

August 7, 2017

VIA EMAIL AND MESSENGER

Los Angeles City Council
200 N. Spring Street, Room 340
Los Angeles, CA 90012

Re: Hollywood Ivar Gardens Project – 6407 W. Sunset Boulevard
CPC-2015-2893-VZC-HD-CUB-ZAA-SPR/ENV-2015-2895-MND
Council File No. 17-0029 – Failure to Impose Noise Mitigation Measures
That the Applicant Has Acknowledged Are Legally Required

Dear Honorable Members of the Los Angeles City Council:

This firm represents the Los Angeles Film School and 6363 Partners, LLLP. On behalf of our clients, we are writing to let you know that the City's Department of City Planning has yet to impose conditions of approval and/or mitigation measures on the above-referenced project (the "Project") that the Applicant itself has *acknowledged* are required by the California Environmental Quality Act ("CEQA") to mitigate the Project's significant noise impacts to a level less than significant.¹ Should the City of Los Angeles (the "City") fail to impose the subject conditions of approval and/or mitigation measures, we would like the administrative record to clearly show that the Los Angeles Film School provided this notice to both the City and the Applicant's counsel, and the required noise measures were *still* not imposed as legally required.

On August 1, 2017, the Planning and Land Use Management Committee of the City Council (the "PLUM Committee") considered and denied the Los Angeles Film School's appeal of the Los Angeles City Planning Commission's determination approving the Project. In doing so, the PLUM Committee referred the Project to this body and imposed conditions of approval which include a series of environmental conditions that conform to the mitigation measures recommended by the Project's Mitigated Negative Declaration (the "MND"). See PLUM Conditions of Approval, attached hereto as Exhibit A. These conditions of approval, however, do not include a number mitigation measures that the

¹ As underscored in previous correspondence, the proposed Project would be constructed approximately 50 feet directly west of the Los Angeles Film School's main campus located at 6363 W. Sunset Boulevard. The campus contains – among other essential facilities – soundstages, a dubbing stage, media editing labs, sound design labs, and instructional and theater spaces that are central to the Los Angeles Film School's educational mission. These uses are particularly sensitive to noise and vibration impacts.

Los Angeles City Council
August 7, 2017
Page 2

Applicant's noise consultant subsequently conceded were necessary to reduce noise impacts to a level less than significant. Indeed, in response to our comments to the MND, the Applicant engaged a noise expert to prepare a supplemental noise assessment which "proposed additional mitigation measures to reduce the project's construction-related noise impacts." See Excerpt of Responses to Comments, attached hereto as Exhibit B, at 78. This assessment, undertaken by Veneklasen Associates, resulted in a technical memorandum (the "Veneklasen Study"), attached hereto as Exhibit C.

In summary, the authors of the Veneklasen Study recognized that the Project would result in noise impacts not previously disclosed in the MND, and recommended the adoption of five additional mitigation measures. See Exhibit C at 6-8. The City's Responses to Comments reported the recommended measures as the following:

1. "The project contractor shall erect a minimum 16-foot high temporary noise barrier around the perimeter of the north and eastern site boundary for the purpose of attenuating construction noise impacts. The temporary noise barrier may be constructed of a solid plywood wall or draped sound blankets, and will have an operable gate for entry/exit to the site, which will remain closed at all feasible times."
2. "The Project Applicant shall retain a licensed acoustical engineer to install on-site noise and vibration monitors to be located on the northeast corner of the Project Site for the duration of the construction activity. These monitors will continuously measure on-site noise and vibration levels, and can be calibrated to provide an alert to contractors if noise or vibration levels exceed applicable standards."
3. "No hauling activity should be permitted along Ivar Avenue."
4. "An information sign shall be posted at each entrance to the construction site that identifies the permitted construction hours and provides a telephone number of the site superintendent to call and receive information about the construction activities or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt."

Exhibit B at 79. Separately, the City acknowledged the fifth recommended measure – "a temporary 10-foot noise barrier that could be moved and positioned close to construction equipment." *Id.*

Los Angeles City Council
August 7, 2017
Page 3

As the City, the Applicant, and the Applicant's own expert have recognized, the implementation of these measures (with the exception of the hauling restriction, which may not be completely feasible, and therefore "should" be required) is not voluntary – these measures are required in order to comply with CEQA. The Veneklasen Study, for example, explicitly declared: "[A]ll future noise levels are predicted to be less than 5 dB higher than existing noise levels *with the inclusion of both perimeter sound walls and temporary noise barriers close to noise-generating equipment*. Therefore, this project will be in compliance with applicable CEQA guidelines." Exhibit C at 8. The City, too, admitted in its Responses to Comments that these measures are necessary to "reduce construction noise impacts to 3 dBA over ambient noise level . . . below the 5dBA threshold of significance." See Exhibit B at 79.

Without conceding that these mitigation measures are sufficient to address the Project's significant adverse impacts on the Los Angeles Film School and the surrounding Hollywood community, the measures are absolutely legally necessary as acknowledged by the City and the Applicant and must be incorporated into the conditions of approval.² State law mandates that public agencies not approve projects if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. See Pub. Res. Code § 21002. CEQA defines feasibility as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Pub. Res. Code § 21061.1; CEQA Guidelines § 15364. Given that the Applicant has volunteered these measures, the Applicant's own analysis shows that significant impacts will occur without them, and the City's entire premise for rejecting the Los Angeles Film School's appeal appears to be these mitigation measures, it is without question that these measures are both feasible and required by CEQA.

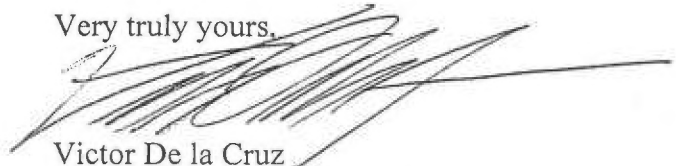
In light of the foregoing, we urge you to incorporate these mitigation measures into the Project's conditions of approval. Currently, the measures are completely illusory as they have not been integrated into the Project's enforceable conditions of approval or mitigation measures. Thank you for your time and attention to this matter. The Los Angeles Film School and 6363 Partners, LLLP reserve all rights, remedies, and privileges. Nothing

² As we have detailed in prior correspondence, our position remains that the MND and Veneklasen Study are fundamentally inadequate as there is substantial evidence supporting a fair argument that significant and unavoidable impacts would occur as a result of the Project. To be sure, the omissions, errors, and fundamental inadequacies in the Applicant's analyses appear to result from an ill-fated attempt to expedite the Project's CEQA review by relying only on an MND to assess the Project's impacts, when an Environmental Impact Report ("EIR") is so obviously required.

Los Angeles City Council
August 7, 2017
Page 4

contained herein, shall constitute or be construed to be an implied or express waiver of their rights or remedies of any nature and kind.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor De la Cruz", with a long horizontal flourish extending to the right.

