

## APPLICATIONS



### APPEAL APPLICATION Instructions and Checklist

#### RELATED CODE SECTION

Refer to the Letter of Determination (LOD) for the subject case to identify the applicable Los Angeles Municipal Code (LAMC) Section for the entitlement and the appeal procedures.

#### PURPOSE

This application is for the appeal of Los Angeles Department of City Planning determinations, as authorized by the LAMC, as well as first-level Building and Safety Appeals and Housing Appeals.

#### APPELLATE BODY

**Check only one. If unsure of the Appellate Body, check with City Planning staff before submission.**

- ☐ Area Planning Commission (APC)      ☐ City Planning Commission (CPC)      ☒ City Council  
☐ Zoning Administrator (ZA)      ☐ Director of Planning (DIR)

#### CASE INFORMATION

**Case Number:** VTT-83387-1A; ENV-2021-4091-EIR

**APN:** 5512-001-003; 5512-002-001; 5512-002-002; 5512-002-009

**Project Address:** 7716-7860 West Beverly Boulevard

**Final Date to Appeal:** October 15, 2024

#### APPELLANT

**For main entitlement cases, except for Building and Safety Appeals and Housing Appeals:  
Check all that apply.**

- ☒ Person, other than the Applicant, Owner or Operator claiming to be aggrieved  
☐ Representative      ☐ Property Owner      ☐ Applicant      ☐ Operator of the Use/Site

**For Building and Safety Appeals only:**

**Check all that apply.**

- ☐ Person claiming to be aggrieved by the determination made by **Building and Safety**<sup>1</sup>  
☐ Representative      ☐ Property Owner      ☐ Applicant      ☐ Operator of the Use/Site

**For Housing Appeals only:**

**Check all that apply.**

- ☐ Person claiming to be aggrieved by the determination made by **Housing**  
☐ Representative      ☐ Property Owner      ☐ Applicant      ☐ Interested Party      ☐ Tenant

**APPELLANT INFORMATION**

**Appellant Name:** \_\_\_\_\_

**Company/Organization:** Save Beverly Fairfax

**Mailing Address:** 2200 Pacific Coast Highway, Suite 318

**City:** Hermosa Beach      **State:** CA      **Zip Code:** 90254

**Telephone:** 310-798-2400      **E-mail:** ACM@CBCEARTHLAW.COM

Is the appeal being filed on your behalf or on behalf of another party, organization, or company?

☒ Self      ☐ Other: \_\_\_\_\_

Is the appeal being filed to support the original applicant's position?

☐ YES      ☒ NO

**REPRESENTATIVE / AGENT INFORMATION**

**Representative/Agent Name (if applicable):** Amy C. Minter

**Company:** Carstens, Black & Minter, LLP

**Mailing Address:** 2200 Pacific Coast Highway, Suite 318

**City:** Hermosa Beach      **State:** CA      **Zip Code:** 90254

**Telephone:** 310-798-2400      **E-mail:** ACM@CBCEARTHLAW.COM

<sup>1</sup> Pursuant to LAMC Section 13B.2.10.B.1. of Chapter 1A, Appellants of a Building and Safety Appeal are considered the Applicant and must provide the Noticing Requirements identified on page 4 of this form at the time of filing. Pursuant to LAMC Section 13B.10.3 of Chapter 1A, an appeal fee shall be required pursuant to LAMC Section 19.01 B.2 of Chapter 1.

## JUSTIFICATION / REASON FOR APPEAL

Is the decision being appealed in its entirety or in part?

☒ Entire

☐ Part

Are specific Conditions of Approval being appealed?

☐ YES

☒ NO

If Yes, list the Condition Number(s) here: \_\_\_\_\_

On a separate sheet provide the following:

☒ Reason(s) for the appeal

☒ Specific points at issue

☒ How you are aggrieved by the decision

## APPLICANT'S AFFIDAVIT

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

Appellant Signature: \_\_\_\_\_ Date: 10/11/2024

## GENERAL NOTES

*A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.*

*The appellate body must act on the appeal within a time period specified in the LAMC Section(s) pertaining to the type of appeal being filed. Los Angeles City Planning will make its best efforts to have appeals scheduled prior to the appellate body's last day to act in order to provide due process to the appellant. If the appellate body is unable to come to a consensus or is unable to hear and consider the appeal prior to the last day to act, the appeal is automatically deemed denied, and the original decision will stand. The last day to act as defined in the LAMC may only be extended if formally agreed upon by the applicant.*

### THIS SECTION FOR CITY PLANNING STAFF USE ONLY

Base Fee: \_\_\_\_\_

Reviewed & Accepted by (DSC Planner): \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Date : \_\_\_\_\_

☐ Determination authority notified

☐ Original receipt and BTC receipt (if original applicant)

## GENERAL APPEAL FILING REQUIREMENTS

If dropping off an appeal at a Development Services Center (DSC), the following items are required. See also additional instructions for specific case types. To file online, visit our [Online Application System \(OAS\)](#).

### APPEAL DOCUMENTS

#### 1. Hard Copy

Provide three sets (one original, two duplicates) of the listed documents for each appeal filed.

- ☐ Appeal Application
- ☐ Justification/Reason for Appeal
- ☐ Copy of Letter of Determination (LOD) for the decision being appealed

#### 2. Electronic Copy

- ☐ Provide an electronic copy of the appeal documents on a USB flash drive. The following items must be saved as individual PDFs and labeled accordingly (e.g., “Appeal Form”, “Justification/Reason Statement”, or “Original Determination Letter”). No file should exceed 70 MB in size.

#### 3. Appeal Fee

- ☐ *Original Applicant.* The fee charged shall be in accordance with LAMC Section 19.01 B.1(a), or a fee equal to 85% of the original base application fee. Provide a copy of the original application receipt(s) to calculate the fee.
- ☐ *Aggrieved Party.* The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b).

#### 4. Noticing Requirements (Applicant Appeals or Building and Safety Appeals Only)

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per the LAMC for all Applicant appeals. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning’s mailing contractor (BTC).

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

- ☐ Not applicable for Housing Appeals.

## SPECIFIC CASE TYPES

### ADDITIONAL APPEAL FILING REQUIREMENTS AND / OR LIMITATIONS

#### DENSITY BONUS (DB) / TRANSIT ORIENTED COMMUNITIES (TOC)

Appeal procedures for DB/TOC cases are pursuant to LAMC Section 12.22 A.25(g) of Chapter 1.

- Off-Menu Incentives or Waiver of Development Standards are not appealable.
- Appeals of On-Menu Density Bonus or Additional Incentives for TOC cases can only be filed by adjacent owners or tenants and is appealable to the City Planning Commission.
- ☐ Provide documentation confirming adjacent owner or tenant status is required (e.g., a lease agreement, rent receipt, utility bill, property tax bill, ZIMAS, driver's license, bill statement).

#### WAIVER OF DEDICATION AND / OR IMPROVEMENT

Procedures for appeals of Waiver of Dedication and/or Improvements (WDIs) are pursuant to LAMC Section 12.37 I of Chapter 1.

- WDIs for by-right projects can only be appealed by the Property Owner.
- If the WDI is part of a larger discretionary project, the applicant may appeal pursuant to the procedures which govern the main entitlement.

#### [VESTING] TENTATIVE TRACT MAP

Procedures for appeals of [Vesting] Tentative Tract Maps are pursuant LAMC Section 13B.7.3.G. of Chapter 1A.

- Appeals must be filed within 10 days of the date of the written determination of the decision-maker.

#### BUILDING AND SAFETY APPEALS AND HOUSING APPEALS

##### First Level Appeal

Procedures for an appeal of a determination by the Los Angeles Department of Building and Safety (LADBS) (i.e., Building and Safety Appeal, or BSA) and Housing (LAHD) are pursuant LAMC Section 13B.10.2. of Chapter 1A.

- The Appellant is considered the **Original Applicant** and must provide noticing and pay mailing fees.

## 1. Appeal Fee

- ☐ Appeal fee shall be in accordance with LAMC Section 19.01 B.2 of Chapter 1 (i.e., the fee specified in Table 4-A, Section 98.0403.2 of the City of Los Angeles Building Code, plus surcharges).

## 2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C. of Chapter 1A. Appellants for BSAs are considered Original Applicants. (Not applicable for Housing appeals).
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

## Second Level Appeal

Procedures for a appeal of the Director's Decision on a BSA Appeal and LAHD appeals are pursuant to LAMC Section 13B.10.2.G. of Chapter 1A. The original Appellant or any other aggrieved person may file an appeal to the APC or CPC, as noted in the LOD.

## 1. Appeal Fee

- ☐ *Original Applicant.* Fees shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

## 2. Noticing Requirement

- ☐ *Copy of Mailing Labels.* All appeals require noticing of the appeal hearing per the applicable LAMC Section(s). Original Applicants must provide noticing per LAMC Section 13B.10.2.C of Chapter 1A. Appellants for BSAs are considered Original Applicants.
- ☐ *BTC Receipt.* Proof of payment by way of a BTC Receipt must be submitted to verify that mailing fees for the appeal hearing notice have been paid by the Applicant to City Planning's mailing contractor (BTC).
- ☐ Not applicable for Housing Appeals.

See the Mailing Procedures Instructions ([CP13-2074](#)) for applicable requirements.

## NUISANCE ABATEMENT / REVOCATIONS

Appeal procedures for Nuisance Abatement/Revocations are pursuant to LAMC Section 13B.6.2.G. of Chapter 1A. Nuisance Abatement/Revocations cases are only appealable to the City Council.

### 1. Appeal Fee

- ☐ *Applicant (Owner/Operator)*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(a) of Chapter 1.

For appeals filed by the property owner and/or business owner/operator, or any individuals/agents/representatives/associates affiliated with the property and business, who files the appeal on behalf of the property owner and/or business owner/operator, appeal application fees listed under LAMC Section 19.01 B.1(a) of Chapter 1 shall be paid, at the time the appeal application is submitted, or the appeal application will not be accepted.

- ☐ *Aggrieved Party*. The fee charged shall be in accordance with the LAMC Section 19.01 B.1(b) of Chapter 1.



**Main Office Phone:**  
310-798-2400  
**Direct Dial:**  
310-798-2409

**Carstens, Black & Minter LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy C. Minter**  
Email Address:  
[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

October 11, 2024

## **STATEMENT OF REASONS FOR APPEAL**

### **TVC 2050 Project**

**Address:** 7716-7860 West Beverly Boulevard, Los Angeles 90036

**Case Nos.:** VTT-83387-1A  
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN  
CPC-2021-4090-DA  
ENV-2021-4091-EIR

On behalf of the Save Beverly Fairfax, we hereby submit this summary of our reasons for appeal of the City Planning Commission's approval of the TVC 2050 Specific Plan, specifically Vesting Tentative Tract No. 83387, the Advisory Agency's issuance of which was upheld by the City Planning Commission in its October 3, 2024 Letter of Determination for VTT-83387-1A. We also appeal the City Planning Commission's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project (Case No. ENV-2021-4091-EIR) as part of the appeal for Case No. VTT-83387-1A.

It is our understanding that because the City Planning Commission only has the authority to issue recommendations for the Development Agreement, the associated annexation, General Plan Amendment, inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation, zone change and height district change, approval of the Specific Plan, and establishment of the sign district. To the extent the City Planning Commission's approvals of the Development Agreement (Case No. CPC-2021-4090-DA), as well as the associated annexation, General Plan Amendment, inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation, zone change and height district change, approval of the Specific Plan, and establishment of the sign district (Case No. CPC-2021-4089-AD-GPA-ZC-HD-SP-SN), Save Beverly Fairfax includes these approvals in their appeal. Moreover, if not appealable pursuant to the Letters of Determination, Save Beverly Fairfax urges the City Council to deny approval of the TVC 2050 Development Agreement, associated annexation, General Plan Amendment, inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation, zone change and height district change, approval of the Specific Plan, and establishment of the sign district as they are recommended and/or approved in the Letters of Determination.

Save Beverly Fairfax is a volunteer organization of neighborhood owners, residents and preservation advocates in the Beverly Fairfax Historic District ("Historic District") advocating



## Save Beverly Fairfax Statement of Appeal for TVC 2050

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for the protection of the architectural and cultural history of this historic neighborhood. Save Beverly Fairfax led the successful effort to list this historic neighborhood, on the National Register of Historic Places as a National Register Historic District. The Historic District, roughly bordered by Beverly Boulevard to the south, Melrose Avenue to the north, Fairfax Avenue to the west and Gardner Street to the east, is deeply rooted in Jewish American history and boasts a collection of largely intact Period Revival homes. The Project's location at 7716-7860 West Beverly Boulevard is adjacent to and directly south of the Historic District. Save Beverly Fairfax is deeply concerned with the design and development of this Project that could adversely impact this important historic neighborhood.

The TVC 2050 Project would establish the TVC 2050 Specific Plan with the claimed goal of modernizing and expanding production facilities on the 25-acre Television City site located at 7716-7860 Beverly Boulevard. The Vesting Tentative Tract Map authorizes the merger and re-subdivision of four site lot into three as well as a haul route that would be used to export of up to 772,000 cubic yards of soil. The Specific Plan itself would change the type and amount of development currently permitted on the site. Beyond the VTT, the City Planning Commission hearing approved or recommended approval of the following entitlements:

- Annexation of a portion of the Project Site located within unincorporated Los Angeles County into the City;
- General Plan Amendment to change the entire site's land use designation to Community Commercial;
- Inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation;
- Vesting Zone Change and Height District Change from C1.5-2D-O and C2-1-O to the TVC Zone;
- Approval of the TVC 2050 Specific Plan;
- Establishment of the "SN" Sign;
- Approval of a Development Agreement between the Project Applicant and the City.

While Save Beverly Fairfax supports modernizing the Television City production facilities, this must be done through the proper process, with full disclosure, public participation and a project that mitigates impacts to the surrounding community. Many of the objections we have regarding this Project stem from the lack of required transparency in the administrative processes, with a project that has been a moving target that does not disclose the full costs of this development on the surrounding community. While the Project Applicant and City announced new alleged community benefits at the City Planning Commission hearing, it remains unclear whether these payments will actually benefit the community as the City and Applicant claim. Save Beverly Fairfax detailed its objections to the Project and legal violations that would result from Project approval in the attached comment letters. (**Attachment 1**, August 25, 2022 DEIR Comments; **Attachment 2**, April 17, 2024 Erratum Comments; **Attachment 3**, May 14, 2024

FEIR Comments; **Attachment 4**, June 5, 2024 Statement of Reasons; **Attachment 5**. September 9, 2024 Supplemental Comments.) These detailed comments, which are summarized below, establish the reasoning for this appeal. Save Beverly Fairfax also incorporates by reference the detailed comment letters submitted by Beverly Wilshire Homeowners Association, The Grove LLC, Mayer Beverly Park LP, A.F. Gilmore, and Neighbors for Responsible TVC Development.

## **I. The EIR Has an Unstable Project Description.**

The Specific Plan was not released to the public or to decisionmakers until more than a year after the draft EIR was completed. Without the benefit of the Specific Plan, the EIR could not possibly have disclosed, analyzed, or mitigated the impacts of that Plan. The Sign District Ordinance was not provided until six months after the final EIR was completed, meaning it too was absent from the analysis and the public discourse. Even so, the EIR relied upon the details of the undisclosed Plan to claim that certain environmental impacts would not be significant without the necessary evidentiary support. Additionally, the Development Agreement was not made available until the staff report for the City Planning Commission hearing was released. Without being able to review the Specific Plan, the Sign District Ordinance or the Development Agreement, members of the public were deprived of the right to provide informed comment on the EIR and on these entitlement documents. Further, the Vesting Tract Map that is the subject of this appeal is not the version that was before the Advisory Agency or the public on May 15, 2024 when the VTT was approved, further frustrating the public disclosure intent of CEQA.

The Project continues to lack a clear delineation the actual uses for the site. Project uses are interchangeable throughout the site to the point that it is unclear what exactly the proponent plans to build. What little was known about the Project was that it is a 20-year blank check for 1.46 million square feet of new development (now *very* slightly reduced), 225 feet tall, in a congested corridor. It is unclear which of many allowable uses will be built within the site, especially given the Project's land exchange program. The type and timing of development proposed is unknown. The impacts of construction of this uncertain development could be imposed on the surrounding community for a term of up to 20 years.

Save Beverly Fairfax supports production facilities, but the approvals would allow for development of 570,000 square feet of general office and retail uses not part of studio or production uses. The approvals include a concept of how the site could be developed, but no disclosure of how it is actually intended to be developed. Additionally, the Specific Plans includes an overly -broad definition of permitted uses that also fails to disclose the actual project, and thus the actual impacts.

This lack of detail regarding the actual plan for development is even more problematic given the terms of the Specific Plan would allow for most future approvals under the plan to be granted ministerially, and thus without any further environmental review. The Specific Plan overrides otherwise applicable zoning requirements for discretionary review at the project site. If there is any ambiguity between zoning code requirements and the Specific Plan, the Specific Plan controls, even over health protective code provisions.

The Project remains broad and ill-defined with an EIR based on a “hypothetical development mix.” Such projects have been found to provide only a “blurred view of the project,” in violation of CEQA. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 12-13.) Although all Appellants mentioned this concern at the City Planning Commission hearing, it was dismissed. While additional detail about the Project description has been provided in the years since the draft EIR was released, CEQA requires that the EIR itself accurately describe the Project. The disclosure, analysis, and mitigation of environmental impacts in that EIR must flow from that project description. The EIR further failed to provide sufficient information regarding project design and architecture, height, rooftop decks, parking, and haul routes.

## **II. The Sign District Ordinance Was Released After the Completion of CEQA Analysis.**

The Draft Sign District Ordinance and Conceptual Sign Plan were not released until April 30, 2024, six months after completion of the *final EIR*. As a result, the impacts of the sign program – which would be a significant change from existing conditions by allowing signage not currently allowed – was excluded from CEQA analysis. The Conceptual Sign Plan contains building-sized supergraphics and digital displays. Moreover, that the plan is merely “conceptual” has also prevented full disclosure of potential impacts to both the public and the City. The failure to analyze signage impacts is impermissible, as would be any piecemealing of separate Sign District analysis.

## **III. The Project Relies Upon Inadequate and Unenforceable Mitigation Measures.**

The Project improperly relies upon project design features (PDFs) to mitigate project impacts without analyzing their efficacy. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) A “mitigation measure cannot be used as a device to avoid disclosing project impacts.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663-664.)

Additionally, the mitigations that are contained in the Mitigation Monitoring and Reporting Program are not fully enforceable as required by CEQA. (Pub. Resources Code, § 21081.6, subd. (b).) If City staff later finds that the Project proponent has not fully complied with mitigation measures, they are allowed to modify or delete those measures.

## **IV. The EIR Fails to Adequately Analyze of Air Quality and Health Risks.**

Save Beverly Fairfax submitted detailed comments on the EIR’s air quality analysis, especially regarding sensitive receptors residing within several hundred feet of the Project, which were amplified by the concerns raised in South Coast Air Quality Management District comments on the Project. The Draft EIR failed to include an analysis of the health risks caused by the Project’s air emissions, an omission discussed by the California Supreme Court in *Sierra*

*Club v. County of Fresno* (2018) 6 Cal.5th 502, 519-522.) While the Final EIR did include a hasty quantitative health risk assessment, Save Beverly Fairfax identified the lack of and inconsistent discussions included within that assessment, which fails to ensure protections for nearby sensitive receptors such as homes.

#### **V. Analysis of Dewatering Impacts is Improperly Deferred**

Based on an unsubstantiated claim that dewatering impacts from the Project's excavation down to 37 feet below the historic level of the water table, the EIR claims dewatering impacts are only temporary. CEQA requires an analysis of temporary impacts. The EIR improperly defers this analysis, and mitigation of associated impacts, until post-approval in violation of CEQA's requirements.

#### **VI. The EIR Has Not Analyzed the Project's Land Use Impacts.**

The Project was revised to change the General Plan land use designation to Community Commercial, but not until after the final EIR was released. The EIR therefore fails to analyze and disclose the Project's inconsistencies with that land use designation. The Project is not community-serving but *private* and will be completely gated to allow accessibility only to on-site employees and approved visitors. It will not be accessible to the general public. Nor does it have required height and scale limits.

Save Beverly Fairfax also detailed significant concerns with the modified draft Specific Plan that have not been addressed, including, but not limited to; the exclusion of temporary basecamp structures from the definition of project floor area; fails to consider grade height in address height; excludes changes in use from the definition of project in a manner that is inconsistent with CEQA's requirements; defines future project approvals as ministerial, and thus avoiding CEQA review, for uses and projects not analyzed in the current EIR; and the elimination of the ability for the Area Planning Commission to review certain projects and approvals under the Specific Plan.

#### **VII. Traffic Analysis is Inadequate.**

The EIR's traffic analysis is deficient for reasons including, but not limited to:

- VMT analysis relies upon unsupported and artificially low assumptions regarding trip lengths and per-employee VMT, which results in the EIR's failure to fully disclose Project impacts. For example, the EIR assumes employees will not travel to work from locations as nearby as Santa Monica.
- The EIR for the regional-serving Project improperly relied on the City's VMT calculator, which is not intended for such projects.
- Trip distribution assumptions are unsupported.

