

Communication from Public

Name: Mitchell M. Tsai Law Firm, on behalf of Western States Regional Council of Carpenters

Date Submitted: 10/07/2024 04:13 PM

Council File No: 24-0290

Comments for Public Posting: Western States Regional Council of Carpenters (WSRCC) - [City of Los Angeles, Artisan Hollywood Project] - Comment Letter for 10/08/2024 City Council Meeting.

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VIA E-MAIL

October 7, 2024

Erin Strellich, City Planner
200 North Spring Street, Room 395
Los Angeles, CA 90012
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**RE: Western States Regional Council of Carpenters Comments
Regarding the City of Los Angeles' Artisan Hollywood Project (SCH No.
2020110295, ENV-2019-5591-EIR, ZA-2019-5590-TOC-ZV-ZAA-SPR,
VTT-82764-2A)**

Dear Erin Strellich:

On behalf of the Western States Regional Council of Carpenters (“**Western Carpenters**” or “**WSRCC**”), my Office is submitting these comments for the City of Los Angeles City Council meeting regarding the Artisan Hollywood Project (SCH No. 2020110295, ENV-2019-5591-EIR, ZA-2019-5590-TOC-ZV-ZAA-SPR, VTT-82764-2A) (“**Project**”).

WSRCC would like to express its support for this Project. After further reviewing this Project, WSRCC believes that the Project will benefit the environment and the local economy by practicing protocols that will protect worker health and safety and will incorporate adequate environmental mitigation.

Should the City have any questions or concerns, the City should feel free to contact my office.

Sincerely,



Mitchell M. Tsai, Esq.

Attorneys for Western States Regional Council of Carpenters

Communication from Public

Name: Leo Mellace

Date Submitted: 10/07/2024 02:17 PM

Council File No: 24-0290

Comments for Public Posting: On behalf of Leo Mellace and Sound Factory, I am opposed to approving this Artisan entitlements , VTT, and Haul Route when easy corrections can be made which can avert significant damage to Sound Factory's sound recording business.

To: City Council
RE: CF 24-0290
6350 Selma Ave
From: Leo Mellace, Sound Factory
6357 Selma Avenue, Hollywood

RESPONSE

“Appeal of Advisory Agency Approval of Vesting Tentative Tract Map, Haul Route,
and Related Case Entitlements and FEIR Tract Map “
VTT 82764. Appeal filed Feb 14, 2024:
Concurrent Case: ZA-2019-5590-ZV-TOC-SPR
CEQA: ENV-2019-5591-EIR (SCH No. 2020110295)

This Council File contains our appeal addressing noise and vibration effects on our recording studios from the Artisan project which are known to occur and damage our ongoing business. We are now responding to the responses to our appeal which appeared in the file on the day of the PLUM hearing.

City Planning created the problems, failed to remedy: The Applicant Artisan Ventures spent a considerable part of the summer working with us on Settlement Agreement details. Why? Unfortunately, the City itself had created large problems for Sound Factory in specifying a Haul Route, and in relying on a single noise Mitigation Measure. By failing to recognize or remedy the genuine problems, it fell to the private parties to try resolve this very difficult situation.

In the end, despite progress on many fronts, the Applicant felt they must conduct noisy work until 3:00 pm on the 57 days that their EIR calculated for the Haul Route. (We understand the actual number of days is far greater). The Applicant later encouraged the City—despite the City’s admission of some of the impacts—to fail to remedy and chose a “Statement of Overriding Consideration”. To fail to correct the problems created by the City, and to skirt an accurate analysis, when viable alternatives and remedies exist is an error.

