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March 10, 2016

BY MESSENGER AND EMAIL

Councilmember Jose Huizar, Chair
Councilmember Marqueece Harris-Dawson, Vice Chair
Councilmember Mitchell Englander
Councilmember Gilbert A. Cedillo
Councilmember Felipe Fuentes
Planning and Land Use Management Committee
200 North Spring Street
Los Angeles, California 90012

Re: Council File No. 15-1359: Support of Council Motion to Nominate the Hollywood Palladium as a Local Historic-Cultural Monument

Dear Chair Huizar and Honorable Committee Members:

On November 17, 2015, Councilmember Mitch O’Farrell introduced a motion to initiate consideration of the Hollywood Palladium as a Local Historic-Cultural Monument. That motion was referred to the Planning and Land Use Management Committee for your consideration. We write on behalf of CH Palladium, the owner of the Hollywood Palladium, in strong support of this nomination. The Palladium is a Los Angeles landmark and the centerpiece of the Palladium Residences Project, which is proposed to complement and enhance the Palladium’s existing operations. Since Project inception, CH Palladium has committed to preserving the Palladium, and proposed a condition - now included in the Project’s City Planning Commission determination - requiring nomination of the Palladium prior to issuance of building permits for the Project. The Project entitlements as recommended by the City Planning Commission also provide for a proposed Palladium Preservation and Enhancement Plan, and a conservation easement is separately being entered into with LA Conservancy, both offered by CH Palladium in recognition of the importance of the Palladium to Hollywood.

CH Palladium is therefore extremely pleased to support Councilmember O’Farrell’s motion which would initiate the process to attach formal historic resource designation to this important City monument. CH Palladium looks forward to continuing to work with the City on the final details of the Preservation and Enhancement Plan. The proposed conservation easement is currently being finalized with Hollywood Heritage and the LA Conservancy.

LATHAM & WATKINS LLP

We thank Councilmember O'Farrell and the PLUM Committee for your consideration of this very important nomination, and look forward to your consideration.

Very truly yours,



Heather A. Crossner
of LATHAM & WATKINS LLP

cc. Honorable Councilmember Mitch O'Farrell
Charlie Rausch, Department of City Planning
Luciralia Ibarra, Department of City Planning
Kevin Keller, Office of the Mayor
Bruce Menin, Crescent Heights
Adam Tartakovsky, Crescent Heights
Jon Meir, Crescent Heights
Heather Crossner, Latham & Watkins
Steve Afriat, Afriat Consulting Group
Aaron Green, Afriat Consulting Group

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Planning and Land Use Management Committee
200 North Spring Street
Los Angeles, California 90012

Re: Palladium Residences: Council File Nos. 16-0106 and 16-0106-S1; Case No. VTTM-72213; CPC-2014-3808-GPA-ZC-HD-CU-CUB-ZAI-SPR; ENV-2013-1938-EIR – Request for Approval and Upholding of City Planning Commission Action, and Denial of AIDS Healthcare Foundation Appeals

Dear Chair Huizar and Honorable Committee Members:

We write on behalf of CH Palladium and look forward to your consideration of the Palladium Residences Project (the “Project”) at your March 15, 2016 meeting. We appreciate the City Planning Commission’s unanimous approval and recommendation of the Project’s entitlements, which represent a very significant investment in the continued urban revitalization of Hollywood together with preservation of the famous music and entertainment venue, the Hollywood Palladium. The CPC also approved an Errata to the EIR published prior to their hearing, which provided additional CEQA information in response to public comments.

This letter responds to the appeals filed by the Silverstein Law Firm, on behalf of the AIDS Healthcare Foundation (“AHF”), of the City Planning Commission’s determinations upholding approval of the Project’s tract map and other entitlements and recommending your approval of the Project’s legislative actions. While the existing record demonstrates that the appeals should be denied, Planning staff has also recommended to you additional environmental information and clarifications through a second Errata to the EIR published on March 3, 2016. Contrary to appellant’s claims, the City has fully complied with the requirements of CEQA, and the second Errata further confirms the EIR’s conclusions regarding the Project.

Considering the information provided in this letter, and the substantial evidence provided in the Project’s EIR, two Erratas and application submittals, we respectfully ask that you

recommend approval of the Project's entitlements, certify the CEQA documents including the second Errata presented to you by Planning staff, deny the appeals and affirm the Advisory Agency and City Planning Commission's approval of the Project's tract map.

We have also enclosed with this letter a Planning Booklet (Exhibit A) which provides additional information and renderings of the proposed Project.

I. ENGAGEMENT WITH HOLLYWOOD COMMUNITY AND COMMUNITY SUPPORT

CH Palladium has been dedicated to extensive and ongoing outreach at every step of this process. Team members have gone door-to-door to talk in person with residents, held dozens of informal get-togethers with individuals and groups, and presented to major civic organizations in Hollywood.

We are extremely proud to report that as a result of this outreach, the Project has received the support of both the Hollywood Studio District Neighborhood Council and the Central Hollywood Neighborhood Council. We are also honored to have the support of the Los Angeles/Orange Counties Building Trades and UniteHERE Local 11. Moreover, the Project has been endorsed by the Hollywood Arts Council, the Hollywood Network Coalition, the Hollywood Chamber of Commerce, and the Citizens of the World Charter School. CH Palladium has been working extensively with both Hollywood Heritage and the LA Conservancy on a conservation easement, and both organizations have expressed their appreciation for the Project's historic commitments.

In addition to the thousands of Hollywood residents and stakeholders represented by the civic organizations endorsing the Project, the Project has reached out to those living in the vicinity of the Project – within two miles of the site – and identified approximately 3,500 individual supporters.

II. HISTORICALLY SENSITIVE PROJECT DESIGN AND SUBSTANTIAL HISTORIC COMMITMENTS

The Palladium Residences will preserve and enhance the Hollywood Palladium as a live entertainment venue while replacing adjacent surface parking with outstanding new architecture including approximately 731 residences. The Project will transform the pedestrian environment through ground floor dining and shopping and linked landscaped pedestrian plazas as well as new streetscape enhancements. Consistent with City planning goals, the Project will increase the City's supply of housing in this transit-close location in the heart of Hollywood, near jobs and entertainment.

The Project has been designed with respect and sensitivity for the Hollywood Palladium. With input from community stakeholders and historic preservationists, the Project has been thoughtfully located behind the existing building, preserving the Sunset Boulevard prominence of the Palladium. The only new Project building on Sunset Boulevard is a low-rise space for dining and/or community-serving retail activities. This new building will be lower in height than the Palladium and recessed back farther from Sunset Boulevard than the Palladium, ensuring that

the historic sight lines of the Palladium on the Sunset corridor will be maintained. The Project's architecture also references key Palladium design features in its modern, sustainable design. This design was determined both by the City's Office of Historic Resources ("OHR") and Historic Resources Group to be compatible with the Palladium. In addition, CH Palladium has agreed with Hollywood Heritage and the Los Angeles Conservancy that, with approval of the requested entitlements, it will place a conservation easement on the Palladium and fund a historic landmark enhancement program.

The Palladium is not currently listed in the National Register, California Register or designated as a Los Angeles Historic-Cultural Monument. It therefore does not carry any formal historic resource designation and does not benefit from land-use protections beyond CEQA. In response to this omission, CH Palladium has proposed a new zoning Q condition which requires it to nominate the Palladium as a Los Angeles Historic-Cultural Monument prior to pulling building permits for the Project. This condition has been incorporated into the Q conditions approved for the Project by the City Planning Commission. CH Palladium has also expressed its support for Councilman O'Farrell's pending motion for the City to nominate the Palladium as a historic landmark.

The Project's Project Design Features and conditions of approval also include a number of additional historic commitments, including a Preservation and Enhancement Plan for upgrades to the Palladium; the creation of an Historic Exhibit on-site; and conditions requiring Office of Historic Resources to confirm consistency between building plans and the City Planning Commission approved plans, prior to issuance of building permits.

III. PUBLIC BENEFITS

The Project will be adding urgently needed market-rate housing to the City of Los Angeles, furthering the Mayor's goal of 100,000 new housing units by 2021. Additionally, we are proud to have worked with Councilmember Mitch O'Farrell on a commitment to set aside 5 percent of the Project's units for workforce housing, for households making 50 to 120% of Area Median Income ("AMI"). We respectfully ask for one refinement of this proposal, which would allow households entering workforce housing units to stay within those units so long as income does not exceed 150% of AMI. This will avoid the unfortunate result of families being forced to choose between a better paying job and leaving their affordable housing. Proposed updated language to Condition A.2 (page C-1) of the CPC determination is as follows:

- (a) The OPA shall include a minimum set aside of 5% for households representing 50 – 120% of the Area Median Income (AMI), except that households entering the Project within this income level shall be permitted to stay up to an income level of 150% of AMI.

This voluntary commitment will be included as an obligation in the Project's Owner Participation Agreement with the CRA/LA; under the CPC conditions of approval (No. A.2), that agreement is required in order for the Project to achieve the proposed FAR.

CH Palladium is also working with the Los Angeles Housing and Community Investment Department on a proposed form of covenant and funding for City enforcement of this affordable housing component. The Department has requested that language be provided for its role in monitoring and enforcing this commitment; proposed language still subject to CRA/LA review is attached hereto as Exhibit B.

CH Palladium is proud to confirm that this Project will use union labor, as does the Crescent Heights project at 10000 Santa Monica currently under construction. The Project will create more than 4,000 construction jobs and approximately 460 permanent jobs. Construction alone will generate approximately \$25 million in tax revenues, with more than \$10 million in annual tax revenues during operation.

Finally, the Project will be making a significant investment in design and construction in order to preserve and build around the Palladium. These include unique architectural features in the form of premium façade costs, as well as additional construction costs needed to protect the Palladium during construction. CH Palladium is committed to keeping the Palladium open and operational while building around it, which requires added costs for exit enclosures, barriers, and staging. Accommodating the Palladium also requires the construction of expensive below-grade parking, in addition to structured parking, adding to the overall costs of the commitment to preservation.

IV. RESPONSES TO APPEALS

AHF's appeals raise no new substantive claims challenging the proposed Project or its CEQA analysis, but rather reference letters previously submitted by AHF. The arguments raised in AHF's prior letters have been addressed in detail in our letters of November 5, 2015, November 18, 2015, and December 9, 2015.

A. Response to AHF's Hired Traffic Consultant, Herman Basmacıyan

We have attached to this letter a detailed response prepared by Fehr & Peers, the Project's traffic consultant, to the claims made by Herman Basmacıyan regarding alleged deficiencies in the Project's traffic study, which was included as Exhibit 12 to AHF's November 5, 2015 letter. As made clear in Fehr & Peers' responses, the allegations made by AHF's hired traffic consultant have absolutely no merit. The Project's traffic analysis was comprehensive, conservative, and approved by LADOT. Caltrans even submitted a letter for the record, included in Errata 2, confirming that it has no comments on the Project's freeway traffic analysis. Fehr & Peers' point-by-point rebuttal to each of Herman Basmacıyan's claims is attached as Exhibit C.

B. Response to AHF's Hired Planning Consultant, Jon Perica

AHF has made repeated allegations, without foundation, that the Project's General Plan Amendment is improper. We have responded to these claims in detail in our prior letters, specifically in our letters dated November 5, 2015 and November 18, 2015.

In a letter submitted by a consultant to AHF and included as Exhibit 11 to AHF's November 5, 2015 letter, AHF attempts to confuse the issue further by arguing that certain findings have not been made for approval of the General Plan Amendment. City Charter Section 556 is explicit that only one set of findings is required to approve a General Plan Amendment—consistency with the General Plan's purposes, intent and provisions. As stated therein:

When approving any matter listed in Section 558 [General Plan Amendments], the City Planning Commission and the Council *shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan.* (Charter Section 556; emphasis added.)