- Traffic safety has not been analyzed, despite the heavy pedestrian activity in the area and the Project's constant changes in the locations of vehicular and pedestrian entrances and exits.
- Cut-through traffic has not been analyzed.
- Impacts on emergency services have been deferred.

### **VIII. The EIR Fails to Analyze Meaningful Alternatives.**

The EIR interprets the Project's detailed objectives so narrowly as to eliminate the consideration of anything but the proposed Project thereby ensuring "the results of [the EIR's] alternatives analysis would be a foregone conclusion." (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692.) Yet the purpose of an EIR is to evaluate alternatives to a project that would "avoid or substantially" lessen the project's environmental impacts. (Pub. Resources Code section 21002.) The EIR's use of artificially narrow alternatives violates CEQA.

Additionally, the lack of project description disclosure has also infected the analysis of alternatives for the Project, with its admitted significant and unavoidable adverse impacts due to the massive amount of construction. Here, a reduced density of development alternative is feasible—the project applicants have made no showing that they need the massive increase in development proposed. Reduced alternatives such as Alternatives 2 and 3 are less impactful than the project and feasible. Projects with significant environmental impacts *may not* be approved "if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects . . ." (Pub. Resources Code, §21002.)

### **IX. The Statement of Overriding Considerations is Unsupported.**

CEQA Guidelines section 15093, subdivision (b) requires that when a lead agency approves a project that would result in significant, unavoidable impacts, "the agency shall state in writing the specific reasons to support its action" in a statement of overriding considerations. These project benefits are in addition to the required finding of no feasible alternatives to substantially lessen a project's significant adverse impacts, and CEQA also requires substantial evidence in the record support the claimed benefits to justify proceeding with a project despite its adverse impacts. (Public Resources Code, §21081; CEQA Guidelines §15093, subs. (b), (c).) "[A]n unsupported claim that the project will confer general benefits" is insufficient to override a project's significant impacts. (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.) "[A] statement of overriding considerations, like an EIR, must make a good-faith effort to inform the public;" the "statement's purposes are undermined if its conclusions are based on misrepresentations...or it misleads the reader about the relative magnitude of the impacts and benefits..." (*Id.* at 718.)

The statement of overriding considerations for the Project claims economic benefits should override the Project's serious impacts, but the record lacks the necessary evidence to support such an economic claim. The statement of overriding considerations also claims these serious impacts should be overridden because the Project supports the Wilshire Community Plan and Mobility Plan 2035. As addressed in Save Beverly Fairfax's comments on the draft and final EIR, the Project is inconsistent with both plans, thus this claimed benefit is unsupported. Thus, approval of the Project is prohibited under CEQA.

**X. Recirculation was Required, Not an Erratum.**

The Project was modified after the release of the final EIR, and many, many new technical reports were disclosed, for the first time, in April 2024. Beverly Wilshire Homes Association joins Save Beverly Fairfax's April 17, 2024 letter requesting EIR recirculation pursuant to CEQA Guidelines Section 15088.5. An Erratum is not contemplated or allowed by CEQA. When substantial new information about the Project, its impacts, or mitigation is provided – as here – the EIR must be recirculated.

**XI. The City Cannot Make Findings Required to Approve a Vesting Tentative Map.**

Government Code Sections 66473.5 and 66474(a) require tract maps to be consistent with applicable general plans and specific plans. The Project is not consistent with: General Plan uses for Community Commercial development; emergency service requirements; the 2035 Mobility Plan; and the Wilshire Community Plan. The findings cannot be made, and thus the VTT approval was unlawful.

**XII. The Project Site Does Not Include a Legal Helipad**

The EIR and the City's approvals for the Project incorrectly and without evidentiary support assume there is a legally operating helipad on the Project. The site has never received the required permit to allow helipad use on the Project site. (LAMC §57.105.7.1.7.) The EIR cannot now assume a continuing illegal use of the site and use that as a basis to avoid environmental review. The EIR must analyze this as a new use, and must also, but fails to, assess the increased use in the helipad with the increased development and use of the Project site under the Specific Plan. Further, after the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. The impacts of this Project revision were not analyzed.

**Conclusion**

Save Beverly Fairfax urges the Committee and Council to grant its appeal of the City Planning Commission approvals for this Project and deny other requested entitlements for this Project until adequate environmental review has been completed, and the Project has been revised to address the serious impacts it now poses on the surrounding community. We reserve

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the right to supplement this appeal justification prior to the Planning and Land Use Management Committee's hearing of this matter.

**Attachment 1:** August 25, 2022 DEIR Comments

**Attachment 2,** April 17, 2024 Erratum Comments

**Attachment 3,** May 14, 2024 FEIR Comments

**Attachment 4,** June 5, 2024 Statement of Reasons

**Attachment 5.** September 9, 2024 Supplemental Comments



## Chatten-Brown, Carstens & Minter LLP

**Hermosa Beach Office**  
Phone: (310) 798-2400

**San Diego Office**  
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy C. Minter**

Email Address:  
[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)  
Direct Dial:  
310-798-2409

August 25, 2022

*Via Email (paul.caporaso@lacity.org)*

Paul Caporaso  
City of Los Angeles, Department of City Planning  
221 N. Figueroa Street, Suite 1350  
Los Angeles, CA 90012  
[paul.caporaso@lacity.org](mailto:paul.caporaso@lacity.org)

Re: Comments on Draft Environmental Impact Report for TVC 2050 Project

Dear Paul Caporaso:

On behalf of Save Beverly Fairfax, we provide the following comments on the draft environmental impact report (DEIR) for the Television City 2050 Specific Plan project (the "Project" or TVC 2050 Project). We also join in the comments provided by the Beverly Wilshire Homeowners Association.

Save Beverly Fairfax is a volunteer organization of neighborhood owners, residents and preservation advocates in the Beverly Fairfax Historic District ("Historic District") advocating for the protection of the architectural and cultural history of this historic neighborhood. Save Beverly Fairfax led the successful effort to list this historic neighborhood, on the National Register of Historic Places as a National Register Historic District. The Historic District, roughly bordered by Beverly Boulevard to the south, Melrose Avenue to the north, Fairfax Avenue to the west and Gardner Street to the east, is deeply rooted in Jewish American history and boasts a collection of largely intact Period Revival homes. The Project's location at 7716-7860 West Beverly Boulevard is adjacent to and directly south of the Historic District. For this reason, Save Beverly Fairfax is deeply concerned with the design and development of this Project which could adversely impact this important historic neighborhood.

The TVC 2050 Project is intended to establish the TVC 2050 Specific Plan to modernize and expand production facilities within the 25-acre Television City site. The Project also proposes to approve a general plan amendment for the Project site to Regional Center Commercial, which would allow for significant increases in the amount of allowable development at the site. The Project also proposes the adoption of a Sign



District for the Project site, opening the site to an expanded amount of signage and the ability to expand signage even further in the future.

The DEIR prepared for the Project is wholly inadequate because the Project it is intended to analyze—the TVC 2050 Specific Plan—has yet to be prepared. Without a defined Specific Plan, the DEIR is attempting to review a project that does not yet exist. This falls short of CEQA’s requirement to commence environmental review late enough in the process to provide meaningful information regarding the Project’s impacts. (Cal. Code Regs., tit. 14 (“CEQA Guidelines”) § 15004, subd. (b).) Though we urge the City to reject this Project altogether as proposed in the DEIR, if the City decides to move forward with this Project, the DEIR must be recirculated once a fully formed draft Specific Plan is available and can be reviewed by the City, the public, and decisionmakers.

In addition to the lack of Specific Plan, the Project fails to meet CEQA’s requirements for an accurate, stable, and finite description of the Project. The Project Description’s failures mirror the violations of CEQA identified by the Court of Appeal in *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1.

The Project also proposes a Sign District, but the EIR lacks information on the necessity and parameters of this Sign District, and fails to provide a draft Ordinance.

The Project’s traffic analysis is also inadequate. The DEIR fails to provide adequate information on parking and traffic hazards, relies on unsupported assumptions to assess vehicle miles traveled, improperly defers analysis of cut-through traffic, relies on project design features that improperly compress the DEIR’s disclosure and analysis functions, and fails to disclose impacts to emergency response times.

Finally, the DEIR presents Alternative 2, a less impactful alternative. CEQA prohibits approval of a project with significant adverse environmental impacts when there are feasible alternatives or mitigation measures that would “avoid or substantially lessen” the project’s significant effects. Though we urge the City to reject this Project, should the City decide to move forward with this proposal, we support the adoption of Alternative 2 instead of the proposed Project.

For these reasons, which are detailed below, we find the TVC 2050 Project DEIR to be wholly inadequate.

**I. The DEIR Fails to Provide Adequate Information and Documentation to Support Environmental Review.**

**A. Environmental Review is Premature Because There is No Draft Specific Plan.**

As a preliminary matter, we object to the City's preparation of the EIR at this premature stage. The EIR purports to analyze the proposed TVC 2050 Specific Plan ("Specific Plan"). However, we were informed by the Department of City Planning that the Specific Plan is currently being drafted and not available for public review. Accordingly, the draft Specific Plan does not currently exist and thus was not provided to the public along with the EIR and its appendices.

The California Supreme Court has recognized that the timing of environmental review requires a balance between being early enough so that the information obtained can practically be used to guide decisionmakers, yet "late enough in the development process to contain meaningful information." (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 129.) Here, because the Specific Plan has not yet been drafted, the EIR is reviewing an inchoate project that is subject to change once the Specific Plan is finally drafted. The lack of a fully formed draft Specific Plan makes meaningful analysis of the Project impossible, because the EIR is analyzing potential impacts of a project that is not clearly formed.

**B. The Project Description Violates CEQA.**

Every EIR must set forth a project description that is sufficient to allow an adequate evaluation and review of the project's environmental impacts. (CEQA Guidelines § 15124.) "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192 93; accord *San Joaquin Raptor/Wildlife Reserve Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.)

Here, the Project Description is unstable, not finite, and highly misleading, because it purports to review a Specific Plan that is not currently drafted and thereby cannot be presented to the public. Further, the Specific Plan provisions the EIR does attempt to review are vague and lead to an inordinate number of development possibilities for the Project. Further, the Project's timeline is also poorly defined and offers the public no information as to whether the Project will be built in three years or 20 years. These deficiencies serve as an "an obstacle to informed public participation"

because the public and the decisionmakers cannot evaluate a project that lacks a concrete project proposal. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 20 (*Millennium*).) For these reasons, which we detail below, the DEIR must be recirculated with an adequate Project Description that complies with CEQA.

### **1. The Project Description is Unstable, Not Finite, and Misleading.**

The Project Description is unstable, not finite, and highly misleading, because as discussed above in Section I.A, the DEIR purports to review a draft Specific Plan that does not currently exist. The DEIR does not disclose this fact and is very unclear regarding the status of the Specific Plan, instead purporting to analyze standards and guidelines it claims are in or will be in the draft Specific Plan. A project description must contain a “general description of the project's technical, economic, and environmental characteristics.” (CEQA Guidelines § 15124.) Without a valid project to describe, the DEIR cannot meet these requirements.

Further, an EIR’s project description may not rely on a conceptual impact envelope that merely provides a range of possible development scenarios. (*Millennium, supra*, 39 Cal.App.5th 1, 18.) In the highly relevant *Millennium* case, the Court of Appeal upheld a court order invalidating an EIR prepared by the City of Los Angeles that failed to describe a building development project, and only presented conceptual scenarios. (*Ibid.*) As detailed below, the City has unfortunately repeated that mistake here.

Instead of reviewing a concrete project proposal, the EIR purports to analyze a set of standards and guidelines proposed to be in the Specific Plan, such as a conceptual envelope of land uses, land use exchanges, height zones and other design elements, standards regarding rooftop terraces, signage, and parking, and haul routes. (DEIR, pp. II-12 to II-34.) None of these provide a stable or definite description of the Project. Stated herein are the components of the Project that we believe are vague and require further definition in order to meet the requirements of CEQA.

#### **i. Envelope of Land Use Categories**

The EIR includes a list of proposed limits of square footage for different types of uses on the Project site, including sound stage, production support, production office space, general office space, and retail. (DEIR, p. II-13.) The EIR, however, does not specify the mix of uses, instead stating that the “ultimately constructed” mix “will depend upon market demands.” (DEIR, p. II-13.) As described in further detail below, the EIR also permits exchanges of square footage between land uses. (DEIR, p. II-16.) This means that the Project could allow for a virtually unlimited number of development scenarios. The EIR pairs these proposed, potential limits with a conceptual site plan displaying building footprints; however, the DEIR states that the plan is merely

conceptual and “illustrates one possible development scenario that could be developed.” (DEIR pp. II-13 to II-14.) Indeed, the conceptual site plan shown in the EIR lacks detail or description of future development, as the potential buildings are represented by unlabeled white boxes. (DEIR, pp. II-14.)

Thus the Project is highly similar to the project at issue in *Millennium*, where the Court of Appeal found that development regulations incorporated into the project description provided the public and decisionmakers “little by way of actual information” regarding the project’s actual design. (*Millennium*, supra, 39 Cal.App.5th 1, 18.) Here, as in *Millennium*, “these regulations simply limit the range of construction choices for future developers.” (*Ibid.*) This does not meet CEQA’s requirements for a sufficient project description.

## **ii. Land Use Exchanges**

Though the Project’s envelope of potential square footage limits for various types of uses on the Project site itself is too vague (DEIR, p. II-13), the Project compounds the issue by allowing floor area from any permitted land use category within the site to be exchanged for additional sound stage and production support uses. (DEIR, p. II-16.) This excessive “development flexibility,” as characterized by the DEIR, makes an already too-abstract project even more unstable and allows for an even broader range of future development scenarios. (*Ibid.*) While land use exchanges are still subject to square footage maximums for sound stage, production office, general office, and retail uses, there is no maximum for production support floor area, meaning that the Project could entail as much production support floor area as possible, so long as decreases are made in other uses. (*Ibid.*) Further, the land use exchanges may result in a higher overall footprint than specified in the envelope, so long as the sitewide FAR remains 1.75:1. (*Ibid.*)

The result of these exchanges is essentially to widen the range of square footage parameters applicable to the Project, thereby widening the range of potential future development onsite. This unacceptably broad and ill-defined range of potential development choices does not meet CEQA’s requirements for accurate, stable, and finite project descriptions. (*Millennium*, supra, 39 Cal.App.5th 1, 18.)

The DEIR’s lack of specificity regarding the Project’s permitted uses and footprints is important because future development and its impacts, including future land use exchange proposals, will be measured against “the envelope of impacts identified in this Draft EIR.” (DEIR, pp. II-16.) The DEIR purports to analyze a “hypothetical development mix” that would generate the “maximum possible” Project impacts (DEIR, pp. II-16 to II-17), but such a “worst case” approach is insufficient under CEQA. (*Millennium*, supra, 39 Cal.App.5th 1, 18 [“CEQA’s purposes go beyond an evaluation of theoretical environmental impacts.”].)

### iii. Project Design and Architecture

The Project's proposed design is completely theoretical and unformed. The DEIR states that the Site's four existing sound stages "would be renovated and modernized to the extent feasible, subject to industry market demand." (DEIR, p. II-17.) This provides no concrete information as to *whether* renovation would occur, what such potential renovation would entail (such as what elements of the sound stages would be renovated), which sound stages would be renovated, what the timeline of such renovation would be, what relevant market information might govern renovation probability, and what factors determine feasibility of renovation. This cannot be the basis of an accurate, stable, or finite project description under CEQA.

The Project proposes six height zones, within which development would be subject to certain height limits. (DEIR, pp. II-17 to II-20.) The project description found impermissible in *Millennium* also relied on height zones, which obscured the project's massing and design configuration. (*Millennium, supra*, 39 Cal.App.5th 1, 12.)

However, the Project's height zones are even more unclear, because some of these height zones are variable. In Height Zone C, development is limited to a maximum of 160 feet within up to 40 percent of the area, with the remainder limited to 88 feet. In Height Zone D, development is limited to a maximum of 225 feet within up to 40 percent of the area, with the remainder limited to 88 feet. The 40 percent of Height Zones C and D in which the maximum height is increased is not a specified area; thus, a multitude of configurations, none of which are specifically proposed in the DEIR, could satisfy these requirements. In fact, the DEIR admits that the height zones "do not represent the actual development footprint of Project buildings." (DEIR, p. II-20.) These height zones further contribute to the Project Description's instability.

The variability of the height zones also makes the Project's proposed frontage and setbacks unstable and variable, since the proposed limits include additional setbacks for buildings within Height Zones C and D that exceed the 88-foot base height. (DEIR, p. II-21.) Since the DEIR does not specify building heights, this means that the frontages and setbacks are also unspecified.

The Project Description also states that the Specific Plan would include design regulations to address screening of rooftop equipment and outdoor storage areas, fencing, parking structures, and Project access points. (DEIR, p. II-22.) Yet the DEIR fails to specify these regulations. Further, the DEIR improperly defers analysis of these regulations by failing to state them in the DEIR itself.

The DEIR similarly fails to specify the Specific Plan's purported guidelines and parameters for new construction to preserve the Site's Historic-Cultural Monument. These guidelines are not located in the Project Description.

#### **iv. Rooftop Terraces**

The DEIR states that rooftop terraces and decks may be incorporated by Project buildings, but does not commit to any design, stating that “such terraces could be located anywhere within the Project Site” in accordance with the yet-to-be-drafted Specific Plan requirements. (DEIR, p. II-23.) Further, the DEIR states that the hours of operation for these outdoor areas would “generally” be 7:00 AM to 12:00 AM, but that is a speculative statement given that the uses of development onsite are still unknown. (DEIR, pp. II-23 to II-24.)

#### **v. Parking**

The Project’s parking facilities are utterly unformed. The DEIR admits that parking may involve a “combination” of above-ground structures, subterranean structures, and surface spaces, but provides no specificity as to which. (DEIR, p. II-30.) The DEIR also admits that parking may be provided onsite “incrementally to meet the needs of individual buildings and uses the spaces would serve, as appropriate and feasible.” (*Ibid.*) This provides the public and decisionmakers virtually no specificity with which to analyze the Project’s impacts related to parking. The DEIR also claims that the Specific Plan would set forth a process for the approval and implementation of a reduced/shared parking plan, but no details regarding this plan are provided. (DEIR, p. II-30.) Even if they were, analysis of such a plan would amount to impermissible post-hoc environmental review. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.)

#### **vi. Signage**

The Project’s proposed signage is completely unformed. The Project proposal includes an application for a Sign District, but no draft ordinance for the proposed Sign District is included in the DEIR. (DEIR, p. II-31.) The Project Description states that signage “would be integrated with and complement the overall aesthetic character of on-site development,” but since there is no proposal for onsite development, this leaves the potential signage onsite, as well as its potential impacts, completely unknown and speculative. The EIR cannot be certified until a concrete proposal for signage, as well as a draft ordinance, are presented to the public and decisionmakers.

#### **vii. Haul Routes**

The Project Description fails to provide definite haul routes, instead presenting three options for potential construction haul routes for trucks entering and exiting the Project site. (DEIR, pp. II-34 to II-35.) One route primarily travels through Fairfax Ave from I-10, one route crosses over from La Brea Ave to Fairfax Ave on San Vicente Blvd, and one route primarily travels north/south on La Brea Ave. (*Ibid.*) Each of these routes

will have differing impacts. The Project must select one defined haul route so that the public can adequately evaluate its impacts.

### **viii. Mitigation, Monitoring, and Reporting Plan**

The EIR lacks a Mitigation, Monitoring, and Reporting Plan (MMRP). We request that the City provide an MMRP for this Project to allow for a complete evaluation of the efficacy of mitigation proposed for the Project.

### **2. The Project Timeline is Unstable.**

In addition to the unstable and inchoate nature of the Project's features, the timeline of the Project is also extremely unclear. The DEIR admits that "[b]uildout under the Specific Plan could take place in one phase over a 32-month period, or could occur in phases over multiple years. Accordingly, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043." (DEIR, pp. II-12.)

This timeline is simply unacceptable. It provides the public and decisionmakers with very little information about when the Project will be built. The Project—which is still undefined and unknown for the reasons discussed above—may be built in as quickly as just under 3 years, or as slowly as 20 years (or more, as the terms of the Development Agreement are not presented here). The DEIR also suggests the Project may be built in phases, which is required to be studied in an EIR. "When a specific project contemplates future expansion, the lead agency is required to review all phases of the project before it is undertaken." (*Natural Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 284.)

The lack of clarity regarding the Project's timeline deprives the public and decisionmakers of information regarding what developments may be built onsite at what time. Thus, we urge the City to recirculate an EIR with a defined timeline for the Project.

### **C. The DEIR Lacks Sufficient Information about the Necessity of the Sign District.**

We question the necessity of the proposed Sign District, and the reasoning for which the Project Applicant has applied for a Sign District for this Project, neither of which are disclosed in the DEIR. The DEIR has also failed to articulate an adequately defined Project Description (Section I.B), which makes the necessity of additional signage even more unclear.

Further, the DEIR fails to include a draft of the ordinance for the proposed Sign District. Pursuant to Los Angeles Municipal Code section 13.11, subdivision (C),

development regulations for signage, set forth in a Sign District ordinance, must be determined at the time the Sign District is established. The DEIR appears to include some development regulations but has not provided a draft ordinance. We request a draft ordinance stating the development regulations for the proposed Sign District be provided with a recirculated DEIR.

