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**Subject:** DEIR Comment Letter - Hollywood Center (ENV-2018-2116-EIR)  
**Attachments:** AMDA Comment Letter\_Hollywood Center DEIR\_060120.pdf

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Mindy,

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.

Take care,

Noah

**Noah Adler**  
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June 1, 2020

**VIA E-MAIL AND U.S. MAIL**

Ms. Mindy Nguyen  
City of Los Angeles, Department of City Planning  
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Los Angeles, CA 90012  
mindy.nguyen@lacity.org

Re: **Comments on the Draft Environmental Impact Report for the Hollywood Center Project (SCH No. 2018051002) (Case No. ENV-2018-2116-EIR)**

Dear Ms. Nguyen:

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:

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.)
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.4<sup>th</sup> 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.)

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.)
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).)

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.

## **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”)<sup>1</sup>, AMDA’s Hollywood campus

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<sup>1</sup> NAST has been designated by the United States Department of Education as the agency responsible for the accreditation throughout the United States of freestanding institutions and

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.

## **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. The Draft EIR's Project Description Is Legally Indefensible.**

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

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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.

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. (*Stophthemillenniumhollywood.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.5<sup>th</sup> 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.

**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.5<sup>th</sup> 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.

**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.

#### **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.

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<sup>2</sup> 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 CO<sub>2</sub>e? 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.

- 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.4<sup>th</sup> 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.

**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.

## **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.

**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 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<sub>eq</sub>)" 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.

## **2. 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.<sup>3</sup> The analysis should be redone to apply the correct threshold and disclose the true magnitude of potentially significant impacts.<sup>4</sup>

**3. 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

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<sup>3</sup> 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.

<sup>4</sup> 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.



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  $L_{eq}$  thresholds. In fact it does not even reference  $L_{eq}$  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.

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:

- **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?

- **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.
- **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].)

- **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?
- **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?
- **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.
- **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.

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.)

**4. 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.4<sup>th</sup> 1098, 1106 [conditions placed upon a project in response to its potential impacts constitute mitigation measures].)

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.

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.

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.

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.***

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.

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 unreparable. 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.

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).)

**5. 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

remediating the identified environmental problem. (See, e.g., *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4<sup>th</sup> 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.

**C. The Draft EIR Impermissibly Ignores Aesthetic Impacts to Historic and Cultural Resources and Aesthetics-Related Land Use Policies.**

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.

**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.

**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.

**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*.

**D. 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.

**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 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.<sup>5</sup> 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.

**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:

- **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

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<sup>5</sup> 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.4<sup>th</sup> 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.

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?

- **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.
- **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.
- **Unsupported statements regarding SO<sub>x</sub> emissions.** On page IV.B-46 of the Draft EIR, the text states that SO<sub>2</sub> 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<sub>x</sub> emissions from the Project.
- **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<sub>x</sub> 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 NO<sub>x</sub> emissions above what is disclosed, recirculation is required.

- **Inconsistent impact conclusions regarding NO<sub>x</sub> emissions.** Page IV.B-56 of the Draft EIR states, “construction-related daily emissions would exceed the SCAQMD thresholds of significance for NO<sub>x</sub> 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.

### **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.

## **E. 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.

## **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.

**F. The Draft EIR’s Greenhouse Gas Emissions Analysis Relies On Offsets To Reduce Its Impacts, But Provides No Enforceable, Meaningful Commitment To Purchase Offsets.**

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 MTCO<sub>2e</sub> to nearly 11,000 MTCO<sub>2e</sub>. 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.



**G. 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.**

*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.

**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.

**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.

**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.

- **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.4<sup>th</sup> 173, 210.)
- **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.
- **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.

- **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).
- **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.

**H. 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.

**I. 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).)

**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.

Very truly yours,



Victor De la Cruz  
Manatt, Phelps & Phillips, LLP

# **EXHIBIT A**

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

VAN AMBATIELOS  
PRESIDENT

E. FELICIA BRANNON  
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DEPARTMENT OF  
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201 NORTH FIGUEROA STREET  
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FRANK M. BUSH  
GENERAL MANAGER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER

3/21/2017



AMDA INC  
211 W 61ST ST FL 3RD  
NEW YORK NY 10023-7832

14-6  
02044

**NOTIFICATION**

**BUILDING ADDRESS: 1771 VINE ST  
LOS ANGELES CA 90028**

This courtesy notice is to inform you that based on a review of departmental records the Los Angeles Department of Building and Safety (LADBS) has determined that the building(s) at the location referenced above may meet the criteria for mandatory compliance with the seismic retrofit Ordinance No. 183893, "Mandatory Earthquake Hazard Reduction in Existing Non-Ductile Concrete Buildings," otherwise known as the Non-Ductile Concrete Retrofit Program.

This Ordinance applies to "any concrete building built pursuant to a permit application for a new building that was submitted before January 13, 1977, or, if no permit can be located, the structure is determined by the Department to have been built under building code standards enacted before January 13, 1977" (LAMC Section 91.9502).

LADBS found that your building may contain "concrete floors and/or roofs, either with or without beams, supported by concrete walls and/or concrete columns, and/or concrete frames with or without masonry infills, or any combination thereof."

An Order to Comply will be sent out in the near future warranting compliance with the Seismic Retrofit Ordinance.

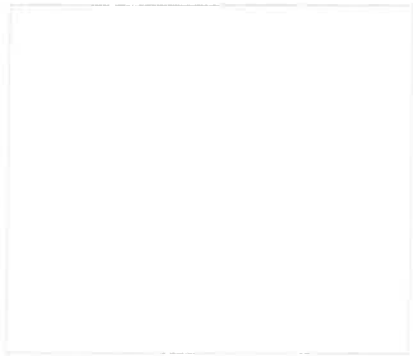
Please see the enclosed Owners Guide for guidance and information regarding the Non-Ductile Concrete Retrofit Program.

