to reach you by 4pm as emergency curfew warnings keep blaring on my phone and distracting me *[sic]*

Response to Comment No. IND 182-8

The comment expresses general opposition to the Project asserting that it would detract from Hollywood's character and tourism, and suggests it be built in Downtown Los Angeles instead. As this comment does not raise any issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment Letter No. IND 183

William A. Miller
Received June 1, 2020

Comment No. IND 183-1

(Note: The following are in reference to the Millennium Hollywood Project, not the currently proposed Hollywood Center Project)

Millennium Hollywood Center...Submitting for Administrative Record DEIR ENV-2018-2116 EIR 2018E1002

DEIR...Millennium...2013.

Letter #3.....p.33 - 41.....Caltrans... problems with Millennium projects

Letter #5.....p.42.....Metro

Letter #4.....p. 41...Councilmember Garcetti requested extension period for DEIR comments..He got an extension... We did NOT for Millennium Hollywood Center during CORONAVIRUS PANDEMIC

Letter #9.....p.62....AMDA.. problems..Before lawsuit was withdrawn when Millennium made larger contribution..

Letter #14.....p.714....Hollywood Heritage.....Historic Resources: Capitol Records will be blocked = Historic Cultural Monument....Compromises Historic Area, it's is on National Register of Historic Places...Hollywood Sign blocked...it's an HCM
The City chose Millennium's PAID consultant's analysis instead.

*Letter #19.....p.725....L.A. Conservancy...problems with projects before law suit was withdrawn when Millennium made larger contribution.

Letter #24.....p.735.... Sunset Vine Tower was unoccupied, boarded up, fenced for years due to 1994 EQ damage...a few blocks down from Millennium Vine project site..

Letter #..... p.965..... W Hotel problems with Millennium projects....Before law suit was withdrawn when Millennium made larger contribution.. .....p.975..... Preservation of an Historic Cultural Monument is under 'Public Trust' p.976.....W Hotel Height Limit had to be 150 feet..CONSISTENT with the AREA..WHY NOT MILLENNIUM?

DISMISSED.....
ACTIVE EARTHQUAKE....THREAT TO PUBLIC SAFETY...

Communication from
Appellant/Representative 07/24/2013

Communication-Appellant/Rep..
http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_a_7-24-13.PDF

JMBM
Jeffer Mange's
Butler & Mitchell
LLP

Kevin K. McDonnell
KKM©jmbm.com

"high probability that a seismic fault runs through Millennium project site"

The fault interpreted from these data reasonably projects eastward from Cahuenga Boulevard, through the Hollywood Millennium Project to a prominent scarp previously located between Argyle Street and Gower Street (Figure 2).

Page 2

Although the ability to "zoom" this map is limited, at the highest zoom available, a branch of the Hollywood fault appears to be
located near, if not directly beneath the Hollywood Millennium project.

A web search of the "Hollywood fault" would have returned numerous links to the more detailed studies outlined above.

Any one of these references, and certainly their combined influence would have alerted the consultant to the inaccuracy of the other references, and the need for a detailed groundrupture hazard assessment at the site.

Page 3

http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_a_7-24-13.PDF

DISMISSED....

STATE MAP SHOWS ACTIVE FAULT LINE UNDER PROPOSED HOLLYWOOD SKYSCRAPER PROJECT
http://abc7.com/news/map-shows-fault-line-under-proposed-hollywood-skyscraper-project/384590/ "It has the potential to rupture sometime in the future..the best thing to do is stay off the trace.." State Geologist Tim McCrink

NEW STATE FAULT MAPS SHOW HIGHER EARTHQUAKE RISKS IN HOLLYWOOD
http://articles.latimes.com/2014/jan/08/local/la-me-0109-hollywood-fault-20140109

The state's new map shows that the proposed Millennium Hollywood skyscraper project is within the roughly 500-foot fault zone.
State geologist John Parrish said the state's fault line goes underneath Millennium "We feel very confident about where we drew that line,
within a 50-foot accuracy back and forth..we're very confident it's there," Parrish told reporters at a downtown Los Angeles news conference.
"Surface rupture is very dangerous. In fact, it's calamitous to structures that are built across the surface trace of an active fault."
Los Angeles officials did not order trenching for any of the three projects before the City Council approved those projects.

MASSIVE HOLLYWOOD PROJECT SITS ATOP QUAKE FAULT, CALIFORNIA SAYS http://www.latimes.com/local/lanow/la-me-ln-hollywood-fault-map-20141106-story.html
“Our conclusion from the data is that there is an active fault, and it does run right along the course that’s right along the map,” state geologist John Parrish said.

L.A. COUNCIL OK'S HOLLYWOOD SKYSCRAPERS DESPITE CONCERNS OVER QUAKE FAULT LINE
http://articles.latimes.com/2013/jul/24/local/la-me-millennium-vote-20130725

"...concerns about seismic safety were raised, citing the project's proximity to the Hollywood fault.
On Saturday, the head of the California Geological Survey, John Parrish, sent a letter to Council President Herb Wesson alerting him that the
skyscrapers "may fall within an earthquake fault zone."
Parrish said Wednesday that a map drawn by his agency in 2010 showed that the Hollywood fault "goes right through the Millennium site."
He criticized a seismic report produced by the developer that said extensive testing showed that the building site was safe and did not lie on the fault line.
Parrish said the report did not refer to his agency's map and left out other important information.

DISMISSED.....

CALTRANS WARNINGS....THREAT TO PUBLIC SAFETY.....

Transportation - Caltrans issues...Caltran (ignroed) warning letter to Mayor Garcetti:

After reviewing the Response to Comments from the City, Caltrans sent a letter, dated February
19, 2013, commenting on the FEIR (see attachment 3).

We have not received a response from the City regarding our comments.

The Los Angeles Planning Commission approved the project on April 27, 2013.

As a commenting agency, we would like to, once again, bring to the City's attention that the project impacts
will likely result in unsafe conditions due to additional traffic congestion, unsafe queuing, and difficult maneuvering.