## **II. The DEIR's Analysis of Traffic Impacts is Inadequate.**

### **A. The DEIR's Traffic Analysis is Informationally Deficient.**

The lack of information due to the unavailability of the draft TVC 2025 Specific Plan and unstable project description addressed above infects the adequacy of the DEIR's transportation analysis. This lack of an adequate project description leaves many questions unanswered and fails to provide adequate information and analysis of the Project's traffic impacts.

One of the areas with a lack of adequate analysis is parking. The DEIR is unable to identify how many parking spaces would be provided in the Specific Plan area or what type of parking would be included, regular pull-in parking spaces, valet, double tandem or even triple tandem are potential options. (DEIR IV-K.44.) Shared parking is also identified as a possibility. (*Ibid.*) Without this information, the DEIR cannot assess whether there is adequate parking for the Project on site, or if the type of parking would encourage those accessing the Project to try to park off-site.

The DEIR also fails to provide adequate information to address whether the Project could have a significant impact due to traffic hazards. The DEIR acknowledges that the intersection of Beverly Boulevard and Fairfax Avenue adjacent to the Project site is included in the City's high injury network. (DEIR App. M, p. 25.) However, the DEIR fails to analyze whether the significant number of new daily trips generated by the Project would increase this existing traffic hazard. The Project would result in the level of service (LOS) at this intersection going from a LOS D (fair) to LOS E (poor). Further, the Project's increase in employees, stages and production space will increase the number of vehicles accessing the site. Since access to the site requires a security verification check-point, the increase in vehicles could lead to increased queueing into the site. Longer queues could stretch into Beverly Boulevard, presenting a traffic hazard. The impacts on increased traffic hazards must be assessed, but were not.

### **B. The DEIR Relies Upon Unsupported Traffic Assumptions to Assess Vehicle Miles Traveled.**

The DEIR relies upon a number of unsubstantiated assumptions in support of its claim that the Project would have no significant traffic impacts and that it does not require any mitigation. The DEIR's assessment of Project-generated vehicle miles



traveled (VMTs) relies on a number of assumptions, but the DEIR and its appendices fail to provide evidentiary support to determine the validity of these assumptions. For example, the DEIR uses of an average trip length of between 6.2 and 8.1 miles to assess the Project's VMTs, but fails to provide an evidentiary basis for that assumed trip length. What is the basis to assume that average trip length to the TVC 2050 Project would be that length?

The DEIR also assumes a fairly evenly disbursed trip distribution, with 35% from the northwest, 25% from the northeast, 15% from the southeast, and 25% from the southwest. What evidence does the DEIR rely upon to support this assumed trip distribution?

Additionally, the DEIR fails to provide support for its claim that the VMT per employee does not exceed the impact threshold of 7.6. (DEIR App. M, p. 123.) To assess this figure, the DEIR calculates that the Project would have 95,865 total daily VMTs. The DEIR the subtracts out baseline VMTs and concludes the Project would have 69,055 new daily VMTs. The assessment also relies on a total number of employees for the Project site of 7,832, but does not address how many would be new employees. To calculate the VMT per employee, the DEIR uses a further reduced daily VMTs amount of 52,194, which is reduced further below the new daily VMTs. Instead of dividing this new amount of daily VMTs by the number of new employees to compare apples to apples, the DEIR instead divides the reduced number of daily VMTs by the total number of employees. This does not compare apples to apples and instead results in a diluted number of daily VMTs. This significantly underestimates the VMTs per employee. If the 69,055 new daily VMTs or the 95,865 total daily VMTs were divided by the total number of employees, the Project would exceed the impact threshold for VMT per employee, with 8.8 and 12.2 VMTs per employee respectively.

### **C. The DEIR's Analysis of Cut-Through Traffic is Improperly Deferred.**

The DEIR's analysis and mitigation of neighborhood cut-through traffic impacts is improperly deferred. Degradation of surrounding streets' LOS to LOS E and LOS F, will cause motorists to find less congested routes, likely through the adjacent neighborhood. Based on information provided in the DEIR, it is clear the Project would have residential street cut-through impacts. Buried in DEIR Appendix M, it is identified that mitigation is required to prevent these impacts on Genesee Avenue, but no mitigation is provided in the DEIR. (DEIR App. M, p. 171.) Impacts are also assumed for Stanley Avenue and Spaulding Avenue, also without the provision of any mitigation. (DEIR App. M, p. 171.)

The DEIR improperly defers a full analysis of these cut-through traffic impacts to post-EIR, claiming they cannot be assessed now due to reduced traffic levels following the COVID-19 pandemic. The City cannot approve this Project without a proper assessment of cut-through traffic impacts.

#### **D. The DEIR Improperly Relies Upon Project Design Features Without Disclosing Impacts.**

Throughout, the DEIR improperly relies upon so-called project design features (PDFs) and claims that conditions will be placed on the Project in an attempt to reduce many of the Project's impact without the required analysis of the impacts or the measures relied upon to mitigate them. The majority of these PDFs appear to be mitigation measures that the Project applicant and City have failed to incorporate into the Project's Mitigation Monitoring and Reporting Program (MMRP). When a Project incorporates mitigation measures, CEQA requires that those mitigation measures be "fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code § 21081.6(b).)

As mere PDFs that will not necessarily be incorporated into Project approvals, conditions, and the MMRP, the PDFs are not properly enforceable by the City or third parties and cannot be relied upon for any reductions in Project impacts. CEQA's mitigation requirements exist for a reason. "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (*Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4th 601, 612; *Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal.App.4th 1491.)

The heavy reliance on Project PDFs and the future imposition of conditions also improperly compresses the DEIR's disclosure and analysis functions. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) A "mitigation measure cannot be used as a device to avoid disclosing project impacts." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663-664.) Here, the DEIR claims that the PDFs are part of the Project itself and fail to assess the impacts of the Project without these PDFs. But, a **mitigation measure is not part of the project**. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656 & fn. 8.) An EIR cannot incorporate "the proposed mitigation measures into its description of the project and then conclude [] that any potential impacts from the project will be less than significant." (*Id.* at 655-657.) The DEIR's shortcut is "not merely a harmless procedural failing...[it] subverts the purposes of CEQA by omitting material necessary to informed decisionmaking and informed public participation." (*Id.* at 658.)

#### **E. The Project Will Worsen Existing Inadequate Emergency Response Times.**

The Fire Department has disclosed that emergency response times for the Project site are already inadequate, specifically stating that "fire protection would be considered

**inadequate**” due to excess distance to the nearest fire station. (DEIR App. K, p. 3, emphasis in original.) As set forth above, the Project would result in worsening LOS on streets surrounding the Project site. This will worsen the already inadequate fire protection for the Project site and surrounding residences and business. The DEIR must disclose this significant emergency response impact.

### **III. Feasible Less Impactful Alternatives Should Be Adopted Instead of the Proposed Project.**

CEQA prohibits approval of a project with significant adverse environmental impacts when there are feasible alternatives or mitigation measures that would “avoid or substantially lessen” the project’s significant effects. (Pub. Resources Code § 21002; *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 350.) An alternative need only avoid or substantially lessen any one of a project’s significant impacts to be considered environmentally superior. (CEQA Guidelines § 15021, subd. (a)(2).) The finding that “[t]here is no feasible way to lessen or avoid the significant effect...” of a project must be supported by substantial evidence. (Guidelines §§ 15043, 15093, subd. (b).) An alternative must be “truly infeasible” for its rejection to be legally valid under CEQA. (*City of Marina, supra*, 39 Cal.4th 341, 369.) CEQA defines feasible as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (Pub. Resources Code § 21061.1.)

We urge the City to comply with CEQA’s requirements by adopting feasible, less impactful alternatives instead of the Proposed Project. Alternative 2 would allow for modernization and renovation of the existing facilities without overhauling the Project site’s land use designations and creating an unnecessary Sign District. It would also provide greater specificity of the Project itself by providing a concrete project proposal and eliminating ill-defined conceptual development scenarios. Thus, we support adoption of Alternative 2.

### **IV. Conclusion**

For all of the reasons set forth above, Save Beverly Fairfax finds the DEIR to be wholly inadequate. The DEIR simply cannot provide meaningful information that fulfills CEQA’s purpose of informed decisionmaking until a draft Specific Plan is prepared, and the issues described in this letter are resolved. We thus urge the City to reject this DEIR. If this Project does move forward as proposed, which we urge the City not to allow, a revised DEIR must be recirculated to address the many failings described herein.

Additionally, we ask that you inform us of any future Project notices pursuant to Public Resources Code section 21092.2 and applicable Municipal Code requirements. We further request that you retain all Project related documents including correspondence

and email communications as required by CEQA. (*Golden Door Properties, LLC v. Superior Court of San Diego County* (2020) 52 Cal.App.5th 837 [agency “must retain writings”].)

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sunjana Supekar".

Amy Minteer  
Sunjana Supekar



Main Office Phone:  
310-798-2400  
Direct Dial:  
310-798-2409

Carstens, Black & Minter LLP  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

Amy Minter  
Email Address:  
[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

April 17, 2024

Via Email ([paul.caporaso@lacity.org](mailto:paul.caporaso@lacity.org))

Paul Caporaso  
City of Los Angeles, Department of City Planning  
221 N. Figueroa Street, Suite 1350  
Los Angeles, CA 90012  
[paul.caporaso@lacity.org](mailto:paul.caporaso@lacity.org)

Re: "Erratum" to EIR for TVC 2050 Project; ENV-2021-4091-EIR; 7716-7860  
West Beverly Boulevard, Los Angeles 90036

Dear Paul Caporaso:

We submit these comments on behalf of Save Beverly Fairfax to provide initial comments on the "Erratum to the TVC 2050 Project Environmental Impact Report" released by the Department of City Planning on April 5, 2024 in connection with the Modified Draft of the TVC 2050 Specific Plan and the Draft of the TVC 2050 Sign District.

According to the notice sent to Project stakeholders, "The Erratum outlines modifications and reductions proposed for the TVC 2050 Project, which were made in response to community input." While community members appreciate the City's nod to community input, an "erratum" is not a CEQA process. Instead, when an agency modifies an environmental impact report prior to certification, CEQA provides for **recirculation** of an EIR. (CEQA Guidelines, §15088.5.)

An EIR must be recirculated for public comment whenever "significant new information" is added to the EIR prior to certification. (CEQA Guidelines, §15088.5, subd. (a).) "Significant new information" requiring recirculation includes:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it; or
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, §15088.5, subd. (a).)

Here, there is significant new information in the form of Project changes, including relocation of lane access to the mobility hub, elimination of 370 parking spaces, and a new proposed zoning designation. The Erratum also contains a multitude of new technical reports addressing the Project’s impacts. These new analyses include expert analysis of historic resources impacts (Appendix B), a supplemental transportation assessment (Appendix C), a new geotechnical memorandum (Appendix D), a hazards memorandum (Appendix E), a utilities technical memorandum (Appendix F), a new noise report (Appendix G), and a fire access review (Appendix H).

The City’s April 5, 2024 document release also marks the first time the public has seen the sign district, the impacts of which should be analyzed in a recirculated EIR. Furthermore, because the City does not seem to have performed the analysis in an EIR, the public and decisionmakers cannot know if the Project changes will even result in additional or more severe environmental impacts beyond those described here. The information contained in the “erratum” must be incorporated into a recirculated EIR to avoid “depriv[ing] the public of a meaningful opportunity to comment” on these significant Project modifications, new analysis, and new environmental impacts. (CEQA Guidelines, §15088.5, subd. (a).)

The Modified Project proposes to retain what Erratum No. 1 describes as “limited flexibility to exchange square footage between land uses by allowing increases in sound stage floor area (up to 450,000 sf) and production support floor area (up to 450,000 sf) in exchange for an equivalent decrease in the floor area of other permitted uses. The total square footage of general office, production office, and retail space would be limited to the areas shown in Table 1. Further, the total floor area cannot exceed 1,724,000 sf.” (Erratum p. 2.) Thus, the Project would continue to allow over half of the Project’s proposed square footage (900,000 sf / 1,724,000) to change uses, meaning it is unclear what exactly is actually being proposed onsite. Accordingly, since it is unclear what to expect with half of the proposed development, the EIR must be recirculated because the existing analysis must be “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (CEQA Guidelines, §15088.5, subd. (a)(4).)

The Applicant can modify the Project and revise the EIR with new and updated analysis, but if it does so, CEQA requires the City to circulate this analysis pursuant to its procedures for ensuring an informed public and informed decision-making. The City cannot later rely on analysis that was not circulated for public comment.

The City must recirculate the revised EIR for public comments, and the City must respond to those public comments with good faith, reasoned analysis commensurate with the level of detail contained in the comments received. (CEQA Guidelines, §150885, subd. (d), (f); CEQA Guidelines, §15088; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 878.)

Thank you for your consideration of this matter. We look forward to the City's recirculation of the TVC 2050 EIR in accordance with CEQA.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Minter", is written over the word "Sincerely,".

Amy Minter

cc:

Councilmember Katy Yaroslavsky ([Councilmember.Yaroslavsky@lacity.org](mailto:Councilmember.Yaroslavsky@lacity.org))

Vivian Rescalvo ([vrescalvo@gmail.com](mailto:vrescalvo@gmail.com))



**Main Office Phone:**  
310-798-2400  
**Direct Dial:**  
310-798-2409

**Carstens, Black & Minter LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy Minter**  
Email Address:  
[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

May 14, 2024

*Via Email ([paul.caporaso@lacity.org](mailto:paul.caporaso@lacity.org))*

Deputy Advisory Agency  
City of Los Angeles  
Department of City Planning  
c/o Paul Caporaso  
221 N. Figueroa Street, Suite 1350  
Los Angeles, CA 90012  
[paul.caporaso@lacity.org](mailto:paul.caporaso@lacity.org)

Re: Comments on FEIR and “Erratum” for TVC 2050 Project; ENV-2021-4091-EIR; CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; 7716-7860 West Beverly Boulevard, Los Angeles 90036

Dear Paul Caporaso:

We submit these comments on behalf of Save Beverly Fairfax regarding the final environmental impact report (FEIR), Erratum, Draft TVC Specific Plan and Draft TVC Sign District prepared for the TVC 2050 Project.

As a preliminary matter, we reiterate our concerns with the inadequate and piecemeal release of environmental review documents relating to the Project. The Specific Plan was not released at the time of the draft EIR, so it was not possible to review those documents in tandem. Now, the Project has been modified (“Modified Project”) and the modifications were only disclosed to the public in April 2024. The public has not had sufficient time to review the modifications to the Project and their associated impacts. The EIR should be recirculated and updated to provide analyses of the Modified Project.

Moreover, the FEIR fails to address or resolve many of the issues that Save Beverly Fairfax and others raised in their initial letters on the TVC 2050 Project. Despite strong objections from the community, the Project Description remains unstable, which renders the EIR inadequate and makes it impossible to fully understand the Project or its impacts. The EIR also fails to properly analyze the recently disclosed Sign District. The EIR does not adequately analyze the Project’s many significant impacts, including to air quality, dewatering, traffic, and land use, nor does it provide CEQA-compliant mitigation



for the Project's impacts. The EIR also does not adequately or properly analyze Project alternatives. Further, the EIR fails to acknowledge that the site does not include a legal helipad. For these reasons, Save Beverly Fairfax respectfully opposes certification of the FEIR and requests that the EIR be recirculated to address these issues.

### **A. The Project Description Remains Unstable.**

As discussed in Save Beverly Fairfax's previous comments, the TVC 2050 "*Specific Plan*" is anything but. While slightly downsized in the Erratum, Project uses remain interchangeable to the point that it is unclear what exactly the proponent plans to build. Thus, the result is still essentially a 20-year blank check for 1.46 million square feet of new development, up to 225 feet tall, in one of the City's densest corridors.

Although irrelevant now that the draft Specific Plan has been disclosed, the FEIR includes a full topical response (Topical Response No. 1D) arguing that the DEIR need not disclose the Specific Plan, the Project for which the EIR was prepared. The response claims the "project" at issue is the "physical change in the environment" that will occur, not the project being approved, defined by the EIR cover sheets as the TVC 2050 Specific Plan. (FEIR p. II-67 and 68.) It is worrisome that the Applicant and consultants have spent so much time and resources defending their failure to disclose the Specific Plan to the public until long after the DEIR comment period ended. Moreover, the DEIR relies on design guidelines and standards allegedly contained in the Specific Plan for many of its conclusions about significance. Without the Specific Plan, comment period comments could not accurately assess or even understand the DEIR's conclusions.

### **1. Project Uses and Land Exchange Program**

In EIR comments, many members of the public raised concerns that the project description fails to clarify the type and timing of development proposed. Neither the FEIR nor the Erratum correct this problem. Beyond the limit on square footage, now slightly reduced, there are minimal limits on the amount of each type of development allowed. While no longer "limited" to the uses permitted in the C2 zone (FEIR II-81), the newly narrowed use list still permits more than 50 types of uses under the umbrella of "sound stage, production support, production office, general office, and retail...and ancillary and related uses that support the studio and five permitted land uses." (FEIR III-8.) Ancillary uses include sleeping facilities, fitness centers, medical facilities, restaurants, and the sale of alcoholic beverages. (FEIR III-11.) The Erratum states, "Under the Modified Project, no changes to the types of uses permitted are proposed." (Erratum p. 2.)

The FEIR claims to now limit the Project to a maximum of 450,000 square feet of sound stage and 450,000 square feet of production support. (FEIR p. II-69.) The FEIR

claims the land use exchange program would not allow increases in production office, general office, or retail floor area (*Ibid*), but it is not clear where this limit is contained in the Project Description and continue to be a moving target. These limits should be clarified in the Project Description. The Erratum fails to provide this illumination when it states, “The provisions of the land use exchange program would continue to be consistent with those in the Final EIR, except that the maximum floor area for general office uses would be limited to 550,000 square feet, reduced from the 700,000 square feet identified in the Original Project.” (Erratum p. 2.) It appears that ultimate uses would still depend on market demand. (Erratum p. 57, RTC 9-13.)

In any case, the project continues to be merely a range of possible development scenarios as opposed to the concrete development proposal required.

The FEIR (Topical Response No. 1A and B) claims the DEIR contains a detailed description of the Project with a land use and floor area breakdown, with massing and locations of proposed buildings. (FEIR p. II-62, II-64-65.) However, as explained in other places in the EIR, the EIR’s conceptual site plans are just that, conceptual. (Erratum pp. 7-14.) Nothing requires construction in accordance with them.

Topical Response No. 1 argues that the Project Description need only contain the location and boundaries of the Project, the objectives, a general description of technical, economic, and environmental characteristics, and a statement briefly describing the intended uses of the Project. (FEIR p. II-63.) As the EIR contains this limited information, the FEIR claims, the project description is sufficient. Relevant case law, however, is clear that more is needed. As noted in *Save Beverly Fairfax’s DEIR* comments, the EIR for the Millennium Hollywood project was deemed inadequate because the project description contained “little by way of actual information” regarding the project’s actual design. (See, *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 18.) A broad and ill-defined range of potential development choices and an EIR based on a “hypothetical development mix” provides only a “blurred view of the project.” (*Id.* at 1, 12-13.) The court required rescission of project approvals pending CEQA compliance. Instead, an EIR must analyze “[t]he defined project and not some different project.” (*Concerned Citizens of Costa Mesa v. 32<sup>nd</sup> District Agricultural Assn.* (1986) 42 Cal.3d 929, 938.)

Topical Response 1F asserts the Millennium Project is distinguishable because it was one ill-defined building that allowed a multitude of uses as opposed to several buildings. (FEIR II-72, 73.) But the failure to provide sufficient detail is not cured merely because the Project would contain more buildings. (RTC 9-13.) Moreover, the reliance on the conceptual building plan does not cure the defect, given that the Project contains no requirement to build in accordance with the conceptual building plan. (See, II-73 [site plan is conceptual].) Instead, 446,000 square feet of development can be

shifted to different uses.

## **2. Sound Stages**

The Project's actual commitment to the renovation of sound stages is unclear. While the DEIR claims that 4 sound stages would be renovated and modernized "to the extent feasible" and "subject to industry market demand," these phrases are so heavily qualified as to be meaningless. Furthermore, the Project provides for 350,000 square feet of sound stage. The Project also provides for 104,000 square feet of production support, which could be increased up to 450,000 square feet if 346,000 square feet of other uses are eliminated. The Project description does not appear to contain limits that would prevent 346,000 square feet of sound stages from being converted to production support. (RTC 9-14.) Furthermore, RTC 9-15, responding to Save Beverly Fairfax's concern about whether renovation of sound stages will actually occur, given the heavily qualified language, contains no assurances about renovating existing sound stages. (FEIR II-285.)

## **3. Project Design and Architecture/Height**

The FEIR and Erratum contain some reductions in the locations permitted for the highest 225-foot height limit, but now that the West Tower has been eliminated, there is even less certainty about where 225-foot-tall buildings could be constructed. (Erratum p. 3.) The heights within each zone remain variable, as do the frontages and setbacks.