If you require further information, please call the LADBS Non-Ductile Concrete Section at (213) 978-4475 or visit <http://www.ladbs.org/non-ductile>.





# NON-DUCTILE CONCRETE BUILDING CHECKLIST



Order to Comply No./Reference No.: NDC 631

Order to comply date: 3/21/20

**BUILDING DATA**

Building Address: 1771 Vine Street Date: 11/21/2019

Building Name: Vine Building

Owner Name: AMDA, Inc.

Email: vdelacruz@manatt.com Phone #: 310-312-4305

Owner Address: 211 W 61st St., New York, NY 10023-7852

Engineer's Name: Samuel Mengelkoch

Email: smengelkoch@structuralfocus.com Phone #: 310-323-9923

Engineer's Address: 19210 Vermont Ave Bldg. B, Suite 210, Gardena, CA 90248

Building Use: Educational

Year Built: 1961 Original Design building Code: Uniform Building Code 1958

No. of Stories: 5 Length (ft): 181'-3" Width (ft): 80'-7"

Levels below grade: 1 Story Height: 16'-2" Total Height: 64'-2"

**CONSTRUCTION DATA**

Building designed to 1977 LABC (1976 UBC) or later building code:  Yes  No  
 (If yes, supporting documentation required to be provided with checklist)

- Building elements supporting concrete floor or roof:
- Structural Concrete Wall
  - Concrete Column
  - Unreinforced Masonry Wall
  - Reinforced Masonry Wall
  - Steel Columns
  - Steel Columns encased in Concrete
  - Other \_\_\_\_\_

	Structural Concrete		Other
Type of Floor/Roof:	<input checked="" type="checkbox"/>	(	)
Roof Materials/Framing:	<input checked="" type="checkbox"/>	(	)
Intermediate Floors/Framing:	<input checked="" type="checkbox"/>	(	)
Ground Floor:	<input checked="" type="checkbox"/>	(	) Slab on grade

Please complete information on page-2 and -3.

Previous Building Retrofit: Date: N/A City of Los Angeles Building Permit No.: N/A

Standard Used: N/A

Note: Substantiating documentation is required to be included with the checklist

### LATERAL-FORCE-RESISTING SYSTEM

	Longitudinal (Long side of Building)	Transverse (Short side of Building)
Vertical Elements: Shear Wall	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Moment Resisting Frame	<input type="checkbox"/>	<input type="checkbox"/>
Other	_____	_____
Diaphragms: Concrete	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other material	_____	

### IRREGULARITIES

Identify irregularities of building:

#### Horizontal Irregularities

- Possible Torsional
- Possible Extreme Torsional
- Reentrant Corner
- Diaphragm Discontinuity
- Out-of-Plane Offset
- Nonparallel System

#### Vertical Irregularities

- Possible Stiffness-Soft Story
- Possible Stiffness-Extreme Soft Story
- Possible Weight (Mass)
- Possible Vertical Geometric
- In-Plane Discontinuity in Vertical Lateral Force-Resisting element
- Possible Discontinuity in Lateral Strength-Weak Story
- Possible Discontinuity in Lateral Strength-Extreme Weak Story

If the building is determined to be a "**Non-Ductile Concrete Building**", within ten (10) years after service of the "order to comply", submit a detailed evaluation of the building documenting whether the building meets or exceeds the requirements set forth in Section 91.9508 of Ordinance No. 183,893. The evaluation shall include one of the following:

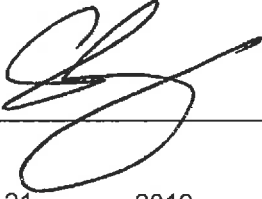
- (a) Proof that the building was previously retrofitted in conformity with the provisions in either Chapter 85 or former Chapter 95 (Ordinance No. 171,260; No. 179,324; No. 172,592; and No. 182,850) of the Los Angeles Building Code; or
- (b) Proof that the building was previously retrofitted in conformity with the engineering requirements of this provision; or
- (c) A report consisting of a structural analysis that shows the building meets the engineering requirements of this provision; or

- (d) A report consisting of a structural analysis and detailed plans for the proposed structural alteration of the building to comply with the engineering requirements of this provision of Chapter-95 (Ordinance-183893); or
- (e) Plans for demolition of the building.

**STATEMENT FROM ENGINEER OF RECORD**

"I, Samuel Mengelkoch as the licensed Engineer/Architect for the completion of the  
(Print Name)

LADBS Non-Ductile Building Checklist, have performed the necessary investigation of the building, have reviewed the available construction documents of the building, and have determined that the subject building **(IS)(IS NOT)** within the scope of LABC Chapter 95, Mandatory Earthquake Hazard Reduction in Existing Non-Ductile Concrete Building (Ordinance No. 183893, effective Nov. 22, 2015).

Signature:   
Date: 11 / 21 / 2019

Seal:



What information is needed to exempt affected building from Non-Ductile Concrete Ordinance:

- 1) Copy of Building Permit showing application for a new building was submitted to LADBS after January 13, 1977.
- 2) Copy of historical building plans showing building construction does not include concrete floors and/or roofs supported by concrete walls, concrete columns, or concrete frames with or without masonry infills or any combination thereof. Specific areas of the building construction will need to be verified by non-destructive testing or visual exposure and inspections made by LADBS to verify the building construction is consistent with the building plans. Within 3 years from the service date of the order to comply, a building permit application will need to be submitted to the structural plan check section along with all supporting documentations to verify information provided.
- 3) Where historical building plans are not available, schematic diagrams showing materials of construction may be used in lieu of historical building plans.