As mentioned in our previous letters, these concerns have not been adequately addressed in the EIR.summary,
without the necessary traffic analysis, Caltrans cannot agree that the FEIR sustantively identifies and mitigates the Project's impacts to the State highway facilities as required under CEQA.

http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_7-24-13.PDF

Communcation from
Appellant/Representative 07/24/2013

DISMISSED...
CALTRANS...TRAFFIC SAFETY...

The Mayor ignored Caltrans letters and warnings of the

dangorous traffic and the
councilmember for the Millennium projects area claimed "Caltrans is not opposed to the projects"....

Caltrans Waves a Red Flag on Millennium
http://articles.latimes.com/2013/jun/19/business/la-fi-hiltzik-20130619

JUDGE THROWS OUT HOLLYWOOD MILLENNIUM SKYSCRAPER PROJECT
http://www.laweekly.com/news/judge-throws-out-hollywoodmillennium-skyscraper-project-5530876

"Superior Court Judge James C. Chalfant has stopped the Millennium Hollywood twin
skyscrapers project in its tracks, finding that top city officials ILLEGALLY IGNORED required
parts of the Environmental Impact Review process and warning that the project could
dramatically worsen traffic on the Hollywood Freeway and in the surrounding neighborhood.

His ruling means the investors cannot get any building permits from the city.

THE JUDGE FOUND THAT TOP LOS ANGELES ELECTED AND APPOINTED OFFICIALS
IGNORED CALTRANS WARNINGS about the dual towers' effects on traffic heading on and off the often backed-up ramps on the nearby 101 freeway.

Chalfant lectured city leaders, saying:

“The congestion of freeways in L.A. is subject to review because it's so terrible, and anything
that may make it worse needs to be examined.

The issue is whether you need to follow the provisions of the responsible agency,Caltrans.

And the language and scholarly work on the issue says overwhelmingly 'yes.' ...

There were many aspects Caltrans wanted you to look at, that you didn't look at."

Instead of including in its Environmental Impact Report, or EIR, the required traffic
studies conducted by Caltrans, Garcetti and the City Council chose to press forward
with their own freeway traffic studies.

Judge Chalfant says this was illegal.

He ruled, the city is not allowed to conduct studies on freeway traffic using its own
definitions and methods.

"Freeway traffic is the responsibility of experts at Caltrans, specifically, and not of the
Los Angeles Planning Dept. or any other city department."

DISMISSED.....
HISTORIC RESOURCES... PRESERVATION....

The City ignored Hollywood Heritage PRESERVATION concerns and instead went with
Millennium's paid consultant 'analysis'.

*L.A. Conservancy had PRESERVATION concerns, and a law suit, withdrawn once Millennium

contributed more money to the organization...(link above)

Dear Ms. Hewawitharana:

Re: Millennium Hollywood Project, ENV-2011-675-EIR

The Board of Directors of Hollywood Heritage, its Preservation Issues Committee and its members, thank you for the opportunity to review and comment on the Millennium Hollywood Project, and the accompanying Draft Environmental Impact Report (DEIR).

For three decades Hollywood Heritage has been an advocate of the preservation and protection of Hollywood's historic resources. We support the goal of preserving what is most significant in Hollywood, while encouraging responsible new and infill development.

Our organization has nominated many of the current Historic Cultural Monuments, listed the Hollywood Boulevard Commercial and Entertainment District in the National Register of Historic Places at the national level of significance, provided technical assistance to developers and owners of significant properties, and participated in public policy discussions through the formulation of the Community Redevelopment Plan of 1986 and subsequent urban design plans, specific plans and in property entitlement discussion involving historic resources.

These efforts have resulted in the rehabilitation of significant landmarks and districts in Hollywood.

Our expertise in this area has led us to the conclusion that the Millennium Hollywood project has significant and adverse impacts on a number of Hollywood's historic resources.

CEQA guidelines define a project as having a significant environmental impact when the project causes a substantial adverse change in significance of a historical resource as defined in State CEQA Section 15064.

The City of Los Angeles CEQA Thresholds Guide (2006, p. D.3-3) also maintains that a project would have a significant impact on historic resources if the project results in a substantial adverse change in the significance of a historic resource by construction that reduces the integrity or significance of important resources on the site or in the vicinity via alteration of the resource's immediate surroundings.

While we appreciate some of the mitigation measures designed to preserve the historic Capitol Records and Gogerty Building, we believe that the proposed project would substantively alter the context in which these buildings gained their significance by compromising the immediate surroundings.

Portions of the project are grossly out of proportion with the identified resources, thereby minimizing them and irretrievably altering their setting.

Additionally, while we appreciate the inclusion of open space, the current design significantly changes the pedestrian environment of Hollywood.

Like many previous developments, it draws pedestrians away from the street and irrevocably alters the historic street wall along Vine and Argyle.

We also find the current version of the Millennium Hollywood Draft EIR to be deficient in its assessment that the project would not cause an adverse change in significance for the Hollywood Boulevard Commercial and Entertainment Historic District.

The heart of Hollywood is listed in the National Register of Historic Places and functions as one of the City of Los Angeles' major tourist destinations and economic engines.

The Hollywood Boulevard Commercial and Entertainment Historic District is a 12 block area of the commercial core.

The district contains 103 of the most important buildings in Hollywood, listed at the national level of significance in the National Register of Historic Places.

The development pattern of the 1920s and 1930s was characterized by the construction of buildings of generally 12 stories at major intersections, flanked by one and two-story retail structures.

The District was formally designated by the National Park Service on behalf of the Secretary of the Interior in 1985.

At the time, there were over 60 contributors and approximately 40 non-contributors which all dated from the 1905-1935 period of significance.

Since its listing, the District has seen significant and positive restorations, now having the largest collection of restored historic theaters in use in the nation.

The District can count the beneficial reuse of the Broadway and Equitable Buildings, the Hollywood Professional Building, and the Nash Building, and many restorations, spurring the renaissance of Hollywood.

But the District has suffered the loss of several contributors, and has seen the addition of overly-large developments such as Hollywood and Highland, the W Hotel and Madame Tussaud's.

The current Millennium Hollywood project fails to significantly address the negative impact created by the mass and height of the proposed development in regards to the existing structures in the vicinity.