The EIR includes clear findings as to the consistency of the Project and the associated Amendment with the General Plan's purposes, intent and provisions. Section 4.H., Land Use and Planning, of the Draft EIR describes this consistency on pages 4.H-23 through 4.H-37, and describes the necessity of the General Plan Amendment for consistency with the site's C4 zoning on pages 4.H-48 and 4.H-56 through 4.H-57. These findings are also included on pages F-1 through F-7 of the City Planning Commission determination.

AHF cites Charter Section 555 as stating that the General Plan may be amended by geographic areas provided that the area involved has "significant social, economic, or physical identity." This is not included in the Section 556 findings required for approval of a General Plan Amendment. Rather, this provision is within Section 555 "Procedures for Adoption" of a General Plan Amendment, and is a requirement for the City to process a General Plan Amendment.

This procedural requirement is also met here. City Planning staff, Luciralia Ibarra, testified at both the November 19, 2015 and December 10, 2015 Planning Commission hearings regarding the appropriateness of the General Plan Amendment, both in substance and the process followed. (Planning Commission Hearing Transcript, at pp. 40-41 (Nov. 19, 2015); and Planning Commission Hearing Transcript, at p. 82 (Dec. 10, 2015).). Commissioner Perlman agreed at the November 19, 2016 City Planning Commission Hearing that "there are few areas in Los Angeles which are more socially or geographically significant and have such a distinct identity than the Palladium." (Planning Commission Hearing Transcript, at pp. 116-117 (Nov. 19, 2015).)

Finally, Errata 2 published by City Planning discusses the, social, economic and physical identity of the area subject to the General Plan Amendment, alone and together with the rest of the Project site. The area has had social significance as an entertainment venue since its use as the original Famous Players-Lasky Corporation motion picture studio lot, and then as part of the

Hollywood Palladium's development in the 1940s on. This area also played a vital role in Hollywood's economic growth and development as an important part of the entertainment business. The Selma area is also part of the historic Hollywood Palladium's physical identity, providing access and views of the Palladium. Finally, the Selma site contributes to and is a part of the larger social, economic and physical identity of the area identified by the 1988 Hollywood Community Plan as the Hollywood Center, and identified by the General Plan Framework Element as a Regional Center.

C. AHF's Due Process Allegations Have No Foundation

Lacking any meaningful substantive basis to attack the Project, AHF's appeal is entirely centered around process. AHF's allegations of due process violations lack any foundation in the law or facts of this case. The City has scrupulously protected the public's right to participate in the decision-making process and provided the appellant with ample opportunity to be heard.

To date, appellant has been afforded the opportunity to present at three public hearings, and has filed three appeals, taking full advantage of its multiple opportunities to petition the City. Appellant has also had an opportunity to submit public comments on the Project's EIR and receive written comments in response. At the City Planning Commission, AHF was afforded an opportunity to testify twice, on November 19, 2015 and December 10, 2015, after the Commission granted appellant's request for a three-week continuance and a second hearing. Despite this additional time to comment, requested by appellant so it could provide further review of the record, the appellant made only limited submittals. As stated by Commissioner Dana Perlman:

We specifically and expressly continued this matter for a period of three weeks to allow additional time and opportunity for the Appellant and/or the respondent to submit additional information to us. For whatever reason, the Appellant decided to wait until 48 hours before the hearing today to submit its letter, in which case, yes, there is a 10-page letter -- limit if you wait that long." (Planning Commission Hearing Transcript, at pp. 103-04 (Dec. 10, 2015).)

Despite all these opportunities for public comment, appellant claims that the process is unfair because of the efforts of Project supporters to inform Planning Commissioners about Project facts already in the record. Appellant is plainly wrong.

There are no constitutional, statutory, or local prohibitions against such communications. Additionally, the information provided to the Commissioners about the Project was already in the record. AHF must know that such communications are legal and permitted, because AHF's own attorney had at least one such communication with Commissioner Perlman.¹

¹ "I had one discussion with Mr. Wright [AHF's lawyer], just prior to the last hearing, at which time I told him that it was my inclination to, at his request, continue the hearing for our next --

Apparently AHF's counsel believes that it has a right to communicate with the Commission, though alleging that others do not.

Appellant argues that because the Planning Commission was considering both quasi-legislative and a quasi-adjudicative matter, communications were barred. Appellant cites no case law or statute to support its position and, in fact, the case law is to the contrary. Regarding legislative actions, it is clear that that communications are not restricted. (*See United States v. Kincaid-Chauncey*, 556 F.3d 923, 941 (9th Cir. 2009) ("The political system functions because lobbyists and other are able to persuade elected officials of the wisdom or error of policy proposals. We echo the admonition that 'such endeavors . . . are protected by the right to petition the Government for a redress of grievances guaranteed by the First Amendment of the United States Constitution.'"); *BE&K Constr. Co. v. NLRB*, 536 U.S. 516, 524 (2002) ("We have recognized this right to petition as one of 'the most precious of the liberties safeguarded by the Bill of rights,' and have explained that the right is implied by the 'very idea of a government, republican in form.'") (citations omitted)); *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 622 ("Legislative action generally is not governed by these procedural due process requirements because it is not practical that everyone should have a direct voice in legislative decisions; elections provide the check there.").)

Regarding quasi-adjudicative actions, "[d]ue process principles require reasonable notice and opportunity to be heard before governmental deprivation of a significant property interest." (*Horn v. Cty. of Ventura* (1979) 24 Cal.3d 605, 612.) First, appellant has been afforded notice of no fewer than three public hearings, the opportunity to testify three times, the opportunity to submit written objections, and has taken advantage of the opportunity to have communications outside of the hearing context. Due process has been afforded. Second, it is by no means clear that appellant either has a significant property interest or that the proposed approval of the Palladium entitlements could deprive appellant of such an interest. Appellant has no claim for deprivation of due process.

The City Attorney's Office likewise confirmed that so long as the Planning Commission relied on information contained in the administrative record in reaching its decision, there can be no due process violation. (*Mathew Zaheri Corp. v. New Motor Vehicle Bd.* (1997) 55 Cal.App.4th 1305, 1319-1320; *see also English v. City of Long Beach* (1950) 35 Cal.2d 155, 159.) At the second Planning Commission hearing, the representative of the City Attorney's Office confirmed this. (Planning Commission Hearing Transcript, at pp. 18-19 (statement of Deputy City Attorney Michael Bostrom, December 10, 2015 hearing).) The record shows that the Planning Commission's decision is wholly supported by the record. All parties' due process rights have been protected.

continue the matter for our next hearing to allow additional time to review the staff report and documentation. (Commissioner Perlman, Planning Commission Hearing Transcript, at p. 12 (Dec. 10, 2015).)

To the extent appellant impugns the integrity of the Planning Commission by suggesting that something untoward occurred during the discussions to which it objects, appellant is wrong and has done nothing to even try to establish that the discussions somehow rendered the Planning Commission impartial. No evidence was provided by appellant, despite ample opportunity for appellant to submit information. (See, eg, Planning Commission Hearing Transcript, at pp. 102-103 (Dec. 10, 2015).)

The Planning Commissioners retained their full independence and were entirely impartial throughout. Appellant has not even raised “a mere suggestion” of bias. (*Nasha v. City of Los Angeles* (2000) 125 Cal.App.4th 470, 483.) “[A] mere suggestion of bias is not sufficient to overcome the presumption of integrity and honesty.” (*BreakZone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205, 1236-37 (“as in the federal courts, [the California] Supreme Court requires a party seeking to show bias or prejudice on the part of an administrative decision maker to prove the same with concrete facts.”).) As a result, there is no reason to set aside the Commission’s decisions and recommendations.

Pressing its argument, appellant further complains that it did not receive an equal amount of time before the Planning Commission. This is incorrect. The transcripts of the hearings reflect that the Commission acted diligently to ensure that each side was afforded the same amount of time. (Planning Commission Hearing Transcript at p. 22 (Nov. 19, 2015) (indicating commission gave extra time to appellant to match time given to applicant).)

Lacking any substantive means to attack the Project, AHF resorted to attempts to allege impropriety around the City’s proceedings, to no avail. Commissioner Perlman best summarized the lack of any merit to appellant’s allegations when he stated that:

The Appellant made a number of allegations but they were based solely on conclusions. I listened very carefully to the argument, I’ve read the letters that have been submitted, and there is no evidence submitted. And I am a lawyer... And you need to have evidence in order to support arguments for the -- the judicial officers to make findings. There is -- there was no evidence to support . . . the allegations that were made. (Planning Commission Hearing Transcript, at pp. 101-102 (Dec. 10, 2015).)

Commissioners and City staff have followed the City’s rules in a fair and unbiased process, and the result stands as a valid and proper approval and recommendation from the City Planning Commission. We respectfully request that you affirm the City Planning Commission’s determinations, and recommend approval of the Project and certification of the Project’s EIR, together with the Errata, CEQA Findings, and Statement of Overriding Considerations.

LATHAM & WATKINS LLP

We look forward to presenting this matter to you at your March 15, 2016 hearing.

Very truly yours,

A handwritten signature in blue ink that reads "Lucinda Starrett" with a stylized flourish at the end.

Lucinda Starrett
of LATHAM & WATKINS LLP

cc. Honorable Councilmember Mitch O'Farrell
Charlie Rausch, Department of City Planning
Luciralia Ibarra, Department of City Planning
Kevin Keller, Office of the Mayor
Bruce Menin, Crescent Heights
Adam Tartakovsky, Crescent Heights
Jon Meir, Crescent Heights
Heather Crossner, Latham & Watkins
Steve Afriat, Afriat Consulting Group
Aaron Green, Afriat Consulting Group

Exhibit A

HIGHLIGHTS



PALLADIUM

RESIDENCES

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HISTORIC PRESERVATION & URBAN REVITALIZATION

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Chicago*

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Miami Beach*

*2601 Parkway
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West Hollywood*

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Miami Beach*

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New York*

Plymouth

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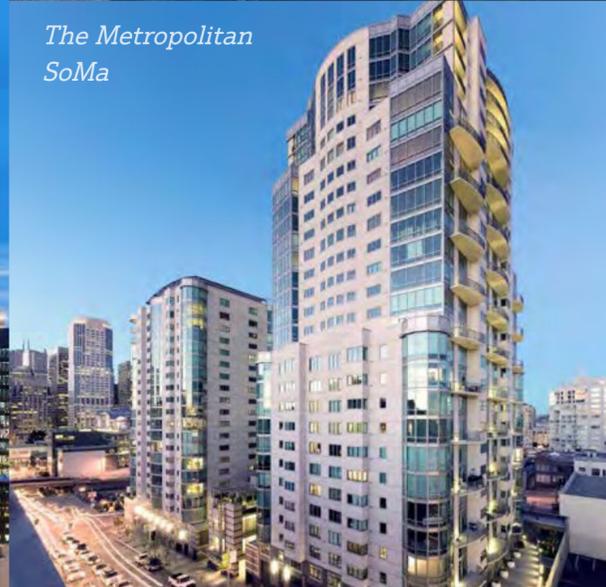
*CityFront Terrace
Gaslamp District*