Victor De la Cruz
Manatt, Phelps & Phillips, LLP

cc: Terry Kaufmann-Macias, Office of the City Attorney, Assistant City Attorney
Kathryn Phelan, Office of the City Attorney, Deputy City Attorney
Charles J. Rausch, City Planning Department, Associate Zoning Administrator
Nicholas Hendricks, City Planning Department, Senior City Planner
Jordann Turner, City Planning Department, City Planner
Chris Robertson, Council District 13, Planning Director
C.J. Laffer, Esq., Manatt, Phelps & Phillips, LLP
Fred Gaines, Esq., Gaines & Stacey, LLP

EXHIBIT A

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE
SUPPLEMENTAL
CF 17-0029**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2015-2893-VZC-HD-CUB-ZAA-SPR	ENV-2015-2895-MND	13 – O'FARRELL
PROJECT ADDRESS:		
6407 W. SUNSET BOULEVARD (6407-6411 W. SUNSET BOULEVARD AND 1511 N. IVAR AVENUE AND 1512 N. CAHUENGA BOULEVARD)		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
JORDANN TURNER	213-978-1365	<u>JORDANN.TURNER@LACITY.ORG</u>

NOTES / INSTRUCTION(S):	
TRANSMITTAL OF CONDITIONS OF APPROVAL AS MODIFIED BY THE PLANNING & LAND USE MANAGEMENT COMMITTEE ON AUGUST 1, 2017.	
TRANSMITTED BY:	TRANSMITTAL DATE:
Claudia Rodriguez Council Liaison	AUGUST 3, 2017

**As modified by the Planning & Land Use Management (PLUM) Committee
on August 1, 2017**

CONDITIONS OF APPROVAL

Pursuant to Sections 12.28, 12.24 and 16.05 of the Los Angeles Municipal Code, the following conditions are hereby imposed upon the use of the subject property:

Entitlement Conditions.

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the architectural and landscape plans, renderings, and materials submitted by the Applicant, stamped Exhibit B. No change to the plans shall be made without prior review by the Department of City Planning and written approval of the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, or the project conditions.
2. The applicant shall make a good faith reasonable effort and support the hiring of a minimum of 50% of the operating hotel's workforce from within the City of Los Angeles.
3. **Parking.**
 - a. Automobile parking shall be provided in conformance with L.A.M.C. Section 12.21-A, 4.
 - b. **Electric Vehicle Parking.** The project shall include at least 20 percent of the total code-required parking spaces capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating ampacity. Of the twenty percent EV Ready parking, five percent of the total code required parking spaces shall be further provided with EV chargers to immediately accommodate electric vehicles within the parking areas. When the application of either the required 20 percent or five percent results in a fractional space, round up to the next whole number. A label stating "EVCAPABLE" shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.
 - c. Bicycle parking shall be provide in conformance with L.A.M.C. Section 12.21-A, 16.
4. **Signage.** All signage shall be in conformance with the Hollywood Signage Supplemental Sign District.

5. **Department of Transportation.**
 - a. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line.
 - b. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk.
 - c. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Suite 400, Station 3.
6. **Trash/recycling.** Trash and Recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays.
 - a. Trash/recycling containers shall be locked when not in use.
 - b. Trash/recycling containers shall not be placed in or block access to required parking.
7. **Solar Panels.** The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
8. **Lighting.** Outdoor lighting shall be designed and installed with shielding, such that the light source cannot be seen from adjacent residential properties, the public right-of-way, nor from above.
9. **Graffiti.** All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
10. **Landscaping.** The private terraces for the guest rooms on the third floor level shall be separated by permanent planters.
11. **Fire Department.** Submit plot plans for Fire Department approval and review prior to the issuance of a building permit. The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6504. You should advise any consultant representing you of this requirement as well.
 - a. Access for Fire Department apparatus and personnel to and into all structures shall be required.

- b. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, private street or Fire Lane. This stairwell shall extend unto the roof.
- c. Entrance to the main lobby shall be located off the address side of the building.
- d. Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
- e. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.
- f. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- g. Adequate public and private fire hydrants shall be required.
- h. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
- i. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
- j. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
- k. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.

Conditional Use

12. Approved herein is the following:

- a. The sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the maintenance, use and operation of a proposed ground floor restaurant and bar/lounge, a ground floor outdoor dining area, second floor meeting rooms and hotel room controlled-access liquor cabinets.
- b. The ground floor restaurant and bar/lounge areas may operate from 6am to 2 am, daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.

- c. The outdoor patio area may operate from 9 am to 12 am (Midnight), daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.
 - d. Alcoholic beverage service and consumption may occur in conjunction with the use of the second-floor meeting rooms and the second-floor roof-deck between the hours of 9 am to 12 am (Midnight), daily.
 - e. Alcoholic beverage service and distribution as it relates to operation and use of the roof-top garden terrace/pool areas, has not been requested nor approved. Sales and distribution of alcoholic beverages is prohibited in these areas of the hotel facility.
 - f. The second level roof-deck area of the premises may operate from 8 am to 12 am (Midnight), daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.
 - g. The roof-top area may operate from 8 am to 12 am (Midnight), daily. After-hours use of this space, other than routine clean-up and maintenance, is not permitted.
13. The hotel manager(s) shall require proof of identification and age for all registered guests at check-in. Rooms where the registered guest is under twenty-one years of age, or where the age of the guest cannot be determined, shall have their in-room liquor cabinet disabled and locked if any such lockers are provided in the room.
14. The applicant shall not sublet any portion of the subject premises to outside "promoters" for nightclub activity. The premises shall not be used exclusively for private parties in which the general public is excluded. Private parties hosted by the applicant, in which the general public is excluded from the entire ground floor restaurant or bar/lounge or second level meeting room areas are permitted provided that an appropriate one-day permit is submitted for approval to LAPD and ABC.
15. No Dancing is permitted. Public dancing shall require the filing of a new Conditional Use Permit pursuant to Section 12.24-W, 18 of the Los Angeles Municipal Code.
16. There shall be no live entertainment of any type, including the employment or feature of karaoke or disc-jockeys.
17. The exterior windows and glass doors of the hotel premises/ground floor restaurant and bar/lounge areas shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and private security.
18. All exterior portions of the site shall be adequately illuminated in the evening so as to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site and no floodlighting shall be located as to be seen directly by persons on adjacent properties.