This will be the largest tower in the area.

While creating opportunities to see landmarks such as the Hollywood Sign from areas within the development, the project fails to address the fact that these new view lines will alter views that have been publicly available since the inception of these landmarks.

In the "Related Projects" section of the DEIR, which compares this project with other projects nearby, unapproved, proposed developments are used alongside existing structures, allowing the square footage increase that this project suggests to be seen as more reasonable.

However, the structures included on the comparative chart are all less than one-third the size of the proposed Millennium tower.

The only project that is as large is the proposed redevelopment of the Paramount Studios Lot. At 1,385,700 sq. ft., the Paramount Lot is a much larger property and does not have any single building of a comparative height as proposed by Millennium.

The addition of the proposed tower will overwhelm contributing properties in the district and the proposed "separation" of new and old construction is simply not an adequate mitigation measure.

Hollywood Heritages appreciates the efforts of the project's developers and will work diligently with them to ensure the preservation and protection of all of Hollywood's historic resources.

Sincerely,

Bryan Cooper

President, Hollywood Heritage, Inc.

DISMISSED:
Organizations Against The Hollywood Millennium Project

Organizations Opposing the Hollywood Millennium:

Neighborhood Councils:

Central Hollywood Neighborhood Council
Greater Griffith Park Neighborhood Council
Greater Wilshire Neighborhood Council
Hollywood Studio District Neighborhood Council|
Hollywood United Neighborhood Council
Hollywood Hills West Neighborhood Council
North Hills West Neighborhood Council

Neighborhood Associations:
Argyle Civic Association
Beachwood Canyon Neighborhood Assn
Bel Air Knolls Property
Bel Air Ridge Association
Bel Air Skycrest Property
Benedict Canyon Association
Brentwood Hills Homeowners Assn.
Brentwood Residents Coalition
Cahuenga Pass Property Owners
Canyon Back Alliance
Crests Neighborhood
Franklin Ave. / Hwd. Blvd. Wes
Franklin Hills Residents
Greater Wilshire Neighborhood Council – Land Use Committee
Hancock Park Homeowners Association
Highlands Owners Association
Hollywood Dell Civic Association
Hollywood Heights Association
Hollywoodland Homeowners Association
Holmby Hills Homeowners
Kagel Canyon Civic Assn.
Lake Hollywood Homeowners
Laurel Canyon Association
Lookout Mountain Alliance
Los Feliz Improvement Association
Mt. Olympus Property Owners
Mt. Washington Homeowners' Alliance
North Beverly – Franklin Canyon Home owners Association
Nichols Canyon Association
Oak Forest Canyon Association
Oaks Homeowners Assn.
Outpost Estates Homeowners

Pacific Palisades Residents Assn.
Roscomare Valley Association
Shadow Hills Property Owners
Sherman Oaks Homeowners
Studio City Residents Association
Sunset Hills HOA
Tarzana Property Owners
Torreyson-Flynn Association
Upper Mandeville Canyon
Whitley Heights Civic Association

The Del Rey Residents Association joins the other neighborhood associations in opposing this project. Bad planning in one corner of the city is bad planning for all

DISMISSED...
Research, Proof, State Geologist Confirmations of the Active EQ Fault.

Why Were State Geologist Active EQ Confirmations
and Danger
Warnings Ignored?.....
Millennium Hollywood Project Led Lobbyist Spending
at L.A. City Hall.....
Hollywood Patch Dec 12, 2013

LA Times – Nov 6, 2014 – California geologist says quake fault lies beneath Hollywood project
Park LaBrea News/Beverly Press Nov 13, 2014 State's Map Shows Active Fault Under Millennium
L.A Times July 7, 2015 Hollywood skyscraper critics question quake risk for project
Wall Street Journal May 26, 2015 Developers Worry California Ruling Could Dent Building
LA Weekly April 30, 2015 Judge Throws Out Hollywood Millennium Skyscraper Project
LA Times April 30, 2015 Judge Halts Millennium Skyscraper Project

Finance and Commerce January 15, 2015 Hollywood Projects Scuttled as David Beats Goliath

Park LaBrea News/Beverly Press Nov 13, 2014 State's Map Shows Active Fault Under Millennium

Hotel Chatter – A Controversial Hollywood Development (and its Hotel) Remains on Shaky Ground – Nov 12, 2014

State Map Puts Quake Fault Beneath Proposed Millennium Hollywood Skyscraper Nov 7, 2014

Los Angeles Magazine, The Fault in Our Skyscrapers Nov 6, 2014

Planned Hollywood high-rise would sit atop earthquake fault, state says – Yahoo News 11-6-14

Massive Hollywood project sits atop quake fault, California says

Active fault under site of proposed Hollywood skyscrapers, state says | 89.3 KPCC

L.A. Times – May 6, 2014 – New L.A. Area Quake Map Shows Fault Lines Under Schools, Hotels, Homes

LA Weekly – Jan 16, 2014 Hollywood Fault Pits Builders and City Hall Against the Community

Huffington Post – Jan 9, 2014 Millennium Hollywood Project in Jeopardy After Map Reveals Earthquake Faults

ProgramBusiness.com Insurance News – Jan 9, 2014 Fault Maps Could Alter L.A. Development

Hollywood Patch – Jan 9, 2014 State Geologist Says Millennium Hollywood Project Sits Atop Fault Line

Hollywood Reporter – Jan 8, 2014 Survey Confirms Earthquake Fault Line Runs Through Planned Millennium Project

Wall Street Journal 1-8-14 Fault Maps Could Alter L.A. Development

LA Observed 1-8-14 New State Maps Put Hollywood Buildings on Faults

L.A. Times 1-8-2014 Hollywood developments straddle earthquake fault, new maps show

LA Weekly 1-8-2014 New Hollywood Fault Map Curbs Development in Hollywood, WeHo, Los Feliz

L.A. Business Journal Nov 22, 2013 Quake Fault Overlooked on Hollywood Project

L.A. Times LA Now Live Nov 22, 2013 Hollywood Fault Interview with Rosanna Xia

89.3 KPCC Take Two Nov 22, 2013 Did city officials overlook earthquake fault in Hollywood? Click on Listen Now to hear interview with Ron Lin.