The recently released Draft Specific Plan includes Design Standards. (Specific Plan App. D.) However, these Design Standards do little to address impacts and set clear development standards that allow for an accurate project description and assessment because much of the new development is exempt from standards. (*Ibid* [new buildings for sound stages, production support facilities, the Mobility Hub, and standalone parking structures are exempt from standards regarding transparency, windows and glass, glazing and articulation].)

## **4. Rooftop Terraces**

RTC 9-19, concerning the locations of roof decks and the likely impacts, is largely nonresponsive. The DEIR concluded that roof decks could be located anywhere within the Project but would not have significant impacts in accordance with the Specific Plan requirements. RTC 9-19 repeats this claim without containing any new information. Although the response states that roof decks will occur on the roofs of the buildings shown in the Conceptual Site Plan, nothing commits the Applicant to building in accordance with the Conceptual Site Plan.

## 5. Parking

Save Beverly Fairfax commented that the DEIR failed to provide adequate information about Project parking, aside from the fact that it would occur in a combination of above-ground, subterranean, and surface parking. RTC 9-20 is nonresponsive, stating alternately that parking is not a CEQA concern under SB 743 and that the commenters should review the Specific Plan. But this information must be contained in the EIR itself. Referring commenters to another document defeats the purpose of the EIR. Burying information in an appendix has also been found to frustrate the legally required informational purposes of an EIR. (*Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 723.) The response then states that the Conceptual Site Plan illustrates specific parking locations, but “ultimately, parking may be located at different locations.” This response fails to contain the good faith analysis required by CEQA.

## 6. Haul Routes

The FEIR claims that the Project need not select haul routes (RTC 9-22), even though each of the three routes identified in the DEIR would have different impacts that require analysis. The FEIR fails to resolve the DEIR’s deficiency with regard to analysis of haul route impacts.

### **B. The EIR Did Not Properly Analyze the Recently Disclosed Sign District.**

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, ***nearly two years after the DEIR and six months after the FEIR was released.*** These newly released documents were improperly excluded from CEQA analysis. The FEIR incorrectly claims that the Sign District Ordinance and Conceptual Plan were not required to be provided as part of the analysis under CEQA. (FEIR p. 11-63.) CEQA requires the analysis not only of direct physical impacts on the environment, but also of reasonably foreseeable indirect physical impacts. (Pub. Resources Code, §21065.)

The Sign District Ordinance and Conceptual Sign Plan would have reasonably foreseeable indirect physical impacts on the environment. These approvals would allow for signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review. The impacts of the specific Sign District and Conceptual Sign Plan must be analyzed now as part of the whole of the project.

Without the approval of the Sign District Ordinance, many of the proposed signs would be prohibited or would require further discretionary review. For example, with the

Sign District, supergraphic signs are prohibited. (LAMC §14.4.4(B)(9).) Additionally, the amount of signage allowed under the Sign District far exceeds that which would otherwise be allowed under the City's code. (LAMC §4.4.10.)

The extremely delayed release of the Sign District Ordinance and Conceptual Sign Plan discloses for the first time the massive amount of signage that would be allowed under the Project. There would be 30,000 square feet of signage allowed on the perimeter of the Project site, where there is currently no signage. Along Beverly Boulevard, this signage would replace existing vegetation and trees. This significantly impacts that aesthetics of the neighborhood. The vegetation and tree removal would also increase urban heat island impacts and eliminate sources of carbon sequestration. The EIR fails to analyze these impacts.

The Sign District also discloses that an unlimited number of wall signs will be allowed on the Project site at heights up to 88 feet. At these heights, the signs will be visible from the surrounding community. The EIR fails to assess how this unlimited amount of signage will impact the Television City Historic Cultural Monument.

### **C. The EIR Fails to Provide CEQA-compliant Mitigation.**

#### **1. The Project Continues to Rely on Unenforceable PDFs in Lieu of Enforceable Mitigation Measures.**

Despite the past comments of Save Beverly Fairfax, the Project continues to rely on project design features (PDFs) to mitigate project impacts without analyzing their efficacy or incorporating them into the Mitigation Monitoring and Reporting Program (MMRP). CEQA requires that mitigation measures “be fully enforceable through permit conditions, agreements, or other measures.” (Pub. Resources Code § 21081.6(b).)

The FEIR claims that the PDFs are not, in fact, mitigation measures (*See, e.g.,* RTC 9-34), yet even a cursory glance at the EIR makes clear they were incorporated to minimize the degree or magnitude of the Project's potential environmental impacts, making them mitigation as defined by CEQA Guidelines, section 15370, subdivision (b). The Erratum notes that PDFs AIR-PDF-1 through AIR-PDF-3 contribute to ensuring the Project minimizes air quality impacts. (Erratum p. 32.) Any “potential impacts associated with geology and soils would be less than significant with compliance with regulatory requirements and implementation of PDF GEO-PDF-1, which requires the Original Project to be built in compliance with the recommendations within the Preliminary Geotechnical Engineering Investigation.” (Erratum p. 44; See also Erratum p. 47.) Regarding greenhouse gases, the Erratum finds, “based on the Original Project's location, land use characteristics, and design together with implementation of PDF GHG-PDF-1 that includes specific sustainability features and PDF GHG-PDF-2 that sets forth

minimum requirements for photovoltaic panels, the Original Project would be consistent with statewide, regional and local climate change mandates, plans, policies, and recommendations.” (Erratum p. 48.) Noise impact reduction relies on “PDFs NOI-PDF-1 (regarding use of equipment with proper shielding devices and maintenance) and NOI-PDF-2 (regarding prohibition of the use of driven piles).” (Erratum p. 60.) These are all mitigation measures that CEQA require to be included in the MMRP and analyzed as such in the EIR.

The Project’s PDFs extend even to important health and safety considerations. (Erratum p. 49 [“the Modified Project would implement the same PDFs set forth in the EIR (i.e., PDFs HAZ-PDF-1 through HAZ-PDF-4) that include implementation of various safety plans as part of the operation of the Project.”].) Regarding hazards, the Erratum claims, “with implementation of these PDFs, mitigation measures and regulatory compliance requirements, the Modified Project would not exacerbate the risk of upset and accident conditions at the Project Site associated with hazardous wastes, underground and aboveground storage tanks, polychlorinated biphenyls (PCBs), ACMs, LBP, operation or re-abandonment of oil wells, or methane gas. Project-level and cumulative impacts would be less than significant.” This statement is clear that the Project relies on these PDFs to achieve hazard mitigation.

The Project further relies on PDFs to avoid impacts to emergency services. Regarding police services, the Erratum states, “[T]he Modified Project would implement PDFs POL-PDF-1 through POL-PDF-7 that include security measures during construction, implementation of a security plan, appropriate lighting, visible entries and exits, and consultation with LAPD. As such, the Modified Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protections facilities, and potential impacts from the Modified Project would be less than significant...” (Erratum p. 66.) Findings about emergency fire access rely on PDF TR-PDF-1, which requires a detailed Construction Traffic Management Plan containing street closure information, a detour plan, haul routes, and a staging plan. (Erratum p. 71.) Again, these are mitigation measures, not mere project design features that can properly be considered part of the Project itself.

The EIR must be revised to incorporate these PDFs into the Project as enforceable mitigation measures and for the EIR to analyze the efficacy of these mitigation measures as well as any environmental impacts they may cause. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; CEQA Guidelines § 15126.4.)

The FEIR claims the “proposed PDFs are not intended to be mitigation and do not ‘mitigate’ any significant impact but are integral features of the Project.” (RTC 9-34.) However, the PDFs largely consist of actions like complying with the recommendations of the geologist’s investigation (GEO-PDF-1), the type of construction equipment used

(PDFs NOI-PDF-1), a prohibition on pile driving (NOI-PDF-2), hazard mitigation plans, security measures, LAPD consultation, and a construction traffic management plan detailing haul routes and street closures – actions that are developed *after* a project is designed, with the laudable goal of reducing or eliminating adverse impacts of that project. These are textbook mitigation measures and exactly the type of action incorporated into MMRPs statewide. By not analyzing the impacts and efficacy of these mitigation measures, and by not disclosing or analyzing the Project’s impacts without these measures, the EIR has impermissibly compressed the analysis and mitigation of the Project. (*Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645.)

## **2. The MMRP Appears Designed for Alteration to Suit the Applicant’s Needs, Not Environmental Protection.**

The Mitigation Monitoring and Reporting Program (MMRP) into which the Project’s mitigation is incorporated, appears to not actually require strict compliance with the PDFs and mitigation measures contained therein. First, the MMRP contains a concerning preamble. (FEIR p. IV-3.) Instead of stating the Project will comply with all measures contained within the MMRP, the MMRP provides, “The Project shall be in substantial conformance with the PDFs and MMs contained in this MMP. The enforcing departments or agencies may determine substantial conformance with PDFs and MMs in the MMP in their reasonable discretion.” (FEIR p. IV-3.) Compliance with a performance standard is different than “substantial conformance” with that same standard. This provision should be removed to ensure that the Project’s mitigation is concrete and enforceable, as required. Second, the MMRP outlines an offramp “If the department or agency cannot find substantial conformance” by which “a PDR or MM may be modified or deleted as follows...” While the process outlined permitted by CEQA, the MMRP does not actually provide for enforcement against the Applicant for failure to comply with the MMRP, only a process for making bothersome or difficult to achieve environmentally protective conditions go away.

## **D. The EIR Fails to Adequately Analyze the Project’s Many Significant Impacts.**

### **1. The Final EIR Fails to Adequately Analyze Air Quality and Health Risks.**

The South Coast Air Quality Management District’s comment letter noted that the nearest sensitive receptors to the Project are located within 25 feet. The Beverly Wilshire Homes Association (BWHA) questioned the EIR’s failure to do an analysis of the health risks caused by the Project’s air emissions, an omission discussed by the California Supreme Court in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519-522 (“Friant Ranch”). In response, the FEIR disputes the two examples of methodologies BWHA noted were used by lead agencies analyzing other projects. (RTC 11-26.) The FEIR claims the method used by the Sacramento air district is limited to that geographic area

due to the meteorological data and background pollution specifics contained in that model but gives no reason why a similar approach could not be used here with Los Angeles-area specific information. (*Ibid.*) Similarly, the FEIR asserts that the analysis conducted by Ramboll for the California State University Dominguez Hills Campus Master Plan “is a model used for assessing impacts over large areas and populations” and would not work for a “smaller project” such as the 25-acre TVC 2050 as compared to the 346-acre university campus. (RTC 11-26.) However, as the impact at issue in *Friant Ranch* is expressly regional, a regional approach is appropriate. The FEIR also claims that the pollution and meteorological data inputs needed for the models used by Ramboll are “generally not accessible for individual project level analyses.” (RTC 11-26.) But they were accessible to Ramboll, “a private consultant for a specific project.” The FEIR’s response is unavailing.

The FEIR also emphasizes that the Ramboll university analysis was not done at the direction of the South Coast Air Quality Management District (SCAQMD), which has so far declined to create a Sacramento-like program for this type of guidance. Notably, the *Friant Ranch* Court never said that an EIR’s analysis tying Project emissions to health risk need be at the direction of an air district. CEQA requires the EIR “find out and disclose all it reasonably can.” (Guidelines s. 15144.) If SCAQMD is not yet providing this guidance, private consultants can and do. If there are limitations to data, analysis, and conclusions, a revised and recirculated EIR can disclose those to the public with an attempt at this required analysis.

SCAQMD requested that the MMRP revise AIR-MM-1 to require the cleanest construction equipment technology available in light of the upcoming adoption of Tier 5 standards and the Project’s potential 20-year implementation schedule. In response, the FEIR commits to using Tier 5 construction equipment “where commercially feasible.” (RTC 1-2.) Preliminarily, this is not what SCAQMD requested. While Tier 5 equipment will be cleaner than Tier 4 equipment, it is unlikely that even Tier 5 equipment will be the cleanest technology available in 2043. This must be corrected. Moreover, without defining “commercially available,” the mitigation revision appears qualified in such a way that the Applicant can avoid the use of Tier 5 equipment if it is more expensive or somewhat more difficult to source. If the Project may be implemented over 20 years, that time frame must also inform the Project’s mitigation.

In response to comments, the FEIR includes a quantitative Health Risk Assessment (HRA). The FEIR explains that the 7.5 in one million increase in cancer from the Project is attributable mostly to construction, but that the 1.2 in one million increase due to operations is “primarily the result of conservatively locating proposed new emergency generators in close proximity to residents east of the Project Site whereas existing generators are spread throughout the Project site.” (RTC 1-5.) It is unclear if this response refers to conservative HRA methodology for estimating the increase in



cancer risk, or if diesel generators will, in fact, be placed within 50 meters of existing homes. (See, RTC 1-6 [“Since the seven new generators could be located within 50 meters...of residential uses...”].) The Project should be conditioned to prevent the location of diesel generators near sensitive receptors such as homes.

## **2. Analysis of the Project’s Dewatering Impacts are Deferred.**

The FEIR continues to assert that despite the Project’s excavation 37 feet below the historic level of the water table, that dewatering will be only temporary. (RTC 11-25.) However, as to the allegedly “temporary dewatering,” the FEIR discloses that the dewatering techniques have not yet been determined. RTC 11-25 states, “There are many temporary dewatering methodologies available, each of which is suited toward the individual capacities and experiences of the respective specialty contractors.” The FEIR then notes that a suitable specialty contractor will not be chosen until construction commences, at which point a more detailed study will be conducted and, based off of that, a specialty contractor will be chosen to “prepare a detailed dewatering method specific to the conditions of a particular building site.” (*Ibid.*) Given that the Project site is already known, this plan appears to defer both the analysis and the mitigation of dewatering-related impacts to later. This is important, as the information disclosed during the dewatering report may require reconfiguration of the Project’s buildings; the type of dewatering chosen will require different equipment; any toxic constituents such as oil in the water have not been identified; and the amount and timing of dewatering may implicate local wastewater capacity.

The FEIR then implies that the EIR has not yet addressed the depth of intrusion required for building foundations, the hydraulic properties of the soils, the potential to mobilize existing groundwater contaminants, the potential for ground subsidence or liquefaction, proximity to production wells, and the volume of water to be dewatered. (RTC 11-25.) These are important safety, water quality, and public services considerations that should have been disclosed, analyzed, and mitigated with enforceable conditions during the public process for this Project. (*See*, RTC 11-5.)

The FEIR states that all dewatering work will occur under the review or approval of the Los Angeles Department of Building and Safety, regional water board, or Los Angeles Sanitation Department, but is unclear who will approve or review what and when. (RTC 11-25.) Even so, the FEIR claims, “temporary construction dewatering will be performed in a manner that will ensure less-than-significant impacts to neighboring properties and regional water resource needs.” (*Ibid.*) As key information has yet to be developed, it is unclear how the City intends to support its finding of no significant impacts with substantial evidence.

The FEIR does disclose that the Dewatering Report prepared for the FEIR estimates a 10-foot drawdown 125 feet from the Area 2 excavation perimeter and a 4-foot drawdown up to 300 feet from that point. (RTC 11-25.) Estimated dewatering in Area 2 would be 7.5 million gallons, or 23 acre-feet, an amount sufficient for the annual use of 46 families. Total dewatering is expected to be 81 acre-feet, enough to supply 162 families for a full year. (*Ibid.*) While this may be a small percentage of total basin capacity, it is not an insignificant amount of water. The end uses of this water should be disclosed, and it should be put to beneficial use. The FEIR clarifies that the dissolved chemical composition and sediment load of the water “are fundamental data elements” needed to evaluate “alternative disposal methods that will be determined during future groundwater dewatering pumping tests.” (RTC 11-5.) While the impacts of discharging this water may be fully mitigated by complying with the SWPPP and Regional Board waste discharge requirements and applicable NPDES permits, the EIR cannot conclusively say so until the water’s constituents are identified.

### **3. The FEIR Fails to Adequately Analyze the Project’s Traffic Impacts.**

The FEIR’s responses to DEIR comments regarding traffic impacts were inadequate. The Project’s analyses regarding VMT assumptions, traffic safety, cut-through traffic, fire protection, and parking continue to be inadequate and unsupported.

Additionally, the project continues to have an unstable and poorly defined project description. (Section A.) The lack of adequate project description infects the analysis for all the project impacts, including transportation impacts, because the true impacts of the project cannot accurately be assessed until the project has a stable definition.

Further, the recent modifications to the Project and late circulation of a so-called Erratum with additional transportation analyses is prejudicial as the public has not had a full opportunity to review the modifications and their impacts, and traffic analyses have not been updated to address these modifications.

#### **a. The FEIR’s VMT Assumptions Remain Unsupported.**

##### **i. The FEIR’s Trip Lengths are Unsupported.**

The FEIR’s Response to Comments fails to adequately address the basis for the EIR’s claimed trip lengths of 6.2 to 8.1 miles. The Response to Comments merely states that the EIR relies on assumptions in the City’s travel demand forecasting model. (FEIR, p. II-300.) While CEQA Guidelines section 15064.3, subdivision (b)(4) permits lead agencies to use models to estimate VMT impacts, that section also requires that “Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the

project.” (Cal. Code Regs., tit. 14, § 15064.3, subd. (b)(4).) The FEIR does not adequately explain the assumptions and criteria used to determine trip length. Moreover, the Project is of a regional-serving nature, so the stated trip lengths are not accurate.

**ii. The Use of the VMT Calculator Is Not Appropriate for a Regional-Serving Specific Plan Project.**

The User Guide for the City’s VMT Calculator states in no uncertain terms that it is not designed to “[e]valuate VMT impacts of land use plans (e.g., . . . specific plans),” nor of “regional-serving retail projects, entertainment projects, or event centers.” (VMT Calculator User Guide, pp. 2-3, available at:

[https://ladot.lacity.gov/sites/default/files/documents/vmt\\_calculator\\_user\\_guide-2020.05.18.pdf](https://ladot.lacity.gov/sites/default/files/documents/vmt_calculator_user_guide-2020.05.18.pdf).) The Project falls under each of these categories.

The Response to Comments makes the unsupported claim that the Transportation Assessment Guidelines differentiates a “development project” from a “land use plan,” and that a specific plan is “not necessarily” a “land use plan.” These claims are not based in reasoned analysis. The Project is clearly a land use plan intended to comprehensively govern the Television City site. The Project’s first objective is to “[c]reate a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site’s land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that can respond to evolving market demands, support content creation, and maximize studio production capabilities.” (DEIR, p. II-10.) Contrary to the assertions in the Response to Comments, neither the Transportation Assessment Guidelines nor the VMT Calculator User Guide support the distinction between the Project and other types of specific plans that the FEIR claims makes the VMT Calculator applicable to the Project. (See FEIR, p. II-117 to II-119.) Accordingly, the VMT calculator should not have been relied on to determine the Project’s VMT impacts.

The Response to Comments relies on LADOT’s application of the VMT Calculator for other projects, but those projects are irrelevant. (FEIR, p. 11-119.) The EIR must make decisions about the analysis of the project before it.

The Response to Comments claims that the Project is not a regional-serving use because such uses typically involve discretionary trips made by individuals, and it claims the “vast majority of daily trips would be by employees to and from the Project site.” (FEIR, p. II-122.) The FEIR includes no support for its claim that regional-serving uses must exclude employee trips or that a project must demonstrate a majority of non-employee trips to be considered regional-serving. We have not found anywhere in the EIR that defines what sorts of trips are included in each of the categories proposed by the EIR’s analysis, e.g., sound stage, production support, production office, general office,

audience participation, etc. In the February 2024 Supplemental Transportation Assessment, the analysis claimed there would be 47,458 VMT (adjusted for mixed-use) resulting from home-based work attraction, i.e., what the FEIR purports is VMT relating to employee trips. There is an additional 40,422 VMT (adjusted for mixed-use) resulting from all other types of trips. Thus, at least 46% of VMT is non-employee related according to the FEIR's own calculations.

### **iii. The FEIR Fails to Support Trip Distribution Assumptions.**

The FEIR's response to our query regarding the support for the EIR's trip distribution is insufficient. As a preliminary matter, the FEIR claims this is a non-CEQA transportation impact following passage of SB 743, and accordingly it is not required to analyze and disclose it under CEQA. This is false. SB 743 "does not relieve a public agency of the requirement to analyze a project's potentially significant transportation impacts related to air quality, noise, safety, or any other impact associated with transportation." (Pub. Resources Code, § 21099, subd. (b)(3).) The distribution of trips is relevant to understand where secondary impacts related to transportation, such as air quality, noise, and traffic safety, will be most acutely felt. The EIR has an obligation under CEQA to analyze and disclose these impacts.

Moreover, the FEIR's explanation is insufficient. The FEIR lists a number of general factors that the EIR relied on in determining trip distribution, but did not identify any specifics of these factors. (FEIR, p. II-301.) Appendix A of the Transportation Assessment included what appears to be breakdowns of percentages by intersection, but it is unclear how these percentages relate to the overall distributions. (DEIR App. M, Figures 4A and 4B, PDF pages 212-16.)

### **iv. The FEIR Fails to Support its Assumptions Regarding Per Employee VMT.**

The FEIR claims that it makes an apples to apples comparison by comparing a reduced Work VMT output by number of employees. There is a large number of VMT that is not accounted for in the efficiency metric. According to Appendix C of the Erratum, there are 40,422 VMT, adjusted for mixed use, that will result from non-employee trips. (Erratum App. C, PDF p. 25.) This is a substantial amount of VMT and the EIR must clarify what types of trips fall under this category, so the public can understand whether these VMT were rightfully excluded from the per employee calculation.