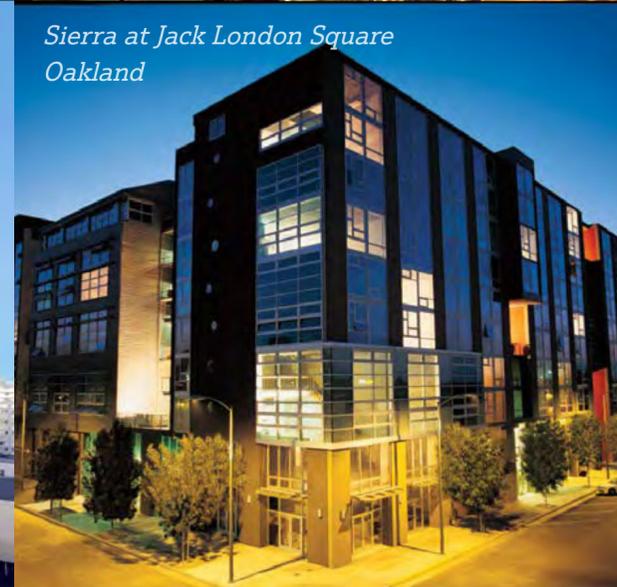
*The Remington
Wilshire Corridor L.A.*



*Ten Thousand
Los Angeles*



*The Metropolitan
SoMa*



*Sierra at Jack London Square
Oakland*



*NEMA
San Francisco*

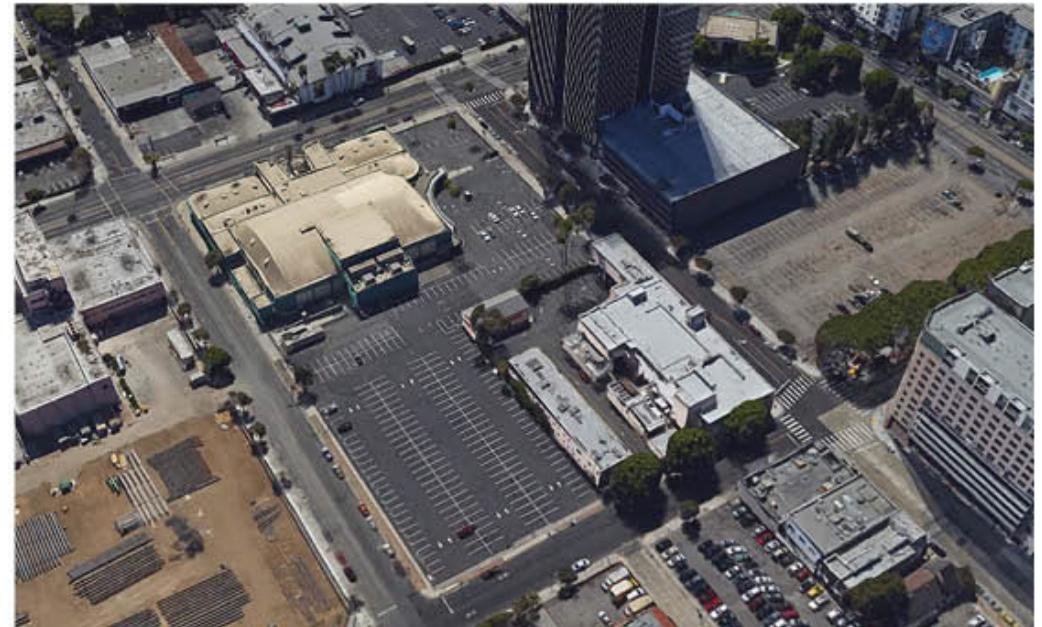
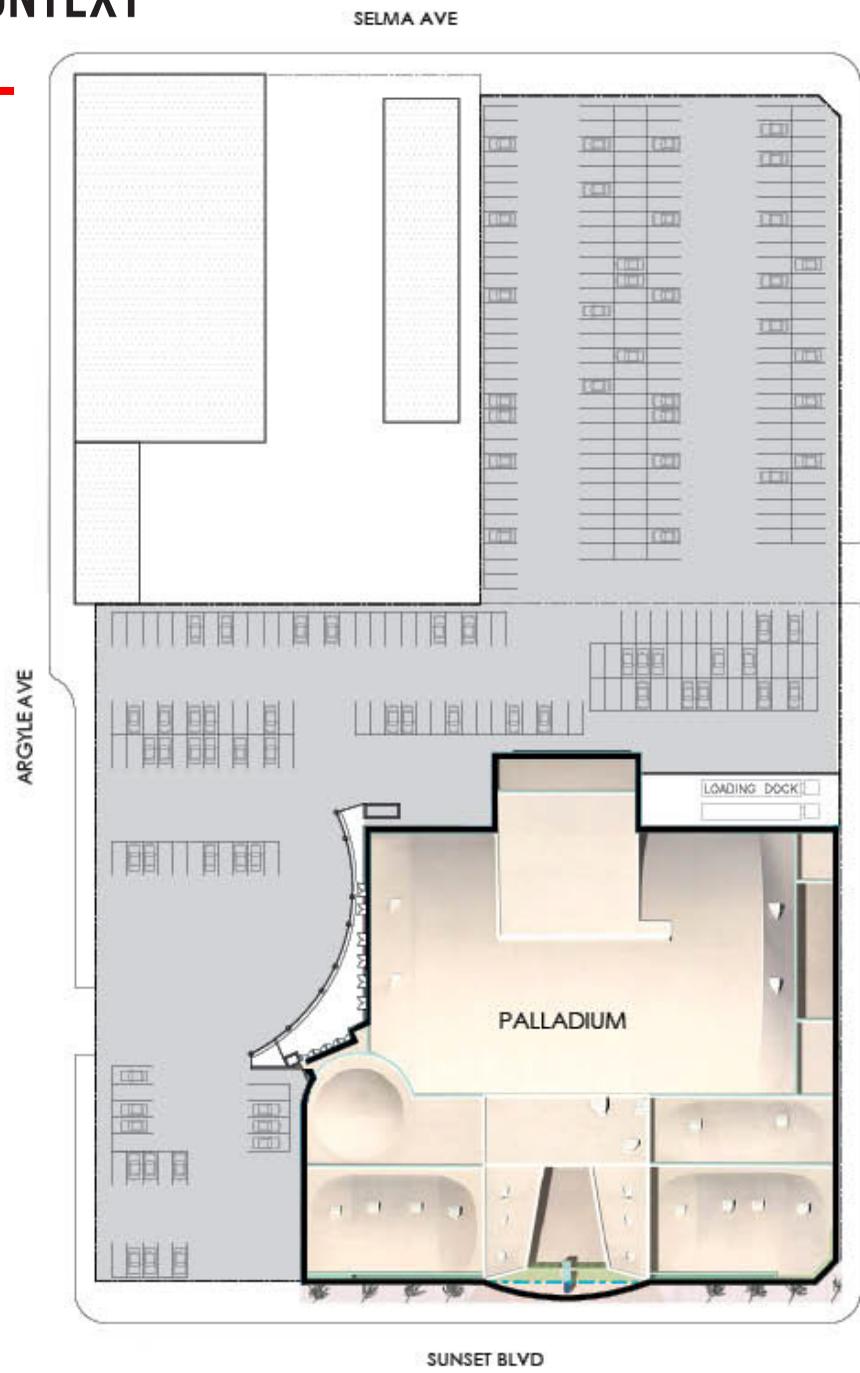


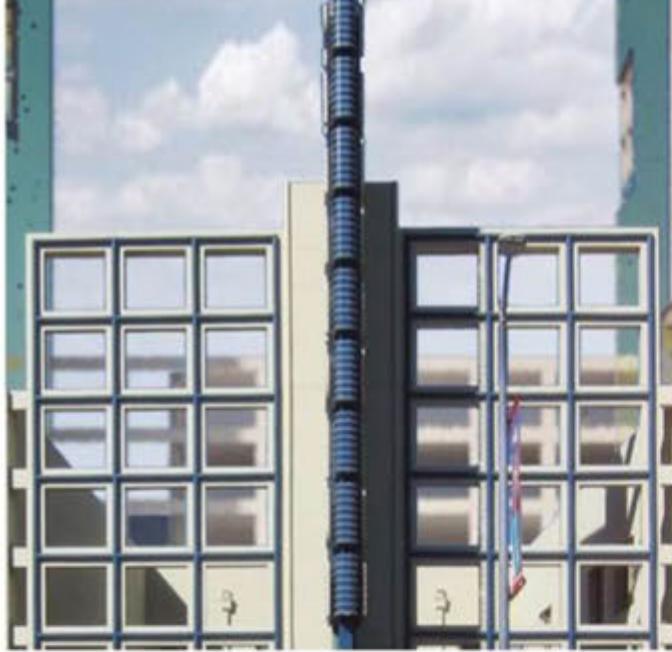
*Jasper
San Francisco*

*The Palladium Residences
Los Angeles*



EXISTING CONTEXT







SIGNIFICANT COMMUNITY BENEFITS



TRANSIT



SUSTAINABILITY



HISTORIC EXHIBIT



RETAIL

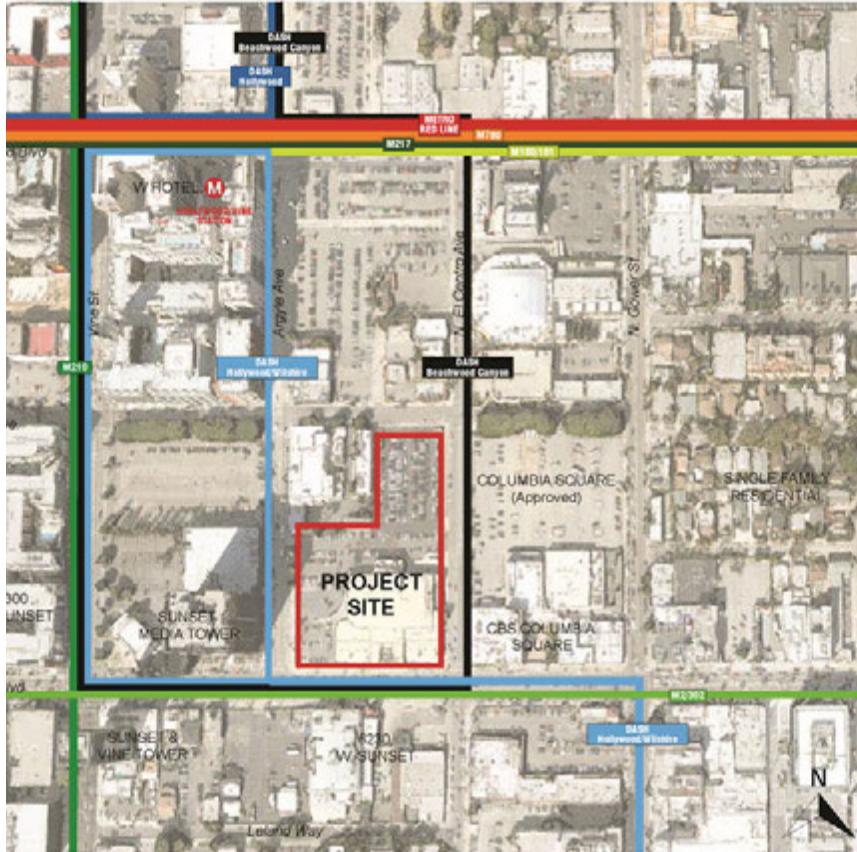


JOB CREATION



ARCHITECTURE





- METRO SUBWAY**
 Metro Red Line
- METRO RAPID BUS LINE**
 Metro Rapid Line 780
- METRO BUS LINES**
 Metro Line 2/302
 Metro Line 210
 Metro Line 217
 Metro Line 180/181
- LADOT DASH LINES**
 LADOT DASH Beachwood Canyon
 LADOT DASH Hollywood
 LADOT DASH Hollywood/Wilshire



- BICYCLE FACILITIES**
 Existing Bicycle Path
 Future Designated Bicycle Lane
 Future Neighborhood Enhanced Network
 ON SITE BICYCLE STORAGE AND REPAIR

TRANSIT

BICYCLE

SUSTAINABLE DESIGN



DROUGHT TOLERANT PLANTS

Landscaping incorporates climate adaptive plants that require low water use, including Orange Citrus trees which are native to dry Southern California.

FLOWERING PLANTS

Plant biodiversity that support pollination for the surrounding environment, as well as a habitat for the birds and the bees.

WATER RECYCLING

Project incorporates rain water & harvesting ground water tanks for water storage, re-use and onsite bio-filtration.

SUSTAINABLE MEANS OF TRANSPORTATION

Green TRIP certified: Walk/Bike/Transit
Use of car share, bike share and scooter share. Public transit is encouraged by providing transit information in the building on displays in common areas and also to residents via smart phone and computer application.

ELECTRIC VEHICLE CHARGING

Increase to 80 EV charging spaces

SOLAR PANELS

Minimum requirement for square footage of solar PV for the Project's new rooftops.