L.A. Now Live Nov 21, 2013 Possible Sign of Quake Fault in Hollywood Missed

ENRCalifornia (Earthquake News) Nov 19, 2013 Scientists Visit L.A. to Discuss List of Buildings at Risk in Quake

The Architects Newspaper Oct 16, 2013 Q & A with Ca State Geologist John Parrish

ENR.com Engineering News-Record Oct 2, 2013 – Suit Against Los Angeles Triggers Debate Over Building on Hollywood Fault

The Wall Street Journal Sept 20, 2013 – Fault Line Splits Hollywood

LA Weekly Sept 18, 2013 – How the Hollywood Fault Made Millennium's Future Uncertain, and L.A. a Laughingstock

The Front Page Online Aug 21, 2013 – Times Minimizes Millennium Scandal – Grand Jury Probe Needed

LA Times Aug 14, 2013 – Tower project exposes gaps in L.A.'s oversight

LA Times August 9, 2013 – Hollywood's Blvd6200 project escaped review despite fault threat

KABC AM Radio – August 8, 2013 Doug McIntyre Interviews Robert Silverstein

KTTV Opponents August 7, 2013 – Demand an Independent Seismic Study

KCOP Fox 11 August 7, 2013 – Opponents Demand an Independent Seismic Study

CBS August 7, 2013 – Earthquake Fears May Put Hollywood Skyscraper Project on Shaky Ground

Reuters August 8, 2013 – Foes of Hollywood Skyscraper Plan Allege Earthquake Coverup

KPCC 89.3 August 7, 2013 – Millennium Towers: City 'concealed' Hollywood Fault Details, Opponents Charge

Los Angeles News – The Informer – August 7, 2013 Millennium Hollywood Fault Coverup? Emails Show City Knew

LA Times August 7, 2013 – Earthquake Fault Risk to Hollywood Skyscrapers Hidden, Foes Say

Miami Herald August 2, 2013 – New Hollywood Tower Project May be Over Fault Line

KTTV Fox News – August 2, 2013 Coverage of Fault Line Issue

LA Times August 1, 2013 – Skyscraper site in Hollywood may sit on active fault, State says

LA Times 7-26-2013 – Millennium Hollywood; First Check the Fault

Newsmax.com July 25, 2013 Skyscrapers Planned Over Fault Line in Hollywood Draw Ire

LA Times 11 p.m. 7-24, 2013 L.A. Council Oks Skyscrapers Despite Concerns Over Quake Fault Line

MyFoxLA – Hollywood Skyscraper Millennium Project, Building on Shaky Ground

LA Weekly – Uh Oh! Are the Millennium Skyscrapers Atop the Hollywood Fault?

NBC Southern California – Hollywood Millennium Project Causing Controversy

TalkRadio 790 KABC Millennium Towers Project Draws State Scrutiny

HollywoodPatch Millennium Hollywood Project May Fall on Active Earthquake Zone, Opponents Say

CBS Los Angeles July 22
Environmental Attorney Warns of Millennium Project Quake Risk

CityWatch July 19, 2013
The Millennium Manhattanization of Hollywood

KPPC on Traffic and the Millennium Project – Comments by Robert Silverstein

CityWatch June 28, 2013
Hollywood Residents Get the Millennium Shaft

Response to Comment No. IND 183-1

The comment provides various links to articles in reference to the Millennium Hollywood Project, a different project that was previously proposed at the same Project Site, and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project, and does not rely on the environmental review prepared for the Millennium Hollywood Project.

Furthermore, as stated in Response to Comment No. IND 8I-5, pursuant to CEQA Section 15088(c), the City is not required to provide detailed responses to comments that do not explain the relevance of the evidence submitted with the comment. Since the current Draft EIR is for an entirely new project at the Project Site with a new environmental analysis, the City has determined that the prior EIR and the comments to the prior EIR are not relevant to this Project. Therefore, as the comment does not identify or provide any supporting evidence of significant environmental effects which were not analyzed adequately in the Draft EIR for the current Project, no further response is warranted.

Nevertheless, impacts regarding the Hollywood Fault and geologic hazards were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D, *Geology and Soils,* concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above. With regard to the commenters question regarding the composition of the soil underlying the Project Site, pages IV.D-12 through IV.D-13 provides a detailed description of the subsurface conditions under the Project Site and were considered as part of the geotechnical analyses conducted for the Project.

Furthermore, it should be noted that the City did receive two letters from Caltrans with comments on the transportation analysis to be conducted for the Project. Although the analyses requested by Caltrans are not a required CEQA analysis per the City's Transportation Assessment Guidelines (TAG), adopted in July 2019, the analyses were presented for informational purposes in Appendix I to the Transportation Assessment (TA) for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing, and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 183-2

The 2013 DEIR is relevant since not much has changed...

Hollywood Center is STILL Millennium.

The Millennium disaster in San Francisco, unsafe leaning and tilting Millennium Tower, that used the same consultants as Millennium used to claim
Millennium Hollywood building site is SAFE, that Millennium KNEW was tilting and sinking but kept it secret while they continued to sell condos,
blamed everyone else..claimed nothing was their fault, is still tilting and in the news, now an infamous nightmare development, with more law suits than
San Francisco has ever seen, and a tourist attraction.

Response to Comment No. IND 183-2

The commenter claims that the Hollywood Center Project is still the Millennium Hollywood Project, which, as explained in Response to Comment No. 183-1, is a different project that was previously proposed at the same Project Site, on which the environmental review prepared for the current Project does not rely on. The com. The commenter also references to the Millennium Tower in San Francisco. As this comment does not raise any specific issues with respect to the content and adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 183-3

What's new about Millennium Hollywood Center?

The buildings are still the best example of obscene developer greed, a NYC developer who could care less about HOLLYWOOD, and his funded puppet politicians generously paid, and helped get elected, to look the other way regarding traffic safety, earthquake safety, peoples *[sic]* lives, and destruction of Hollywood HISTORIC RESOURCES, compromising the National Historic Register of Famous Places area and the world renown Historic Cultural Monument Capitol Records Building and Hollywood Sign.