**PURPOSE:** The purpose of this form is to confirm that this building is within the scope of the ordinance.

<b>DEPARTMENT USE ONLY</b>	
<b>REVIEWED BY:</b>	<b>RECEIVED DATE:</b> ___/___/___

**From:** [Samuel Mengelkoch](#)  
**To:** [Adler, Noah](#)  
**Cc:** [De la Cruz, Victor](#)  
**Subject:** FW: 1771 Vine St. (NDC-631)  
**Date:** Monday, November 25, 2019 4:32:17 PM  
**Attachments:** [1771 Vine St.pdf](#)

---

FYI.

**Samuel O. Mengelkoch, S.E.**  
**Structural Focus**

**From:** Larry Lee <[larry.lee@lacity.org](mailto:larry.lee@lacity.org)>  
**Sent:** Monday, November 25, 2019 12:59 PM  
**To:** Samuel Mengelkoch <[smengelkoch@structuralfocus.com](mailto:smengelkoch@structuralfocus.com)>  
**Subject:** 1771 Vine St. (NDC-631)

Hi Samuel,

This is to confirm that we did receive the check list from you for the NDC building locates at: 1771 Vine St.

Thank you,

--

Larry Lee  
Structural Engineering Associate  
Dept. of Building and Safety  
City of Los Angeles  
Tel: (213) 482-0431

# CITY OF LOS ANGELES

CALIFORNIA

BOARD OF  
BUILDING AND SAFETY  
COMMISSIONERS

VAN AMBATIELOS  
PRESIDENT

E. FELICIA BRANNON  
VICE PRESIDENT

JOSELYN GEAGA-ROSENTHAL  
GEORGE HOVAGUIMIAN  
JAVIER NUNEZ

AMDA INC  
211 W 61ST ST FL 3RD  
NEW YORK NY 10023-7832



ERIC GARCETTI  
MAYOR

1-1  
00002

DEPARTMENT OF  
BUILDING AND SAFETY  
201 NORTH FIGUEROA STREET  
LOS ANGELES, CA 90012

FRANK M. BUSH  
GENERAL MANAGER  
SUPERINTENDENT OF BUILDING

OSAMA YOUNAN, P.E.  
EXECUTIVE OFFICER

## ORDER TO COMPLY

REFERENCE NO.: NDC-340  
BUILDING ID NO.: 462646860422  
EFFECTIVE DATE: 12/04/17

### COMPLIANCE DATES:

CHECKLIST: Within 3 Years from Effective Date  
PLAN SUBMITTAL: Within 10 Years from Effective Date  
WORK COMPLETION: Within 25 Years from Effective Date

**SITE ADDRESS: 6301 W YUCCA ST**

**APN: 5546003016**

Based on an inspection of the site address referenced above and review of departmental records, the Los Angeles Department of Building and Safety (LADBS) has determined that the building(s) located on the above-referenced site fall within the scope of Division 95, Article I, Chapter IX of the Los Angeles Municipal Code (LAMC), LAMC § 91.9500 *et seq.*, titled Mandatory Earthquake Hazard Reduction in Existing Non-Ductile Concrete Buildings (hereinafter, the "Ordinance"), and is therefore required to meet the minimum seismic standards of the Ordinance.

Therefore, you are hereby ordered to comply with the following requirements as set forth in LAMC § 91.9504.2:

- Within three (3) years after service of the "Order to Comply" letter described in Section 91.9505 (effective date of this letter), submit on the form provided by the Department a completed checklist for the Department to review and approve.*
- Within ten (10) years after service of the "Order to Comply" letter (effective date of this letter), submit a detailed evaluation of the building documenting whether the building meets or exceeds the requirements set forth in Section 91.9508. The evaluation shall include one of the following:*
  - Proof that the building was previously retrofitted in conformity with the provisions in either Chapter 85 or Former Chapter 95 (Ordinance 171,260; No. 179,324; No. 179,592; and No. 182,850) of the Los Angeles Building Code; or*
  - Proof that the building was previously retrofitted in conformity with the engineering requirements of this division; or*

- c. A report consisting of a structural analysis that shows the building meets the engineering requirements of this division; or
  - d. A report consisting of a structural analysis and plans for the proposed structural alteration of the building to comply with the engineering requirements of this division; or
  - e. Plans for demolition of the building.
3. Within twenty-five (25) years after service of the "Order to Comply" letter (effective date of this letter), complete all necessary demolition or retrofit work on the building.

**NOTICE OF RECORDATION OF CERTIFICATE**

A CERTIFICATE HAS BEEN FILED WITH THE OFFICE OF THE LOS ANGELES COUNTY RECORDER STATING THAT THE BUILDING(S) ON THE ABOVE-REFERENCED SITE FALL(S) WITHIN THE SCOPE OF THE NON-DUCTILE CONCRETE RETROFIT ORDINANCE 183893, AND THAT THE OWNER HAS BEEN ORDERED TO STRUCTURALLY ANALYZE AND STRUCTURALLY ALTER OR DEMOLISH THE BUILDING(S) PURSUANT TO LAMC § 91.9504.2.

**NON-COMPLIANCE FEE WARNING:**

IT IS YOUR RESPONSIBILITY TO COMPLY WITH THIS ORDER AND CONTACT THE NON-DUCTILE CONCRETE RETROFIT UNIT LISTED BELOW BEFORE A NON-COMPLIANCE FEE IS IMPOSED. Failure to comply with this order within 15 days from the Compliance Date, may result in the imposition of the fee noted below.