- **Selma Ave trucking highly damaging**—2 ½ months or more of continuous dirt hauling (and excavating) is not “temporary” noise disruption. The Haul Route mandated in the VTT review for this case brought 11,555 dump trucks within feet of the studios—as frequent as one truck every 2 minutes. Our acoustic analysis proved beyond doubt that this noise exceeds what the state-of-the-art recording studios were designed for. Our artists can deal with a firetruck every so often, but not with non-stop disruption. Our studios are booked annually during the City’s construction hours. We identified a superior alternative for the Haul Route that actually disturbs fewer residences—which was the City Planning stated objective in this case—and nothing was done to change the City’s error. Further, unless the City also prohibited concrete, delivery, maintenance, and other trucks during the later construction months on Selma, this disturbance which was cynically called “temporary” in the EIR is for 2 ½ years.
- **Sound Barrier Mitigation Measure rendered ineffective:** City Planning proposed one single Mitigation Measure— a “sound barrier” -- claiming to reduce noise by 15 dBA (an inadequate

amount) at Sound Factory. Think of it as a mattress muffling sound around their construction site up to fence height. But because trucks require a large gate through the fence (for the Selma Ave Haul Route) the sound barrier is useless. Those trucks grinding gears and accelerating out toward Sound Factory every 2 minutes not only create noise, but that gate they use lets out all the other noise as well. Despite the Applicant and City Planning's erudite letters, nothing in the project guarantees quiet trucks, smooth streets, or a functional sound barrier with open gates. Note also that there is no requirement for concrete trucks or any other heavy noisy equipment later in the project to use any other gate. Note also that a sound barrier 15' or 20' high does not do anything for noise leaving the construction site above that barrier's level. A 24 story highrise with a 4 level deep garage is being constructed immediately across the street from Sound Factory.

CEQA Argument by Applicant Evades CEQA purpose: The project Applicant and the City Planning Department Staff responses have relied on a continuing argument that noise and vibration effects on Sound Factory need not be considered by the Council as part of its CEQA duties. And an argument that even for the few of the impacts the City EIR does acknowledge, doing inadequate mitigation should be accepted by Council. In the FEIR in many instances they responses failed to deal with data that clearly support Sound Factory's arguments, and the FEIR response was simply "Noted for the record- forward to decisionmakers." There is no evidence decisionmakers addressed these issues.

- The Applicant fails to respond technically to the data developed by Sound Factory which counteracts their position, and instead falls on to this constant refrain that CEQA "doesn't require this". The continuing and repeated FEIR response is "no new CEQA objection made, no new response required". The Applicant response letter dated September 30, 2024 argues again that the City of Los Angeles has recognized effects exceeding noise and vibration thresholds, but because the local procedures in its local CEQA guidance do not mention recording studios, then analysis and mitigation is not required.
- The Applicant and City Planning responses point over and over again to a new guidance issued September 26, 2024 immediately in advance of our PLUM hearing, as conclusive evidence that no analysis and no mitigation is needed. The DEIR is dated 2019. A September 30, 2024 letter from the Applicant's attorney (Rand Paster Nelson) in the Council File fails clarify that this new guidance from City Planning actually INCLUDED sound recording specifically as a sensitive receptor in the drafts circulated to the public and specifically discussed with the public. The coincidence of the apparent last minute "exclusion" of sound recording is concerning.
- However, the guidance from the City of Los Angeles is not an absolute limit on what damage to Sound Factory and its operations should be considered under CEQA. That is an issue for a legal discussion on how local specialist knowledge and professional input is brought into specific cases so that CEQA functions properly as the "early warning system" to avoid later genuine problems. Thresholds and "guidance" are not meant to preclude detailed study.
- The Project Description cannot be seen as stable and finite if the City of Los Angeles hasn't corrected its inconsistencies and has allowed or does allow changes to the planned construction. As an example, the City Planning Department approved project plans with residential balconies covering the high rise, whereas the plans reviewed for noise and vibration did not have those. Data in the traffic portion of the EIR did not match the noise and vibration portion.

How PLUM and Council could have remedied: The Case File, especially new files dropped on the day of the PLUM hearing, appears to waffle, saying both “yes” and “no” about whether construction noise and vibration causes disruption. Sound Factory has provided evidence that the construction and aspects of the permanent building will indeed disturb recording. When City Planning analysis does admit that damage from noise and vibration, it states it is “unavoidable”, and mitigations are stated to be “infeasible”.

If Artisan’s construction process will cause ANY damaging noise and vibration effects, then PLUM should or Council should have no problem adding a Condition to their approval—that “in the event that construction noise or vibration causes disruption to recording, the construction will immediately stop, and not start again until the noise source is cured.”