Response to Comment No. IND 183-3

The comment expresses general opposition to the Project. As the comment does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Nevertheless, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also Topical Response No. 2 – Transportation and Traffic, above.

Specifically, as it relates to traffic safety, as analyzed on pages IV.L-44 and IV.L-45 of Section IV.L of the Draft EIR, the Project would be designed to comply with City standards and would provide adequate sight distance, sidewalks, crosswalks, and pedestrian movement controls that meet the City's requirements to protect pedestrian safety. All roadways and driveways would continue to intersect at right angles. Street trees would be designed and located so as to not significantly impede driver and pedestrian visibility and would not present a hazard. Pedestrian entrances separated from vehicular driveways would provide access from the adjacent streets, parking facilities, and transit stops. Therefore, as determined therein, the Project would not substantially increase geometric hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses and impacts would be less than significant.

Regarding earthquake safety, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D of the Draft EIR concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The commenter asserts that the Project would result in the destruction of Hollywood's historic resources, including the Capitol Records Building and the Hollywood Sign. It should be noted that the Project would not directly impact the Hollywood Sign. As analyzed on pages IV.A-29 to IV.A-54 in Section IV.A, *Aesthetics*, of the Draft EIR, construction and operation of the Project would not significantly block views of the Hollywood Sign. Also, impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame, and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame; indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to certain off-site historic resources (specifically the Pantages Theatre, Avalon Hollywood, and 6316-24 Yucca Street/Art Deco Building storefront), if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur. See also Topical Response No. 6 – Historical Resources, above.

Comment No. IND 183-4

Traffic in the area is WORSE, than it was when Judge Chalfant shut Millennium projects down due to the phony EIR, that made traffic stuff up, and pretended the traffic would have no impacts, and ignored Caltrans warnings about the 'deadly, unsafe' traffic

It's WORSE now with all the new oversized projects the city has approved and are up...

Response to Comment No. IND 183-4

The comment states that traffic has worsened since the Millennium Hollywood Project approvals were invalidated, as new projects have since been built; and references the previous EIR's neglect for Caltrans' concerns. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts

were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

It is also acknowledged that Caltrans prepared two letters with comments on the transportation analysis to be conducted for the Project. The analyses requested by Caltrans were presented for informational purposes in Appendix I to the TA for the Hollywood Center Project, provided in Appendix N-1 of the Draft EIR. The Caltrans analysis is not a required CEQA analysis per the City's TAG. As shown in Appendix I to the TA, the analyses determined that the addition of Project traffic would not result in substantial direct or cumulative effects to the freeway mainline or off-ramp queuing and is also not considered to have a traffic safety effect on the off-ramps, freeway segments, and intersections identified in Caltrans' letters. Also see Response to Comment No. AG 2-7, which discusses a recent meeting between the City and Caltrans in July 2020 during which Caltrans did not identify any particular concerns or make any particular requests for new analysis beyond that included in the Draft EIR. Additionally, the Caltrans representative indicated that Caltrans' concerns were non-CEQA concerns. Based on this, Caltrans has not identified any specific issues related to the content or adequacy of the CEQA analysis related to the Draft EIR.

Comment No. IND 183-5

The building site still has a state geologist confirmed active EQ fault running through it....still denied by Millennium.

Response to Comment No. IND 183-5

The comment states that the Project Site has an active earthquake fault running under it. However, impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Comment No. IND 183-6

Groups, organizations opposed are already lining up for those generous Millennium bribes to 'like' the projects they hate and know will disrupt their businesses, ruin the area, and compromise the beautiful historic resources.

The same politicians are still there, the councilmembers, mayor, etc., who have sold out Hollywood and Hollywoodians and Angelenos who love

Hollywood and its Iconic Cultural Resources....the politicians who owe their political careers to Millennium.

What HAS changed is the developer politico 'PAY to PLAY' corruption has been revealed, and many that enabled Millennium projects being approved the last time have been, are being, investigated by the FBI, indicted, or resigned. And the investigations are on going

Response to Comment No. IND 183-6

The comment expresses general opposition to the Project based on corruption in the City. It should be noted that the speculation as to alleged illegal activities is not related to the adequacy of the Draft EIR. Accordingly, as the comment does not raise any issues with respect to the content or adequacy of the Draft EIR, no further response is warranted.

Comment No. IND 183-7

In the rush to make the comment deadline yesterday, I neglected to include the correct link to the EIR Millennium 2013

Should I send another comment email with the added link, or can you use this?

It has been added below 'EIR...Millennium...2013

Response to Comment No. IND 183-7

The comment provides a link to the EIR for the Millennium Project, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment No. IND 183-8

EIR...Millennium...2013
http://clkrep.lacity.org/onlinedocs/2013/13-0593_misc_05-15-2013.pdf

Response to Comment No. IND 183-8

The comment provides a link to the EIR for the Millennium Project. As stated in Response to Comment No. IND 8I-5, pursuant to CEQA Section 15088(c), the City is not required to provide detailed responses to comments that do not explain the relevance of the evidence submitted with the comment. Since the current Draft EIR is for an entirely new project at the Project Site with a new environmental analysis, the City has determined that the prior EIR and the comments to the prior EIR are not relevant to this Project. Therefore, the comment does not identify or provide any supporting evidence of significant environmental effects which were not analyzed adequately in the Draft EIR for the current Project, no further response is warranted.

Comment Letter No. IND 184

Helen Jacks
2036 Holly Hill Terrace,
Los Angeles, CA 90068
Received June 1, 2020

Comment No. IND 184-1

This proposed project is unethical. We all know it is in violation of existing zoning laws and would further exacerbate the traffic congestion and air pollution in the Hollywood community.

As I sit in my home, receiving emergency alerts about curfews due to civil unrest, I wonder if any of my elected city officials have read Eric Klinenberg's excellent book, PALACES FOR THE PEOPLE: How Social Infrastructure Can Help Fight Inequality, Polarization, and the Decline of Civic Life. I highly recommend you take a look at it, set aside your thoughts about campaign donations from developers, and do the right thing. There is no honest way to evaluate this project as beneficial to the citizens of Hollywood. Instead, it typifies political corruption and looting.