**b. The FEIR Fails to Adequately Address Traffic Safety Impacts.**

As a preliminary matter, the Erratum fails to provide updated traffic safety analyses resulting from the modified Project, claiming that these are “non-CEQA” impacts. (Erratum App. C, p. 3.) Traffic safety impacts, even if resulting from a project’s potential to cause congestion and delay, must be studied under CEQA. (Pub. Resources Code § 21099, subd. (b)(3).) In failing to provide these updated analyses, the EIR does not adequately analyze the Project’s traffic safety impacts resulting from the modified project.

The Response to Comments seems to constrain the analysis of traffic hazards to “the design of access points.” (FEIR, p. II-298; DEIR App. M, pp. 124-27.) The language in the Transportation Assessment Guidelines is broader, recognizing that “[i]mpacts can be related to vehicle/vehicle, vehicle/bicycle, or vehicle/pedestrian conflicts as well as to operational delays caused by vehicles slowing and/or queuing to access a project site. These conflicts may be created by the driveway configuration or through the placement of project driveway(s) in areas of inadequate visibility, adjacent to bicycle or pedestrian facilities, or too close to busy or congested intersections. Evaluation of access impacts require details relative to project land use, size, design, location of access points, etc.” (Transportation Assessment Guidelines, p. 2-19.) Thus, under CEQA, the EIR’s analysis of traffic safety impacts must be a broad inquiry that includes the impacts of increased congestion and delay resulting from the Project.

Additionally, the Erratum states for the first time that the Project’s access points will be modified, with one fewer driveway and three fewer pedestrian access points on the southern shared access drive, one additional driveway on the Grove Drive, and two additional pedestrian access points on Fairfax Avenue. (Erratum, p. 4.) The Erratum does not analyze whether these modifications impact traffic safety concerns. Eliminating all pedestrian access on the southern shared access drive is dangerous and would force pedestrians seeking a safe ingress point along the shared access drive to traverse the length of the shared access drive. (See Erratum, Figure 12, p. 20.)

Moreover, the Erratum states that “Consistent with the Original Project, the Modified Project’s driveways would each be designed with adequate sight distance and visibility, and the design and control of each would be reviewed and approved by the applicable City departments including but not limited to the Los Angeles Department of Transportation and the LADCP. As such, the Modified Project would not present unusual or new obstacles that would be considered hazardous to vehicles, pedestrians, or bicycles.” (Erratum, pp. 70-71.) Not only is the Erratum’s bare assertion unsupported by any evidence, it also improperly defers analysis of Project impacts to a later date. Review of the design and control of the Project’s driveways by the LADOT and LADCP

cannot be deferred, it must be done at the time of environmental assessment in order to meaningfully assess Project impacts.

The Response to Comments fails to adequately address concerns about queuing. (FEIR p. II-165.) Once again, the FEIR claims these impacts are “non-CEQA” impacts, but increased queuing as a result of the Project may result in impacts relating to air quality, noise, and traffic safety, which are cognizable under CEQA. The FEIR notes that queue length will exceed turning lane storage length at certain intersections (see DEIR App. M, pp. 164-165), but merely claims that the TDM strategies will alleviate these conditions. (FEIR, p. II-170.) The FEIR does not explain how these strategies will alleviate queue lengths that exceed turning lane storage length and thus does not alleviate concerns about queuing.

Additionally, the Modified Project described in the Erratum eliminates an access point on the southern shared access drive and appears to mainly direct truck traffic to Fairfax Blvd. (Erratum, p. 17.) However, there are no modified studies to address the potential for impacts resulting from this change. The Truck Trip memorandum included in the FEIR assumes that trucks would be able to enter the Project on The Grove Drive, an access point that now provides only limited access to trucks. (FEIR App. 6, p. 1, Erratum p. 19.) The EIR must study the impacts that concentrating truck access on Fairfax Avenue, a five-lane designated Avenue II arterial street (Complete Streets Design Guide, p. 18, available at [https://planning.lacity.gov/odocument/c9596f05-0f3a-4ada-93aa-e70bbde68b0b/Complete\\_Street\\_Design\\_Guide.pdf](https://planning.lacity.gov/odocument/c9596f05-0f3a-4ada-93aa-e70bbde68b0b/Complete_Street_Design_Guide.pdf)), will have on traffic safety and other secondary impacts.

### **c. The FEIR Fails to Address Impacts from Cut-through Traffic.**

The FEIR improperly describes impacts from cut-through traffic as “non-CEQA” impacts, and thus claims that the NTMP is not deferred mitigation. (FEIR, pp. II-274, II-130.) As explained above, air quality, noise, safety, and other impacts resulting from a project’s impacts on traffic volume are still considered impacts under CEQA notwithstanding SB 743. (Pub. Resources Code § 21099, subd. (b)(3).) This includes impacts resulting from cut-through traffic. The EIR should have analyzed these impacts under CEQA and properly mitigated them. The EIR improperly defers mitigation of these impacts by developing an NTMP to supposedly address these impacts. The FEIR states that the NTMP cannot be formulated at the time of preparing the EIR because it requires engagement with the public. (FEIR, p. II-132.) But meaningful review and evaluation of mitigation measures is precisely the point of preparing an EIR in the first place. The EIR does not set forth any performance criteria for the NTMP, nor any methods for evaluating its effectiveness and enforcement. It also defers taking baseline ADT counts and sets an arbitrary standard for when to take ADT counts, simply stating

that “these counts will be collected after traffic conditions return to a more typical level prior to the occupancy of any portion of the Project.” (FEIR, p. II-131.)

Moreover, the NTMP may include physical measures such as traffic circles, speed humps, barriers, and others, which themselves could present traffic safety concerns. (FEIR, p. II-132.) These should have been addressed in the EIR.

The supplemental transportation assessment for the Erratum states “The Modified Project would not present unusual or new obstacles that would be considered hazardous to vehicles, pedestrians, or bicycles.” (Erratum App. C, p. 7.) That statement is unsupported, given that the analysis of the NTMP has been improperly deferred. Additionally, there is no follow up study of cut-through traffic given that the Modified Project will remove an access point on the southern shared drive and add one on The Grove Drive. (Erratum, p. 4.)

**d. The FEIR Fails to Address Fire Protection Impacts Relating to Traffic.**

The FEIR relies heavily on LAFD’s August 6, 2021 letter stating that inclusion of its recommendations, “along with any additional recommendations made during *later* reviews of the proposed project will reduce the impacts to an acceptable level.” (FEIR, p. II-306, *emph. added.*) CEQA requires that environmental review be conducted before project approval. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.) An agency may not rely on “later” review to satisfy CEQA. The EIR thus cannot base its conclusion that there is no significant impact on an assumption that later review will be conducted. (FEIR, p. II-306.)

The EIR states that the Project violates the requirements stated in Table 57.507.3.3 of the Los Angeles Municipal Code by being located outside of the required response distance from a fire station with an engine company. (FEIR, p. II-305.) The EIR should have disclosed this inconsistency with the Municipal Code as a significant impact, and required LAFD’s recommendations to be enforceable mitigation.

Moreover, the FEIR fails to address how traffic impacts would further contribute to the significance of this impact and LAFD response time.

**e. The FEIR Fails to Adequately Address Environmental Impacts Resulting from Parking.**

The Modified Project will reduce the already limited parking proposed for the site even further, by removing an additional 370 parking spaces, providing a total of 4,930 spaces. (Erratum, p. 4.) Despite this, the Erratum and Supplemental Transportation

Assessment fail to analyze any impacts resulting from this decrease in parking, merely stating that such impacts are not CEQA impacts. (Erratum App. C, p. 5.) However, secondary impacts related to transportation (such as parking) that may have an impact on the environment, even if not considered a CEQA impact in and of themselves, must be analyzed under CEQA. (*Covina Residents for Responsible Development v. City of Covina* (2018) 21 Cal.App.5th 712, 728.) Here, decreased parking for a site that will have almost 7,000 employees and an unspecified number of daily visitors will likely result in increased secondary transportation-related impacts by increasing the amount of congestion surrounding the Project Site. The EIR must be recirculated to address the impacts this substantial reduction in parking will have on secondary impacts.

The Erratum's deficiency compounds the EIR's failure to provide any analysis of parking supply. The FEIR states that the Project "could" include a reduced/shared parking plan, and further analysis of the parking supply would later be reviewed for adequacy by the Department of City Planning. (FEIR, p. II-297.) The EIR may not defer this analysis to a later time, as that would constitute post-hoc environmental analysis which CEQA forbids. (*Laurel Heights Improvement Assn.*, *supra*, 47 Cal.3d 376, 394.) The EIR must clarify the parking plan for the Project and adequately analyze it.

#### **4. The FEIR Fails to Adequately Analyze and Disclose Land Use Impacts.**

##### **a. The EIR Must Be Recirculated Due to the Project's Modification to the Requested General Plan Amendment.**

The Erratum released in April 2024 stated for the first time that the Project will no longer be seeking a General Plan Amendment to designate the site as Regional Commercial, and instead will seek a General Plan Amendment to designate the site as Community Commercial. Two of the parcels at the Project site are currently designated Neighborhood Commercial and will be redesignated under this new General Plan Amendment.

According to the General Plan Framework Element, Neighborhood Districts include "pedestrian-oriented retail focal points for surrounding residential neighborhoods (15,000 to 20,000 persons) containing a diversity of local-serving uses." (Framework Element, pp. 3, 3-20.) The purpose of this designation is to serve the daily needs of the surrounding neighborhood and encourage pedestrian activity, and the Framework Element includes goals, objectives, and policies to implement this. (Framework Element, p. 3-20 to 3-22.) Additionally, buildings under the Neighborhood Commercial designation have a "floor area ratio of 1.5:1 or less and are characterized by buildings of one- and two stories in height." (Framework Element, p. 3.)



The portion of the Project site that is designated as Neighborhood Commercial is the upper right section of the Project site, with frontage on Beverly Boulevard. This section is adjacent to an apartment complex on the corner of Beverly Boulevard and The Grove Drive east of the Project site, and close to the Pan Pacific Park. The section is also surrounded by residential uses to the north.

Though the Neighborhood Commercial designation limits buildings to one or two stories, the Modified Project will allow for buildings in Subarea C (where the portion of the Project Site currently designated as Neighborhood Commercial is located) to be as high as 145 feet, far exceeding that limit. (Erratum, p. 3.) Additionally, the Project's floor area ratio exceeds 1.5. (Erratum, p. 55.) This is especially concerning considering that the Project's definition of floor area, as defined in the draft Specific Plan, appears to improperly exclude project uses such as temporary basecamp structures from its definition (April 2024 Modified Draft Specific Plan, p. 7.) The EIR should have disclosed these conflicts with the General Plan as significant impacts.

The Project as modified will erase the Neighborhood designation on the site. The EIR should have been recirculated to address the impacts resulting from the General Plan Amendment removing this designation.

**b. The FEIR Fails to Disclose the Project's Inconsistencies With the Community Commercial Designation.**

Specific plans may not be adopted unless they are consistent with the general plan. (Gov. Code, § 65454.) Despite the fact that part of the Site is currently designated Community Commercial, it is unclear how the Project will be consistent with that designation. Objective 3.9 of the Framework Element requires Community Commercial uses to "[r]einforce existing and encourage new community centers, which accommodate a broad range of uses that serve the needs of adjacent residents, promote neighborhood and community activity, are compatible with adjacent neighborhoods, and are developed to be desirable places in which to live, work and visit, both in daytime and nighttime." (Framework Element, p. 3-23.) The Framework Element identifies two types of community centers under this designation:

1. A multi-use, non-residential center that encourages the development of professional offices, hotels, cultural and entertainment facilities, in addition to the neighborhood-oriented uses.
2. A mixed-use center that encourages the development of housing in concert with the multi-use commercial uses.

(Framework Element, p. 3-22.) It is unclear how the Project falls into either category. The Project is not a community-serving project open to the general public, but

rather a private project accessible only by on-site employees and visitors. To the extent the Project may include retail or other similar uses, those uses will be constrained to serve the on-site population of the Project. (See DEIR, p. II-15.) Thus, the Project is inconsistent with this designation and the EIR must disclose this inconsistency.

Additionally, the Project is inconsistent with a fundamental, mandatory, and specific policy of the Framework Element. (*Families Unafraid to Uphold Rural El Dorado County v. El Dorado County Bd. of Sup'rs* (1998) 62 Cal.App.4th 1332, 1341–1342.) Framework Element Policy 3.9.6 states projects within the Community Commercial designation must “[r]equire that commercial and mixed-use buildings located adjacent to residential zones be designed and limited in height and scale to provide a transition with these uses, where appropriate.” (Framework Element, p. 3.24.) Immediately to the east of the Project is the Broadcast Center Apartments. (DEIR, p. II-2.) The portion of the Project adjacent to the apartment complex is Subarea C, which under the Modified Project proposes a height limit of 88-ft base height and 145-ft maximum height limit in up to 40% of the Subarea. (Erratum, p. 3.) The Erratum does not explain how the Project provides a transition in use. While it claims that the modest reductions in height limits in Subarea C render the Project consistent, the minimum height still exceeds six stories (assuming one story is 14 feet). The Erratum claims without support that the Project’s setbacks ameliorate this conflict, but while setbacks may be a basis for mitigation of the impacts resulting from this land use conflict, Policy 3.9.6 requires that “buildings...be designed and limited in height and scale,” not that out-of-scale buildings are mitigated with setbacks. Thus, the Project conflicts with Policy 3.9.6.

**c. Concerns with the Modified Draft Specific Plan Must be Addressed.**

The Modified Draft Specific Plan has only been available for a short period of time, and the public has had limited time to review these documents. Below are a list of concerns with the Modified Draft Specific Plan for which we request clarity:

- The Project’s definition of floor area, as defined in the draft Specific Plan, appears to improperly exclude project uses such as temporary basecamp structures from its definition. (April 2024 Modified Draft Specific Plan, p. 7.)
- The Project Grade for the entire site is 201 feet above mean sea level (AMSL) which can artificially increase height. (April 2024 Modified Draft Specific Plan, p. 7.)
- The Draft Specific Plan excludes from the definition of “Project” a change in use within or between any building, structure, or improvement under certain circumstances. (April 2024 Modified Draft Specific Plan, p. 8.) Under CEQA, Project is more broadly defined, representing “the whole of an action.” (Cal. Code

Regs., tit. 14 (“CEQA Guidelines”) §15378.) Changes in use that meet CEQA’s definition of Project must undergo environmental review.

- We question why the Area Planning Commission does not have review authority over projects within this proposed Specific Plan. (April 2024 Modified Draft Specific Plan, p. 10.)

## **E. The EIR’s Alternatives Analysis Remains Inadequate.**

### **1. CEQA Requires Meaningful Consideration of Alternatives.**

Just as the EIR is the “heart of CEQA”, the alternatives analysis is the “core of the EIR.” (Guidelines, §15003(a); *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (Guidelines, §15002(a)(3).)

Here, the DEIR’s alternatives analysis failed to meet the City’s duty to meaningfully consider alternatives to the environmentally damaging proposed Project and the FEIR failed to rectify that inadequacy. (*Laurel Heights I, supra*, 47 Cal.3d at 400.) As the California Supreme Court has stated:

Under CEQA, the public agency bears the burden of affirmatively demonstrating that . . . the agency’s approval of the proposed project followed meaningful consideration of alternatives and mitigation measures.

(*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added; accord *Village Laguna of Laguna Beach v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035.)

### **2. Project’s With Significant Adverse Impacts Cannot Be Approved if There Are Feasible Alternatives.**

This meaningful consideration of alternatives and mitigation measures is of fundamental importance under CEQA, because projects with significant environmental impacts *may not* be approved “if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects . . .” (Pub. Resources Code, §21002.) More specifically, CEQA states:

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency

shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless .

...

(a). . . (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code, §21081.) It is settled law that:

CEQA contains *substantive* provisions with which agencies must comply. The most important ... is the provision requiring agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects.

(*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added.)

“Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” (Pub. Resources Code, §21061.1.) Reasonable alternatives are feasible and must “attain *most* of the basic objectives” of the Project. (Pub. Resources Code, §21061.1; Guidelines, §15126.6(a), emphasis added.) The definition *does not* require the agreement of the project applicant. “Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves *whenever* it is feasible to do so.” (*Lincoln Place Tenants Ass’n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508, emphasis added.)

Here, the EIR admits that that the Project would have significant construction air quality impacts, significant cumulative construction and operation air quality impacts, and significant construction noise and vibration impacts. Moreover, as detailed in this letter, Save Beverly Fairfax’s previous comments, and the detailed comments submitted by the many other community members, the Project would have numerous other significant adverse impacts that the EIR fails to disclose.

Thus, the Project cannot be approved as proposed if there are feasible alternatives would reduce the Project’s significant impacts. As set forth below, the EIR has improperly assessed the potential impacts of alternatives, narrowly interpreted project objectives, and improperly defined alternatives in an attempt to reject less impactful feasible alternatives.

### **3. The EIR Improperly Interprets the Broad Project Alternatives in an Overly Narrow Manner to Prevent Meaningful Consideration of Reasonable Alternatives.**

The EIR is also required to identify project objectives that are a “clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.” (Guidelines, §15124.) The City must exercise its independent judgment on project objectives, and must not uncritically accept the applicant’s objectives. (Pub. Resources Code, §21082.1, subd. (c)(1); *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 602-603; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1460.)

In addition, use of unduly narrow project objectives violates CEQA (*In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4th 1143, 1166 [“a lead agency may not give a project’s purpose an artificially narrow definition”].) Narrowly defining objectives and using that to dismiss consideration of potential alternatives prejudicially prevents informed decision making and public participation. (*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668, 671.)

CEQA does not allow for objectives to be interpreted in an artificially narrow manner that eliminates all but the proposed project and would improperly “ensure[] that the results of [the EIR’s] alternatives analysis would be a foregone conclusion.” (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692.)

The use of overly narrow project objectives to stifle consideration of project alternatives has been rejected by the Court of Appeal:

If the principal project objective is simply pursuing the proposed project, then no alternative other than the proposed project would do. All competing reasonable alternatives would simply be defined out of consideration.

(*We Advocate Through Environmental Review, supra*, 78 Cal.App.5th 683, 692.)

#### **4. The EIR Improperly Rejected Less Impactful Alternatives.**

##### **a. The EIR Improperly Rejects the Environmentally Superior Alternative.**

CEQA requires an EIR to identify the environmentally superior alternative, and if the environmentally superior alternative is the No Project alternative, then the EIR must also identify an environmentally superior alternative among the other alternatives. (Guidelines, §15126.6, subd. (e)(2).)

Here, the EIR identifies Alternative 5 as the “environmentally superior alternative. (DEIR p. V-158.) This alternative was found to reduce Project-level and cumulative regional construction air quality impacts to a less than significant level. (*Ibid.*) Additionally, the EIR identifies that Alternative 5 would meet all of the project objectives, although not as “effectively” or to the same extent as the Project. This comparison is problematic due to the EIR’s utter failure to provide a finite Project definition. As discussed above, and in many comments on the DEIR, the EIR lacks adequate information regarding the Project to provide a proper assessment of the Project’s impacts. It also lacks adequate information to provide a comparative analysis of the Project’s ability to meet objectives with the ability of the alternatives.

Further, to the extent the EIR claims Alternative 5 does not meet the objectives to the same extent as the Project, that is not a valid basis to reject a less impactful alternative. It is well settled that “[i]f there are feasible alternatives ... that would accomplish most of the objectives of a project and substantially lessen the significant environmental effects of a project subject to CEQA, the project may not be approved without incorporating those measures.” (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1370, fn 19, citation to Pub. Resources Code, §§21000(g), 21002, Guidelines, §15091.) Alternative 5 clearly meets the underlying objective of the Project and is less impacts, thus the City cannot approve the Project as proposed.

##### **b. The EIR Improperly Rejects Alternative 2.**

Alternative 2 is development of the Project site under the existing zoning for the site. The existing commercial zoning allows for construction of sound stages, production support and production office space. In an attempt to improperly define this alternative in manner that fails to meet the project objectives, the EIR defines Alternative 2 development to include a 15 story office building instead of production and studio uses. There is no reason given or evidentiary support for such an assumption. The EIR cannot define an alternative to fail in this manner. Consideration of alternatives must reflect reality. (*Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092, 1109.)

Additionally, the EIR fails to support a claim that Alternative 2 would have the same construction impacts as the Project. This alternative would significantly reduce the construction timeframe. Thus, while during construction there would be similar impacts to the Project, the amount of construction is substantially reduced, thus substantially reducing the impacts.

Alternative 2 is therefore environmentally superior to the Project. Further, it is a feasible alternative that meets the underlying purpose of the Project and, even under the improper definition the EIR gives to proceeding under existing zoning, the EIR acknowledges this alternative would meet the majority of the project objectives. When it is properly considered with studio and production uses, it would even more fully meet those objectives. The EIR lacks substantial evidence to the contrary and as such, the City cannot approve the proposed Project. Moreover, the lack of adequate description of the Project further prevents a rejection of this alternative. The EIR cannot claim a comparison to an undisclosed development is a legitimate basis for rejecting a less impactful alternative.