19. No amplified music is permitted in any portion of the subject premises with the exception of ambient music. Any ambient music, sound, vibration or noise emitted that is under the control of the petitioner(s) shall not be audible or otherwise perceivable beyond the subject premises. Any sound, vibration or noise emitted that is under the control of the petitioner which is discernible outside of the subject premises shall constitute a violation of Section 116.01 of the Los Angeles Municipal Code, including any loud, unnecessary or unusual noise that disturbs the peace and quiet of any neighborhood or that causes discomfort. The establishment will make an effort to control any unnecessary noise made by restaurant staff or any employees contracted by the restaurant or bar facilities located within the hotel facility, or any noise associated with the operation of the establishment, or equipment of the restaurants.
20. The ground floor hotel restaurant shall be permitted to provide ambient background music in the exterior outdoor seating areas only between the hours of 11 am and 12 am (Midnight), daily.
21. The circulation of ambient background music as it relates to the operation of second level roof-deck is permitted only between the hours of 11 am and 11 pm (Nightly).
22. The circulation of ambient background music as it relates to the operation of roof-top area is permitted only between the hours of 11 am and 11 pm (Nightly).
23. There shall be no Adult Entertainment of any type pursuant to L.A.M.C. Section 12.70.
24. The Petitioner(s) shall at all times maintain the abutting sidewalk and any area controlled by the petitioner free of obstruction. Any sidewalk area or patio seating must be approved by a revocable permit from the Department of Public Works. The Petitioner(s) shall additionally ensure that any outdoor seating area that is situated within the property footprint is adequately separated from the abutting sidewalk by installing retaining walls, fencing or some other type of dividing barrier.
25. The applicant shall provide the Zoning Administrator a copy of each license, suspension thereof, or citation issued by the State Department of Alcoholic Beverage Control or the Los Angeles Police Department upon such instance.
26. There shall be no service, sales or possession of an alcoholic beverage on any sidewalk area or adjacent parking lot or alley way. There shall not be off-site sales of Alcohol beverages and the Petitioner(s) shall attempt to dissuade loitering activities and consumption of alcoholic beverages on the public expanses directly adjacent to the subject premises.
27. There shall be no pool tables or billiard tables, coin-operated game machines, video machines permitted on any portion of the premises at any time.
28. Loitering shall be prohibited on or around these premises as well as the properties adjacent to the subject premises. The applicant shall be responsible for ensuring that persons are dissuaded from loitering on or immediately around the subject premises. "No Loitering or Public Drinking" signs shall be posted containing the predominant language of the establishment's clientele. Any outdoor areas under the control of the applicant and those areas which are adjacent to the subject site shall be routinely patrolled by

employees of the hotel or security personnel for the purpose of monitoring loitering. Any problems associated with the hotel or restaurant operation shall immediately be reported to the hotel manager who shall correct/remedy the problems.

29. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different and a notice shall be placed therein stating that California State Law prohibits the sale of alcoholic beverages to persons under the age of twenty-one years or to intoxicated persons and that no such sales will be made.
30. Smoking tobacco or any non-tobacco substance, including from electronic smoking devices, is prohibited in or within 10 feet of the outdoor dining areas in accordance with Los Angeles Municipal Code Section 41.50 B 2 C. This prohibition applies to all outdoor areas of the establishment if the outdoor area is used in conjunction with food service and/or the consumption, dispensing or sale of alcoholic or non-alcoholic beverages.
31. The business operator and/or the operator's agents shall comply with California Labor Code Section 6404.5(c) which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
32. The applicant shall not maintain or construct any type of enclosed room intended for use by patrons or customers for any purpose, except for the restrooms, within the hotel ground floor restaurant and bar/lounge areas.
33. Partitions separating booth/dining areas in the ground floor restaurant and bar/lounge areas shall not exceed 54 inches in height. No obstructions shall be attached, fastened or connected to the booth/dining areas within the interior space for the facility that restrict, limit, or obstruct the clear observation of the occupants.
34. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customer while in the premises, nor shall the applicant provide, permit, or make available either gratuitously or for compensation, male or female patrons who act as escorts, companions, or guests of and for the customers.
35. The applicant or establishment operator shall not require an admission or cover charge to the hotel restaurant or bar facilities. Any and all advertisements for admissions or cover charges are likewise prohibited.
36. The applicant or establishment operator shall inform hotel guests and restaurant customers that the primary business of the restaurant facilities is the sale of food, which shall include, but not be limited to providing each customer with a menu, posting of signs on the premises, and advertising food services.
37. Applicant will ensure the continued placement of legible signs throughout the hotel and retained building structures alerting patrons entering and exiting the restaurant to keep noise to a minimum, and to be respectful of the Property's surrounding neighbors.
38. The hotel restaurant facility shall be maintained as bona fide eating place (restaurants) with an operational kitchen shall provide full menus containing an assortment of foods

normally offered in such restaurants. Food service shall be available at all times during all operating hours of the hotel restaurant and bar/lounge facilities.

39. If valet service is used a copy of the contract with the valet company shall be submitted to the Office of Zoning Administration demonstrating that valet service is made available to customers/guests of the petitioner(s). If valet service is implemented the petitioner(s) will additionally be required to provide the Office of Zoning Administration with information pertaining to the valet rates or cost of valet service as it relates to customers utilizing said service. The availability of valet parking/service shall be made known to the public via the restaurant menu or hotel brochure, a posting of the information on readily visible locations in the hotel lobby and the hotel restaurant and on any hotel or hotel restaurant website.
40. Petitioner(s) shall install and maintain security cameras and a three-month DVR/video library that covers all common areas of the business, high-risk areas, sidewalk areas, and entrances or exits. The DVRs shall be made available to police upon request.
41. During the hours of 8:00 p.m. and 2:30 a.m., the applicant shall provide a minimum of two (2) security guards in the ground floor hotel restaurant Thursdays, Fridays and Saturdays.
42. In addition to the security guard requirements delineated above, the applicant shall be required to provide a minimum of three (3) security guards on the premises during the all hours of hotel operation. The applicant shall additionally be required to employ a security guard supervisor to monitor the surveillance cameras of the premises and to coordinate the actions of the other security personnel employed at the facility during all operational hours. The additional security employment required per this provision for the ground floor restaurant and bar/lounge areas, will be employed in addition to and in enhancement of the three security guards and one security supervisor, who are mandated to be employed on the hotel premises during all hours of operation.
43. The security guards shall not have any other activities other than those that are security related. Security personnel shall be licensed consistent with State law and Los Angeles Police Commission standards and maintain an active American Red Cross first-aid card. The security personnel shall be dressed in such a manner as to be readily identifiable to patrons and law enforcement personnel.
44. Plan Approval. The applicant shall file an Approval of Plans application within two (2) years, but not earlier than 18 months from the issuance of the Certificate of Occupancy to assess compliance with the conditions of the instant grant. The purpose of the plan approval will be to review the effectiveness of and the applicant's compliance with the conditions of this grant. Upon review of the effectiveness of and compliance with the conditions, the Zoning Administrator may modify such conditions, delete or add new ones as appropriate and require a subsequent plan approval, as necessary. The applicant shall submit all required documentation of compliance with conditions as part of the application package for the review. Further, at any time during the period of validity of this grant, should documented evidence be submitted showing a violation of any condition(s) of this grant resulting in a disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application together with associated fees, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the

effectiveness of these conditions. The applicant/petitioner(s) shall provide a summary and supporting documentation of how compliance with each condition of the grant has been attained. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct the public hearing for nuisance abatement/revocation purposes. The applicant shall provide appropriate documentation to substantiate ongoing compliance of the applicant with each of the conditions contained herein at the time of filing the Plan Approval review application.