Response to Comment No. IND 184-1

The comment asserts that the Project is unethical, violates existing zoning laws, and would increase traffic and air pollution in the Hollywood Community. The commenter's assertion that the Project is unethical is an opinion and does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

With regards violations of existing zoning laws, see Topical Response No. 5 – Land Use and Planning, above, which discusses the Project's requested discretionary approvals and consistency with applicable zoning regulations.

Regarding traffic impacts, while this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Regarding air pollution, while this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, air quality impacts related to sensitive receptors were addressed in Section IV.B, *Air Quality*, of the Draft EIR, with supporting data provided in Appendix E of the Draft EIR. As analyzed therein, construction and operational air quality impacts would be less than significant after mitigation. The prescribed mitigation which requires certain types of construction equipment and features

to be utilized by the Project, would ensure that Project construction activities do not expose sensitive receptors to substantial pollutant concentrations or result in violations to applicable daily air quality standards. During operation, mitigation to address standard emergency generator testing would also ensure that applicable daily air quality standards are not violated.

Comment Letter No. IND 185

Hannah Beavers
Received June 1, 2020

Comment No. IND 185-1

My name is Hannah Beavers and I have lived at Franklin and Ivar for 12 years now. I am responding to case no. ENV-2018-2116-EIR. I am very concerned for our neighborhood with the prospect of such a massive project. I am all for change and I know this city need more housing, but this is not the place for these kinds of buildings.

Response to Comment No. IND 185-1

The comment expresses concern about the Project's size but does not raise any specific issues with respect to the content or adequacy of the Draft EIR. However, aesthetic impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, and Topical Response No. 5 – Land Use and Planning, above.

Comment No. IND 185-2

These sites are located DIRECTLY on the St *[sic]* Andreas fault line. I do not believe the city has taken into account the thousands of lives that will be at risk.

Response to Comment No. IND 185-2

The comment states that the Project Site is located directly on the San Andreas Fault. It should be noted that the Project Site is not located atop the San Andreas fault line. Note that the nearest fault to the Project Site is the Hollywood Fault and not the San Andreas Fault. Impacts regarding the Hollywood Fault were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

Furthermore, the Los Angeles Department of Building and Safety (LADBS) issues building and grading permits for construction projects. Building permits are required for any building or structure that is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished. The function of the City's Building Code is to protect life safety and compliance with the Los Angeles Municipal Code (LAMC). The sections of LAMC Chapter IX address numerous topics, including earthwork and grading activities, import and export of soils, erosion and drainage control, and general construction requirements that address flood and mudflow protection, slides and unstable soils. The LADBS approves building plans based on accepted engineering principles and facts, including seismic safety analyses, in accordance with the Building Code.

Additionally, LAMC Section 91.1803 includes specific requirements addressing seismic design, grading, foundation design, geologic investigations and reports, soil and rock testing, and groundwater. Specifically, LAMC Section 91.7006 requires that a Final Geotechnical Report with final design recommendations prepared by a California-registered geotechnical engineer and submitted to the LADBS for review prior to issuance of a grading permit. Final foundation design recommendations must be developed during final Project design, and other deep foundation systems that may be suitable would be addressed in the Final Geotechnical Report.

Comment No. IND 185-3

In addition to my concerns about earthquakes, these buildings would immediately effect the residential housing that already exists. Historical buildings and quiet neighborhoods will be forced out and inevitably our rent will go up, which we can not *[sic]* afford.

Response to Comment No. IND 185-3

The commenter provides a general statement that historical buildings and quiet neighborhoods would be forced out and rent would increase, but does not raise any specific issues regarding the content or adequacy of the Draft EIR. Furthermore, as stated in CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as significant effects on the environment. As such, this topic was not evaluated in the Draft EIR, and no further response is warranted.

Comment No. IND 185-4

These construction sites will also be filled with people -bringing many people into our neighborhood during a pandemic and that increases our risk of catching the virus.

Response to Comment No. IND 185-4

The commenter provides a general statement that construction sites would be filled with people during a pandemic. However, CEQA does not require analysis of speculative conditions related to the potential for construction workers spreading the virus. Pursuant to CEQA Guidelines Section 15143, "[t]he significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." Furthermore, CEQA Guidelines Section 15064(d)(3) states that "[a]n indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable." Therefore, forecasting the potential for construction sites to bring COVID-19 to the neighborhood and increase the risk of residents catching the virus is speculative. In addition to being speculative, COVID-19 is not a project or, more specifically, a component of this Project. Rather, COVID-19 is part of the environment and CEQA generally does not require an analysis of the environment's impact on the Project (see CEQA Guidelines Section 15126.2). Thus, the Draft EIR meets the standards for adequacy under CEQA Guidelines Section 15151 and Section 15064(d)(3).

Comment No. IND 185-5

To that point, there is WAY too much going on right now to give this our full attention. Please, oh please, wait until the residents of this neighborhood can be focused and have a constructive conversation with you about this.

Please wait.

Thank you so much for listening to me and please stay safe out there.

Response to Comment No. IND 185-5

The comment requests that more time be provided for residents to provide constructive feedback. The City determined that the Draft EIR comment period for the Project would not be extended and would remain at 47 days, as indicated on the Draft EIR's Notice of Completion and Availability (NOC/NOA), dated April 16, 2020. For additional details regarding the City's determination not to extend the Draft EIR comment period, see Topical Response No. 1 – Public Participation and Review, above.

Comment Letter No. IND 186

Paul Barron
7225 Hollywood Blvd, Apt 321
Los Angeles, CA 90046
Received June 1, 2020

Comment No. IND 186-1

I would like to register my formal objection to the proposed *Hollywood Center Project* in the vicinity of Hollywood Blvd, Vine Street, Ivar Ave and Yucca Street in Hollywood, CA.

As a long-standing Hollywood resident, I am extremely concerned by the likely increase in traffic, footfall and the cost of living in the area, not to mention the shockingly disproportionate overshadowing of the iconic Capitol Records building. I am aghast that the city would consider such a proposal.