A proposed non-compliance fee in the amount of \$660.00 may be imposed for failure to comply with this order within 15 days after the Compliance Date, or any compliance date thereafter, unless an appeal or request for slight modification is filed according to the time limits specified in the "APPEAL PROCEDURES" below.

**NOTE:** FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING OF AN INVOICE, MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF **\$2,310.00**. Any person who fails to pay the non-compliance fee, late charge, and collection fee shall also pay interest. Interest shall be calculated at the rate of one percent per month.

**APPEAL PROCEDURES:**

Within 60 days from the service date of this order, an owner may appeal the Department's initial determination that a building falls within the scope of the Ordinance. LAMC § 91.9505.5. Such an appeal shall be made in writing to the Board of Building and Safety Commissioners, and shall be accompanied by supporting documents (e.g., building permits for original construction, original construction plans, or proof that building complies with the minimum design standards of the Ordinance).

All other bases for appeals to this order, including appeal of any Department action that is taken incidental to this order, and requests for slight modification may be made pursuant to LAMC §§ 98.0403.1 - 98.0403.2.

**NOTE:** Except for an appeal of the Department's initial determination that a building falls within the scope of the Ordinance, if an appeal or request for slight modification is not filed within 15 days of a compliance date, or extensions granted therefrom, the determination of the Department to impose and collect a noncompliance fee shall be final. LAMC § 98.0411(b).

**Page 3 of 3**

**Effective Date:** 12/04/17

**6301 W YUCCA ST**

**NOTICE OF TENANT RELOCATION ASSISTANCE:**

Relocation assistance may be required if a tenant is evicted as a result of compliance with an order from a governmental agency. See LAMC §§ 151.09.A.11, 163.00-163.07. For more information regarding tenant relocation assistance, call the Los Angeles Housing and Community Investment Department (LAHCID) at 866-557-7368 or go to <http://hcidla.lacity.org>.

**PENALTY WARNING:**

Any person who violates or causes or permits another person to violate any provision of the Los Angeles Municipal Code, including failure to comply with this order, shall be guilty of a misdemeanor, which is punishable by a fine of not more than \$1,000.00 and/or six (6) months for each violation. LAMC §§ 11.00(m), 91.103.3.

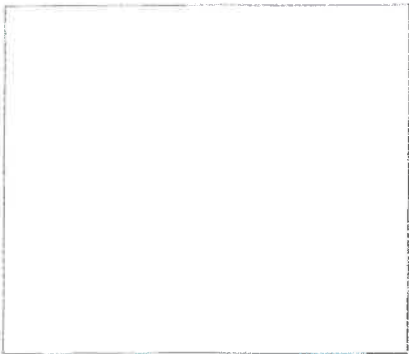
If you have any questions or require additional information, please contact the Non-Ductile Concrete Retrofit Unit at (213) 978-4475 or email at [ladbs.nonductileconcrete@lacity.org](mailto:ladbs.nonductileconcrete@lacity.org).

**NON-DUCTILE CONCRETE RETROFIT UNIT  
201 N. FIGUEROA ST., SUITE 880  
LOS ANGELES, CA 90012**





## NON-DUCTILE CONCRETE BUILDING CHECKLIST



Order to Comply No./Reference No.: NDC-340

Order to comply date: 12/04/20

**BUILDING DATA**

Building Address: 6301 Yucca Street Date: 11/21/2019

Building Name: Yucca Vine Tower

Owner Name: AMDA, Inc.

Email: vdelacruz@manatt.com Phone #: 310-312-4305

Owner Address: 211 W 61st St., New York, NY 10023-7852

Engineer's Name: Samuel Mengelkoch

Email: smengelkoch@structuralfocus.com Phone #: 310-323-9923

Engineer's Address: 19210 Vermont Ave Bldg. B, Suite 210, Gardena, CA 90248

Building Use: Educational/Office

Year Built: 1929 Original Design building Code: Uniform Building Code 1927

No. of Stories: 8 + elevator penthouse Length (ft): 50 Width (ft): 46

Levels below grade: 1 Story Height: ~11'-3" Total Height: 120 to top of penthouse

**CONSTRUCTION DATA**

Building designed to 1977 LABC (1976 UBC) or later building code:  Yes  No  
(if yes, supporting documentation required to be provided with checklist)

- Building elements supporting concrete floor or roof:
- Structural Concrete Wall
  - Concrete Column
  - Unreinforced Masonry Wall
  - Reinforced Masonry Wall
  - Steel Columns
  - Steel Columns encased in Concrete
  - Other \_\_\_\_\_

	Structural Concrete	Other
Type of Floor/Roof:	<input checked="" type="checkbox"/>	( )
Roof Materials/Framing:	<input checked="" type="checkbox"/>	( )
Intermediate Floors/Framing:	<input checked="" type="checkbox"/>	( )
Ground Floor:	<input checked="" type="checkbox"/>	( Slab on grade )

Please complete information on page-2 and -3.