### **c. The EIR Improperly Rejects Alternative 3.**

Alternative 3 is a slightly reduced version of the Project. It includes an approximately 20 percent reduction in development. Like Alternative 2, while Alternative 3 would have similar impacts to the Project during construction, the amount of construction is reduced, thus the significant construction air quality and noise impacts would be for a shorter duration, substantially reducing the impacts. This makes Alternative 3 another environmentally superior alternative.

Further, Alternative 3 would also meet the underlying purpose of the Project, and would meet the project objectives, although to a slightly lesser extent than the Project as it was proposed in the DEIR. The disingenuity of the EIR's claims that all development proposed for the Project is required to meet the project objectives is belied by the fact that subsequent to the circulation of the DEIR and FEIR, the proposed Project was revised to reduce development by 100,000 square feet, demonstrating a reduced project is feasible. The EIR lacks evidentiary support to claim the small additional reduction provided in Alternative 3 would be infeasible.

The feasible alternatives identified in the preceding sections would substantially lessen and/or eliminate significant adverse impacts resulting from the Project. Thus, under CEQA's substantive mandate, the City cannot approve the Project as proposed.

## **F. The Project Site Does Not Include a Legal Helipad.**

The City requires approval of a project permit to allow use of a helipad on the Project site as a helipad. (LAMC §57.105.7.1.7.) No such approval has been issued by the City, thus use of the helipad on the site is currently illegal.

The EIR misleads the public by claiming the helipad on the Project site was approved by ZA Case No. 11412 in 1950. There is nothing in this approval document that allows for or even mentions use of a helipad on the Project site. (See FEIR App. 15, attachment 1.) As the consultant's report acknowledges, helicopters were not in use by civilians at the time of the 1950 approval, and thus there was no condition included in that project approval addressing the helipad. (FEIR App. 15, 2017 consultant memo.) The EIR essentially assumes that all uses are allowed under this 1950 approval if not explicitly prohibited. There is no merit to this assumption; it would clearly lead to absurd results. The 1950 approval could not approve a use not yet contemplated for the site.

There have been no City approvals of the helipad since that time either. While the City's consultants claim the helipad was shown on subsequent plans that were approved by the City, the most recent set of plans approved for the Project site are from 1989 and do not show a helipad. The applicant's failure to include the helipad in the 1989 approval demonstrates there is no approval of that use for the site, making use of the helipad illegal.

The EIR cannot now assume a continuing illegal use of the site and use that as a basis to avoid environmental review. The record lacks any evidence to demonstrate any current level of use of the helipad beyond an unsupported claim that it is used approximately five times per year.

The EIR also fails to assess the expansion of use of the helipad. The EIR simply claims the helipad will continue to be used approximately five times per year, despite the significant expansion of uses and intensification of development on the Project site. There is no mitigation measure or condition of approval limiting the use of the helipad. Under the Project as proposed, it could be used for daily commutes to the Project site. The impacts of the expansion of uses must be assessed and conditions must be imposed.

Further, the Erratum discloses that the helipad will now be moved 140 feet further north, moving the use closer to the existing residential neighborhood to the north of the Project site. The impacts of this Project revision were not analyzed. As set forth in Save Beverly Fairfax's April 17, 2024 letter, the City must circulate a revised EIR that addresses this and other changes to the Project, as well as newly disclosed information such as the Sign District.



## **Conclusion**

Thank you for your consideration of this matter. We look forward to the City's recirculation of the TVC 2050 EIR in accordance with CEQA.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Minter", is positioned above the printed name.

Amy Minter



**Main Office Phone:**  
310-798-2400  
**Direct Dial:**  
310-798-2409

**Carstens, Black & Minter LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy Minter**  
Email Address:  
[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

June 5, 2024

**STATEMENT OF REASONS FOR APPEAL**

TVC 2050 Project

Case Nos. Vesting Tentative Tract Map 83387

CPC-2021-4089-AD-GPA-ZC-HD-SP-SN and

ENV-2021-4091-EIR

7716-7860 West Beverly Boulevard, Los Angeles 90036

On behalf of Save Beverly Fairfax we provide this summary of our reasons for appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 for the TVC 2050 Project. We also appeal the Advisory Agency's certification of the environmental impact report and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project.

Save Beverly Fairfax is a volunteer organization of neighborhood owners, residents and preservation advocates in the Beverly Fairfax Historic District ("Historic District") advocating for the protection of the architectural and cultural history of this historic neighborhood. Save Beverly Fairfax led the successful effort to list this historic neighborhood, on the National Register of Historic Places as a National Register Historic District. The Historic District, roughly bordered by Beverly Boulevard to the south, Melrose Avenue to the north, Fairfax Avenue to the west and Gardner Street to the east, is deeply rooted in Jewish American history and boasts a collection of largely intact Period Revival homes. The Project's location at 7716-7860 West Beverly Boulevard is adjacent to and directly south of the Historic District. Save Beverly Fairfax is deeply concerned with the design and development of this Project that could adversely impact this important historic neighborhood.

The TVC 2050 Project is intended to establish the TVC 2050 Specific Plan to modernize and expand production facilities within the 25-acre Television City site, located at 7716-7860 Beverly Boulevard. In addition to the Vesting Tentative Tract Map for the merger and re-subdivision of four lots on the site into three lots and a haul route for the export of up to 772,000 cubic yards of soil approved by the Advisory Agency, the Project includes additional approvals that will be considered by the Planning Commission and City Council along with this appeal. The additional Project approvals include:

- annexation of the 0.63-acre portion of the Project site located within unincorporated Los Angeles County into the City;

- a General Plan Amendment to amend the General Plan land use designations to Community Commercial across the entire site;
- inclusion of the TVC 2050 Specific Plan Zone (TVC Zone) as a corresponding zone to the Community Commercial designation;
- a Vesting Zone Change and Height District Change from C1.5-2D-O and C2-1-O to the TVC Zone;
- approval of the TVC 2050 Specific Plan; and
- and establishment of a “SN” Sign District to allow an expanded amount of signage on the Project site.

While Save Beverly Fairfax supports modernizing the Television City production facilities, this must be done through the proper process, with full disclosure, public participation and a project that mitigates impacts to the surrounding community. Many of the objections we have regarding this Project stem from the lack of required transparency in the administrative processes, with a project that has been a moving target that does not disclose the full costs of this development on the surrounding community. Save Beverly Fairfax detailed its objections to the Project and legal violations that would result from Project approval in the attached comment letters. (**Attachment 1**, August 25, 2022 DEIR Comments; **Attachment 2**, April 17, 2024 Erratum Comments; **Attachment 3**, May 14, 2024 FEIR Comments.) These detailed comments, which are summarized below, establish the reasoning for this appeal. Save Beverly Fairfax also relies upon in this appeal and incorporates by reference the detailed comment letters submitted by Beverly Wilshire Homeowners Association, The Grove LLC, Mayer Beverly Park LP and A.F. Gilmore.

### **Unstable Project Description**

The EIR could not properly analyze the Project’s impacts because the Specific Plan was not available until more than a year after the Draft EIR that claimed to analyze it was completed and the Sign District Ordinance was not provided until nearly six months after the Final EIR had been circulated. Further, what has been disclosed regarding this Project shows that it is far oversized for the site and for the surrounding residential community.

The Project continues to lack a clear delineation the actual uses for the site. Project uses are interchangeable throughout the site to the point that it is unclear what exactly the proponent plans to build. Thus, the result is still essentially a 20-year blank check for 1.46 million square feet of new development, up to 225 feet tall, in one of the City’s densest corridors. The type and timing of development proposed is not disclosed. Although the stated purpose of the Project is to provide for modernization of studio production facilities, the Project allows for general office and retail uses unrelated to

studio production facilities. More than 1/3 of the development on the Project site could be for non-production facility uses and the amount of sound stage and production support that is included in the mix of uses will be dependent on industry demand. The Project provides for a land use exchange program that makes it impossible to know what uses will ultimately be included in the site. A broad and ill-defined range of potential development choices and an EIR based on a “hypothetical development mix” provides only a “blurred view of the project” that is inadequate under CEQA. (*Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 12-13.)

The EIR also fails to provide adequate information regarding project design, architecture, height, and features such as rooftop decks. There is also inadequate detail regarding parking and haul route to assess Project’s traffic safety impacts.

### **Sign District Ordinance**

The Draft Sign District Ordinance and Conceptual Sign Plans, were released for the first time on or about April 30, 2024, ***nearly two years after the DEIR and six months after the FEIR was released.*** Thus, despite having significant impacts on the environment, these newly released documents were improperly excluded from CEQA analysis. These approvals would allow for signage on the Project site not currently allowed, and would allow much of that signage to be approved ministerially in the future without further environmental review. The impacts of the specific Sign District and Conceptual Sign Plan was required to be analyzed as part of the whole of the project.

### **Inadequate and Unenforceable Mitigation**

The Project improperly relies upon project design features (PDFs) to mitigate project impacts without analyzing their efficacy. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) A “mitigation measure cannot be used as a device to avoid disclosing project impacts.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 663-664.)

Additionally, the mitigations that are contained in the Mitigation Monitoring and Reporting Program are not fully enforceable as required by CEQA. (Pub. Resources Code, § 21081.6, subd. (b).) If City staff later finds that the Project proponent has not fully complied with mitigation measures, they are allowed to modify or delete those measures.

### **Inadequate Analysis of Air Quality and Health Risks**

As detailed in Save Beverly Fairfax's comments on the Final EIR, as well as in comments from the South Coast Air Quality Management District, the EIR's air quality analysis is inadequate. The Draft EIR failed to include an analysis of the health risks caused by the Project's air emissions, an omission discussed by the California Supreme Court in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 519-522.) While the Final EIR did include a hasty quantitative health risk assessment, Save Beverly Fairfax identified the lack of and inconsistent discussions included within that assessment, which fails to ensure protections for nearby sensitive receptors such as homes.

### **Analysis of Dewatering Impacts is Improperly Deferred**

Based on an unsubstantiated claim that dewatering impacts from the Project's excavation down to 37 feet below the historic level of the water table, the EIR claims dewatering impacts on are only temporary. CEQA requires an analysis of temporary impacts. The EIR improperly defers this analysis, and mitigation of associated impacts, until post-approval in violation of CEQA's requirements.

### **Analysis of Traffic Impacts is Inadequate**

The EIR's analysis regarding VMT assumptions, traffic safety, cut-through traffic, fire protection, and parking for the Project is inadequate and unsupported. Much of this lack of adequate analysis is due to the EIR's reliance on an inadequate and unstable project description.

The EIR's VMT analysis relies upon unsupported assumptions regarding trip lengths, failing to fully disclose Project impacts. These unsupported assumptions violation CEQA's requirement that "Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project." (CEQA Guidelines, § 15064.3, subd. (b)(4).) The EIR also fails to support its assumptions regarding per employee VMTs.

Moreover, the Project is of a regional-serving nature, so the stated trip lengths are not accurate as they improperly rely upon the City's VMT Calculator, the guide for which states in no uncertain terms that it is not designed to "[e]valuate VMT impacts of land use plans (e.g., . . . specific plans)," nor of "regional-serving retail projects, entertainment projects, or event centers." The Project falls under each of these categories.

The EIR fails to support the trip distribution assumptions it relies upon, which fails to provide adequate analysis of secondary impacts related to transportation, such as air

quality, noise, and traffic safety. The EIR has an obligation under CEQA to analyze and disclose these impacts. Of great concern is that the EIR fails to address traffic safety impacts associated with the Project in an area where there is heavy pedestrian activity. With the moving target design of the Project, the entrances and exits have changed, without updated analysis of associated traffic safety impacts.

The EIR also wholly fails to assess cut-through traffic impacts. Cut-through traffic could have significant traffic safety, air quality and noise impacts. The EIR improperly defers the analysis and mitigation of these impacts to a post-approval process.

The EIR further defers analysis and mitigation of fire protection impacts relating to traffic to a post-approval review by the LAFD. CEQA requires that environmental review be conducted before project approval. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.) An agency may not rely on “later” review to satisfy CEQA. This is particularly significant violation give the Project violates the requirements of the Los Angeles Municipal Code by being located outside of the required response distance from a fire station with an engine company.

### **Land Use Impacts Are Not Adequately Disclosed or Analyzed**

After both the Draft and Final EIRs had been circulated, the Project was revised to include a General Plan Amendment for Community Commercial land use designation instead of the previously proposed Regional Commercial designation. This revision must be, but was not analyzed in the EIR. Due to this lack of analysis, the EIR fails to disclose the Project’s inconsistencies with the Community Commercial land use designation. The Project is not a community-serving project open to the general public, but rather a private project accessible only by on-site employees and visitors, which is inconsistent with the Community Commercial designation. It also fails to limit height and scale to transition to adjacent residential zones.

Save Beverly Fairfax also detailed significant concerns with the modified draft Specific Plan that have not been addressed, including, but not limited to; the exclusion of temporary basecamp structures from the definition of project floor area; fails to consider grade height in address height; excludes changes in use from the definition of project in a manner that is inconsistent with CEQA’s requirements; defines future project approvals as ministerial, and thus avoiding CEQA review, for uses and projects not analyzed in the current EIR; and the elimination of the ability for the Area Planning Commission to review certain projects and approvals under the Specific Plan.

### **The EIR's Alternatives Analysis Is Inadequate**

The EIR fails to include meaningful consideration of alternatives, despite this alternatives analysis being the “core of the EIR.” (CEQA Guidelines, §15003(a); *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.) Preparation of an adequate EIR with analysis of a reasonable range of alternatives is crucial to CEQA’s substantive mandate to “prevent significant avoidable damage to the environment” when alternatives or mitigation measures are feasible. (CEQA Guidelines, §15002(a)(3).)

The inadequate and unstable project description disclosure has also infected the alternatives analysis, limiting transparency in the availability and feasibility of project alternatives due to lack of clarity regarding what exactly this project is. Additionally, the project objectives included in the EIR are interpreted in an artificially narrow manner that eliminates all but the proposed project and would improperly “ensure[] that the results of [the EIR’s] alternatives analysis would be a foregone conclusion.” (*We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692.) This is a violation of CEQA.

The meaningful consideration of alternatives and mitigation measures is of fundamental importance under CEQA, because projects with significant environmental impacts *may not* be approved “if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects . . .” (Pub. Resources Code, §21002.) Here, the EIR admits that the Project would have significant construction air quality impacts, significant cumulative construction and operation air quality impacts, and significant construction noise and vibration impacts. Moreover, as detailed in this letter, Save Beverly Fairfax’s previous comments, and the detailed comments submitted by the many other community members, the Project would have numerous other significant adverse impacts that the EIR fails to disclose.

Thus, the Project cannot be approved as proposed if there are feasible alternatives would reduce the Project’s significant impacts. Instead of providing the robust and transparent alternative analysis required by CEQA, the EIR has improperly assessed the potential impacts of alternatives, narrowly interpreted project objectives, and improperly defined alternatives in an attempt to reject less impactful feasible alternatives.

A reduced density of development alternative is feasible—the project proponents have made no showing that the massive increase in development proposed is required. As the significant impacts are all tied to the amount of construction and development, a reduced density alternative is environmentally superior.

This includes the reduced density Alternatives 2 and 3, which are less impactful than the project. The EIR's analysis of these alternative's potential impacts is unsupported. The EIR claims impacts would be the same as the Project, but with significantly reduced construction timelines, the many Project-construction related impacts would clearly be reduced. The EIR also includes unsupported assumptions regarding what type of uses would be constructed under these reduced density alternatives as a basis for claiming the alternatives would not fully meet project objectives, but provides no evidentiary support for such assumptions. Alternatives 2 and 3 are feasible and attempts to reject these alternatives are legally indefensible.

The EIR also improperly rejects Alternative 5, the designated environmentally superior alternative. Alternative 5 would meet all of the project objectives, although not as "effectively" or to the same extent as the Project, but this comparison is problematic due to the EIR's failure to provide a finite Project definition. It also lacks adequate information to provide a comparative analysis of the Project's ability to meet objectives with the ability of the alternatives. Moreover, less impactful alternatives need not meet all project objectives; "[i]f there are feasible alternatives ... that would accomplish most of the objectives of a project and substantially lessen the significant environmental effects of a project subject to CEQA, the project may not be approved without incorporating those measures." (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1370, fn 19, citation to Pub. Resources Code, §§21000(g), 21002, Guidelines, §15091.)

### **Recirculation of the EIR was Required**

As set forth in Save Beverly Fairfax's April 17, 2024 comments, due to the many Project modifications and release of Project documentation such as the revised Specific Plan and Sign Ordinance *after* the Final EIR was circulated, the EIR should have been recirculated to analyze additional and changed impacts and significant new information. (CEQA Guidelines, §15088.5.) Instead, the City has attempted to rely on a form of review not allowed for under—an "Erratum." A revised EIR must instead be recirculated for public comments and the City must respond to the comments as required by CEQA.

### **The Project Site Does Not Include a Legal Helipad**

The EIR and the City's approvals for the Project incorrectly and without evidentiary support assume there is a legally operating helipad on the Project. The site has never received the required permit to allow helipad use on the Project site. (LAMC §57.105.7.1.7.) The EIR cannot now assume a continuing illegal use of the site and use that as a basis to avoid environmental review. The EIR must analyze this as a new use, and must also, but fails to, assess the increased use in the helipad with the increased



development and use of the Project site under the Specific Plan. Further, after the Final EIR was completed, the Erratum disclosed the helipad is being moved 140 feet closer to the existing residential neighborhood to the north of the Project site. The impacts of this Project revision were not analyzed.

### **Required Findings for Approval of Vesting Tentative Tract Map Cannot be Made**

The City also cannot make the required findings to approve the VTT 83387. Government Code §§ 66473.5 and 66474(a) require that tract maps be consistent with all applicable general plans and specific plans. As set forth above, and in previous comments submitted by Save Beverly Fairfax, the Project is not consistent with General Plan uses for Community Commercial development. The project is inconsistent with the General Plan Framework due to lack of adequate emergency service.

The Project is also inconsistent with the General Plan Mobility 2035 Plan. Further, the Project is inconsistent with the Wilshire Community Plan and mitigation required under that plan.

The site, located adjacent to an historic residential neighborhood, schools, religious institutions and other sensitive uses, is also not suited for the massive amount of development proposed for this Project.

### **Conclusion**

For all of the reasons set forth herein and incorporated by reference, we urge the City to grant Save Beverly Fairfax's appeal of the Advisory Agency approvals for this Project. SCRA also reserves the right to supplement this appeal justification prior to the Planning Commission's consideration of this appeal.

**Attachment 1:** August 25, 2022 DEIR Comments

**Attachment 2:** April 17, 2024 Erratum Comments

**Attachment 3:** May 14, 2024 FEIR Comments



**Main Office Phone:**  
310-798-2400  
**Direct Dial:**  
310-798-2409

**Carstens, Black & Minter LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Amy Minter**  
Email Address:  
[acm@cbcearthlaw.com](mailto:acm@cbcearthlaw.com)

September 9, 2024

*Via Email ([paul.caporaso@lacity.org](mailto:paul.caporaso@lacity.org); [cpc@lacity.org](mailto:cpc@lacity.org))*

City Planning Commission  
City of Los Angeles  
c/o Paul Caporaso  
221 N. Figueroa Street, Suite 1350  
Los Angeles, CA 90012

Re: Supplemental Comments in Support of Appeal on TVC 2050 Project; ENV-2021-4091-EIR; CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; 7716-7860 West Beverly Boulevard, Los Angeles 90036

Honorable Commissioners:

We submit these supplemental comments on behalf of Save Beverly Fairfax in support of our appeal of the Advisory Agency's approval of Vesting Tentative Tract No. 83387 and certification of the environmental impact report ("EIR") and adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA") for the TVC 2050 Project.

The City Should Deny Approval Until a Stable and Complete Project Description is Provided.

As detailed in previous comments submitted by Save Beverly Fairfax and other appellants, the project description for the TVC 2050 Project remains unstable and incomplete, in violation of CEQA's clear requirements. The lack of adequate detail regarding what the actual project would be is particularly concerning given that the draft Specific Plan would make the majority of future approvals at the Project site ministerial, and thus subsequent environmental review or future mitigations could not be required. The Specific Plan overrides otherwise applicable zoning requirements for discretionary review, such as Site Plan Review under Los Angeles Municipal Code section 16.05. The applicant is asking the City to approve an undisclosed type, arrangement and amount of development with very limited if any ability to review the specific development further prior to construction. The City should reject this request.

The lack of stable information regarding the apportionment of development types and arrangement of development on the Project site prevents an analysis of the Project's impacts, as discussed in detail in previous comments. Additionally, the EIR has identified the need for security fencing and other barriers to enclose the Project's working production studio facilities. Currently, those barriers are at the boundaries of the Project site. The Specific Plan would allow for significant amounts of General Office and Retail use not related to studio facilities. The EIR fails to address whether the Project would need to include internal security barriers on the Project

site to separate the studio uses from the non-studio uses. These barriers could have adverse historic and aesthetic impacts on the Television City Historic Cultural Monument that have not yet been addressed. However, under the proposed Specific Plan, such development would likely be included with only ministerial review, providing no opportunity to address such impacts.