Large expanse of Palladium rooftop ideal for solar; need OHR advice on options for installing rooftop solar without significant historic impacts

ENERGY EFFICIENCY

Building design includes a complete energy model to maximize efficiencies incorporating:

- High performance glazing and insulation
- Energy efficient light fixtures (incorporate low energy LED fixtures)
- High-efficiency HVAC unit ventilation systems

REGIONAL AND RECYCLED MATERIALS

Focus on local sourcing for project materials (Los Angeles). Good for local economy and sustainability i.e. minimal transportation.

Incorporated recycled materials from crushed concrete, steel to select building finishes.

GREEN CLEANING (OPERATIONS)

Building operations use green cleaning products in re-fillable containers; educate and incentivize green cleaning solutions.

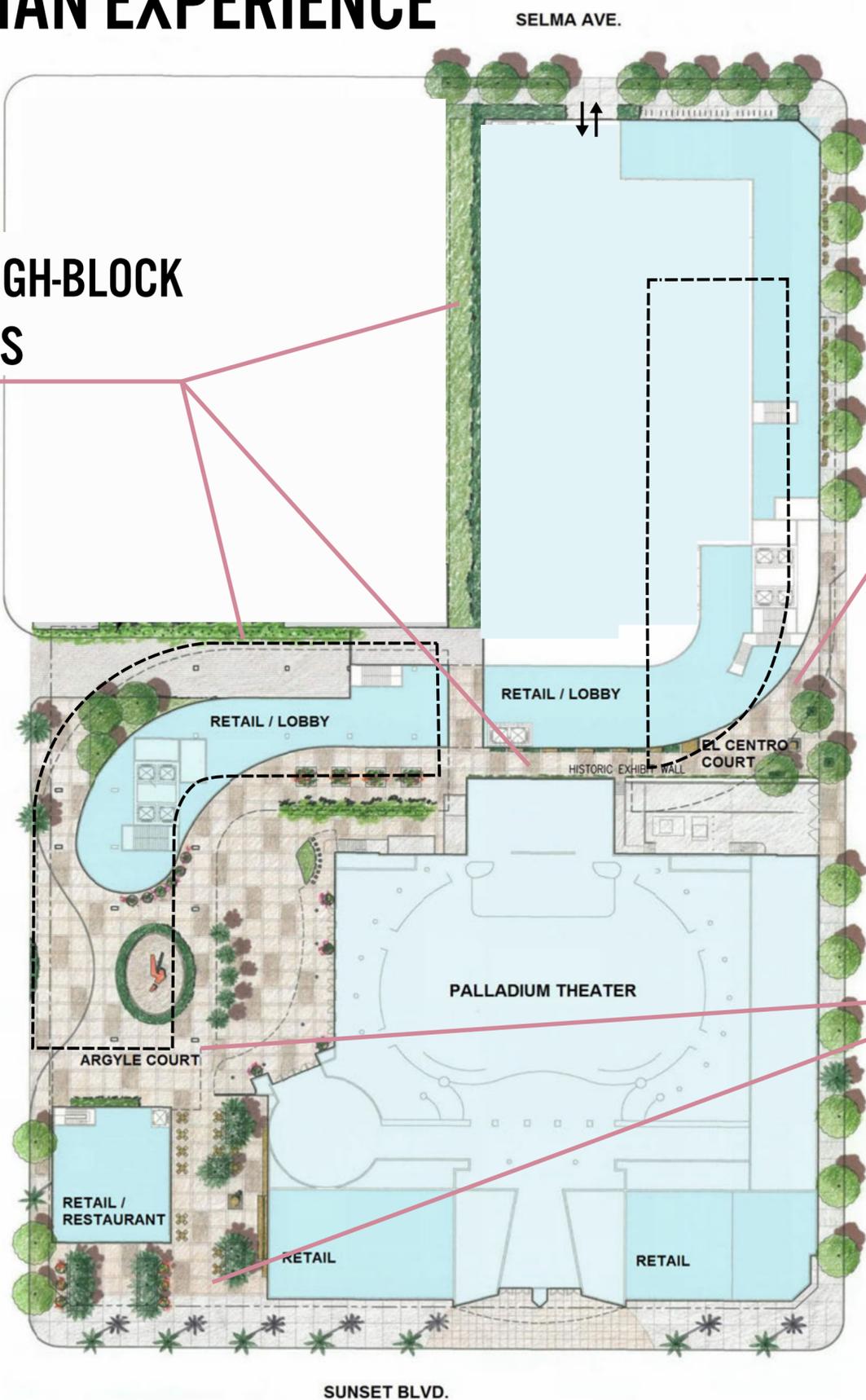


LANDSCAPE



PEDESTRIAN EXPERIENCE

THROUGH-BLOCK
PASEOS



EL CENTRO COURT



SUNSET & ARGYLE COURTS





Exhibit B:

Language for Monitoring and Enforcement of Affordable Housing by the Housing and Community Investment Department

Housing and Community Investment Department. In order for the Los Angeles Housing and Community Investment Department (HCIDLA) to monitor compliance with Conditions of Approval A.2(a) as to affordable housing, the OPA shall provide that prior to the issuance of the building permit for the project, Owner shall execute a Land Use Covenant Running With the Land ("Land Use Covenant") to the satisfaction of the Los Angeles Housing and Community Investment Department (HCIDLA), restricting a minimum 5% of the on-site residential units at the project for occupancy by (and at corresponding rents affordable to) Households with incomes ranging from 50% to 120% of Area Median Income for a period of at least 30 years from the date of the Certificate of Occupancy or Certificate of Completion is issued for the project, except that households entering the Project within this income level shall be permitted to stay up to an income level of 150% of AMI. The project shall comply with reasonable affordability monitoring requirements which shall be established and enforced by HCIDLA. Recognizing that this is a voluntary commitment and the applicant's lender may have requirements to be reflected in the Land Use Covenant, HCIDLA shall meet and confer with the applicant prior to preparation of the Land Use Covenant and modifications shall be permitted from time to time as necessary to comply with financing requirements. Owner shall pay for the cost of monitoring at the rate of \$173.00 per unit to be paid annually for 30 years and pay a project covenant fee of \$5,770 which one-time application fee shall be paid by the Owner to HCIDLA at or before the time the Land Use Covenant is recorded.

Exhibit C



RESPONSE TO COMMENTS RELATED TO TRAFFIC IN AHF APPEAL PREPARED BY HERMAN BASMACIYAN, P.E. (EXHIBIT 12)

Comment #1 (Section 1.A) – Several signalized intersections have not been analyzed, but they should have been.

Response: Thirty-eight intersections were analyzed – 31 signalized intersections and seven unsignalized intersections. The Los Angeles Department of Transportation (LADOT) reviewed and approved the study intersections analyzed by the Draft EIR’s Traffic Study, as shown in Figure 1 of the Memorandum of Understanding (MOU) =, included in the Draft EIR as Appendix K-3.

The comment referenced the following nine signalized intersections, which were not selected for significant impact analysis in the transportation study:

- Cahuenga Boulevard & Yucca Street
- Ivar Avenue & Yucca Street
- Vine Street & Yucca Street
- Argyle Avenue & Yucca Street
- Ivar Avenue & Hollywood Boulevard
- Ivar Avenue & Selma Avenue
- Cahuenga Boulevard & De Longpre Avenue
- Cahuenga Boulevard, Homewood Avenue & Ivar Avenue
- Vine Street & Lexington Avenue

Out of the aforementioned, the following four intersections were reported to operate at a level of service B or better during both morning and evening peak hours; LADOT does not have significance criteria for intersections operating at a Level of Service “B” or better, therefore the Project would not have significant impacts at these four intersections:

- Vine Street & Yucca Street
- Argyle Avenue & Yucca Street
- Ivar Avenue & Hollywood Boulevard
- Ivar Avenue & Selma Avenue

The intersection of Cahuenga Boulevard, Homewood Avenue & Ivar Avenue is not a signalized intersection and only Homewood is stop-controlled at this location.

At the remaining four intersections, the Project was expected to add less than 10 trips per hour per lane in any approach during both the morning and the evening peak hours. The addition of 10 trips or less per hour (one or less every six minutes on average) would not trigger significant impacts at an intersection under any level of service.

The Traffic Study appropriately screened out these nine intersections from further analysis because they would not have the potential to be significantly impacted by the Project.

Senate Bill 743

In addition to the response above, it is also worth noting that the State of California has directed, through the adoption of Senate Bill (SB) 743 in September 2013 (Section 21099 (d)(1), the elimination of vehicle delay and LOS as a CEQA significance criterion in urban areas. According to the legislative intent contained in SB 743, changes to the current practice of using vehicle LOS are necessary to “[m]ore appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions.” The State is currently promulgating guidelines on how this change will be implemented in CEQA and is investigating vehicle miles traveled (VMT) as the key potential replacement metric. The Palladium Residences project is consistent with the Legislature’s intent to promote urban infill development near high-quality transit service.

Comment #2 (Section 1.B) – Unsignalized intersections are not analyzed adequately.

Response: LADOT’s current *Traffic Study Policies and Procedures* provides that only signalized intersections should be selected for impact analysis, that “unsignalized intersections should be evaluated solely to determine the need for installation of a traffic signal or other traffic control device, but will not be included in the impact analysis” and that “intersections that are adjacent to the project or that are expected to be integral to the project’s site access and circulation plan should be identified” (*Traffic Study Policies and Procedures*, August 2014, page 15). The EIR’s analysis of unsignalized intersections was conducted in accordance with this guidance. A signal warrant analysis was conducted at seven unsignalized intersections, out of which three intersections were along El Centro Avenue and three intersections were along Gower Street. The analyzed unsignalized intersections included the US-101 Northbound Off-Ramp at Gower Street, the US-101 Southbound Off-Ramp at Gower Street, and the US-101 Southbound On-Ramp at Sunset Boulevard. (See Draft EIR pages 4.L-11, 4.L-21, and 4.L-50 through 4.L-52).

The LADOT guidance states that signal warrant analyses should be conducted only when LOS E or F is anticipated. To be conservative, the EIR evaluated signal warrants at each of the analyzed unsignalized intersections regardless of delay.

The unsignalized intersections studied for signal warrant analysis were selected based on their proximity to the project site (typically one block) or if the intersection involved a freeway ramp location, which methodology was approved by LADOT. The intersections of Gower Street & Yucca Street and El Centro Avenue & Lexington Avenue were not selected because these intersections were not within one block of the project site.

The intersection of Argyle Avenue & US-101 Southbound on-ramp is currently not controlled by any stop signs. Vehicles looking to make a southbound left-turn from Argyle Avenue onto the on-ramp yield to northbound traffic. The traffic signal at the intersection of Argyle Avenue & Yucca Street located immediately south provides gaps in northbound traffic for the vehicles to

make a southbound left-turn on to the US-101 Southbound on-ramp. Due to the current traffic controls (no stop signs) and its proximity to another signalized intersection to the south, the intersection of Argyle Avenue and US-101 Southbound on-ramp would not to be a good candidate for the installation of a traffic signal. Therefore, the intersection was not selected for traffic signal warrant analysis in the transportation impact report.

As discussed in the EIR and above, per LADOT policy, unsignalized intersections are not to be included in impact analyses under CEQA. Therefore, the EIR's conclusions regarding significant impacts at intersections remain unchanged.

Comment #3 (Section 1.C) – The number of vehicle trips estimated for the Palladium Residences is less than it should be.

Response: The comment's understanding of the DEIR analysis is incorrect. The trip generation estimates were based on 19,000 square feet of retail plus 5,000 square feet of restaurant space, for a combined total of 24,000 square feet of commercial space. This is consistent with the Project Description in the Transportation Analysis Report, which states that 10,000 square feet of existing vacant space at the Palladium plus up to 14,000 square feet of new space would be developed (the same 24,000 square feet). The amenities referred to in the project description are amenities within the residential portion of the project that would be used by project residents and would not generate external trips. Option 2, the hotel and residential option, is no longer being pursued by the Applicant.