Previous Building Retrofit: Date: N/A City of Los Angeles Building Permit No.: N/A

Standard Used: N/A

Note: Substantiating documentation is required to be included with the checklist

### LATERAL-FORCE-RESISTING SYSTEM

	Longitudinal (Long side of Building)	Transverse (Short side of Building)
Vertical Elements: Shear Wall	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Moment Resisting Frame	<input type="checkbox"/>	<input type="checkbox"/>
Other	_____	_____
Diaphragms: Concrete	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other material	_____	

### IRREGULARITIES

Identify irregularities of building:

#### Horizontal Irregularities

- Possible Torsional
- Possible Extreme Torsional
- Reentrant Corner
- Diaphragm Discontinuity
- Out-of-Plane Offset
- Nonparallel System

#### Vertical Irregularities

- Possible Stiffness-Soft Story
- Possible Stiffness-Extreme Soft Story
- Possible Weight (Mass)
- Possible Vertical Geometric
- In-Plane Discontinuity in Vertical Lateral Force-Resisting element
- Possible Discontinuity in Lateral Strength-Weak Story
- Possible Discontinuity in Lateral Strength-Extreme Weak Story

If the building is determined to be a "Non-Ductile Concrete Building", within ten (10) years after service of the "order to comply", submit a detailed evaluation of the building documenting whether the building meets or exceeds the requirements set forth in Section 91.9508 of Ordinance No. 183,893. The evaluation shall include one of the following:


- (a) Proof that the building was previously retrofitted in conformity with the provisions in either Chapter 85 or former Chapter 95 (Ordinance No. 171,260; No. 179,324; No. 172,592; and No. 182,850) of the Los Angeles Building Code; or
- (b) Proof that the building was previously retrofitted in conformity with the engineering requirements of this provision; or
- (c) A report consisting of a structural analysis that shows the building meets the engineering requirements of this provision; or

- (d) A report consisting of a structural analysis and detailed plans for the proposed structural alteration of the building to comply with the engineering requirements of this provision of Chapter-95 (Ordinance-183893); or
- (e) Plans for demolition of the building.

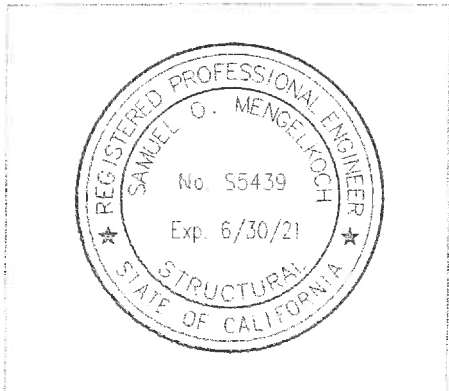
**STATEMENT FROM ENGINEER OF RECORD**

"I, Samuel Mengelkoch as the licensed Engineer/Architect for the completion of the  
(Print Name)

LADBS Non-Ductile Building Checklist, have performed the necessary investigation of the building, have reviewed the available construction documents of the building, and have determined that the subject building **(IS) IS NOT** within the scope of LABC Chapter 95, Mandatory Earthquake Hazard Reduction in Existing Non-Ductile Concrete Building (Ordinance No. 183893, effective Nov. 22, 2015).

Signature: 

Seal:



Date: 11 / 21 / 2019

Please see attached memo.

What information is needed to exempt affected building from Non-Ductile Concrete Ordinance:

- 1) Copy of Building Permit showing application for a new building was submitted to LADBS after January 13, 1977.
- 2) Copy of historical building plans showing building construction does not include concrete floors and/or roofs supported by concrete walls, concrete columns, or concrete frames with or without masonry infills or any combination thereof. Specific areas of the building construction will need to be verified by non-destructive testing or visual exposure and inspections made by LADBS to verify the building construction is consistent with the building plans. Within 3 years from the service date of the order to comply, a building permit application will need to be submitted to the structural plan check section along with all supporting documentations to verify information provided.
- 3) Where historical building plans are not available, schematic diagrams showing materials of construction may be used in lieu of historical building plans.

**PURPOSE:** The purpose of this form is to confirm that this building is within the scope of the ordinance.

<b>DEPARTMENT USE ONLY</b>	
<b>REVIEWED BY:</b> _____	<b>RECEIVED DATE:</b> ____/____/____



# Memo

<b>Date</b>	11/11/19	<b>Project No.</b>	19232
<b>Project Name</b>	6301 Yucca Street, Hollywood, CA NDC-340 Non-Ductile Concrete Building Checklist		
<b>To</b>	Charles Chang, LADBS	<b>Email</b>	via delivery
<b>Cc</b>	<b>Email</b>		
<b>From</b>	Sam Mengelkoch, SE, Structural Focus		
<b>Subject</b>	Addendum to NDC Building Checklist	<b>Pages</b>	1

## Memo

The owner of the subject building, AMDA, Inc., has engaged Structural Focus to assist in responding to the Order to Comply with the non-ductile concrete building retrofit ordinance for the building located at 6301 Yucca Street in Hollywood. This addendum is meant to partly clarify the nature of this property with respect to the Ordinance.

Based on our multiple field observations of Yucca Vine Tower, located at 6301 Yucca, we understand the building consists of three distinct structural systems built immediately adjacent to one another in separate phases. The center structure is an 8-story tower, which we believe is a non-ductile concrete building and as such falls within the purview of the Ordinance.

The immediately adjacent structures to the east and west are two-story buildings, with wood-framed roofs and floors and unreinforced masonry perimeter walls. These buildings have evidently been retrofitted per Division 99 requirements.

**From:** [Samuel Mengelkoch](#)  
**To:** [Adler, Noah](#)  
**Cc:** [De la Cruz, Victor](#)  
**Subject:** FW: 6301 W Yucca St. ( NDC-340)  
**Date:** Monday, November 25, 2019 4:34:09 PM  
**Attachments:** [6301 W Yucca St.pdf](#)

---

Noah, FYI.

**Samuel O. Mengelkoch, S.E.**  
**Structural Focus**

**From:** Larry Lee <[larry.lee@lacity.org](mailto:larry.lee@lacity.org)>  
**Sent:** Monday, November 25, 2019 1:00 PM  
**To:** Samuel Mengelkoch <[smengelkoch@structuralfocus.com](mailto:smengelkoch@structuralfocus.com)>  
**Subject:** 6301 W Yucca St. ( NDC-340)

Hi Samuel,

This is to confirm that we did receive the check list from you for the NDC building locates at: 6301 W. Yucca St.