The Statement of Overriding Considerations Fails to Comply With CEQA's Requirements.

The EIR for the TVC Project admits that the Project would have significant and unavoidable construction air quality impacts, significant cumulative construction and operation air quality impacts, and significant construction noise and vibration impacts. Moreover, as detailed in previous comments, and the detailed comments submitted by many other community members, the Project would have numerous other significant adverse impacts that the EIR fails to disclose. CEQA prohibits approval of a project with significant and unavoidable impacts if there are feasible less impactful alternatives. (Pub. Resources Code § 21081, subd. (a)(3).) In order to approve a project with significant and unavoidable impacts such as this, the City must be able to make findings that less impactful alternatives are not feasible and findings that the Project would have benefits that override the Project's significant adverse impacts. The City cannot make either required finding and thus approval of the Project is improper under CEQA.

As set forth in Save Beverly Fairfax's previous comments, the EIR improperly rejected less impactful alternatives based on reliance on the Project applicant's overly narrow project objectives and an inadequate assessment of alternatives. (See *Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092, 1109; *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 692 [it is improper to rely on overly narrow project objectives to "ensure[] that the results of [the EIR's] alternatives analysis would be a foregone conclusion."].) Thus, the City lacks the necessary substantial evidence to reject these alternatives and approve the Project with its significant impacts. (CEQA Guidelines, §15091, subd. (a)(3).)

CEQA Guidelines section 15093, subdivision (b) requires that when a lead agency approves a project that would result in significant, unavoidable impacts, "the agency shall state in writing the specific reasons to support its action" in a statement of overriding considerations. These project benefits are in addition to the required finding of no feasible alternatives to substantially lessen a project's significant adverse impacts, and CEQA also requires substantial evidence in the record support the claimed benefits to justify proceeding with a project despite its adverse impacts. (Public Resources Code, §21081; CEQA Guidelines §15093, subds. (b), (c).) "[A]n unsupported claim that the project will confer general benefits" is insufficient to override a project's significant impacts. (*Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 717.) "[A] statement of overriding considerations, like an EIR, must make a good-faith effort to inform the public;" the "statement's purposes are undermined if its conclusions are based on misrepresentations...or it misleads the reader about the relative magnitude of the impacts and benefits..." (*Id.* at 718.)

The statement of overriding considerations relies on several claimed economic benefits of the Project as a basis for overriding significant impacts. (LOD pp. 105-107.) However, the record fails to provide any financial analysis to support such claimed benefits. Without substantial

evidence to support such claims, the City cannot rely on alleged economic benefits to allow for the imposition of 20 years of significant adverse construction impacts on the community surrounding the TVC Project site. The statement of overriding considerations also claims these serious impacts should be overridden because the Project supports the Wilshire Community Plan and Mobility Plan 2035. As addressed in Save Beverly Fairfax's comments on the draft and final EIR, the Project is inconsistent with both plans, thus this claimed benefit is unsupported.

### Conclusion

For the reasons set forth herein, and in the numerous comments identifying the lack of adequate disclosure, analysis and mitigation for the TVC Project, we urge you to uphold our appeal and require revised and recirculated environmental review. This is necessary to provide adequate information to decisionmakers such as yourselves and to for informed public review.

Sincerely,



Amy Minter



# LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300

[www.planning.lacity.org](http://www.planning.lacity.org)

## LETTER OF DETERMINATION

**MAILING DATE: OCTOBER 3, 2024**

**Case No.: VTT-83387-1A**

Council District: 5 – Yaroslavsky

CEQA: ENV-2021-4091-EIR (SCH. No. 2021070014)

Plan Area: Wilshire

Related Cases: CPC-2021-4089-AD-GPA-ZC-HD-SP-SN;

CPC-2021-4090-DA

**Project Site:** 7716 – 7860 Beverly Boulevard

**Applicant:** Television City Studios, LLC  
Representative: Francis Park, Park & Velayos, LLP

**Appellants:**

1. The Grove, LLC  
Representative: Maria P. Hoye, Latham & Watkins LLP
2. Peter Hayden, A.F. Gilmore  
Representative: Allan Abshez, Loeb & Loeb LLP
3. Patti Shwayder, Mayer Beverly Park Limited Partnership  
Representative: Jack Rubens, Sheppard Mullin Richter & Hampton LLP
4. Save Beverly Fairfax  
Representative: Amy C. Minter, Carstens, Black & Minter, LLP
5. Beverly Wilshire Homes Association  
Representative: Michelle N. Black, Carstens, Black & Minter, LLP
6. Fix the City  
Representative: Laura Lake, Fix the City
7. Danielle Peters, Neighbors for Responsible TVC Development
8. Greg Goldin, Miracle Mile Residents Association
9. Park La Brea Impacted Residents Group

At its meeting of **September 12, 2024**, the Los Angeles City Planning Commission took the actions below in conjunction with the following project:

The merger and re-subdivision of a four lots into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil.

1. **Found**, pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code (PRC), that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2021-4091-EIR (SCH No. 2021070014), which includes the Draft EIR dated July 14, 2022, the Final EIR dated November 21, 2023, and

Erratum dated April 5, 2024 (TVC 2050 Project EIR), as well as the whole administrative record; and

**CERTIFIED** the following:

- a. The TVC 2050 Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The TVC 2050 Project EIR was presented to the City Planning Commission as a decision-making body of the lead agency; and
- c. The TVC 2050 Project EIR reflects the independent judgement and analysis of the lead agency.

**ADOPTED** the following:

- a. The related and prepared TVC 2050 Project EIR Environmental Findings;
  - b. The Statement of Overriding Considerations; and
  - c. The Mitigation Monitoring Program prepared for the TVC 2050 Project EIR.
2. **Denied** the appeals and **sustained** the decision of the Advisory Agency dated May 28, 2024;
  3. **Approved**, pursuant to Sections 17.03 and 17.15 of the Los Angeles Municipal Code, Vesting Tentative Tract No. VTT-83387 for the merger and re-subdivision of four lots into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil;
  4. **Adopted** the attached Conditions of Approval; and
  5. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Zamora  
 Second: Newhouse  
 Ayes: Cabildo, Choe, Diaz, Klein, Saitman  
 Absent: Mack, Lawshe

**Vote:** 7 - 0



Cecilia Lamas, Commission Executive Assistant II  
 Los Angeles City Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

**Effective Date/Appeals:** The decision of the Los Angeles City Planning Commission is appealable to the Los Angeles City Council within 10 days after the mailing date of this determination letter. Any appeal not filed within the 10-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Development Service Centers located at: 201 North Figueroa Street, Fourth Floor, Los Angeles, CA 90012 or 6262 Van Nuys Boulevard, Suite 251, Van Nuys, CA 91401

**FINAL APPEAL DATE: OCTOBER 15, 2024**

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151(c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) **is not further appealable** and the decision is final.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final

pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Conditions of Approval, Findings, Appeal Filing Procedure

cc: Milena Zasadzien, Principal City Planner  
Mindy Nguyen, Senior City Planner  
Paul Caporaso, City Planner

## CONDITIONS OF APPROVAL

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

**NOTE** on clearing conditions: When two or more agencies must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

### BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

*(Additional BOE Improvement Conditions are listed in "Standard Condition" section)*

1. That, the final map shall not be recorded until the annexation to the City of Los Angeles is completed, and all lots within this map is located within City of Los Angeles.
2. That, in the event the applicant does not complete the annexation, a revised tentative map shall be submitted to the Advisory Agency for review and approval.
3. That, along The Grove Drive adjoining the tract, a 3-foot-wide strip of land be dedicated to complete a 33-foot-wide half right-of-way in accordance with Collector Street Standard; including a 20-foot radius property line return be dedicated at the intersection of Beverly Boulevard and Fairfax Avenue; or if the TVC 2050 Specific Plan (TVCSP) is approved, dedication and improvements pursuant to the Specific Plan.
4. That a 5-foot-wide sidewalk easement be dedicated along Fairfax Avenue adjoining the subdivision to complete a 15-foot-wide sidewalk in accordance with Avenue II Standards of the Mobility Plan 2035; or if the TVCSP is approved, dedication and improvements pursuant to the Specific Plan. The easements shall be shown on the final map, unless superseded by the TVCSP.
5. That, at the intersection of Beverly Boulevard and Fairfax Avenue, a 20-foot radius property line return be dedicated; or if the TVC 2050 Specific Plan (TVCSP) is approved, dedication and improvements pursuant to the Specific Plan.
6. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.
7. That all the proposed tract map boundary lines be properly established in accordance with Section 17.07 D of the Los Angeles Municipal Code prior to the recordation of the final map satisfactory to the City Engineer.
8. That a revised map be submitted satisfactory to the City Planning Department the City Engineer prior to the submittal of the final map delineating all right-of-way dimensions, approved dedications or easement adjoining the subdivision. This map will be used for final map checking purposes.

### DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

9. Prior to issuance of any grading and/or building permit, a comprehensive geotechnical report shall be submitted to the Department of Building and Safety, Grading Division for review



and approval, per the Soils Report Approval Letter correspondence dated August 4, 2021 (Log # 117112-01).

**DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION**

10. A clearance letter will be issued stating that no Building or Zoning Code violations exist relating to the subdivision on the subject site once the following items have been satisfied.
  - a. Provide lot cut date for the existing Parcels. Any lot cut after July 29, 1962 is required to obtain a Certificate of Compliance from City Planning prior to obtaining the Zoning clearance. Show compliance with the above requirement or obtain City Planning approval to waive the requirement for the Certificate of Compliance.
  - b. Provide copy of building records, plot plan, and certificate of occupancy of all existing structures (to remain) to verify the last legal use and the number of parking spaces required and provided on each site.
  - c. Obtain permits for the demolition or removal of existing structures on the site. Accessory structures and uses are not permitted to remain on lots without a main structure or use. Provide copies of the demolition permits and signed inspection cards to show completion of the demolition work.
  - d. No structures (solar structures) and parking spaces shall be located across the proposed property lines.
  - e. Obtain building alteration permits for the removal of a portion of existing structures on site. Provide copies of permits and final inspection cards to show completion of the works.
  - f. Comply with the floor area requirements for the C zone. Revise the map to show all existing buildings to remain and all new buildings with issued permits.
  - g. Comply with the parking requirements per zoning codes. Revise the map to show all the required and provided parking spaces within its own lot.
  - h. The submitted Map dimensions for the existing Parcel B do not agree with ZIMAS. Revise the Map to address the discrepancy or obtain approval from Department of City Planning.
  - i. Provide exact lot area for each proposed Lot. Revise the Map.
  - j. Obtain Zone Change to change the zone to the proposed TVC Zone and show compliance with zoning conditions prior to obtaining Zoning clearance.
  - k. Provide building plans to show compliance with current Los Angeles City Building Code concerning exterior wall/opening protection and exit requirements with respect to the new property lines. All noncompliance issues shall be corrected, required permits shall be obtained, and the final work inspected prior to a clearance letter being issued.
  - l. Provide a copy of affidavits AFF-65016, AFF-63676, AFF-15018, AF-92-48740-MB, PKG-LAYOUT-128-A, AFF-10265, AF-94-473023-MB, AF-00-1998796, AF-00-1998794, AF-00-1998792, AF-00-0682373, AF-00-0682372, AF-00-0682371 and AF-

- 00-0682370. Show compliance with all the conditions/requirements of the above affidavits as applicable. Termination of above affidavits may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
- m. Provide a copy of ZA cases ZA-1989-11412, ZA-1986-338-CUB, ZA-16888, ZA-15900, ZA-15709, ZA-15547, ZA-15509, BZA-1999-2694, BZA-1990-4334-CUZ and BZA-1990-4268-CUB. Show compliance with all the conditions/requirements of the ZA cases as applicable.
  - n. Provide a copy of CPC cases CPC-2021-4090-DA, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-1989-617-HD, CPC-1989-616-ZC, CPC-1986-823-GPC and CPC-1958-9061. Show compliance with all the conditions/requirements of the CPC cases as applicable.
  - o. Show all street dedications as required by Bureau of Engineering and provide net lot area after all dedications. "Area" requirements shall be re-checked as per net lot area after street dedications. No structures shall be projected into the public right of way.

Notes:

This property is located in a Methane Zone.

This property is located in Fire District No. 1.

This property is located in a Liquefaction Area.

This property is located in Historical Preservation Review Area.

If the proposed development does not comply with the current Zoning Code, all zoning violations shall be indicated on the Map.

The existing or proposed building plans have not been checked for and shall comply with Building and Zoning Code requirements. With the exception of revised health or safety standards, the subdivider shall have a vested right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect at the time the subdivision application was deemed complete. Plan check will be required before any construction, occupancy or change of use.

An appointment is required for the issuance of a clearance letter from the Department of Building and Safety. The applicant is asked to contact Helen Nguyen at (213) 482-0427 or [helen.nguyen@lacity.org](mailto:helen.nguyen@lacity.org) to schedule an appointment.

## DEPARTMENT OF TRANSPORTATION

- 11. A minimum of 20-foot reservoir space be provided between any security gate(s) and the property line when driveway is serving less than 100 parking spaces. Reservoir space will increase to 40-feet and 60-feet when driveway is serving more than 100 and 300 parking spaces respectively or as shall be determined to the satisfaction of the Department of Transportation (LADOT).
- 12. Parking stalls shall be designed so that a vehicle is not required to back into or out of any public street or sidewalk (not applicable when driveways serve not more than two dwelling units and where the driveway access is to a street other than a major or secondary highway),

## LAMC 12.21 A.

13. With the Bureau of Engineering's concurrence, the sidewalk on the west side of The Grove Drive (south of the new project driveway) be narrowed by two feet in order to widen The Grove Drive as illustrated on the Revised VTT Map No. 83387 stamped by City Planning on May 17, 2024. The new sidewalk will be 11 feet wide.
14. Project shall comply with requirements of the Department of Transportation's attached assessment report (DOT CASE No. CEN21-51171) dated, November 16, 2021, to the attention of Milena Zasadzien, Senior City Planner, Department of City Planning.
15. A parking area and driveway plan be submitted to the Citywide Planning Coordination Section of the Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 201 N. Figueroa Street Room 550. For an appointment, contact LADOT's One Stop email at: [ladot.onestop@lacity.org](mailto:ladot.onestop@lacity.org)
16. That a fee in the amount of \$205 be paid for the Department of Transportation as required per Ordinance No. 180542 and LAMC Section 19.15 prior to recordation of the final map. Note: the applicant may be required to comply with any other applicable fees per this new ordinance

**FIRE DEPARTMENT**

17. Access for Fire Department apparatus and personnel to and into all structures shall be required.
18. Address identification: New and existing buildings shall have approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
19. One or more Knox Boxes will be required to be installed for LAFD access to project. Location and number to be determined by LAFD Field Inspector. (Refer to FPB Req # 75)
20. The entrance or exit of all ground dwelling units shall not be more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
21. No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.
22. Fire Lane Requirements:
  - a. Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.
  - b. The width of private roadways for general access use and fire lanes shall not be less than 20 feet, and the fire lane must be clear to the sky.
  - c. Fire lanes, where required and dead ending streets shall terminate in a cul-de-sac or other approved turning area. No dead ending street or fire lane shall be greater than 700 feet in length or secondary access shall be required.
  - d. Submit plot plans indicating access road and turning area for Fire Department

approval.

- e. All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.
  - f. Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.
  - g. Electric Gates approved by the Fire Department shall be tested by the Fire Department prior to Building and Safety granting a Certificate of Occupancy.
  - h. All public street and fire lane cul-de-sacs shall have the curbs painted red and/or be posted "No Parking at Any Time" prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy for any structures adjacent to the cul-de-sac.
  - i. No framing shall be allowed until the roadway is installed to the satisfaction of the Fire Department.
- 23. Construction of public or private roadway in the proposed development shall not exceed 10 percent in grade.
  - 24. Site plans shall include all overhead utility lines adjacent to the site.
  - 25. Where access for a given development requires accommodation of Fire Department apparatus, overhead clearance shall not be less than 14 feet.
  - 26. The Fire Department may require additional vehicular access where buildings exceed 28 feet in height.
  - 27. On small lot subdivisions, any lots used for access purposes shall be recorded on the final map as a "Fire Lane".
  - 28. Private development shall conform to the standard street dimensions shown on Department of Public Works Standard Plan S-470-0.
  - 29. Standard cut-corners will be used on all turns.
  - 30. Where above ground floors are used for residential purposes, the access requirement shall be interpreted as being the horizontal travel distance from the street, driveway, alley, or designated fire lane to the main entrance of individual units.
  - 31. The following recommendations of the Fire Department relative to fire safety shall be incorporated into the building plans, which includes the submittal of a plot plan for approval by the Fire Department either prior to the recordation of a final map or the approval of a building permit. The plot plan shall include the following minimum design features: fire lanes, where required, shall be a minimum of 20 feet in width; all structures must be within 300 feet of an approved fire hydrant, and entrances to any dwelling unit or guest room shall not be more than 150 feet in distance in horizontal travel from the edge of the roadway of an improved street or approved fire lane.
  - 32. 5101.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at

the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

33. That in order to provide assurance that the proposed common fire lane and fire protection facilities, for the project, not maintained by the City, are properly and adequately maintained, the sub-divider shall record with the County Recorder, prior to the recordation of the final map, a covenant and agreement (Planning Department General Form CP-6770) to assure the following:
  - a. The establishment of a property owners association, which shall cause a yearly inspection to be, made by a registered civil engineer of all common fire lanes and fire protection facilities. The association will undertake any necessary maintenance and corrective measures. Each future property owner shall automatically become a member of the association or organization required above and is automatically subject to a proportionate share of the cost.
  - b. The future owners of affected lots with common fire lanes and fire protection facilities shall be informed of their responsibility for the maintenance of the devices on their lots. The future owner and all successors will be presented with a copy of the maintenance program for their lot. Any amendment or modification that would defeat the obligation of said association as the Advisory Agency must approve required hereinabove in writing after consultation with the Fire Department.
  - c. In the event that the property owner's association fails to maintain the common property and easements as required by the CC and R's, the individual property owners shall be responsible for their proportional share of the maintenance.
  - d. Prior to any building permits being issued, the applicant shall improve, to the satisfaction of the Fire Department, all common fire lanes and install all private fire hydrants to be required.
  - e. That the Common Fire Lanes and Fire Protection facilities be shown on the Final Map.
34. The plot plans shall be approved by the Fire Department showing fire hydrants and access for each phase of the project prior to the recording of the final map for that phase. Each phase shall comply independently with code requirements.
35. Any roof elevation changes in excess of 3 feet may require the installation of ships ladders.
36. Provide Fire Department pathway front to rear with access to each roof deck via gate or pony wall less than 36 inches.
37. Building designs for multi-storied residential buildings shall incorporate at least one access stairwell off the main lobby of the building; But, in no case greater than 150ft horizontal travel distance from the edge of the public street, Private Street or Fire Lane. This stairwell shall extend onto the roof.
38. Entrance to the main lobby shall be located off the address side of the building.
39. Any required Fire Annunciator panel or Fire Control Room shall be located within 20ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.
40. Where rescue window access is required, provide conditions and improvements necessary to meet accessibility standards as determined by the Los Angeles Fire Department.

41. Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.
42. Any required fire hydrants to be installed shall be fully operational and accepted by the Fire Department prior to any building construction.

Note: The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting please call **(213) 482-6509**. You should advise any consultant representing you of this requirement as well.

#### **DEPARTMENT OF WATER AND POWER**

43. Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power (LADWP) for compliance with LADWP's Water System Rules and requirements. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering.

#### **BUREAU OF STREET LIGHTING**

Note: See Condition S-3(c) for Street Lighting Improvement conditions.

#### **BUREAU OF STREET SERVICES**

Note: Please see Department of City Planning Condition No. 49 for the approved haul route.

#### **BUREAU OF SANITATION**

44. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements. Upon compliance with its conditions and requirements, the Bureau of Sanitation, Wastewater Collection Systems Division will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1. (d).)

Note: This Approval is for the Tract Map only and represents the office of LA Sanitation/CWCDs. The applicant may be required to obtain other necessary Clearances/Permits from LA Sanitation and appropriate District office of Bureau of Engineering.

If you have any questions, please contact Rafael Yanez at (323) 342-1563.

#### **INFORMATION TECHNOLOGY AGENCY**

45. To assure that cable television facilities will be installed in the same manner as other required improvements, please email [ita.cabletvclearance@lacity.org](mailto:ita.cabletvclearance@lacity.org) which provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of three people in case the applicant/owner has any additional questions.

## URBAN FORESTRY DIVISION

46. Project shall preserve all healthy mature street trees whenever possible. All feasible alternatives in project design should be considered and implemented to retain healthy mature street trees. A permit is required for the removal of any street tree and shall be replaced 2:1 as approved by the Board of Public Works and Urban Forestry Division.
47. When street dedications are required and to the extent possible, the project shall provide larger planting areas for existing street trees to allow for growth and planting of larger stature street trees. This includes and is not limited to parkway installation and/or enlargement of tree wells and parkways.
48. Plant street trees at all feasible planting locations within dedicated streets as directed and required by Bureau of Street Services, Urban Forestry Division. All tree plantings shall be installed to current tree planting standards when the City has previously been paid for tree plantings. The sub divider or contractor shall notify the Urban Forestry Division at: (213) 847-3077 upon completion of construction for tree planting direction and instructions.