The Project's retail trip generation estimates were developed in consultation with LADOT staff and followed guidelines and procedures acceptable to LADOT as documented in a memorandum of understanding dated October 17, 2013. As described in the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition), trip generation rates for Land Use 820: Shopping Center are based on surveys of various retail uses which include neighborhood centers, community centers, regional centers and super regional centers. Since the retail use proposed as part of the Project will be similar in operation to a neighborhood retail, "Land Use 820: Shopping Center" trip generation rates were used for the retail use.

The pass-by credit of 50% used in the analysis is appropriate. The Project is located in Hollywood, with a high density of uses within walking distance of the Project. The pass-by trip credit in this instance would also represent patrons expected to walk to the retail uses from surrounding residential and/or office properties.

In conclusion, the trip generation estimates presented in the Draft EIR are reasonable, represent standard practice, and were approved by LADOT.

Comment #4 (Section 1.D) – Using 2018 as the year for the future year analysis is not appropriate and understates the base cumulative traffic volumes.

Response: The Traffic Study's cumulative analysis is very conservative, as discussed in the Draft and Final EIR. In addition to including trips generated by over 60 related projects and a standard ambient growth rate of 1 percent per year, the analysis applied an additional 0.100

increment to V/C ratios under both future baseline “without Project” and “with Project” conditions to every study intersection. 0.100 is the amount that raises the operating level of most congested intersections by one class (e.g. Level of Service “C” to Level of Service “D”) reflecting a more congested condition and requiring a smaller increment of change to cause a significant impact. (See Draft EIR at p. 4.L-49.) This analysis was not required by CEQA or LADOT, but was added to ensure an extremely conservative (environmentally protective) analysis. This 0.100 increment added to the related project trips and the ambient traffic growth rate can be viewed as roughly the equivalent of extending the future year of the analysis by approximately 10 years (conservatively assuming a continued 1 percent per year background growth rate); the 2018 buildout date is within this 10-year time period. Therefore, even if the project is completed in 2020, no new significant traffic impacts would be generated.

The reference to the 3.5 year construction time-frame on page 70 of Appendix K-1 is an editorial error however the analysis in Appendix K-1 is consistent with the three year time frame that has been cited in the EIR Project Description and used consistently as the basis for the EIR analyses. For instance, the detailed construction schedule showing the timing of the construction phases as well as the overlapping of construction activities amongst phases, is shown in Appendix B, Air Quality; B.1, Construction Emissions; “Construction Schedule and California Emissions Estimator Model (CalEEMod) Inputs;” 21st pdf page of the Appendix.

Comment #5 (Section 1.E) – The number of vehicular trips the proposed project will potentially add on Caltrans facilities is understated.

Response: The comment questions the assumption in the traffic study that 35% of the Project traffic would utilize the US 101 freeway and 65% would utilize local streets. The trip distribution pattern used in the study was approved by LADOT and informed using data from the City of Los Angeles travel demand model, which itself is a focus-area model built on the Southern California Association of Government’s (SCAG’s) regional travel demand model. The City’s model appropriately considers the distribution of employment centers throughout the region. While the US 101 freeway is the only freeway in the immediate vicinity, it only serves two directions of travel, and the City’s model indicates that there will substantial demand for travel to the west, south, and northeast that is not served by US 101.

With regard to the specific intersections mentioned in the comment: the US 101 northbound off-ramp/Gower Street intersection was analyzed in the traffic study; the US 101 southbound on-ramp/Gower Street intersection does not exist (there is no southbound on-ramp from Gower Street); and the Argyle Avenue/Franklin Avenue/US 101 northbound on-ramp intersection was analyzed in the study. See the response to Comment #2 regarding the Yucca Street/Gower Street intersection, which is unsignalized.

With regard to methodology, the traffic study used the Critical Movement Analysis methodology in accordance with standards of the City of Los Angeles (the lead agency for the EIR).

Caltrans reviewed the Draft EIR and, in their comment letter on the Draft EIR, noted that signal warrants were met for the Gower Street/US 101 southbound off-ramp intersection. Since that

time, it was determined that the Paramount Studios project, EIR Related Project #6, has agreed to fund installation of a signal at this location.

Finally, Caltrans submitted comments on the Project's Draft EIR and subsequent to publication of the Final EIR, neither of which questioned the methodology used or the traffic study's conclusions.

Comment #6 (Section 1.F) – The cumulative impact of related projects on Caltrans facilities is not analyzed.

Response: The lead agency (in this case, the City of Los Angeles) has the authority under CEQA to establish screening thresholds and significance criteria. The City of Los Angeles has historically used the thresholds and criteria in the Los Angeles County Congestion Management Program (CMP) for freeway analysis, as discussed in both the LA CEQA Thresholds Guide (Section L.3) and in LADOT's Traffic Study Policies and Procedures (Section D). In October of 2013, LADOT and Caltrans reached agreement on additional procedures for freeway impact analysis (Agreement between City of Los Angeles and Caltrans District 7 On Freeway Impact Analysis Procedures) which established additional screening thresholds. Under both LADOT's historic screening thresholds, and the new thresholds agreed to with Caltrans, projects which contribute fewer than the established screening threshold do not require further analysis. The Project would not add sufficient trips to the freeway system to trigger the screening thresholds under either set of criteria (CMP or Caltrans/City of Los Angeles). Accordingly, further detailed analysis was not required and Project impacts on the freeway system were deemed to be less than significant. Caltrans, in its comment letter on the Draft EIR, did not disagree with the methodology used or the study's conclusion.

Comment #7 (Section 1.G) – The analysis of impacts on local streets is not adequate.

Response: LADOT requires the analysis of local residential street segments to identify traffic impacts resulting from commercially-generated traffic on local residential streets. LADOT approved the selection of the four study segments, which had also previously been selected for study in the EIR for the adjacent Columbia Square project. However, since the proposed Project access would be provided off of Argyle Avenue and Selma Avenue west of El Centro Avenue, a small amount of Project traffic was correctly assumed to use the segments located in the Selma Neighborhood (Selma Street between Gower Street & La Baig Avenue; Harold Way between Gower Street & La Baig Avenue; and La Baig Avenue between Selma Avenue and Sunset Boulevard). Although the Project does not propose a vehicular access via El Centro Avenue (aside from existing delivery truck access), it is expected to be used by vehicles approaching the project from the south since Argyle Avenue does not extend south beyond Sunset Boulevard.

The street segments mentioned in the comment of Afton Place between Vine Street and El Centro Avenue; De Longpre Avenue between Vine Street and El Centro Avenue; De Longpre Avenue between El Centro Avenue and Gower Street; and Leland Way between Vine Street and El Centro Avenue were also reviewed as part of the selection process. As part of the review, the possibility of Project traffic on El Centro Avenue dispersing to these street segments was considered. Out of the four street segments mentioned in the comment, only the segments

along De Longpre have meaningful east-west connectivity for it to be a potential cut-through route. A review of available daily traffic volumes along residential streets south of Sunset indicate that De Longpre Avenue was observed in May, 2014 to carry approximately 3,000 daily vehicles. Even if one-half (approximately 180 trips) of the Project traffic assigned to El Centro Avenue was to divert and use De Longpre Avenue as a cut-through route, per the City of Los Angeles significant impact criteria for local residential streets, the Project would not result in a significant impact along the two street segments of De Longpre Avenue. Afton Place and Leland Way are stop-controlled at their intersections with Vine Street and would not be attractive routes for Project traffic.

Potentially significant impacts to local street segments were only identified for Option 2, Hotel and Residential. Since Option 2 has been eliminated, no significant impacts to local street segments are identified for the Project. MM-TRAF-10, which was only required for Option 2, was therefore deleted from the current MMRP as described in Errata 1 and approved by the City Planning Commission in its January 8, 2016 determination.

Comment #8 (Section 1.H) – Potential parking impacts due to the loss of the 317-space parking lot adjacent to the Palladium are not addressed.

Response: As discussed in the Draft EIR (pages 4.L-17, 4.L-36, and 4.L-60), Public Resources Code Section 21099(d)(1) provides that “[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” This provision applies to the Project, therefore the Project cannot have a significant impact with regard to parking.

Nevertheless, the Project will continue to provide 317 spaces for use by the Palladium as described in the Draft EIR, as required by the Palladium’s certificate of occupancy, and the applicant’s long-term lease agreement with the Palladium’s operator. Such parking can be provided in accordance with the LAMC provisions, including off-site parking within 750 feet of the Project. No approval is required by the City of Los Angeles to change the terms of parking available at the site.

Additionally, a review of currently-available parking in the vicinity of the Project site indicates that parking is widely available. A survey conducted by Proper Parking Company in February 2016 (included in Errata 2) indicates that there are more than 15 existing sites within walking distance of the Project site that have available parking plus two more facilities under construction. These sites provide over 10,000 available parking spaces among them. Since most Palladium events occur in the evening after the workday and on weekends, substantial office parking is available for Palladium patrons within the vicinity of the Project.

Comment #9 (Section 1.I) – Some potential site access problems are not addressed or are addressed inadequately.

Response: The combined effect of Project trips and Palladium event trips was considered in the Draft EIR since the analysis of driveway operations presented on pages 4.L-57 and 4.L-58 in the Draft EIR included trips generated by Palladium events. An updated site access plan has been

approved by the City Planning Commission and is analyzed in Errata 2, which analysis similarly concluded that impacts associated with site access would be less than significant.

With regard to Palladium events, it is anticipated that Palladium event attendees who previously parked in the on-site parking lot would continue to access the site via Argyle Avenue and could use the valet service to be provided. In the context of the broader street system, this is effectively at the same location as the current Palladium parking lot driveway (i.e., on Argyle Avenue north of Sunset Boulevard). Therefore, there will not be a substantial change in operations of the surrounding intersections (particularly since the traffic counts used in the Draft EIR traffic analysis were taken on a day with an event occurring at the Palladium, and thus traffic generated by a Palladium event is already considered in the intersection analysis). Residents can use either the northern Argyle Avenue driveway or the driveway on Selma Avenue to access the site's parking, although it is anticipated that most residents would use the Selma Avenue driveway during peak arrival times prior to an event or departure times after an event.

In regards to truck access, with the updated site access plan, the loading dock is proposed to be located in the subterranean level (Level B1) of the parking structure. Trucks would enter the site via the Argyle driveway along the northern edge of the southwestern building and proceed down a ramp to Level B1. Sufficient room would be provided for trucks to maneuver and back into the loading dock area, and then exit via the Argyle driveway. Building personnel would be available to assist with on-site circulation and driveway access when larger trucks are present. Smaller commercial and service vehicles would also be able to park in the loading dock area.

With the location of the loading dock in the subterranean level, pedestrians would not need to walk past the loading area when walking between the parking structure ground level and the retail areas. Residents parking on Level B1 would be able to walk to the elevators serving the residential tower without walking through the subterranean loading dock and without crossing truck paths. Short-term bicycle parking would be provided at various locations on the ground level and long-term bicycle parking would be provided on upper floors of the parking garage, accessed via the parking elevators.

Comment #10 (Section 1.J) – Potential cumulative impacts on emergency services are not addressed adequately.

Response: The Draft EIR thoroughly analyzed cumulative impacts on Police Protection, on pages 4.K.2-17 through 4.K.2-20. The EIR included all related projects within the Hollywood Community Police Station service area, which would serve the Project, and analyzed the projected increase in service population and crime due to those related projects. The EIR's calculation of cumulative population is conservative in that it accounts for population generated by commercial activity as well as residential activity, whereas Los Angeles Police Department ("LAPD" service level standards are based on the size of residential population. Additionally, this results in an analysis with potential double counting, as Hollywood residences may also be local workers and therefore counted twice, and result in a higher demand than may actually be the case. The analysis concludes that because of the large amount of growth occurring in the

Hollywood Community Police Station service area, cumulative demand for police services represents a potentially cumulatively significant impact on police services.