45. The number of special events permitted on the subject property shall be limited to a maximum of 24 events per year. A special event is any event which is held weekly, monthly or annually or that includes outside advertisement demonstrating a change in the mode and character of the normal hotel operations, including but not limited to hours of operation, or any significant live entertainment features that would stipulate an ABC one-day permit application or some other special endorsement. Operational occurrences or arrangements wherein the applicant(s) demands or requests an admission fee from hotel patrons will be considered special events as will any events that involve the exclusion of the general public from gaining admission to the hotel premises or public portion thereof. The applicant shall seek approval from the Hollywood Vice Unit for all special events 14 days in advance of the date of each special event, in writing. LAPD shall respond to requests for special events in writing. Outside advertisement as it pertains to this provision shall include any promotional material or notification commissioned by any entity that is not directly associated with the operation or under the direct employ of the applicant(s).
46. **Prior to the beginning of operations**, the applicant shall notify the Condition Compliance Unit via email or U.S. Mail when operations are scheduled to begin and shall submit a copy of the Certificate of Occupancy for the Case File. The notification shall be submitted to planning.ccu@lacity.org, with the subject of the email to include the case number, "**CPC-2015-2893-VZC-HD-CUB-ZAA-SPR/Operation Notification**". The applicant shall also submit (attached or mailed) evidence of compliance with any conditions which require compliance "prior to the beginning of operations" as stated by these conditions.
47. **Prior to the beginning of operations**, the manager of the facility shall be made aware of the conditions and shall inform his/her employees of the same. A statement with the signature, printed name, position and date signed by the manager and his/her employees shall be provided to the Condition Compliance Unit within 30 days of the beginning day of operation of the establishment. The statement shall read as follows,

We, the undersigned, have read and understand the conditions of approval to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with the operation of a hotel known as "Ivar Gardens", and agree to abide and comply with said conditions.
48. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business.
49. **MViP – Monitoring, Verification and Inspection Program.** At any time, before, during, or after operating hours, a City inspector may conduct a site visit to assess compliance

with, or violations of, any of the conditions of this grant. Observations and results of said inspection will be documented and used to rate the operator according to the level of compliance. If a violation exists, the owner/operator will be notified of the deficiency or violation and will be required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed therein, may result in denial of future requests to renew or extend this grant.

Zoning Administrator's Adjustment

50. **Rear Yard.** The project shall be permitted zero-foot rear yard (northerly yard) setback as shown in Exhibit "B".

Environmental Conditions

51. **Biological Resources.** Removal of trees in the public right-of-way requires approval by the Board of Public Works. The required Tree Report shall include the location, size, type, and condition of all existing trees in the adjacent public right-of-way and shall be submitted for review and approval by the Urban Forestry Division of the Bureau of Street Services, Department of Public Works (213-847-3077). The plan shall contain measures recommended by the tree expert for the preservation of as many trees as possible. All replacement trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.
52. **Geology and Soils.**
- a. The project shall comply with the conditions contained within the Department of Building and Safety's Geology and Soils Report Approval Letter for the proposed project, and as it may be subsequently amended or modified.
 - b. Chapter IX, Division 70 of the Los Angeles Municipal Code addresses grading, excavations, and fills. All grading activities require grading permits from the Department of Building and Safety. Additional provisions are required for grading activities within Hillside areas. The application of BMPs includes but is not limited to the following mitigation measures:
 - i. A deputy grading inspector shall be on-site during grading operations, at the owner's expense, to verify compliance with these conditions. The deputy inspector shall report weekly to the Department of Building and Safety (LADBS); however, they shall immediately notify LADBS if any conditions are violated.
 - ii. "Silt fencing" supported by hay bales and/or sand bags shall be installed based upon the final evaluation and approval of the deputy inspector to minimize water and/or soil from going through the chain link fencing potentially resulting in silt washing off-site and creating mud accumulation impacts.

- iii. "Orange fencing" shall not be permitted as a protective barrier from the secondary impacts normally associated with grading activities.
- iv. Movement and removal of approved fencing shall not occur without prior approval by LADBS.

53. Greenhouse Gas Emissions.

- a. Low- and non-VOC containing paints, sealants, adhesives, solvents, asphalt primer, and architectural coatings (where used), or pre-fabricated architectural panels shall be used in the construction of the Project to reduce VOC emissions to the maximum extent practicable.
- b. Any new construction shall include 20 percent of parking spaces set aside for EV ready parking.

54. Hazardous and Hazardous Materials.

- a. Prior to the issuance of any use of land, grading, or building permit, the applicant shall obtain a sign-off from the Fire Department indicating that all on-site hazardous materials, including contamination of the soil and groundwater, have been suitably remediated, or that the proposed project will not impede proposed or on-going remediation measures.
- b. Prior to the issuance of a building permit, the applicant shall develop an emergency response plan in consultation with the Fire Department. The emergency response plan shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

55. Noise

- a. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- b. To the maximum extent practical, demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- c. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. On-site power generators shall use either plug-in electric or solar generators.
- d. An acoustical sound blanket shall be erected along the Project Site's northerly property line to absorb construction noise levels generated by earthmoving equipment and foundation construction.
- e. An information sign shall be posted at the entrance to each construction site that identifies the permitted construction hours and provides a telephone number to call

and receive information about the construction project or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours.

- f. The Applicant shall provide a courtesy notice of the project's construction related activities to adjacent business owners a minimum of two weeks prior to commencement of construction.

56. **Transportation/Traffic**

- a. Implementing measure(s) detailed in DOT's communication to the Planning Department (DOT Case No. CEN 15-43958 dated January 6, 2016, See Appendix G to this MND) shall be complied with. Such report and mitigation measure(s) are incorporated herein by reference.
- b. A Construction work site traffic control plan shall be submitted to DOT for review and approval in accordance with the LAMC prior to the start of any construction work. The plans shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operation, protective devices, warning signs and access to abutting properties. All construction related traffic shall be restricted to off-peak hours.
- c. All delivery truck loading and unloading shall take place on site or within the boundaries of an approved traffic control plan and the alley.
- d. The developer shall install appropriate traffic signs around the site to ensure pedestrian and vehicle safety.
- e. The applicant shall be limited to no more than two trucks at any given time within the site's staging area.
- f. There shall be no staging of hauling trucks on any public streets, unless specifically approved as a condition of an approved haul route.
- g. No hauling shall be done before 9 a.m. or after 3 p.m. Trucks shall be spaced so as to discourage a convoy effect.
- h. A minimum of two flag persons are required. One flag person is required at the entrance to the project site and one flag person at the next intersection along the haul route.
- i. Truck crossing signs are required within 300 feet of the exit of the project site in each direction.
- j. Loads shall be secured by trimming and watering or may be covered to prevent the spilling or blowing of the earth material.
- k. Trucks and loads are to be cleaned at the export site to prevent blowing dirt and spilling of loose earth.