Thank you,

--

Larry Lee  
Structural Engineering Associate  
Dept. of Building and Safety  
City of Los Angeles  
Tel: (213) 482-0431

# **EXHIBIT B**

**Corrected - / APPEAL TRANSMITTAL TO CITY COUNCIL**

<b>Case No.</b> CPC-2006-7068-ZC-HD-ZAA- SPR (Two Appeals)	<b>Planning Staff Name(s) and Contact No.</b> Lynda Smith, (213) 978- 1170	<b>C.D. No. 13</b>
<b>Related Case No(s):</b>	<b>Last Day to Appeal</b> March 1, 2008	

**Location of Project (Include project titles, if any.)**

6230 Yucca Street

**Applicant(s) and Representative(s) Name(s) and Contact Information, if available.**

**Applicant: Second Street Ventures, LLC**

**Representative: Dale Goldsmith; 310-209-8800**

**Appellant(s) and Representative(s) Name(s) and Contact Information, including phone numbers, if available.**

**Appellant #1 - EMI Music North America; Maureen B. Schultz, Representative**  
1750 North Vine Street, LA 90028; 323-871-5411

**Appellant #2 - Jim H. McQuiston**  
6212 Yucca Street, LA 90028; 323-464-6792

**Final Project Description :**

At its meeting on December 13, 2007, the following action was taken by the City Planning Commission:

1. **Approved and recommended that the City Council adopt the ordinance** to effect the change of zone and Height District from C4-2D-SN to (T)(Q)C4-2D-SN, subject to conditions of approval, for the proposed demolition of an existing building and construction of a mixed-use building.
2. **Denied without Prejudice an Adjustment** to permit zero foot side and rear yard setbacks;
3. **Approved a Site Plan Review Approval.**
4. **Certified ENV No. 2006-6941 EIR.**
5. **Adopted Findings.**

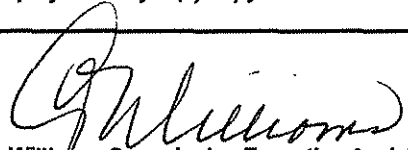
**Items Appealable to Council**

ENV No. 2006-6941-EIR, Adjustment, Site Plan Review Approval

<b>Fiscal Impact Statement</b> <small>*If determination states administrative costs are recovered through fees, indicate "Yes."</small> <b>Yes</b>	<b>Env. No. 2006-6941-EIR</b>	<b>Commission Vote: 5-2</b>
----------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------	-----------------------------

In addition to this transmittal sheet, City Clerk needs:

- (1) Appeal package. Original & (1) copy plus;
- (2) true copies of Commission Determination or Orig & (1) copy of Determ for legislative actions;
- (2) Staff Recommendation Report (1);
- (3) Environmental document used to approve the project, if applicable (1);
- (4) Public hearing notice (1);
- (5) Commission determination mailing labels (1) note: Condo projects & Appeals only require a copy of the list(s), not the labels.
- (6) Condo projects only: (1) copy of Commission Determination mailing list (includes project's tenants; and 500 foot radius mailing lists)

 Gabriele Williams, Commission Executive Assistant II City Planning Commission	3/7/08 Date
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

AMDA Comment Letter\_Hollywood Center DEIR\_0601.pdf

CITY OF LOS ANGELES  
PLANNING DEPARTMENT

## MASTER APPEAL FORM

APPEAL TO THE: CITY COUNCILREGARDING CASE NO.: CPC-2006-7068-HD-ZAA-SPR

This application is to be used for any authorized appeals of discretionary actions administered by the Planning Department. Appeals must be delivered in person with the following information filled out and be in accordance with the Municipal Code. A copy of the action being appealed must be included. If the appellant is the original applicant, a copy of the receipt must also be included.

**APPELLANT INFORMATION: PLEASE PRINT CLEARLY**Name EMI MUSIC NORTH AMERICAMailing Address 1750 NORTH VINE STREET  
HOLLYWOOD, CA Zip: 90028Work Phone: (323) 871-5411 Home Phone: ( ) \_\_\_\_\_

- a) Are you or do you represent the original applicant?  
(Circle One) YES  NO
- b) Are you filing to support the original applicant's position?  
(Circle One) YES  NO
- c) Are you filing for yourself or on behalf of other parties, an organization or company?  
(Circle One) SELF  OTHER
- d) If "other" please state the name of the person(s), organization or company (print clearly or type)
- \_\_\_\_\_
- \_\_\_\_\_

**REPRESENTATIVE**Name MAUREEN B. SCHULTZMailing Address 1750 NORTH VINE STREET  
HOLLYWOOD, CAZip 90028  
Work Phone: (323) 871-5411 Home Phone: ( ) \_\_\_\_\_**APPEAL INFORMATION**

A complete copy of the decision letter is necessary to determine the final date to appeal, under what authorizing legislation, and what, if any, additional materials are needed to file the appeal.

Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.

Final Date to Appeal: MARCH 1, 2008DATA ENTERED IN PCTS ON 080222 DMB

**REASONS FOR APPEALING**

Are you appealing the entire decision or parts of it?

Entire       Part

Indicate: 1) How you are aggrieved by the decision; and 2) Why do you believe the decision-maker erred or abused their discretion? If you are not appealing the whole determination, please explain and specifically identify which part of the determination you are appealing.

Attach additional sheets if necessary.