The Draft EIR went on to determine that the Project's contribution to cumulative impacts would be less than significant. The Project would contribute a very small percentage to the overall cumulative population, or approximately 4.5 percent of the cumulative total, and therefore comprise an extremely small component of the demand for police services caused by cumulative development. Additionally, CH Palladium consulted with LAPD regarding appropriate on-site security measures for the Project, and LAPD's recommendations as well as CH Palladium's proposed security measures are incorporated as PDF-POL-1 and PDF-POL-2. (Draft EIR at p. 4.K.2-12.) These measures require provision of an extensive on-site security system, including utilizing approximately 40 to 50 security cameras 24-hour a day; maintaining 30 to 40 staff on site at all times; requiring background checks of all residents; controlling access to all building elevators, residences, and resident-only common areas; and training staff on security policies. The Draft EIR also includes a mitigation measure, MM-POL-1, that requires distribution of information regarding the property and its use to the LAPD, to facilitate future LAPD responses. These measures would reduce the potential need for additional officers and result in a negligible effect on police service ratios. These Project Design Features and mitigation measures have been incorporated into the Project's Mitigation Monitoring and Reporting Program on page 4-17 of the Final EIR, and will be implemented as conditions of Project approval. Finally, in a letter issued on July 24, 2014, LAPD determined that "the Palladium Residences Project would have a limited impact on the police services in the Hollywood Area." (See Draft EIR, Appendix J-2, Updated LAPD Correspondence (7-24-14).) In light of all these factors, the Draft EIR concluded that the Project's incremental contribution to cumulative impacts would not be cumulatively considerable.

Contrary, to the commenter's assertion, the police incident data is based on annual data, not monthly data. The monthly report cited in Table in 4.K.2-1 of the Draft EIR was used to identify the size of the citywide area served by the Los Angeles Police Department and the number of sworn officers citywide. The remaining information in Table 4.K.2-1 regarding the City as a whole and the Hollywood Community Plan area that was used in the analysis is based on the annual data provided by Los Angeles Police Department, as so noted in footnote "a" of the Table.

Cumulative impacts on Fire Protection are addressed on page 4.K.1-19 of the Draft EIR. The Draft EIR analysis determined that additional fire-fighting facilities are not expected to be required in light of: the numerous fire stations in Hollywood providing adequate accessibility to the related projects; recent fire station improvements within the Project vicinity (i.e. expansion and upgrading of Station 82, a regional fire station); and the expected compliance of related projects with current regulatory measures. The LAFD has also indicated that "the Fire Department has not identified a current need for additional fire protection facilities (including expansion of present facilities) or a relocation of present fire protection facilities." (See Draft EIR Appendix J-1, Fire Department Supporting Documentation, letter dated April 8, 2014.) Finally, the LAFD has indicated that with incorporation of the Project's Project Design Features

"...development of the Project and other projects would not have a significant cumulative impact." (Ibid.) Therefore, cumulative impacts would be less than significant.

Additionally, the commenter incorrectly describes the Project's Mitigation Measures and Project Design Features as "voluntary" and incorrectly asserts that the MMRP does not have sufficiently strong language to ensure compliance.

All of the Project's "Project Design Features" and "Mitigation Measures" for both Police Protection and Fire Protection are required and mandatory. Both Project Design Features and Mitigation Measures are incorporated into the Project's MMRP; they are included as Conditions of Approval to the Project (Condition 21 of the City Planning Commission Determination); and the applicant is required to record a covenant and agreement binding the applicant and successors to the terms of the MMRP (Q Condition 21 of the City Planning Commission Determination). As described in the preamble to the MMRP and Condition 21 of the City Planning Commission Determination:

"The Project's MMRP will be in place throughout all phases of the Project. The Project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide a certification report to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure or project design feature has been implemented."

Further, each Project Design Feature and Mitigation Measure has an associated Enforcement Agency, Monitoring Agency and Monitoring Frequency listed in the MMRP, ensuring that compliance will be monitored and enforced. The MMRP, including Project Design Features and Mitigation Measures, is mandatory and includes enforcement mechanisms ensuring compliance.

Comment #11 (Section 1.K) – An inconsistency exists between Table 4.L-4 on Page 4.L-29 and Figure 4.L-3 in the DEIR.

Response: There is no inconsistency between Table 4.L-4 and Figure 4.L-3 in the Draft EIR. The two tables present different information. Table 4.L-4 shows the Project's expected new trip generation, and includes credits for internal trips, transit trips, and pass-by trips. Figure 4.L-3, Site Access, (which has been updated in Errata 2) shows all of the trips expected to cross the site's driveways; the site access trips include pass-by trips which, although are not new trips generated by the Project as they would have already been on the road, include a stop at the Project site and therefore cross the Project's driveways. Figure 4.L-3 also includes Palladium event-day trips since they cross the Project driveway, which are not included in Table 4.L-4. Therefore the total trips shown in the Figure is higher than Project trips shown in the Table. The driveway analysis was conducted using the Two-Way Stop methodology from *2000 Highway Capacity Manual* (HCM) as required by LADOT.

Comment #12 (Section 1.L) – The traffic impacts associated with the alternatives are not addressed adequately

Response: The trip generation estimates developed for the Project Alternatives were calculated using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition). Appropriate trip credits were developed based on the size of the land uses proposed and their ability to generate internal trip capture, transit trips, and pass-by trips. See the response to Comment #3 with regard to retail trip generation rates.

Exhibit B provided by the commenter presents a comparison of driveway trip generation estimates. As explained above, driveway trips are not the same as the net new Project trips used to analyze off-site intersection or neighborhood street impacts. For instance, driveway trips include pass-by trips since they enter the project site, but pass-by trips are not new trips generated by the Project and are not included in an intersection impact analysis. Therefore, Exhibit B's driveway trips do not represent the net trip generation estimates which were used to evaluate off-site traffic impacts for the Alternatives. Although the numbers presented in Exhibit B are not appropriate, the comment discusses the fact that Alternatives 3 and 5 would generate more trips than the proposed Project. This is consistent with the findings of the Draft EIR, which determined that Alternatives 3 and 5 have the potential to create additional traffic impacts beyond those identified for Project Option 1.

The comment takes issue with the Draft EIR's use of a qualitative analysis to review traffic impacts of the alternatives and suggests that a quantitative impact analysis should have been presented. According to the CEQA guidelines, Section 15126.6(d), "The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.... the significant effects of the alternative shall be discussed, *but in less detail than the significant effects of the project as proposed*" (emphasis added). The Draft EIR provides sufficient information to indicate the relative impacts of the various alternatives, and provides decision-makers with relevant information regarding the impacts of the alternatives. The trip generation calculations provide a quantitative comparison of the relative contributions of the Project and the Alternatives to traffic impacts, indicating the relative contributions to traffic conditions. Further, the discussion describes whether impacts of alternatives would be greater than, less than or equivalent to those of the proposed Project. This alternatives traffic analysis fully meets the requirements of CEQA.

Comment #13 (Section 2.A) – On-site parking for Palladium will not be available during construction.

Response: As discussed in the Draft EIR (pages 4.L-17, 4.L-36, and 4.L-60), Public Resources Code Section 21099(d)(1) provides that "[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." As this provision applies to the Project, the Project cannot have a significant impact with regard to parking.

As discussed in the Draft EIR (page 4.L-27), the Palladium is expected to remain in operation during construction of the Project. During this time, visitors to the Palladium would park at the parking lots or structures in the Project vicinity. Since most Palladium events occur in the evening after the work-day, office parking is anticipated to be available for Palladium patrons

within the vicinity of the project. Visitors would be able to use both public and private parking facilities.

Additional information has been included in Errata 2 to the Palladium Residences EIR concerning potential parking facilities where Palladium event attendee could park during construction, when the 317 spaces (or a portion of 317 spaces) are unavailable. Additionally, once the Project's parking structure is built, Palladium patrons could potentially park on site, approximately 10 months prior to completion of construction.

Comment #14 (Section 2.B) – On-site parking for Palladium will not be available during construction.

Response: See response to comment #8 (Section 1.H) regarding on-site parking. Additionally, if off-street parking is affected during construction, such impacts would be temporary in nature.

Comment #15 (Section 2.C) – Impacts along haul routes are not identified.

Response: Contrary to the commenter's assertion, monitoring and enforcement of the Project's haul route is required by Mitigation Measure MM-TRAF-6, which requires that a Construction Management Plan be developed which will include "measures to ensure that trucks use the specified haul route, and do not travel through nearby residential neighborhoods."

As discussed in response to Comment #1 (Section 1.A), the Argyle Avenue/Yucca Street intersection was not selected for analysis since it operates at a good level of service (LOS B), and LADOT does not have significance criteria for intersections operating at a Level of Service "B" or better. At the Argyle Avenue/US 101 southbound on-ramp intersection, trucks turning from northbound Argyle Avenue to the on-ramp would be making a right-turn at an unsignalized location. Since the hauling would occur during off-peak hours and the City of Los Angeles does not have significance criteria for unsignalized intersections, this would not create a significant impact.

The commenter suggested an alternative route that would include exiting the 101 Freeway at Vine Street (rather than at Sunset Boulevard), and turning left either onto Selma Avenue or Sunset Boulevard to access the Project site. The haul route proposed for the project, which includes traveling inbound from the US 101 freeway on Sunset to the site, and outbound along Argyle Avenue to the US 101 freeway, was intentionally designed to avoid left-turns and allow right-turns only into and out of the Project site. The alternative route suggested by the commenter would necessitate left turns, which are not recommended for large haul trucks.

Hauls routes and their traffic impacts are analyzed in Section 4.L.3.c, Project Characteristics on page 4.L-26 and Section 4.L.3.d, (1) Construction Impacts on pages 4.L-34 to 4.L-36 of the Draft EIR. Noise impacts of haul trucks on local streets is evaluated in Section 4.I.3.d.1(b) Off-Site Construction Truck Noise on page 4.I-27. The contribution of haul trucks to health risk was accounted for in the quantitative Health Risk Assessment Technical Report included as Appendix B-2 to Errata 1, and summarized on page D-10 of Errata 1, which supplements the

Draft EIR analysis of air quality impacts in Section 4.B.3.d(3)(a), pages 4.B-49 to 4.B-50 of the Draft EIR.

Comment #16 (Section 2.C) – Impacts from construction and Project (operations) trips on air quality and noise along the southbound SR 101 ramp to Sunset Boulevard cannot be assessed because traffic estimates at this location have not been provided.

Response: The EIR analyses of Air Quality and Noise impacts, Sections 4.B and 4.I of the Draft EIR, respectively, have analyzed impacts at locations with the greatest potential for such impacts to occur. As impacts at the locations analyzed in the Draft EIR would be less than significant, the air quality and noise impacts from Project-related construction trucks and operational vehicles would be less than significant on the southbound U.S. Route 101 off-ramp towards Sunset Boulevard (along Van Ness Avenue).

Construction Impacts

Construction truck-related air quality impacts were evaluated in the *Health Risk Assessment Technical Report* prepared in October 2015 and included as Appendix B-2 in the EIR Errata 1. The risk assessment evaluated construction health impacts near the Project site from the combined emissions from on-road construction trucks and off-road heavy-duty construction equipment. The maximum risk from the combined emissions from on-road construction trucks and off-road heavy-duty construction equipment that would operate on the Project Site would be approximately 6.5 in one million, which is less than the significance threshold of 10 in one million. The contribution to this risk level from on-road construction trucks would be substantially less than 6.5 in one million given that the trucks contribute a small fraction of the emissions as compared to the off-road heavy-duty construction equipment that generates its impacts at the Project Site. Further, a large number of the construction trucks would come from different directions, leaving only haul trucks and some residual non-haul traffic using the southbound U.S. 101 freeway off-ramp towards Sunset Boulevard. In other words, without the on-Site construction emissions, and emissions from non-haul vehicles not using the off-ramp, the risk to adjacent sensitive receptors would be substantially less than 6.5 in one million and impacts would be less than significant.