- l. A log documenting the dates of hauling and the number of trips (i.e. trucks) per day shall be available on the job site at all times.
- m. The applicant shall identify a construction manager and provide a telephone number for any inquiries or complaints from residents regarding construction activities. The telephone number shall be posted at the site readily visible to any interested party during site preparation, grading and construction.
- n. The Applicant shall plan construction and construction staging as to maintain pedestrian access on adjacent sidewalks throughout all construction phases. This requires the Applicant to maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as k-rails or scaffolding, etc.) from work space and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
- o. Temporary pedestrian facilities shall be adjacent to the project site and provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing facility.
- p. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
- q. The Applicant shall keep sidewalk open during construction until only when it is absolutely required to close or block sidewalk for construction staging. Sidewalk shall be reopened as soon as reasonably feasible taking construction and construction staging into account.

Administrative Conditions

- 57. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning for placement in the subject file.
- 58. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
- 59. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Department of City Planning for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the file.

60. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
61. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
62. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and the Department of Building and Safety.
63. **Corrective Conditions.** The authorized use shall be conducted at all time with due regards to the character of the surrounding district, and the right is reserved to the City Planning Commission, or the Director pursuant to Section 12.27.1 of the Municipal Code to impose additional corrective conditions, if in the Commission's or Director's opinion such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
64. **Expediting Processing Section.** Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
65. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

NOTE TO THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC)

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grants, the City Planning Commission has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the City Planning Commission has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The City Planning Commission has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the City Planning Commission acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record, and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the City Planning Commission.

They may include those identified during hearing testimony, received as part of correspondence via stakeholder groups, city agency, other responsible agency, Council District, Mayor's office, etc.)

For the lounge/restaurant:

1. The sale of a full line of alcoholic beverages shall be limited from 6 a.m. to 2 a.m. daily.

2. No "Happy Hour" type of reduced-price alcoholic beverage or "2 for 1" promotion shall be allowed at any time. Discounted food promotions are encouraged.
3. No cocktail lounge shall be maintained on the premises separate from the dining area.
4. No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
5. There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
6. The sale of alcohol shall be incidental to the sale of food, except in the lounge.
7. The sale of alcoholic beverages for consumption off the premises is prohibited.
8. Fortified wine (greater than 16% alcohol) shall not be sold.
9. There shall be no cocktail lounge or separate bar area.
10. No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
11. The off-site sale of alcoholic beverages as a secondary use (i.e., "take out") is not permitted.
12. All service of alcoholic beverages shall be conducted by a waitress or waiter or bartender.
13. The alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premises.
14. Signs shall be prominently posted in English and the predominant language of the facility's clientele, if different, stating that California State Law prohibits sale of alcoholic beverages to persons who are under 21 years of age.

EXHIBIT B

Proposed Project may result in a significant impact. Further, pursuant to P.R.C. Section §21082.2 (b), “the existence of public controversy over the environmental effects of a project shall not require preparation of an environmental impact report if there is no substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment.” Therefore, the IS/MND adequately analyzes the construction and operation of the Proposed Project, and the preparation of an EIR is not required.

COMMENT 3.4:

a. Project Description. The Appellants are concerned that the MND prepared for the Project does not fully describe all elements of the Project, thereby providing insufficient information for the City and the public to meaningfully evaluate the potential impacts of the Project, especially on the L.A. Film School’s sensitive operations.

RESPONSE TO COMMENT 3.4:

Section II, Project Description, of the IS/MND prepared for the Proposed Project provides a detailed description of the Proposed Project’s location, existing conditions on-site and in the surrounding area, existing zoning and land use designations, the Proposed Project’s characteristics (including descriptions and graphics depicting the proposed building), related projects information, and the Proposed Project’s discretionary requests. As discussed in Section I, Introduction, the purpose of the Section II, Project Description, “is to present the environmental setting, project characteristics, related project information, and environmental clearance requirements.” Section II, Project Description, provides an informational foundation for the analyses provided in Section III, Environmental Impact Analysis. To this extent, the Section II, Project Description, adequately and accurately presents the Proposed Project.

The Commenter states that “all elements of the Project” were not fully described. The Commenter does not elaborate on this claim nor does the Commenter provide examples within this comment. As discussed above, Section II, Project Description, adequately describes the Proposed Project. This comment is noted for the record and will be submitted to the decision maker.

COMMENT 3.5:

b. Noise. As a school that offers programs that would be significantly and adversely impacted by increases in noise and vibration, the Appellants have reason to worry that construction and operational noise generated by construction of this Project will significantly impair the ability of students to meet their educational goals. The L.A. Film School includes a number of uses and programs critical to its educational mission that would be impacted by noise and vibration from the Project, including sound stages, a dubbing stage, theatres, recording studios, and classrooms. In addition, the L.A. Film School has substantial classroom spaces on the western side of its building that would be disrupted by Project noise, and will likely require relocation to ensure that construction noise impacts do not impede students’ classroom learning experience. The L.A. Film School is, therefore, a sensitive receptor (as acknowledged by the MND); however, potential impacts to the L.A. Film School’s operations are not adequately addressed by the Developer. Moreover, the Appellants are concerned that the mitigation measures

included in the MND will not mitigate impacts on the L.A. Film School and its students and faculty because of the L.A. Film School's close proximity to the Project site.

RESPONSE TO COMMENT 3.5:

As outlined in Section III, Environmental Impact Analysis, Section XII, Noise, the analyses acknowledges and lists the Los Angeles Film School as a sensitive receptor for noise (refer to page III-84 of the IS/MND). Two noise monitoring locations (Location #3 and Location #4, refer to Figure III-17) are taken along Ivar Avenue adjacent to the Project Site and across the street from the Los Angeles Film School to document existing noise levels.