I believe the building of two huge towers - some three times higher than the Capitol Records building - would be nothing short of disastrous to the aesthetic nature of the area.

As you are aware, in addition to the area being a significant tourist magnet, footfall becomes especially unbearable on Hollywood & Vine during daily performances at the Pantages Theater.

If the city introduces two huge buildings to this location, I fear they would forever destroy the intrinsic character of the neighborhood, and tip the work / life balance of its residents immeasurably, irreversibly and detrimentally.

I strongly urge the city to reconsider this proposal.

Response to Comment No. IND 186-1

The comment expresses opposition to the Project based on its size and scale, impacts on historic resources, and noise and traffic impacts. Footfall refers to the number of people entering a store or shopping area in a given time and is used in retail as an economic indicator but is not an environmental impact considered under CEQA. While this comment does not raise any specific issues with respect to the content or adequacy of the Draft EIR, the size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics and Topical Response No. 5 – Land Use and Planning, above.

Regarding impacts to the Capitol Records Building, historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C of the Draft EIR analyzed the potential for direct and indirect impacts to the Capitol Records Building and other nearby historical resources. No direct impacts to the Capitol Records Building would occur and potential indirect impacts on the building due to construction vibration

and settlement were determined to be less than significant with implementation of mitigation measures. See also Topical Response No. 6 – Historical Resources, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

The comment also expresses concern about the Project's impact on the intrinsic character of the neighborhood. Impacts regarding historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F-1 of the Draft EIR. See also Topical Response No. 6 – Historical Resources, above. As described therein, the architecture of the Project has been designed to be distinct from, but compatible with, the modernist architectural character of the Capitol Records Building and the greater Hollywood neighborhood. The proposed buildings have been located and configured to preserve important views of the Capitol Records Building and to promote compatibility between new construction and the historic Capitol Records Complex. The West and East Buildings have been articulated in a manner that responds to the design of the Capitol Records Building. The West and East Buildings, together with the Capitol Records Building, are asymmetrically centered on Vine Street, highlighting the Capitol Records Building's prominence. The façades of the West and East Buildings oriented toward the Capitol Records Building and the Hollywood Hills have been designed to curve softly to respond to the form of the Capitol Records Building while maximizing the width of view corridors into and through the Project Site. These curved exterior walls of the West and East Buildings also include balconies intended to evoke the signature sunshades of the Capitol Records Building. The remaining façades, oriented south toward Hollywood, adopt the rectilinear language of the City's grid and more traditional buildings.

Comment Letter No. IND 187

Daisy Holden
Received June 1, 2020

Comment No. IND 187-1

I am writing as a concerned resident with regard to comment for the Hollywood Center Project ("DEIR*[sic]*). I was born and raised in Whitley Heights, the historic HPOZ district in the LA area, which is within 550m of the proposed project. In fact, the view from our *[sic]* my apartment looks directly out at the proposed site. If this project were to commence, the environmental impact would without a doubt permanently damage & degrade the historic structures, OUR HOMES by the level of subterranean construction of such scale.

Response to Comment No. IND 187-1

The commenter is concerned about the Project damaging and/or degrading the historic structures in the Whitley Heights HPOZ district. Historic resources were analyzed in Section IV.C, *Cultural Resources*, of the Draft EIR based on a Historical Resources Technical Report included in Appendix F of the Draft EIR. Section IV.C analyzed the potential for direct and indirect impacts to historic resources, including the Capitol Records Building, Pantages Theatre, Hollywood Walk of Fame and other nearby historical resources. The Project's direct impacts to historic resources were determined to be less than significant with implementation of a mitigation measure to protect the Hollywood Walk of Fame, and indirect impacts related to vibration during construction activities were determined to be significant and unavoidable to some adjacent historic resources if mitigation measures requiring consent of other property owners could not be implemented. However, with the consent of the property owners to implement the recommended mitigation measures, monitoring, preventative and corrective measures, if needed, would be in place throughout construction to ensure that temporary impacts to historic resources are fully mitigated such that no long-term effects occur.

More specifically in regard to the Whitley Heights HPOZ district, Section IV.C, evaluated indirect impacts on more proximate historic resources; however, the analysis of potential indirect impacts on the Hollywood Boulevard Commercial and Entertainment District are generally relevant, understanding that the effects would be less pronounced on the Whitley Heights HPOZ. See pages IV.C-71, and pages IVC-77 through IVC-79 in Section IV.C, and pages 122 through 125, in Appendix F, of the Draft EIR. The analyses provided therein state in part that despite introducing substantial new height to the skyline, new construction would not result in significant adverse effects to the District, as the immediate setting of the District would not be altered, and the area surrounding the District has been characterized by juxtapositions between building heights since the prevailing height limit of 150 feet was removed in Hollywood in the late 1950s. The analysis also states that features important to the significance of the District are largely contained within and are best experienced within the District and that new construction associated with the Project

would not interrupt the configuration of buildings, their spatial relationships to each other, or their relationship to the street that characterize the District as it is experienced. See also Topical Response No. 6 – Historical Resources, above.

Comment No. IND 187-2

What is FAIR, ACCEPTABLE and NECESSARY:

1. Responsible development with height restrictions that compliment *[sic]* the existing, beautiful and historic Hollywood skyline and community - nothing above 15-20 stories.
2. Genuine respect and regard for the concerns about the existing proposal.
3. The commitment to an INCREASE of law enforcement manpower, which will be necessary to ensure public safety - not only in the immediate public space, but for the surrounding neighborhood communities.