The Draft EIR analysis regarding construction truck-related noise impacts is provided on page 4.I-27 of the Draft EIR. The analysis is based on worst-case assumptions and assumes both in-bound and out-bound all trucks would travel along the analyzed roadway segments, whereas only the in-bound traffic would use the off-ramp. The analysis determined that the maximum incremental increase in construction truck-related noise levels would be approximately 1.5 dBA, which is below the perceptible audible threshold of 3 dBA and below the threshold of significance. Therefore, the construction truck-related noise impacts from a smaller subset of the Project-related trucks, i.e. just those construction trucks traveling along the southbound U.S. 101 freeway off-ramp towards Sunset Boulevard, would also be below the perceptible audible threshold of 3 dBA and less than significant.

Operations Impacts

Project-related operational vehicle air quality impacts were evaluated in Section 4.B, Air Quality, of the Draft EIR. As discussed on pages 4.B-47 through 4.B-49 of the Draft EIR, traffic congestion has the potential to expose sensitive receptors to high levels of carbon monoxide. The roadway intersection with the maximum Project-related traffic volumes, when added to the maximum future year traffic volumes, would result in carbon monoxide impacts that would be less than significant. Therefore, the air quality carbon monoxide impacts from the much smaller subset of the Project-related operational vehicles traveling along the southbound U.S. 101 freeway off-ramp towards Sunset Boulevard would also be less than significant.

With respect to operational vehicle noise, a doubling of traffic volumes on a street segment results in a just perceptible increase in roadway noise of 3 dBA (Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, (2006)). According to the California Department of Transportation (Caltrans), the average daily traffic (ADT) volume on the southbound U.S. Route 101 off-ramp towards Sunset Boulevard is approximately 4,800 based on the most based on available data from 2013 (see Caltrans website: <http://traffic-counts.dot.ca.gov/rampvolumes2014.htm>). According to the Project Traffic Study, the Project would generate 3,734 external project vehicle trips per day. The total number of inbound trips would be 1,867. This includes trips arriving at the site from local streets as well as the freeway and trips originating from the east, west, north and south. Therefore, the number of trips using the southbound off-ramp would be well below the 1,867 inbound trips and substantially below the 4,800 trips that would be required to cause an increase of 3 dBA. Therefore, the Project would result in a less than the perceptible audible increase in noise and impacts would be less than significant.

Comment #17 (Section 2.D) – Construction worker and delivery truck traffic impacts are not addressed adequately.

Response: Potential construction impacts from the Project are thoroughly described and analyzed in the Draft EIR, providing sufficient information for decision-makers to make a determination on the Project. Construction activities would occur between 7:00 a.m. and 9:00 pm, which means that many construction workers would travel to the Project site before and after peak travel times. Hauling would be limited to non-peak periods as well, from 9:00 am to 3:00 pm, per Condition 16 of the Project's Vesting Tentative Tract Map approval, which would be after the AM peak period, and before the PM peak period. Mitigation Measure MM-TRAF-3 further requires that deliveries and pick-ups of construction materials be scheduled during non-peak travel periods and be coordinated to reduce the potential of trucks waiting to load or unload. Mitigation Measure MM-TRAF-5 also requires that temporary lane or sidewalk closures be scheduled to avoid peak commute hours. Further, maximum construction traffic activity occurs on a few number of peak days within the overall construction program. Given these measures, construction traffic is not anticipated to result in significant impacts.

Nevertheless, the EIR includes a series of mitigation measures (MM-TRAF-1 through MM-TRAF-6, presented in the Draft EIR and revised in EIR Errata 2) to address construction issues, including preparation of worksite traffic control plans, a construction traffic management plan, and a construction parking plan.

Further, the construction trip generation estimates provided in the Draft EIR do not reflect the effect of the various mitigation measures and conditions restricting truck traffic to non-peak periods. With these restrictions, haul trucks and delivery trucks (with the exception of concrete trucks during the one- to two-day continuous concrete pour) would not be permitted to travel to/from the site during the peak commute hours of 7:00 to 9:00 AM and 3:00 to 7:00 PM. Thus, the truck trips shown in Table 15 in the Transportation Analysis Report (Appendix K-1 to the Draft EIR) as occurring during the AM and PM peak hours would not occur during those times, substantially reducing the estimated AM and PM peak hour passenger-car-equivalent (PCE) trips associated with project construction. Phase 1 AM and PM peak hour trips would each be reduced by approximately 90 PCE trips and Phases 3, 4 and 5 AM and PM peak hour trips would each be reduced by approximately 104 PCE trips. The concrete trucks for the continuous concrete pour would arrive and depart continuously throughout the one- to two-day concrete pour phase (Phase 2), resulting in approximately 100 PCE trips per hour. The revised Table 15 is included as Appendix C-3 of Errata 2.

Furthermore, as discussed in Errata 2, the Project was revised to reduce the number of subterranean parking levels, reducing the amount of excavation that would be required by approximately 30%. The revised Table 15 assumes that there would still be up to 180 haul trucks per day, meaning that the reduced amount of excavation would shorten the duration of the hauling phase. It is also possible that the number of haul trucks per day could be reduced.

Therefore, in light of this updated information, the Project's construction impacts are anticipated to be even less than that analyzed in the Draft EIR.

Although the Project would result in less than significant construction-related traffic impacts, cumulative construction impacts were concluded to be significant and unavoidable due to the potential for concurrent construction of related projects in the vicinity of the Project site in conjunction with the Project itself.

Comment #18 (Section 2.E) – Parking for construction workers is not addressed in sufficient specificity.

Response: As discussed in the Draft EIR (pages 4.L-17, 4.L-36, and 4.L-60), Public Resources Code Section 21099(d)(1) provides that “[a]esthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” As this provision applies to the Project, the Project cannot have a significant impact with regard to parking.

As stated in the Draft EIR Page 4.L-27, parking for all construction workers would be provided off-site. Once the parking garage is built, the workers could potentially park in the on-site parking facility approximately 10 months prior to completion of construction, but throughout the course of construction, worker parking would remain off the street. Mitigation measure MM-TRAF-6 includes the following:

“During construction activities when construction worker parking cannot be accommodated on the Project site, a Construction Worker Parking Plan shall be prepared

which identifies alternate parking location(s) for construction workers and the method of transportation to and from the Project site (if beyond walking distance) for approval by the City. The Construction Worker Parking Plan shall prohibit construction worker parking on residential streets and prohibit on-street parking, except as approved by the City.”

Contrary to commenter’s assertion, this measure is appropriate and does not represent a deferral of mitigation since the standard is clear (construction workers are required to park off-site) and the requirements of the mitigation measure can be met through alternative means that can be identified at the time of construction based on specific conditions that can vary at the time of EIR preparation. For instance, off-site parking that may be available now may not be available at the time of construction, and vice versa. A review of currently-available parking in the vicinity of the Project site indicates that parking is widely available. A survey conducted by Proper Parking Company in February 2016 (included in Errata 2) indicates that there are more than 15 existing sites within walking distance of the Project site that have available parking plus two more facilities under construction. These sites provide over 10,000 available parking spaces among them.

In response to the commenter’s question, the residential street parking and on-street parking prohibitions would only apply to the Project’s construction workers (which are the only members of the public within the control of the applicant). The MMRP further clearly states the agency responsible for monitoring and enforcement of this mitigation measure, which would be LADOT.

Although the Project’s impact is not significant, the point of the Construction Worker Parking Plan is to keep construction workers from parking on residential streets. As requested by the commenter, additional information regarding possible candidate sites for construction worker parking has been provided in Errata 2 to the Palladium Residences EIR, as discussed above.

Comment #19 (Section 3) –The Traffic mitigation measures for the Project require modification and/or may not be adequately enforced.

Response: The applicant is required to comply, and provide certificates of compliance, for all of the Project’s Project Design Features and Mitigation Measures. Both project design features and mitigation measures are incorporated into the Project’s MMRP; are Conditions of Approval in the CPC Determinations; and are legally binding. Further, the applicant is required to record a covenant and agreeing binding itself and all successors to implement the MMRP. The implementation of the measures is verifiable via the procedures described in the preamble to the MMRP as well as the implementation called out for the measures specifically. As indicated in the preamble:

“The Project’s MMRP will be in place throughout all phases of the Project. The Project applicant will be responsible for implementing all mitigation measures unless otherwise noted. The applicant shall also be obligated to provide a certification report to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure or project design feature has been implemented. The certification report shall be submitted to the Project Planner at the

Los Angeles Department of City Planning. Each report will be submitted to the Project Planner annually following completion/implementation of the applicable mitigation measures and project design features and shall include sufficient information and documentation (such as building or demolition permits) to reasonably determine whether the intent of the measure has been satisfied. The City, in conjunction with the Applicant, shall assure that Project construction and operation occurs in accordance with the MMRP.”

Each Project Design Feature and Mitigation Measure has an associated Enforcement Agency, Monitoring Agency, Monitoring Frequency and Action Indicating Compliance listed in the MMRP, ensuring that compliance will be monitored and enforced. The MMRP, including Project Design Features and Mitigation Measures, is mandatory and includes enforcement mechanisms ensuring compliance.

These measures are sufficient to provide adequate oversight, and require construction managers to do due-diligence in documenting the implementation of the mitigation measures. The public has recourse to report what appear to be irregular construction practices to the Department of City Planning, which can review construction practices with the construction manager.

Note that the comments in Section 3 are based on the mitigation measures as presented in the March 2015 Final EIR. The Project’s mitigation measures were updated in the November 2015 Errata 1, and therefore some comments are no longer applicable. In response to comments, additional updates to the Project’s mitigation measures have been incorporated into the March 2016 Errata 2.

- **Comment re MM-TRAF-1:** Monitoring and compliance with the mitigation measure cannot be assured.

Response: Reliance on periodic inspection by a field inspector is standard practice for enforcement of construction conditions in the City of Los Angeles. It is not practical to have a field inspector present at all times and nor is it necessary. As described above, the Project’s MMRP and Conditions of Approval are sufficient for implementation of the mitigation measures.

- **Comment re MM-TRAF-2:** Why is placement of flagmen not required at the El Centro Avenue and Sunset Boulevard truck entry and exit during construction.

Response: The MMRP will be revised to include flaggers at any Sunset Boulevard, Argyle Avenue, and El Centro Avenue entry/exit points during the construction period as well as at Selma Avenue. This revision to MM-TRAF-2 has been made in Errata 2 to Palladium Residences EIR, as follows:

MM-TRAF-2: A ~~flagman~~ flagger shall be placed at truck entry and exits from the Project site onto Selma Avenue, El Centro Avenue, Argyle Avenue and/or Sunset Boulevard to control the flow of exiting trucks.

- **Comment re MM-TRAF-3:** Compliance with the mitigation measure cannot be assured; the mitigation measure is silent on what constitutes non-peak travel periods.

Response: Please see the response above regarding enforcement. Reliance on periodic inspection by a field inspector is standard practice for enforcement of construction conditions in the City of Los Angeles. It is not practical to have a field inspector present at all times and nor is it necessary. As described above, the City has adequate procedures for monitoring implementation of Project mitigation measures.

MM-TRAF-3 has been revised for clarity in Errata 2 of the Project EIR as follows:

MM-TRAF-3: With the exception of concrete trucks during the continuous concrete pour, which would last approximately 1-2 days, deliveries and pick-ups of construction materials shall be scheduled during non-peak travel periods (avoiding the peak commute hours of 7:00 to 9:00 AM and 3:00 to 7:00 PM on weekdays) and coordinated to reduce the potential of trucks waiting to load or unload for protracted periods of time.

- **Comment re MM-TRAF-4:** Compliance with the mitigation measure cannot be assured.

Response: Please see the response above regarding enforcement.

- **Comment re MM-TRAF-5:** What is considered peak is not specified, as discussed in comment on MM-TRAF-3.