The Section XII, Noise, provides a detailed discussion on construction noise (starting on page III-82 of the IS/MND). The IS/MND acknowledges that the Proposed Project's construction may generate noise levels in excess of 5 dBA in the interior of the LA Film School building. For this reason, several noise reducing mitigation measures were adopted to reduce the Project's noise impacts during construction, such as avoiding the operation of several pieces of equipment simultaneously and incorporating noise shielding and muffling devices. (Mitigation Measures N-1 through N-7). The IS/MND further states:

In accordance with LAMC Section 112.05, construction noise levels are exempt from the 75 dBA noise threshold if all technically feasible noise attenuation measures are implemented. The Project Site is not within 500 feet of a residential zone. Therefore, the estimated construction-related noise levels associated with the Proposed Project would not exceed the numerical noise threshold of 75 dBA at 50 feet from the noise source within 500 feet of a residential zone as outlined in the City Noise Ordinance. Additionally, implementation of the following mitigation measures would further reduce the noise levels associated with construction of the Proposed Project on adjacent businesses to the maximum extent that is technically feasible. Thus, based on the provisions set forth in LAMC 112.05, implementation of Mitigation Measures N-1 through N-6 would ensure impacts associated with construction-related noise levels are mitigated to the maximum extent feasible and temporary construction-related noise impacts would be considered less than significant in accordance with City requirements and standards. (page III-87)

Notwithstanding the less than significant impact determination substantiated in the IS/MND, the Applicant hired Veneklasen Associates to further evaluate the construction noise impacts and develop a construction noise mitigation plan in consultation with the Applicant and the Los Angeles Film School to specifically address the potential for impacts upon the LAFS's operations. Based on an initial consultation with the Applicant and representatives from LAFS on February 22, 2017, Veneklasen Associates (Veneklasen) prepared a supplemental noise assessment and has proposed additional mitigation measures to reduce the project's construction-related noise impacts (See Attachment 4). The Veneklasen noise study included a detailed noise assessment of the construction equipment fleet identified in the MND. The Veneklasen study confirms that the predicted construction noise levels would be similar to the noise impacts disclosed in the MND, and further reduced to below significance with additional mitigation measures. In summary, the Applicant is proposing the following voluntary mitigation measures to be implemented during the construction period.

Additional Voluntary Construction Mitigation Measures

1. The project contractor shall erect a minimum 16-foot high temporary noise barrier around the perimeter of the north and eastern site boundary for the purpose of attenuating construction noise impacts. The temporary noise barrier may be constructed of a solid plywood wall or draped sound blankets, and will have an operable gate for entry/exit to the site, which will remain closed at all feasible times.
2. The Project Applicant shall retain a licensed acoustical engineer to install on-site noise and vibration monitors to be located on the northeast corner of the Project Site for the duration of the construction activity. These monitors will continuously measure on-site noise and vibration levels, and can be calibrated to provide an alert to contractors if noise or vibration levels exceed applicable standards.
3. No hauling activity should be permitted along Ivar Avenue.
4. An information sign shall be posted at each entrance to the construction site that identifies the permitted construction hours and provides a telephone number of the site superintendent to call and receive information about the construction activities or to report complaints regarding excessive noise levels. Any reasonable complaints shall be rectified within 24 hours of their receipt.

As noted in the Veneklasen study (attached) the installation of a 16-foot temporary noise barrier along the north and east perimeter of the site, in conjunction with a temporary 10-foot noise barrier that could be moved and positioned close to construction equipment as necessary would reduce construction noise impacts to 3 dBA over ambient noise levels. The Veneklasen study concluded that without any sound walls, noise levels at the adjacent LAFS would be 79 dBA L_{eq} . With a 16-foot sound wall constructed along the northern and eastern property boundary, construction noise levels would be reduced by 8 dBA, resulting in a sound level of 71 dBA at the ground level. For the upper classroom floors, where the line of sight between the construction equipment and the classroom windows would not be blocked, the resulting noise levels would still be up to 79 dBA. With the added use of a 10-foot temporary sound wall positioned in close proximity to construction equipment, noise levels at the upper classroom levels would be 3 dBA above the existing ambient noise levels, which is below the 5 dBA threshold of significance.

With regards to construction related vibration impacts during the construction phase of the Proposed Project, the analyses states that the sensitive receptors would be exposed to increased vibration levels on a temporary and intermittent basis during the construction period, which could contribute to human annoyance. Since the Proposed Project would implement all technically feasible noise attenuation measures, construction vibration levels would be considered exempt from the noise threshold pursuant to LAMC Section 112.05. As such, human annoyance impacts with respect to construction-generated vibration would be less than significant. The additional mitigation measures to install on-site noise and vibration monitors during the construction period would further ensure compliance with the LAMC.

With regards to operational noise, the Proposed Project would produce operational noise from the use of stationary equipment (e.g. HVAC systems) and outdoor open space areas. The Proposed Project's operational noise would not exceed existing ambient noise levels in the vicinity of the Project Site. Further, operation of the Proposed Project would be required to comply with the City of Los Angeles General Plan Noise Element and Noise Ordinance, which would ensure that the Proposed Project's operational noise would be less than significant. With regards to operational noise, no further discussion is necessary.

With regards to operational vibration, the Proposed Project would be limited to typical vibration sources that presently exist in the Project Site vicinity, such as refuse trucks for the removal of on-site solid waste. The Proposed Project would not be expected to significantly increase vibration at the Project Site or in the Project Site vicinity. As such, the Proposed Project would produce a less than significant impact, and no further discussion is warranted.

COMMENT 3.6:

c. Greenhouse Gas Emissions. The Appellants are concerned that the MND's methodology for analyzing greenhouse gas emissions is internally inconsistent and may not accurately evaluate the Project's potential greenhouse gas impacts.

RESPONSE TO COMMENT 3.6:

Greenhouse gas emissions were extensively analyzed in Section III, Environmental Impact Analysis, Section VII, Greenhouse Gas Emissions. It is not clear from Comment 3.6 what the Appellants' specific concerns are relating to greenhouse gases, since no further discussion is provided. Response to Comment 2C.3, above, and Response to Comment 2.18 through 2.22 in Attachment 3, Response to Comments on Adams Broadwell Joseph & Cardozo, *Comments on the Initial Study / Mitigated Negative Declaration for the Hollywood Ivar Gardens Project (ENV-2015-2895-MND; CPC 2015-2893-VZC-HD-CUB-SPR)*, July 6, 2016, provide additional information regarding the MND's methodology for analyzing greenhouse gas emissions and show the MND accurately evaluates the Proposed Project's greenhouse gas impacts as less than significant with mitigation measures incorporated. This comment is noted for the record and will be forwarded to decision makers.

COMMENT 3.7

d. Traffic. Because it is located adjacent to the Project, the L.A. Film School has a particular interest in ensuring that all traffic impacts associated with the Project are correctly analyzed and mitigated. In particular, the Appellants are concerned that both construction and long-term traffic from this Project will significantly impair the ability of students, faculty and staff to access its campus, especially given the existing, extremely congested conditions. The Appellants are also concerned that the Project will cause traffic impacts associated with queuing of cars and trucks at the Project site, and that future street closures at or near the intersection of Cahuenga Boulevard and Sunset Boulevard, associated with construction activities, has the potential to impact the L.A. Film School by blocking access.