PLEASE SEE ATTACHED

**ADDITIONAL INFORMATION**

- Original receipt required to calculate 85% filing fee from original applicants.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Any additional information or materials required for filing an appeal must be provided in accordance with the LAMC regulations as specified in the original determination letter. **A copy of the determination/decision letter is required.**
- Acceptance of a complete and timely appeal is based upon successful completion and examination of all the required information.
- **Seven copies and the original appeal are required.**

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

Appellant: Marcus B. Schultz

OFFICIAL USE ONLY

Receipt No. 273314 Amount \$ 84<sup>00</sup> Date 2-28-08

Application Received R. A.

Application Deemed Complete Ralph Avila 2-28-08

Copies provided:       Determination       Receipt (original applicant only)

Determination Authority Notified (if necessary)





February 28, 2008

**Maureen B. Schultz**  
Senior Vice President  
Procurement and Facilities

City of Los Angeles City Council  
Los Angeles City Hall  
200 North Spring Street, Room 360  
Los Angeles, CA 90012

Re: Appeal of Planning Commission Approval - Yucca Street Condominium Project  
Determination Letter Case Nos: CPC-2006-7068-HD-ZAA-SPR and ENV-2006-6941-  
EIR

Dear Members of the City Council:

We are writing to appeal the decision of the City of Los Angeles Planning Commission to approve the above-referenced project, including approval of site plan review and certification of the environmental impact report (EIR) for the Project (which is appealable pursuant to state law, California Public Resources Code Section 21151(c)). As explained below and in the attached letter to the City of Los Angeles Planning Commission dated December 4, 2007, which is incorporated herein by reference, Capitol Records will be greatly harmed by the construction of the Yucca Street Project and the Planning Commission erred and abused its discretion by approving the Project in the absence of complete and accurate information concerning the Project's impacts and potential mitigation measures or alternatives that could lessen or avoid the Project's significant impacts. As to those actions which the Planning Commission has recommended approval of the City Council, for the same reasons stated herein and attached, we respectfully request that the City Council deny approval of the Project.

As a major employer in the Hollywood area, Capitol Records is extremely concerned about the viability of us being able to continue to run the Capitol Studios in the face of the admittedly significant adverse impacts that will be caused by construction of the Project on the KFWB site due to its very close proximity to our underground echo chambers. We are not anti development and understand and support that Hollywood is changing and new development is part of that change. What we are asking is that the proposed development fully and accurately assess the impacts of the Project and develop adequate mitigation or alternatives to ensure that its construction does not adversely affect our business, a business that has been in Hollywood for over 60 years.

We have read and studied the Project's EIR and feel that the study does not adequately or accurately assess the significant impact that this development will have on the viability of our Studios nor does it properly explore potential mitigation measures or alternatives that could substantially lessen or avoid the impact. The EIR concedes that there will be a significant and unmitigated impact to Capitol Records with respect to construction noise and vibration. Yet, no



one from Second Street Ventures contacted us prior to the EIR being submitted to obtain accurate information about the echo chambers so that a valid study could be done of the likely impacts that construction will have on the chambers and so that potential mitigation measures could be developed. The EIR was submitted and approved by the Planning Commission without any analysis from an acoustical engineer to show accurately what impact the construction will have, or if there will be any long term effects on the chambers. In addition, there appears to have been no consideration of what impact would result and whether construction of the Project would be feasible if consent of adjacent landowners to a soldier pile/tie-back shoring system that will extend off-site is not granted (see mitigation measure adopted as a condition of Project approval listed on p. Q-7 of the Planning commission approval determination).

The sound in the 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 our 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 in an industry that has already suffered major financial losses due to the effects of illegal music downloading.

Before the City Council makes a final determination on this Project, we respectfully request that you review our concerns, review the EIR and its omissions and errors (explained in more detail in the attached letter), and allow us the opportunity to come in and discuss our very real concerns for the future of the Capitol Studios, and the impact this Project will have on them. Since we have not had the opportunity to meet directly with you, as Second Street Ventures or their representatives apparently have had, our concerns may have been portrayed as not supporting the resurgence in Hollywood. The truth is we are not resistant to change that can benefit the community. We are concerned that the City Council has not been given a fair and accurate picture of Capitol Records' concerns for our business and our community as a whole, or an accurate assessment of the true nature of the significant adverse environmental impacts of the Project.

We look forward to the opportunity to meet with you in person to discuss these issues.

Very truly yours,

Maureen B. Schultz

Enclosures

cc: Mr. Bud Ovrom, Deputy Mayor for Housing and Economic Development  
 Ms. Cecilia Estolano, CRA Chief Executive Officer  
 Ms. Leslie Lambert, CRA/Hollywood  
 Mr. Robert Nudelman, Hollywood Historical Society  
 Mr. John Whitaker, Esq., DLA Piper  
 Ms. Amy Nefouse, Esq., DLA Piper  
 Mr. James Kuha, EMI



February 26, 2008

**Maureen B. Schultz**  
Senior Vice President  
Procurement and Facilities

City of Los Angeles City Council  
Commission Office  
Los Angeles City Hall  
200 North Spring Street, Room 532  
Los Angeles, CA 90012

Re: Appeal of Planning Commission Approval - Yucca Street Condominium Project  
Case Nos: CPC-2006-7068-HD-ZAA-SPR and ENV-2006-6941-EIR

Dear Members of the City Council:

We are writing to appeal the decision of the City of Los Angeles Planning Commission to certify the environmental impact report (EIR) for and approve the above-referenced project. As explained below and in the attached letter to the City of Los Angeles Planning Commission dated December 4, 2007, which is incorporated herein by reference, Capitol Records will be greatly harmed by the construction of the Yucca Street Project and the Planning Commission erred and abused its discretion by approving the Project in the absence of complete and accurate information concerning the Project's impacts and potential mitigation measures or alternatives that could lessen or avoid the Project's significant impacts.