Response: MM-TRAF-5 has been revised for clarity in Errata 2 of the Project EIR as follows:

“MM-TRAF-5: Permanent lane or sidewalk closures are not anticipated for the Project long-term operations. Temporary lane or sidewalk closures, when needed for construction, shall be scheduled to avoid peak commute hours (7:00 to 9:00 AM and 3:00 to 7:00 PM on weekdays) and peak school drop-off and pick-up hours to the extent possible, with the exception of concrete trucks during the continuous concrete pour, which would last approximately 1-2 days. In the event of full-time lane or sidewalk closures for construction, a worksite traffic control plan, approved by the City of Los Angeles, shall be implemented to safely route traffic or pedestrians around any such lane or sidewalk closures.”

- **Comment re MM-TRAF-6:** Developing a construction management plan later defers issues.

Response: Development of a Construction Management Plan is a standard mitigation measure included in EIRs for major development projects to ensure the coordination and efficient operation of a project’s construction activities. The commenter points to one provision in particular as deferred mitigation: the identification of off-site locations for construction worker parking. For more information regarding this measure, please see response to Comment No. 18.

The commenter also questions use of the word “temporary”. Temporary refers to construction activities that will not be permanent in nature, but last for all or a portion of the three-year construction period. Different construction activities are anticipated to last for different lengths of time, with overlapping phases as presented in the construction schedule (included in the Draft EIR Appendix B, Air Quality Worksheets, B.1, Construction Emissions, “Construction Schedule and California Emissions Estimator Model (CalEEMod) Input), 21st page. As noted in the response to Comment #18, additional information regarding possible candidate sites for construction worker parking has been provided in Errata 2 to the Palladium Residences EIR. It is anticipated that construction worker parking would be accommodated on-site once the Project parking garage has been constructed.

- **Comment re MM-TRAF-7:** The mitigation measure is not formulated sufficiently strongly to ensure timely compliance by the developer.

Response: As noted above, Mitigation Measure MM-TRAF-7 was eliminated from the MMRP as presented in Errata 1 and approval by the City Planning Commission in its January 8, 2016 determination. The measure was only required for Project Option 2 impacts. As Option 2 has been eliminated, the mitigation measure is no longer required.

- **Comment re MM-TRAF-8:** No explanation is provided as to why Palladium Residences is required to make these improvements.

Response: This mitigation measure was renumbered as MM-TRAF-7 in the MMRP as presented in Errata 1. The traffic signal controller upgrades at the seven intersections listed in MM-TRAF-7 were requested by LADOT to help maintain and improve the City’s traffic signal control system, which is expected to contribute to reductions in traffic impacts from new development, including from the Project. However, while this mitigation is required as part of MM-TRAF-7, the EIR’s traffic analysis does not take credit for these signal improvements in the post-mitigation Project impacts reported in the EIR. Therefore the EIR’s analysis is extremely conservative (environmentally-protective).

As requested by the commenter, the Action Indicating Compliance in MM-TRAF-7 has been modified in the MMRP, as updated in the Errata 2 as follows:

Action Indicating Compliance: Sign-off on road construction plans; Sign-off on completed construction work prior to issuance of certificate of occupancy

- **Comment re MM-TRAF-9:** The list of TDM measures should be narrowed, trip reduction targets have not been set, etc.

Response: This mitigation measure was renumbered as MM-TRAF-8 in the current MMRP as presented in Errata 1.

While a travel demand management (TDM) program is required by MM-TRAF-8, the EIR’s traffic analysis does not take credit for any TDM reductions in the post-mitigation

Project trips reported in the EIR. Because the EIR's analysis does not take credit for a reduction in trips from the TDM program, the number of intersections listed in the EIR with significant and unavoidable impacts after mitigation is likely conservative, i.e. impacts at these intersections may be less than identified in the EIR. In other words, the traffic analysis assumed that zero trips would be removed from the roads as a result of the TDM program.

Nevertheless, MM-TRAF-9 (now MM-TRAF-8) requires the implementation of a TDM program for the Project, to reduce the number of new Project trips. The TDM mitigation measure includes a number of potential TDM options, each of which has been shown to be effective on other projects. Narrowing the number of potential TDM measures, as suggested by the commenter, would actually be counterproductive and limit the tools available to the applicant and TDM to reduce single-driver car trips. Errata 1 of the EIR identifies additional TDM measures that have been added to MM-TRAF-9 (now MM-TRAF-8).

The Draft EIR did not set trip reduction targets for the TDM plan since the Project's significant traffic impacts identified in the Draft EIR would remain with or without trip reductions. There is no feasible TDM program that would reduce identified impacts to less than significant levels.

The action indicating compliance for MM-TRAF-9 (now MM-TRAF-8) is appropriately LADOT approval of the TDM program followed by annual consistency reviews of the plan to ensure that trip reduction measures listed in the program have been implemented.

- **Comment re MM-TRAF-10:** Action indicating compliance should state "Completion of construction prior to issuance of Certificate of occupancy"

Response: This mitigation measure was eliminated from the current MMRP as presented in Errata 1. The measure was associated with Project Option 2 impacts. As Option 2 has been eliminated, the mitigation measure is no longer required.

Comment #20 (Section 3) – There are discrepancies between the environmental documentation, "Draft VTTP" and "Advisory Agency Approval" documents. Nine numbered items are cited as specific situations as numbered for the responses below:

Response: As described on Page 1 of Exhibit 12, the review of the documents pertaining to traffic, transportation, circulation, and parking are based on the review of several documents that include among other items the following in chronological order: October 2014, Draft EIR (inclusive of Appendix K-1, the Transportation Analysis prepared by Fehr and Peers); March 2015, Final EIR; April 2015, Staff Report for Hearing on April 15, 2015 (referred to as the Draft VTTP); and August 2015, that Advisory Agency Approval of August 6, 2015 (referred to as Advisory Agency Approval).

Since then, Errata 1 of the EIR was published in November 2015, and Errata 2 has been published in March 2016. City Planning Commission (CPC) also issued two determinations on

January 8, 2016, denying the appeal of the Project's tract map, and approving or recommending approval of the Project's other entitlements. The EIR together with Errata 1 and Errata 2, and the January 8, 2016 determinations by the City Planning Commission (the CPC Determinations"), contain the most up-to-date environmental analysis of the Project and applicable conditions.

1. As discussed in the Draft EIR analysis, SB 743 (Section 21099(d)(1)), states "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." As the Project is an infill project (mixed-use residential and employment center project) within a transit priority area, its impacts on parking are not significant. The description of the parking requirements in the August 2015 approval is the correct description of the parking impacts, takes precedence over the Staff Report, is consistent with the Draft EIR analysis and continues to be reflected in the January 2016 Approval. As described on pages 4 – 5 of the January 2016 Approval, the parking includes 317 replacement spaces for the Palladium; the remaining development is proposed to include the required number of spaces according to the Municipal Code and, for condominiums, the Advisory Agency's parking policy for condominiums.

The Project's EIR states that the Project will provide parking that is equal to or greater than the number of spaces required by the LAMC and Advisory Agency's condominium requirements, as discussed on page 4.L-60 and 4.L-61 of the Draft EIR. Section 4.L Transportation and Circulation of the EIR states that the Project would provide "up to approximately 1,993 parking spaces as required by the LAMC" (page 4.L-60). The CPC Determinations are consistent with this analysis, stating that "The project shall provide parking calculated in accordance with the provisions of the Municipal Code. However, in the event the applicant should develop the project as condominiums, the project shall provide parking in accordance with the Advisory Agency's parking policy for condominiums." (Tract Map Determination Condition No. 14.b; CPC Determination Condition Q.A-7.) Therefore, no changes are needed to the EIR's parking analysis.

2. Contrary to the commenter's assertion, the EIR accurately states that self-parkers entering the site from Argyle Avenue can access the parking structure either directly or through the port cochere. This is consistent with the CPC Determinations. Page 2-20 in the Project Description Section of the Draft EIR states that "Self-parking residents or guests could access the internal driveway and parking structure from the semicircular entryway or directly from Argyle Avenue." Similarly, pages 4.L-28 and 4.L-33 of Draft EIR Section 4.L, Transportation and Circulation, state that:

"Three driveways are proposed along Argyle Avenue. The Project would feature a Porte Cochere – a covered entrance for vehicles to pull through and drop off passengers – for pick-up/drop-off and valet service served by one inbound and one outbound driveway. In addition, a third driveway is proposed to be located immediately north of the Porte Cochere, allowing one-way inbound vehicular access. Truck access would also occur at this driveway. Residents and visitors

may use any of the three driveways, but inbound access for self-parking would occur at the third driveway immediately north of the Porte Cochere.”

The comment inaccurately describes the information in the EIR and the suggested traffic conflict with valet parking would not occur.

3. Duration of Construction Schedule

The 3.5 year timeframe refers to text on page 70 of Draft EIR Appendix K-1, the Transportation Analysis Report. This reference is an editorial error; a three year time frame has been cited in the EIR Project Description and used consistently as the basis for the EIR analyses. For instance, the detailed construction schedule showing the timing of the construction phases as well as the overlapping of construction activities amongst phases, is shown in Appendix B, Air Quality; B.1, Construction Emissions; “Construction Schedule and California Emissions Estimator Model (CalEEMod) Inputs;” 21st pdf page of the Appendix. No associated changes are required to the analysis in the Transportation Analysis Report, as the peak activity on the maximum construction day would remain as analyzed.

Signalization of Gower/US-101

This unsignalized intersection was analyzed in the Project’s Transportation Analysis Report for signal warrants, and was determined to meet signal warrants, as shown in Table 8 of Draft EIR Appendix K-1. The Project would have no significant impacts at this intersection, and therefore mitigation is not required. However, in its comment letter on the Draft EIR, Caltrans requested the City of Los Angeles to conduct further analysis to determine if a signal is needed at this location. The discussion of the potential signalization is further addressed in Errata 2. As indicated therein, the Paramount Studios project, EIR Related Project #6, has agreed to fund the installation of a traffic signal at this location. No further action is required by the Project for this intersection.

4. In addition to the “primary” access points on Argyle Avenue and Selma Avenue, the EIR identifies the existing loading area on El Centro Avenue as an access point for trucks accessing the site. The EIR analyzes the impacts of continuing to provide loading from that location on page 4.L-59 of the Draft EIR. The potential relocation of the loading dock is evaluated on pages 2-2, 2-19 and 2-23 to 2-24 of the Final EIR. No access locations other than those analyzed in the EIR are proposed and no further analysis is necessary.
5. Please refer to response to comment Section 3, Item 1, above.
6. Refer to Comment #15, Comment #16 and Comment #17 above.
7. The deletion of one bullet point from MM-TRAF-6 in the August 2015 Tract Map determination findings of fact was an editorial error. This error was corrected in the January 2016 CPC Determinations, with the reincorporation of the Construction Worker Parking Plan in MM-TRAF-6.

8. The title of the Draft EIR Section in which the traffic impacts are analyzed, Section 4.L, is titled Transportation and Circulation. The analyses therein address "Construction impacts for Transportation and Circulation" and "Operations Impacts for Transportation and Circulation." These characterizations are carried out throughout the EIR including the Alternatives analysis, where it is clear that construction impacts would be less for Alternative 7 versus the initially proposed Project and the operations impacts would be similar. The nomenclature in the CPC Determinations is consistent with the environmental documentation.
9. Pages 13 to 14 of the CPC VTTM determination describes the Palladium Preservation and Enhancement Plan as part of PDF-HIST-1. PDF-HIST-1 lists potential elements for inclusion in the Palladium Preservation and Enhancement Plan, which includes a potential subterranean loading area. Contrary to commenter's assertion, this subterranean loading would be accessed from Argyle Avenue and Selma Avenue, as stated in PDF-HIST-1, and therefore would avoid access from El Centro Avenue. The cited paragraph does not state that subterranean access would be provided from El Centro Avenue. The potential for removing the loading area from El Centro Avenue is evaluated in Section 2.B of the Final EIR.