EXHIBIT C

Attachment 4: Veneklasen Associates, *Technical Memorandum on Hollywood Ivar Gardens Initial Predictions of Construction Noise*, April 14, 2017

April 14, 2017

Parker Environmental Consultants
23822 Valencia Boulevard, Suite 301
Valencia, CA 91355

Attention: **Shane E. Parker**

Subject: **Hollywood Ivar Gardens
Initial Predictions of Construction Noise
VA Project No. 6763-001**

Dear Mr. Parker,

INTRODUCTION

Veneklasen Associates (VA) was contracted by Parker Environmental Consultants to assess the potential impact of construction noise from the proposed Hollywood Ivar Gardens project located at 6407 Sunset Boulevard, Los Angeles, CA 90028. This assessment was conducted in order to assess the potential for noise and vibration impact at the nearby Los Angeles Film School (LAFS) to the east of the project site and at Grandmaster Records to the north of the project site. This construction noise assessment was conducted as an update to the Mitigated Negative Declaration (MND) issued for this project. Existing noise sources in the area consist mainly of automobile traffic on Sunset Boulevard and N Cahuenga Boulevard. The project location and receptor locations are shown in Figure 1.

A list of acoustical terms and their definitions is presented in Appendix A.



Figure 1. Project Site Location

NOISE CRITERIA

The California Environmental Quality Act (CEQ), passed in 1970, governs many aspects of environmental assessments for development and other projects, including noise and vibration. CEQA guidelines specify criteria for several aspects of noise and vibration, including noise and vibration levels due to vibration.

The City of Los Angeles CEQA Thresholds Guide (2006) specifies the threshold of significance for noise due to construction activity in Section I.1. On page I.1-3, in Section 2.A, it specifies that "[c]onstruction activities lasting more than 10 days in a three month period would exceed existing ambient noise levels by 5 dBA or more at a noise sensitive use" would exceed this threshold of impact. It is assumed that this noise level increase refers to noise levels at the exterior of the noise-sensitive receptor.

The City of Los Angeles Municipal Code specifies the measurement of ambient noise levels as a 15-minute average equivalent sound level (L_{eq}). Therefore, all sound levels in this report shall refer to the L_{eq} sound pressure level averaged over a period of 15 minutes.

NOISE PREDICTION AND MODELING

Noise exposure was modeled at three receptor points representing the most noise-sensitive representative locations in the vicinity of the project. The first receptor point is located directly north of the project site at the south façade of the Grandmaster Records building at a height of 5 ft above grade. The second receptor point is located outside the exterior-interior recording studio door at the LAFS to the east of the project site at a height of 5 ft above grade. The third receptor point is located at the exterior windows of the 1st floor of classrooms, approximately 5 feet above the roof of the parking area. Therefore, this receptor is located at approximately 38 feet above grade. The LAFS receptor points are placed approximately 5 feet from the façade of the building which is an acoustically reflective surface. The receptor point at Grandmaster Records was placed along the midpoint of the line between the Hollywood Ivar project site and the Grandmaster Records building façade. These receptor points are shown on Figure 2 of this report. Note that the LAFS receptor points are not able to be accurately seen on this aerial map due to the parallax of the buildings on the angle of the imagery.

Ambient noise levels were measured at four (4) locations around the project site as part of the MND study for this project. Noise levels were measured at each of the four corners of the project site, and primary noise sources included automobile traffic on N Cahuenga Boulevard and on Sunset Boulevard. Ambient noise levels at the LAFS for this assessment were predicted utilizing the measured ambient noise levels in the MND and their corresponding setback distances from major roadway noise sources. The average noise level on the southeast of the project site were measured to be 77 dBA (Site 3 in the MND) and the average noise level on the northeast of the project site, which is directly across from the LAFS parking structure, were measured to be 65 dBA (Site 4 in the MND). VA predicts the existing noise levels to be 70 dBA the most noise-sensitive areas of the LAFS.

Construction for the Hollywood Ivar Gardens project shall be split up into five (5) phases of construction. A list of construction equipment was specified for each phase of construction in the MND, which shall be used for noise and vibration calculations in this report. The reference sound pressure level for each piece of equipment was updated for this study utilizing data from both the Federal Transit Administration (FTA) Noise Guidance Manual and the Federal Highway Administration (FHWA) Construction Noise Handbook. Utilization factors for the prediction of average noise levels were assumed from equipment usage specified in the FHWA Construction Noise Handbook. A list of construction equipment utilized for each phase is shown in Table 1.

**Table 1. Construction Equipment Reference Sound Levels**

Phase	Equipment Type	Sound Pressure Level at 50ft (dBA)	Utilization Factor
Demolition	Concrete Industrial Saw	90	20%
	Rubber Tire Dozer	85	40%
	Tractor/Loader/Backhoe (2)	84-85	40%
Grading	Concrete Industrial Saw	90	20%
	Rubber Tire Dozer	85	40%
	Tractor/Loader/Backhoe (2)	84-85	40%
Building Construction	Crane	88	16%
	Forklifts (2)	85	50%
	Tractor/Loader/Backhoe (2)	84-85	40%
Paving	Cement and Mortar Mixers (4)	69-81	15%-40%
	Paver	86	50%
	Roller	78	20%
	Tractor/Loader/Backhoe	85	40%
Architectural Coating	Air Compressor	81	75%

Using the construction equipment reference sound levels and utilization factors presented in Table 1, overall average noise levels were predicted at a 50ft setback distance for each phase of construction. Overall noise levels are shown in Table 2 below.

Table 2. Overall Sound Level Predictions for Construction Phases

Phase	Sound Pressure Level at 50ft (dBA)
Demolition	87
Grading	87
Building Construction	88
Paving	89
Architectural Coating	80

As shown in Table 2, it is predicted that the paving phase of construction is predicted to generate the highest levels of noise throughout this construction project. Therefore, compliance with applicable noise guidelines and all mitigation strategies were evaluated and designed according to this phase of construction to ensure that the "worst-case" acoustical scenario was evaluated. A detailed list of construction equipment to be used for acoustical modeling purposes is shown in Table 3. Note that a range of concrete/mortar mixing/pumping equipment was selected to ensure that a range of construction equipment was evaluated.

Table 3. Paving Phase Construction Reference Noise Levels

Equipment Number	Equipment Type	Sound Pressure Level at 50ft (dBA)	Utilization Factor	Modeled Height (ft)
1	Concrete Batch Plant	83	15%	6
2	Concrete Mixer Truck	85	40%	6
3	Concrete Pump Truck	82	20%	6
4	Concrete Vibrator	76	20%	6
5	Paver	89	50%	6
6	Roller	85	20%	6
7	Front End Loader	85	40%	6

A proposed mitigation method for this project is the construction of a 16ft high noise barrier wall along the north and east side of the project area. This wall may be constructed of a solid plywood wall or draped sound blankets, and will have an operable gate for entry/exit to the site, which will remain closed at all feasible times. The proposed location of this noise barrier wall is shown in Figure 2.



Figure 2. Noise Assessment Receptor and Mitigation Locations

In addition to the perimeter wall shown in Figure 2, temporary noise barriers were modeled on the interior of the project site. This temporary wall would be moved to stay close to the loudest noise generating equipment, depending on the predicted location of construction for a given time period. A temporary noise barrier was modeled at a setback distance of 10ft from construction equipment, at a height of 10 ft.