As a major employer in the Hollywood area, Capitol Records is extremely concerned about the viability of us being able to continue to run the Capitol Studios in the face of the admittedly significant adverse impacts that will be caused by construction of the Project on the KFWB site due to its very close proximity to our underground echo chambers. We are not anti development and understand and support that Hollywood is changing and new development is part of that change. What we are asking is that the proposed development fully and accurately assess the impacts of the Project and develop adequate mitigation or alternatives to ensure that its construction does not adversely affect our business, a business that has been in Hollywood for over 60 years.

We have read and studied the Project's EIR and feel that the study does not adequately or accurately assess the significant impact that this development will have on the viability of our Studios nor does it properly explore potential mitigation measures or alternatives that could substantially lessen or avoid the impact. The EIR concedes that there will be a significant and unmitigated impact to Capitol Records with respect to construction noise and vibration. Yet, no one from Second Street Ventures contacted us prior to the EIR being submitted to obtain accurate information about the echo chambers so that a valid study could be done of the likely impacts that construction will have on the chambers and so that potential mitigation measures could be developed. The EIR was submitted and approved by the Planning Commission



without any analysis from an acoustical engineer to show accurately what impact the construction will have, or if there will be any long term effects on the chambers. In addition, there appears to have been no consideration of what impact would result and whether construction of the Project would be feasible if consent of adjacent landowners to a soldier pile/tie-back shoring system that will extend off-site is not granted (see mitigation measure adopted as a condition of Project approval listed on p. Q-7 of the Planning commission approval determination).

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 Mr. James Kuha, EMI

# EXHIBIT C

MEDIA INDUSTRY NEWS JUNE 22, 2008 / 9:28 AM / 12 YEARS AGO

# Proposed development near Capitol tower raises furor

Ann Donahue

5 MIN READ



LOS ANGELES (Billboard) - The fate of the recording studios at Hollywood's iconic Capitol Records tower could hang in the balance as members of the Los Angeles City Council prepare to vote on a nearby condominium development.

The construction project has sparked a furor among Los Angeles music unions and preservationists, who fear that the proposed development — which includes 85 residential units, 15,000 square feet of office space and an underground parking garage — will damage the acoustics at Capitol Studios, where the likes of Nat “King” Cole, Frank Sinatra, the Beach Boys, Celine Dion and Green Day have recorded.

The Los Angeles City Planning Commission approved the condo development in December. The City Council's three-member planning and land use management committee is scheduled to meet June 24 to vote on the appeal by Capitol parent company EMI of the planning commission decision. The committee could ask the developer for further mitigation efforts to ease community concerns about the project, or it could approve it and forward it to the full City Council for final authorization to build.

EMI no longer owns the tower. The company agreed in September 2006 to sell the property to Argent Ventures of New York for \$50 million and has been leasing back the building under a long-term deal.

In the meantime, the studios still represent a steady source of income, something EMI/Capitol is keen to preserve. The company's arguments against the condo project are twofold: first, that

recording at Capitol Studios would have to be halted for six to eight months while construction is under way; and second, that noise from the development's underground parking structure would disrupt recording sessions at the studios.

## **HISTORICAL ECHOES**

The development is proposed for 6230 Yucca St., near the Capitol Tower, the Welton Becket-designed Hollywood landmark shaped like a stack of vinyl records that opened in 1956. The unusual subterranean echo chambers beneath the recording studios, which many musicians believe give Capitol's Studios A and B a rich, warm sound, would be located about 15 feet away from the underground garage planned by the condo developer, Second Street Ventures of Marina del Rey, California.

## **ADVERTISEMENT**

Aside from a regular stream of pop artists, the location's unique acoustics attract an eclectic variety of other clients as well. Foley artists — the sound effects creators for film and TV — frequently use the studios. And the orchestra that performs during the annual Academy Awards show records a backing track every year at Capitol Studios for use in case anything goes wrong during the live ceremony. Studios A and B can be opened up into one large studio that can accommodate a full-size orchestra, one of a dwindling number of recording facilities with that capacity.

Among those who have sent letters to the City Council arguing against the development of the site are Recording Academy president/CEO Neil Portnow, American Federation of Television and

AMDA Comment Letter\_Hollywood Center DEIR\_0601.pdf

Radio Artists national executive director Kim Roberts Hedgpeth, Society of Composers and Lyricists president Dan Foliart and Vincent Trombetta, vice president of professional musicians for Local 47 of the American Federation of Musicians.

## MEASURING THE IMPACT

Parties on both sides of the issue agreed recently to third-party testing of the impact of construction on the studios, including the adjacent use of a jackhammer and backhoe on recording quality. Sources opposed to the condo development say the results of those tests indicate that construction noise would impair operation of the studios.

“Although certainly we live in an era of great technology where a lot of recording is done at home, the type of recording that gets done at Capitol is quite unique from an audio and sonic perspective,” Portnow said. “It isn’t something where you can go down to the local audio store and buy an echo chamber that’s going to be quite like what exists there. All of the engineers and producers we’ve spoken to just shudder at the thought of anything that would disturb it.”

Second Street Ventures said in a statement to Billboard that it is working with EMI/Capitol and city officials to address the label’s concerns and that “we remain strongly committed to ensure that our project meshes with the fabric of the Hollywood community.”

Development in Hollywood has been a hot-button issue in Los Angeles in recent years as upscale bars, clubs and restaurants have popped up in the area. While some projects arrive at the expense of mom-and-pop businesses, most have been focused on preserving historic buildings in the area. One example: the Avalon — which was originally known as the Hollywood Playhouse when it opened in 1927 and hosted radio shows by Fanny Brice and Lucille Ball — has become a performance venue, restaurant and club.

Reuters/Billboard

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