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Sent time: 08/24/2020 04:43:32 PM
To: Mindy Nguyen <Mindy.Nguyen@lacity.org>
Cc: Craig Bullock <craig.bullock@lacity.org>
Subject: Hollywood Center (Case Nos. VTT-82152; CPC-2018-2114-DB-CU-MCUP-SPR; ENV-2018-2116-EIR)
Attachments: Letter to Hearing Officer_DAA.pdf

Dear Ms. Nguyen,

Attached please find our letter of today's date regarding the above-referenced project, which is scheduled for public hearing on August 26, 2020.

Best,
John

John M. Bowman

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August 24, 2020

VIA E-MAIL

Deputy Advisory Agency and Hearing Officer
for the City Planning Commission
Attn: Mindy Nguyen, City Planner
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
E-Mail: mindy.nguyen@lacity.org

Re: Case Nos. VTT-82152; CPC-2018-2114-DB-CU-MCUP-SPR
CEQA Case No. ENV-2018-2116-EIR
Hollywood Center Project
Public Hearing: August 26, 2020

Deputy Advisory Agency and Hearing Officer for the Los Angeles City Planning Commission:

This office represents Ned Pan, Inc. (“Ned Pan”), the owner of the Pantages Theater at 6233 Hollywood Boulevard.

Ned Pan does not oppose the proposed Hollywood Center project (the “Project”). However, Ned Pan has extremely serious and unresolved concerns regarding the potential adverse impacts of the Project on the Pantages Theater building and its ability to operate both during construction of the Project and after its completion. These concerns include, but are not limited to, the following:

- The Pantages Theater was constructed in 1929 and is a designated Historic-Cultural Monument. The Pantages Theater occupies a lot that is immediately adjacent to the portion of the Project site located east of Vine Street (the “East Site”). The Pantages Theater building is extremely susceptible to physical damage due to vibrations and potential earth movement during construction of the Project. The Draft EIR acknowledges that the potential impacts of the Project on the Pantages Theater due to vibrations, noise, and earth movement during construction are significant and concludes that some of these impacts are “unavoidable.” This conclusion is unacceptable. Additional and/or revised mitigation measures can and must be developed to ensure that the Project will

not cause physical damage to the historic Pantages Theater building during construction.

- The Project has the potential to adversely affect the ability of the Pantages Theater to operate successfully during construction of the Project (4.5 to 7 years) due to noise and vibrations that will disrupt performance at the Pantages Theater. The measures identified in the Draft EIR to mitigate this potential impact are wholly inadequate. Revised and/or additional mitigation measures, such as curtailing construction activities that involve significant noise or vibrations during performances at the Pantages Theater and during the one-hour period prior to such performances, must be imposed.
- The Project proposes to “merge” (vacate) a portion of the public alley that runs along the north side of the Pantages Theater, and to construct loading facilities for the Project directly opposite the loading doors for the Pantages Theater building. The Pantages Theater depends on the ability to use this public alley, particularly during load-ins and load-outs of shows. As currently designed, the loading area for the Project would conflict with the Pantages Theater’s operations and is unworkable.
- As presently designed, all of the 684 subterranean parking spaces proposed for the East Site Project would be accessed by a single driveway on Argyle Avenue within 50 feet of the existing public alley. The Project will add thousands of additional daily trips to the short segment of Argyle Avenue from Hollywood Boulevard to the 101 Freeway, which is already heavily congested during much of the day. The Project will further exacerbate these conditions by installing a full traffic signal at the poorly-located and ill-designed driveway on Argyle Avenue. The Project, together with related projects such as the proposed mixed-use development project proposed for the southeast corner of Yucca Street and Argyle Avenue (CPC-2014-4705-ZC-HD-DB-MCUP-CU-SPR), will result in significant direct and cumulative effects on traffic circulation in the area (and on the operations of the Pantages Theater) that have not been adequately addressed or mitigated.

Ned Pan’s concerns regarding the potential impacts of the Project on the Pantages Theater are detailed in its comments on the Draft EIR for the Project, which are set forth in a letter from this office dated May 29, 2020 and the attachments thereto (the “Ned Pan Comment Letter”). Ned Pan is hopeful that its concerns will be adequately addressed in the Final EIR, and had assumed that the Final EIR would be made available to the public prior to any public hearings on

this matter. However, as of the date of this letter, the Final EIR has not yet been made available to the public. Moreover, on August 21, 2020, Ned Pan was informed that the City intends to proceed with the previously-scheduled public hearing on August 26, 2020, despite the lack of a Final EIR.

Ned Pan strongly objects to the City's decision to proceed with the public hearing as currently scheduled on August 26, 2020, and requests that the hearing be postponed until sometime after the Final EIR is made available to the public and interested parties are afforded adequate time to review it.

The hearing notice in this case clearly states that the Hearing Officer will "take public testimony regarding" the Final EIR for the Project. However, the public cannot possibly be expected to provide testimony concerning a document is not even available.

Even if the Final EIR is made available sometime prior to August 26, 2020, there would be insufficient time for interested parties to review and comment on the document in a meaningful way. Much of the information in the Final EIR regarding the issues of primary concern to Ned Pan – including the Project's potential noise, vibration, construction, and traffic impacts – is highly technical and requires critical review and analysis by qualified experts, which cannot realistically be accomplished in a day or two. For these reasons, we urge the City to postpone the public hearing to a date that is at least 30 days after the Final EIR is released to the public.

Furthermore, the public cannot comment meaningfully on the required entitlements for the Project without knowing the conclusions of the *Final* EIR concerning the potential impacts of the Project and the measures proposed to mitigate those impacts. For example, in order to approve the proposed vesting tentative tract map, the City must find that the "design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage ..." (Gov't Code § 66474.61.) Similarly, in order to grant the requested conditional use permits, the City must find that the Project "will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety ..." (Los Angeles Municipal Code § 12.24.E.) Whether or not these and other required findings can be made and supported by substantial evidence cannot be determined in the absence of a complete and final environmental document under the California Environmental Quality Act. For the same reason, the ability of interested parties to comment meaningfully on the proposed entitlements in this case has been severely compromised by the absence of the Final EIR.

For all of these reasons, the public hearing in this matter is premature and must be postponed. However, in the event that the City proceeds with the public hearing on August 26, 2020, the Ned Pan Comment Letter, which is incorporated herein by this reference, should be treated as Ned Pan's comments on the Project for purposes of the cases referenced above. We ask

Deputy Advisory Agency and Hearing Officer
August 24, 2020
Page 4

that you consider all of the points contained in the Ned Pan Comment Letter, which apply equally to the proposed Project and to Alternative 8.

Thank you for your consideration.

Very truly yours,



JOHN M. BOWMAN
Elkins Kalt Weintraub Reuben Gartside LLP

JMB:jmb

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