An acoustical model of the property was generated using Brüel and Kjær's Predictor V11.00. The selected calculation method for this project was LimA – International Organization for Standardization (ISO) 9613 1/2 to evaluate the effect of construction noise. Noise exposure was modeled as a 15-minute average with all listed equipment operating as shown in Table 3. Modeled noise measurement results are shown in Table 4

Table 4. Paving Phase Construction Noise Modeling Results

Receptor	Ambient Sound Level, L_{eq} (dBA)	Construction Noise Exposure, L_{eq} (dBA)			Future Predicted Sound Level ^d , L_{eq} (dB)		
		No Sound Wall	16ft Wall	+10ft Temp. Wall ^c	No Sound Wall	16ft Wall	+10ft Temp. Wall ^c
Grandmaster Records	65 ^a	86	67	67	86	69	69
LAFS Studio (Ground Floor)	70 ^b	79	63	59	79	71	70
LAFS Classroom (1 st Floor)	70 ^b	68	68	65	72	72	71
LAFS Classroom (2 nd Floor)	70 ^b	77	77	70	78	78	73
LAFS Classroom (3 rd Floor)	70 ^b	78	78	70	79	79	73

^a Ambient noise levels were measured as Site 4 of the MND.

^b Ambient noise levels were calculated utilizing the measured noise levels in the MND and their various setback distances from the roadway traffic sources in the area.

^c The case including a temporary sound wall also include the 16ft perimeter wall along the north and east of the project site.

^d The "Future Predicted Sound Level" is equal to the sum of the ambient noise level and the construction noise exposure. This resultant sound level is that which would be measured by a sound level meter and perceived by the human ear.

As shown in Table 4, the installation of a perimeter 16 ft sound wall along the north and east of the project site will reduce construction noise exposure below the ambient noise levels at the LAFS Studio receptor. Although the sound wall does not block sound exposure to the upper floor classrooms, the existing shielding provided by the LAFS structure reduce noise levels at these receptors. Therefore, the resultant future sound level during construction will only be 1 or 2 dB higher (respectively) than the existing sound level at these receptors.

Inclusion of the temporary sound wall reduces construction noise levels significantly at upper floor classroom receptors, such that the noise exposure from construction activity is equivalent to the existing ambient sound levels at these receptors. Therefore, the noise level during construction at the 2nd and 3rd floor classrooms would only be 3 dB higher than the existing ambient noise level. For reference, a 3 dB increase generally represents a just-noticeable change in volume outside of a laboratory.



The transportation and removal of materials to and from a project site (hauling activity) can be an additional noise source considered for construction activity. It is estimated that up to 100 hauling trips per day can occur on the project site. Using this conservative estimation, it is assumed that 4 hauling trips occur in a 15-minute period. It is predicted that noise from hauling activity would increase the existing ambient noise levels in the area by a maximum of 0.5dB, which would be less than significant to the overall noise levels. Since the ambient noise levels in the area are already dominated by automobile traffic, this noise source would not introduce noises that are qualitatively novel to the environment.

VIBRATION PREDICTION

Prediction of vibration levels from construction activities is highly inexact due to the type of equipment used, depth of construction/demolition activity, soil conditions, construction of the receptor building, etc. Therefore, construction vibration levels cannot be accurately predicted without the utilization of detailed measurements in situ while construction equipment is operating. However, this project will not include pile driving activity which is known to generate the most severe vibration levels for construction projects. Construction equipment utilized for this project will not generate vibration levels high enough to cause damage to normally constructed buildings.

In order to assess the impact of vibration levels due to construction equipment, it is recommended that vibration measurements are conducted on the first day(s) of construction of each phase of construction, to verify that vibration levels will not exceed applicable standards.

NOISE AND VIBRATION MONITORING

It is recommended that a permanent noise monitor and vibration monitor be placed at the northeast corner of the project site for the duration of construction activity. These monitors will continuously measure on-site noise and vibration levels, and can be calibrated to provide an alert to contractors if noise or vibration levels exceed applicable standards. VA will provide guidance on the exact location and measurement parameters of these devices.

CONCLUSIONS AND DISCUSSION

Existing ambient noise levels and predicted future noise levels due to construction noise were predicted for this project. The threshold of significance for noise impact was evaluated using the guidelines specified in the City of Los Angeles CEQA Thresholds document.

Construction activity would persist for a significant length of time and would significantly increase the noise levels in the environment without the inclusion of noise mitigation. However, construction of a noise barrier wall around the perimeter of the project site would significantly reduce noise exposure from construction activity, below the threshold of significance for noise impact at ground floor receptors (up to and including the 1st floor of classrooms).



Perimeter noise barriers will be ineffective at reducing noise levels to upper floor classrooms at the LAFS, due to the upper floors having an unobstructed line-of-sight to construction activity below. To further reduce noise exposure to these upper story receptors, temporary sound walls/enclosures should be constructed around particularly noisy types of construction equipment, when feasible. This may not always be possible due to movable equipment, site access, etc. In general, temporary sound barriers should seek to completely block line-of-sight between the noise source and receptor, and should be placed as close to the noise source as possible. It is important to note that these temporary barriers should be constructed around the loudest equipment at a construction site, and installation around quieter types of equipment may not reduce the sound level if louder equipment is left unmitigated. VA will continue to consult on the construction and placement of temporary sound walls.

As shown in Table 4, all future noise levels are predicted to be less than 5 dB higher than existing noise levels with the inclusion of both perimeter sound walls and temporary noise barriers close to noise-generating equipment. Therefore, this project will be in compliance with applicable CEQA guidelines.

The noise barrier construction can utilize various materials, and can be constructed as a solid plywood wall or utilize acoustical blankets draped over fencing or other material. VA will provide guidance on the design of this wall prior to installation to ensure that it meets suitable insertion loss (noise reduction) standards for this project.

Please do not hesitate to contact us if you have any questions regarding the materials presented in this report.

Sincerely,

Veneklasen Associates, Inc.

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Associate Principal

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APPENDIX A. DEFINITIONS OF ACOUSTICAL TERMS

Term	Definition
Decibel (dB)	A unit describing the amplitude of sound in a logarithmic ratio to a reference value.
A-weighted Decibels (dBA)	A filter applied to sound pressure levels in decibel to simulate the response of the human ear at the threshold of hearing. A-weighting de-emphasizes the low frequency components of a sound similar to the human ear at these levels. This metric has been closely tied to subjective reactions of annoyance to noise, and is used as a noise metric in this and in many other environmental acoustics reports. In this report, all dBA levels reported refer to the sound pressure level, referenced to 20 μ Pa
Sound Pressure Level (L_p)	The amplitude of sound compared to the reference value of 20 μ Pa. Sound Pressure Level is what we perceive as audible sound. Sound Pressure Level decreases as distance from the source to the receiver increases. All sound values discussed in this report refer to Sound Pressure Levels.
Equivalent Sound Level (L_{eq})	The time-weighted average sound or vibration level for a given period of time. Use of this metric allows the observation of the overall sound level for the measurement period.