Response to Comment No. IND 187-2

This comment expresses general opposition to the Project related to height, historic resources, and public safety, but does not raise any issues with respect to the content or adequacy of the Draft EIR. Regarding height, aesthetics impacts were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies, or regulations related to location, form, and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, and, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Regarding public safety, fire and police services impacts were addressed, respectively, in Section IV.K.1, *Fire Protection*, and Section IV.K.2, *Police Protection*, of the Draft EIR, with supporting data provided in Appendix M of the Draft EIR. Pursuant to the CEQA Guidelines, and the thresholds used by the City to determine the significance of impacts to fire and police services, the focus of the analyses is on whether or not new or expanded facilities are needed to maintain adequate public service and whether a potential physical impact could occur if construction of facilities was warranted. In the case of the Project, it was determined that the Project would not generate a demand for additional police and fire protection services that would result in the need for new or expanded fire and police services facilities. As such, Section IV.K.1 and IV.K.2 concluded that impacts to fire and police services, respectively, would be less than significant. Notably, regarding public safety, as provided in Project Design Feature POL-PDF-2, the Project would incorporate a 24-hour/seven-day security program to ensure the safety of its residents, employees, and site visitors; and install and utilize a 24-hour security camera network throughout parking garages, elevators, common and amenity spaces, lobby areas, and rooftop and

ground level outdoor open spaces. The Project's security personnel and features would provide natural surveillance through visual connections between residential/commercial units and public areas, locating common areas as centrally as possible or near major circulation paths, and providing adequate way-finding signage and lighting for walkways and entries. This is in contrast to existing conditions in the area, which include surface parking lots and long alleys between blocks, where buildings are partially cut off from the street. These security features would help reduce the potential for on-site crimes, including loitering, theft, and burglaries, and would reduce demand for LAPD services. Additionally, the Project Applicant has the ability to contribute to the local Business Improvement District (BID), which has a seven-day a week security patrol, and could assist in safety services and potentially increase patrols, thereby reducing the Project's need for additional LAPD services. Implementation of Project Design Feature POL-PDF-2 would help to offset the Project's operational demand for police protection services from LAPD.

Comment No. IND 187-3

I will close by stating that we support the revival of a new Hollywood. But, let's achieve this through a plan that benefits everyone involved and not just those that are out for themselves. We are not Manhattan. We are Los Angeles.

Response to Comment No. IND 187-3

This comment expresses general opposition to the Project, but does not raise any issues with respect to the content or adequacy of the Draft EIR. As such, no further response is warranted.

Comment Letter No. IND 188

Olivia Duke
Received June 2, 2020

Comment No. IND 188-1

I am writing this letter in hopes that it may save lives.

I left Hollywood and moved back to Texas when my aunt passed in 2013. At the time that I had to move I had lived in my apt. on Beachwood Drive for 25 years. It was heart breaking that I had to go but I was already seeing at the time, the obvious buy outs by developers that were being allowed to build structures that caused rediculous *[sic]* traffic back ups, structures that did not fit the height or respect of the height of the other buildings: in short, greed had been allowed to take over. The traffic had gotten so bad that the quality of life for everyone in the Hollywood Hillls *[sic]* was being grossly affected. In the 7 years that I have now been gone it has now gotten 10 times worse.

At the time, I suspected that there had to be bribes by the developers to the planning and development office as well as city council members but had no proof of it. Well, as of the other day, it has come to light that I was correct. I have to ask myself, why then if the Hollywood Hills residents have to pay massive taxes for their views, the building of two Millennium Towers, on earth quake faults, that overpower all of the other buildings in Hollywood - the very reason tourests *[sic]* come from miles around, to see old Hollywood, not a couple of sky scappers *[sic]* that they can see in their own cities -- why would these two buildings even be considered? Moreover, didn't anyone see the movie, Titanic and learn what happens when you push common sense. Well, since building these buildings makes "no" common sense, then I have to surmise that money must again be being exchanged between the developers and the departments in the city that are even thinking about letting these buildings be built. After nine years, I think it is quite clear that the only people that want these monstrosities built is the builder. The citizens have made it very clear that they don't. And if those towers are allowed, and an earthquake happens; as it surly will, and these towers collapse killing many people well, then you all will have to live knowing that. So, I have to ask you, is it worth it? Is the money being exchanged by the developers to get their way worth it? I would think not. Please consider these words with the upmost of seriousness because your actions will ultimately, probably be resposible *[sic]* for the demise of many. I sure would not want to live with that.

Response to Comment No. IND 188-1

The comment expresses opposition to the Project based on its size and scale, traffic impacts, and location with respect to an earthquake fault. The size and scale of the Project were analyzed in Section IV.A, *Aesthetics,* of the Draft EIR. See also Topical Response No. 4 – Aesthetics, above.

In addition, Section IV.H, *Land Use and Planning*, of the Draft EIR analyzed the Project's potential to result in conflicts with land use plans, policies and regulations, with supporting

information included in Appendix J of the Draft EIR. As analyzed in Section IV.H, the Project would not conflict with relevant plans, policies or regulations related to location, form and density of development adopted for the purpose of avoiding or mitigating a significant environmental effect, therefore, impacts would be less than significant. See also Topical Response No. 5 – Land Use and Planning, above.

Traffic impacts were addressed in Section IV.L, *Transportation*, of the Draft EIR, based on a Transportation Assessment (TA) approved by the Los Angeles Department of Transportation (LADOT) included in Appendix N-1 of the Draft EIR. The analysis in Section IV.L of the Draft EIR concluded that the Project would result in less-than-significant transportation/traffic related impacts. See also see Topical Response No. 2 – Transportation and Traffic, above.

Geology impacts, including those regarding the Project Site's location relative to an earthquake fault (the Hollywood Fault), were analyzed in Section IV.D, *Geology and Soils,* of the Draft EIR, with supporting information provided in the Geotechnical Investigation and the Surface Fault Rupture Hazard Evaluation Reports (2015 and 2019 Fault Studies) included in Appendix G of the Draft EIR. The analysis in Section IV.D concluded that geology impacts, including fault-related impacts, would be less than significant, and that the Project would not be constructed on an active fault line. See also Topical Response No. 3 – Geology and Fault Hazards, above.

The comment also makes reference to the Millennium Towers project, which is a different project located in San Francisco. The information and analysis provided within the Draft EIR for the Project have no connections to the studies and development of the Millennium Towers project in San Francisco. The commenter also makes reference to a different project that was previously proposed at the same Project Site and for which planning approvals and the environmental determination were invalidated. The previous project is discussed in Chapter II, *Project Description*, Subsection 3, Project Background, (see pages II-6 and II-9) of the Draft EIR. The analysis contained in this EIR is for a new project and does not rely on the environmental review prepared for the Millennium Hollywood Project.