City Staff and the PLUM Committee could have corrected their errors with simple Conditions:

- For Emerson College and Technicolor the damage to East West Studios was averted by a construction stop at noon, and a starting time at 6:00 pm. For undisclosed reasons these mitigations were not even fielded by City Planning- preferring to argue that they have no responsibility to cure.
- Reroute the damaging Haul Route off Selma;
- Prohibit a gate in the sound barrier of Selma Avenue, routing hauling, concrete, and other trucks on to Sunset Blvd from Ivar rather than past Sound Factory.
- Acknowledge the list of analyses omitted from the DEIR and FEIR and develop Errata, Corrections, or Project Design Features to resolve the very real issues.

Background:

Sound Factory is a legacy recording business on Selma Avenue in central Hollywood- home to the greats like Michael Jackson, Marvin Gaye, and Linda Ronstadt and still recording our great contemporary artists. We are located at what was the “Sound Capitol of the World” near Hollywood and Vine—where radio, sound recording, early television, and live entertainment made Hollywood and Los Angeles famous. We stayed. I am Leo Mellace, owner of Sound Factory.

Artisan Ventures proposed a 24 story high rise building directly across Selma Avenue, which might be built 3 or 4 years from now. Sound Factory foresaw threats to recording from construction noise and vibration. We hired experts and specialists to drill down—what would 2½ years of construction mean? The experts concluded it would destroy the recording business.

Sound Factory has made it clear we did NOT “oppose” the project as a whole. But the City Planning process has one option-- “appeal” of the project as a whole. All top tier recording studios are built to handle the everyday “ambient” noise. Artists can deal with an occasional fire truck. Where City Planning utterly failed us here was to recognize the continuing noise and vibration through the construction period, scrupulously avoiding certain impacts and criticizing our experts with no substantial evidence.

Sound Factory has been deep into a Settlement Agreement with this developer, thanks to intervention by CD 13 and thanks to the developers willingness to come over to Sound Factory, see the reality, and engage with the real issues. Also recently CD 13 had agreed to work on having the Haul Route changed.

Unusual aspects of this case:

The central issues are about engineering and acoustics specifics. We are EXPERTS in sound recording. AND we hired experts RNS Acoustics for precise knowledge about the effects of construction noise and vibration on recording. Our attorney shared with PLUM that decisionmakers and attorneys in the hearing room are not experts. Sound Factory has the real world knowledge of what our microphones will hear; we know what will drive away the recording artists and destroy our business; we know how our building is constructed, and they used incorrect data for evaluating damage; and we were surprised that no one ever contacted us or sat down with our experts. There is no excuse for failing to genuinely deal with technical issues with us.

An example of this is a back-and forth discussion of noise made by dump trucks. The Applicant's acoustician mistakenly attributes comments by my EIR consultant as prepared by RNS Acoustics. But these arguments are moot unless the acousticians agree on the facts. Engineering is a precise and professional task, not a political one. When we looked at the specific trucks being proposed for hauling and concrete delivery, we saw and communicated that their model year does indeed matter, and must be controlled through bidding, and that the truck type proposed for this job was indeed louder than the Applicant now says. For that we were using the CalTrans 2020 manual.

These and a longer list of problems are solveable.

The purpose of Council deliberations and my attorney's involvement in a Settlement Agreement was to support solutions. In the past City Planning required noisy construction work near a recording studio to stop at noon. I agreed to not insist on stopping work at noon. The two private parties have done extensive work—causing the PLUM hearing to be postponed. Why? Because the technical work really does take time. We had drilled down to determine when the real damaging noise and vibration might occur; what specific equipment and construction activity_might cause it; and what noise and vibration controls and work-arounds would solve it.

Statements by City Planning that Mitigations are “infeasible” are in error.

We had remaining issues to resolve and the Case was brought to PLUM. In our view some basic understandings were contravened at the last minute by the Applicant, to which we could not agree without discussion. The hope was for a Settlement Agreement that allowed Sound Factory and Artisan to continue in their businesses, and to avoid litigation.

I include here by reference all prior communications from us, all information in the Council File, and additionally all our communications regarding Planning Commission review.