Note: Removal or planting of any tree in the public right-of-way requires approval of the Board of Public Works. All projects must have environmental (CEQA) documents that appropriately address any removal and replacement of street trees. Contact Urban Forestry Division at: (213) 847-3077 for permit information.

## DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

49. Prior to the issuance of a building permit or the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:
  - a. Limit the proposed development to three ground lots;
  - b. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit; and
  - c. That the subdivider considers the use of natural gas and/or solar energy and consults with the LADWP and Southern California Gas Company regarding feasible energy conservation measures.
50. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2021-4089-AD-GPA-ZC-HD-SP-SN shall be submitted to the satisfaction of the Advisory Agency. In the event CPC-2021-4089-AD-GPA-ZC-HD-SP-SN is not approved, the subdivider shall submit a tract modification.
51. Haul Route Conditions and Staging: All trucks must be staged on jobsite. No staging of trucks on city streets at any time. Flag control is required at the Project Site during hauling operations.

Note: No interference to traffic, access to driveways must be maintained at all times.

- a. The approved haul routes are as follows:

## Route:

- i. Loaded (1): From the Project Site, departing trucks would exit from Beverly Boulevard (at the Genesee Avenue signal) heading west and then turn left (south) on Fairfax Avenue, turn left (east) on Washington Boulevard, turn right to enter eastbound I-10, and continue on I-10 E to export site outside of City limits.
  - ii. Loaded (2): From the Project Site, departing trucks would exit from Beverly Boulevard (at the Genesee Avenue signal) heading west and then turn left (south) on Fairfax Avenue, turn left (east) on San Vicente Boulevard, turn right (south) on La Brea Avenue, turn right to enter eastbound I-10, and continue on I-10 E to the export site outside of City limits.
  - iii. Loaded (3): From the Project Site, departing trucks would exit on Fairfax Avenue heading north, turn right (east) on Beverly Boulevard (or exit the Project Site via a right turn on Beverly Boulevard at the Genesee Avenue signal heading east), turn right (south) on La Brea Avenue, turn right to enter eastbound I-10, and continue on I-10 E to the export site outside of City limits.
  - iv. Unloaded (1): From the export site outside of City Limits, incoming trucks would travel westbound on I-10, exit at Washington Boulevard/Fairfax Avenue, turn right (north) on Fairfax Avenue, and turn right (east) to enter the Project Site from Fairfax Avenue (or continue north and make a right (east) on Beverly Boulevard and then access the Project Site from Beverly Boulevard at the Genesee Avenue signal).
  - v. Unloaded (2): From the export site outside of City Limits, incoming trucks would travel westbound on I-10, exit at La Brea Avenue, turn right (north) on La Brea Avenue, turn left (west) on San Vicente Boulevard, turn right (north) on Fairfax Avenue and enter the Project Site from Fairfax Avenue (or continue north and make a right turn on to Beverly Boulevard to access the Project Site from Beverly Boulevard at the Genesee Avenue signal).
  - vi. Unloaded (3): From the export site outside of City Limits, incoming trucks would travel westbound on I-10, exit at La Brea Avenue, turn right (north) on La Brea Avenue, turn left (west) on Beverly Boulevard, and enter the site from Beverly Boulevard at the Genesee Avenue signal.
- b. The hauling operations are restricted to Monday thru Friday: 9:00 AM to 3:30 PM, Saturdays: 8:00 AM to 4:00 PM. No hauling on Sundays or Holidays. (Hauling between 7:00 AM to 9:00 AM and 3:30 PM to 4:00 PM requires additional approvals from the Bureau of Engineering District Engineer per LAMC 62.61.)
  - c. The vehicles used for hauling shall be Bottom Dump trucks.
  - d. All trucks are to be cleaned of loose earth at the export site to prevent spilling. The contractor shall remove any material spilled onto the public street.
  - e. All trucks are to be watered at the export site to prevent excessive blowing of dirt.
  - f. The applicant shall comply with the State of California, Department of Transportation policy regarding movement of reducible loads.
  - g. Total amount of dirt to be hauled shall not exceed 772,000 cubic yards.



- h. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
  - i. Flagpersons shall be required at the job site to assist the trucks in and out of the Project area. Flagpersons and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
  - j. The permittee shall comply with all regulations set forth by the State of California, Department of Motor Vehicles pertaining to the hauling of earth.
  - k. The City of Los Angeles, Department of Transportation, telephone (213) 485-2298, shall be notified at least four business days prior to beginning operations in order to have temporary "No Parking" signs posted along streets in the haul route.
  - l. A copy of the approval letter from the City, the approved haul route and the approved grading plans shall be available on the job site at all times.
  - m. Any change to the prescribed routes, staging and/or hours of operation must be approved by the concerned governmental agencies. Contact the Street Services Investigation and Enforcement Division at (213) 847-6000 prior to effecting any change.
  - n. The permittee shall notify the Street Services Investigation and Enforcement Division at (213) 847-6000 at least 72 hours prior to the beginning of hauling operations and shall notify the Division immediately upon completion of hauling operations.
  - o. The application shall expire eighteen months after the date of the Board of Building and Safety Commission and/or the Department of City Planning approval. The permit fee shall be paid to the Street Services Investigation and Enforcement Division prior to the commencement of hauling operations.
52. Indemnification and Reimbursement of Litigation Costs. Applicant shall do all of the following:
- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
  - b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
  - c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in

paragraph (b).

- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.
- f. The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.
- g. The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

#### **DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.**

- 53. Implementation. The Mitigation Monitoring Program (MMP), that is part of the case file and attached as Exhibit B, shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Mitigation Measure (MM) and shall be obligated to provide certification, as identified below, to the appropriate monitoring and enforcement agencies that each MM has been implemented. The Applicant shall maintain records demonstrating compliance with each MM. Such records shall be made available to the City upon request.
- 54. Construction Monitor. During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning, who shall

be responsible for monitoring implementation of MMs during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the MM during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to immediately report to the Enforcement Agency any non-compliance with the MMs within two business days if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.

55. Substantial Conformance and Modification. After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the MMs contained in the MMP. The enforcing departments or agencies may determine substantial conformance with MMs in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a MM may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modifications to or deletion of the MMs. Any addendum or subsequent CEQA clearance shall explain why the MM is no longer needed, not feasible, or the other basis for modifying or deleting the MM, and that the modification will not result in a new significant impact consistent with the requirements of CEQA. Under this process, the modification or deletion of a MM shall not, in and of itself, require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the MM results in a substantial change to the Project or the non-environmental conditions of approval.

## **BUREAU OF ENGINEERING - STANDARD CONDITIONS**

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.

That City Council under Council File No.14-0499-S3 passed a motion instructing that private development off-site conditions be coordinated with the Active Transportation Program Cycle 3 (ATP3). In the event that the dedications and improvements outlined herein are different from the ATP3 requirements then provide the dedications and improvements as required by the ATP3. (This condition shall be cleared by Central District engineering B-Permit Section.)

- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any 1-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.

S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:

- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.
- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.

- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed to BOE:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Install street lighting facilities to serve the tract as required by the Bureau of Street Lighting as required below:

No street lighting improvements if no street widening per BOE improvement conditions. Otherwise, relocate and upgrade streetlights: six (6) on Fairfax Ave, nine (9) on Beverly Blvd and five (5) on The Grove Dr.

Notes: The quantity of streetlights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.
- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed. In the event that the City Council adopts the TVCSP, the improvements shall be constructed or be suitably guaranteed in accordance with the TVCSP or construction shall be in accordance with Mobility Plan 2035 Street standards:
  - a. Improve Beverly Boulevard adjoining the subdivision by the construction of a variable 12-foot to 15-foot wide concrete sidewalk with tree wells, and the repair and/or replacement of any damaged/cracked or off-grade concrete curb, gutter, sidewalk, and roadway pavement including any necessary removal and reconstruction of existing improvements. Reconstruct all the existing curb

ramps at the intersection of Fairfax Ave and Beverly Blvd following the BOE standard per Special Order 04-0222 including any necessary removal and reconstruction of existing improvements.

- a. Improve Fairfax Avenue being dedicated and adjoining the subdivision by the construction of a 15-foot-wide concrete sidewalk with tree wells, and the repair and/or replacement of any damaged/cracked or off-grade concrete curb, gutter, sidewalk, and roadway pavement, including any necessary removal and reconstruction of existing improvements. Reconstruct all the existing curb ramps at the intersection of Fairfax Ave and Beverly Blvd following the BOE standard per Special Order 04-0222 including any necessary removal and reconstruction of existing improvements.
- b. Improve The Grove Drive being dedicated and adjoining the subdivision by the construction of the following:
  - i. A concrete curb, a concrete gutter, and 11-foot-wide concrete sidewalk with tree wells.
  - ii. Suitable surfacing to join the existing pavement to complete a 32-foot-wide half roadway, as necessary for up to a two-foot-wide street widening for the installation of a new left-turn lane improvement, in accordance with recommendations from LADOT.
  - iii. Any necessary removal and reconstruction of existing improvements.
  - iv. The necessary transitions to join the existing improvements.

Notes:

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05 N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

## FINDINGS

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

#### I. Introduction

The Environmental Impact Report (EIR), consisting of the Draft EIR, the Final EIR, and the Erratum, prepared for the TVC 2050 Project (Project) is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and environmental impacts of the Project, which is located at 7716–7860 West Beverly Boulevard in Los Angeles, California (Site or Project Site). The Project would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and the modernization and expansion of media production facilities within the approximately 25-acre Television City studio site. The proposed Specific Plan would permit a maximum of 1,724,000 square feet of floor area of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout, as well as associated circulation improvements, parking, landscaping, and open space.

The City of Los Angeles (City), as Lead Agency, has evaluated the environmental impacts of implementation of the Project by preparing an EIR (Case Number ENV-2021-4091-EIR/State Clearinghouse No. 2021070014). The EIR was prepared in compliance with the California Environmental Quality Act of 1970 (CEQA), Public Resources Code (PRC) Section 21000 et seq. and the California Code of Regulations Title 15, Chapter 6 (CEQA Guidelines). The findings discussed in this document are made relative to the conclusions of the EIR.

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” PRC Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See PRC Section 21081[a]; CEQA Guidelines Section 15091[a].) For each significant environmental impact identified in an EIR for a proposed project, the approving agency must issue a written finding, based on substantial evidence in light of the whole record, reaching one or more of the three possible findings, as follows:

1. 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained

workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the EIR for the Project as fully set forth therein. Although CEQA Guidelines Section 15091 does not require findings to address environmental impacts that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the Final EIR for the purpose of better understanding the full environmental scope of the Project. For each environmental issue analyzed in the EIR, the following information is provided:

- **Description of Significant Effects**—A description of the environmental effects identified in the EIR.
- **Project Design Features**—A list of the Project Design Features (PDFs) or actions that are included as part of the Project.
- **Mitigation Measures**—A list of the mitigation measures that are required as part of the Project to reduce identified significant impacts.
- **Finding**—One or more of the three possible findings set forth above for each of the significant impacts.
- **Rationale for Finding**—A summary of the rationale for the finding(s).
- **Reference**—A reference of the specific section of the EIR which includes the evidence and discussion of the identified impact.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings based on substantial evidence, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b])

## **II. Environmental Review Process**

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents:

**Initial Study.** The Project was reviewed by the City of Los Angeles Department of City Planning (Lead Agency) in accordance with the requirements of CEQA (PRC Section 21000 et seq.). The City prepared an Initial Study in accordance with Section 15063(a) of the CEQA Guidelines.

**Notice of Preparation.** Pursuant to the provisions of Section 15082 of the CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on July 2, 2021, and ending on August 2, 2021. The NOP also provided notice of a Public Scoping Meeting held on July 20, 2021. The purpose of the NOP and Public Scoping Meeting was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. Written comment letters responding to the NOP and the Scoping Meeting were submitted to the City by various public agencies,



interested organizations, and individuals. The NOP, Initial Study, and NOP comment letters are included in Appendix A of the Draft EIR.

**Draft EIR.** The Draft EIR was published on July 14, 2022, in accordance with CEQA Guidelines Section 15087. The Draft EIR evaluated in detail the potential environmental effects of the Project. It also analyzed the effects of a reasonable range of alternatives to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2021070014), incorporated herein by reference in full, was prepared pursuant to CEQA and State, Agency, and City CEQA Guidelines (City of Los Angeles California Environmental Quality Act Guidelines). While CEQA requires a 45-day public comment period, the Draft EIR was circulated for a 60-day public comment period beginning on July 14, 2022, and ending on September 13, 2022. A Notice of Completion and Availability (NOC/A) was distributed on July 14, 2022, to all property owners and occupants within 500 feet of the Project Site and interested parties, which informed them of where they could view the document and how to comment. The Draft EIR was available to the public at the City of Los Angeles, Department of City Planning, and the following local libraries: Los Angeles Central Library, Fairfax Branch Library, and Hollywood Regional Library. A copy of the document was also posted online at <https://planning.lacity.org>. Notices were filed with the County Clerk on July 14, 2022.

**Notice of Completion.** A Notice of Completion was sent with the Draft EIR to the Governor’s Office of Planning and Research State Clearinghouse for distribution to State Agencies on July 14, 2022, and notice was provided in newspapers of general and/or regional circulation.

**Final EIR.** The City released a Final EIR for the Project on November 21, 2023, which is hereby incorporated by reference in full. The Final EIR constitutes the second part of the EIR for the Project and is intended to be a companion to the Draft EIR. The Final EIR also incorporates the Draft EIR by reference. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II, Responses to Comments, of the Final EIR. On November 21, 2023, responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the EIR pursuant to CEQA Guidelines Section 15088(b). Notices regarding availability of the Final EIR were also sent to property owners and occupants within a 500-foot radius of the Project Site, as well as anyone who commented on the Draft EIR, and interested parties.

**Erratum.** An Erratum was completed on April 5, 2024, to evaluate the impacts of the modifications made by the Project Applicant and reductions to the Project in response to community input. The Erratum states that this information does not represent significant new information that would affect the analysis or conclusions presented in the Final EIR. The Erratum was made available on the City’s website.

**Public Hearing.** A noticed public hearing for the Project was held by the Deputy Advisory Agency and Hearing Officer on behalf of the City Planning Commission on May 15, 2024.

### III. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Project includes (but is not limited to) the following documents and other materials that constitute the administrative record upon which the City approved the Project. The following information is incorporated by reference and made part of the record supporting these Findings of Fact:

- All Project plans and application materials including supportive technical reports;

- The Draft EIR and Appendices, Final EIR and Appendices, Erratum and Appendices, and all documents relied upon or incorporated therein by reference;
- The Mitigation Monitoring Program (MMP) prepared for the Project;
- The City of Los Angeles General Plan and related EIR;
- The Southern California Association of Governments' (SCAG) 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and related EIR (SCH No. 2019011061);
- The Municipal Code of the City of Los Angeles, including but not limited to the Zoning Ordinance and Subdivision Ordinance;
- All records of decision, resolutions, staff reports, memoranda, maps, exhibits, letters, minutes of meetings, summaries, and other documents approved, reviewed, relied upon, or prepared by any City commissions, boards, officials, consultants, or staff relating to the Project;
- Any documents expressly cited in these Findings of Fact, in addition to those cited above; and
- Any and all other materials required for the record of proceedings by PRC Section 21167.6(e).

Pursuant to PRC Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the documents and other materials that constitute the Record of Proceedings upon which the City has based its decision are located in and may be obtained from the Department of City Planning, as the custodian of such documents and other materials that constitute the Record of Proceedings, located at the City of Los Angeles, Figueroa Plaza, 221 North Figueroa Street, Suite 1350, Los Angeles, CA 90012.

In addition, copies of the Draft EIR, Final EIR, and Erratum are available on the Department of City Planning's website at <https://planning.lacity.org/development-services/eir> (to locate the documents, search for either the environmental case number or project title in the Search Box).

The Draft and Final EIR are also available at the following three Library Branches:

- Los Angeles Central Library—630 West Fifth Street, Los Angeles, CA 90071
- Fairfax Branch Library—161 South Gardner Street, Los Angeles, CA 90036
- Hollywood Regional Library—1623 Ivar Avenue, Los Angeles, CA 90028

#### **IV. Project Description**

##### **Project Overview**

The Original Project, as analyzed in the Draft EIR and Final EIR, would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and the modernization and expansion of media production facilities within the approximately 25-acre Television City studio (Project Site). The proposed Specific Plan would permit a total of up to a maximum of 1,874,000 square feet of sound stage, production support, production office, general office, and retail uses within the Project Site upon buildout, as well as associated circulation improvements, parking, landscaping, and open space. More specifically, the Specific Plan would

permit up to 1,626,180 square feet of new development, the retention of up to 247,820 square feet of existing uses, and the demolition of up to 495,860 square feet of existing media production facilities. The Specific Plan would establish standards to regulate land use, massing, design, and development. The designated Historic-Cultural Monument (HCM No. 1167; CHC-2018-476-HCM) located on-site would be retained and rehabilitated as part of the Project. In addition, a Sign District would be established to permit studio-specific on-site signage.

The Specific Plan would provide development flexibility by allowing for limited exchanges between certain categories of permitted land uses and associated floor areas in order to respond to the future needs and demands of the entertainment industry. Specifically, additional sound stage uses and/or production support uses may be developed in exchange for a reduction in floor area of another permitted land use category, so long as the limitations of the Specific Plan are met, including that the total sitewide floor area may not exceed 1,874,000 square feet and the sitewide floor area ratio (FAR) may not exceed 1.75:1. Buildout under the Specific Plan could take place in one phase with completion as early as 2026 or could occur in phases to extend the full buildout year to approximately 2043. Each section of the Draft EIR includes a discussion of impacts associated with the long-term buildout. A later buildout date would not affect the impacts or significance conclusions presented below unless otherwise noted.

Following release of the Final EIR, in March 2023, the Applicant proposed modifications to the Original Project (Modified Project), which was presented and analyzed in an Erratum to the Final EIR, dated April 2024. The Modified Project would retain all of the Original Project elements while reducing the total developable floor area by approximately 150,000 square feet. Under the Modified Project, the proposed Specific Plan would allow up to a maximum of 1,724,000 square feet of floor area within the Project Site, representing a reduction of 150,000 square feet of floor area associated with the general office use when compared with the Original Project. The existing floor area to be demolished would be reduced by 16,557 square feet to 479,303 square feet, with a corresponding increase of 16,557 square feet of existing floor area to remain (resulting in a total of 264,377 square feet of existing floor area to remain). Proposed new construction would also be reduced by 16,557 square feet to 1,459,623 square feet. In addition, the Modified Project would include a reduction of 111,440 square feet of sound stages and a corresponding increase of 111,440 square feet of production support floor area. The provisions of the land use exchange program would continue to be consistent with those in the Final EIR, except that the maximum floor area for general office uses would be limited to 550,000 square feet, reduced from the 700,000 square feet identified in the Original Project.

Accordingly, as detailed in the Erratum, at full buildout, the Specific Plan would permit a total of up to a maximum of 1,724,000 square feet of floor area within the Project Site. This total includes new floor area and existing to remain. Specifically, the Specific Plan would allow for the construction of up to 1,459,623 square feet of new sound stage, production support, production office, general office, and retail uses; the demolition of up to 479,303 square feet of existing uses; and the retention of up to 264,377 square feet of existing uses. The specific mix of uses ultimately constructed will depend upon market demands, and the Specific Plan would allow flexibility in locating the studio uses within the Project Site. The Specific Plan would also allow for the exchange of certain permitted land uses through a land use exchange procedure discussed further below. Development would be governed by the requirements of the proposed Specific Plan which includes the Initial Development Plans as well as primary physical parameters of the Project set forth in the Project Description. As the Modified Project includes less development than the Original Project, the conclusions from the Draft and Final EIR presented below also apply to the Modified Project because all impacts would be equal to or less than the Original Project.

### **Maximum Impact Scenarios**

Section II, Project Description, of the Draft EIR also describes the proposed Land Use Exchange Program included in the Specific Plan. Under the Original Project, sound stage and production support floor area may be increased up to a maximum of 450,000 square feet each in exchange for an equivalent decrease in the floor area of other studio land uses, provided that the total floor area does not exceed 1,874,000 square feet. In response to comments on the Draft EIR, the Land Use Exchange Program was revised to limit production support floor area to a maximum of 450,000 square feet (there was no maximum limit in the Draft EIR). As modified in the Erratum, the provisions of the Land Use Exchange Program for the Modified Project would continue to be consistent with those in the Final EIR, except that the maximum floor area for general office uses would be limited to 550,000 square feet, reduced from 700,000 square feet in the Original Project (refer to the Draft TVC 2050 Specific Plan for Modified Project that was made publicly available on the Department of City Planning's website on April 5, 2024), and, as noted above, the Project's maximum square footage has been reduced to 1,724,000 square feet of floor area.

The impact analyses in the EIR analyzed the proposed development program as well as the most impactful development scenario that could result with a permitted land use exchange (referred to as the maximum impact scenario). The development scenarios that were evaluated for each impact analysis are presented by topic in Appendix FEIR-3 of the Final EIR.

### **Findings**

These findings are made with respect to the Modified Project as proposed by the Project Applicant in March 2024, after the Final EIR was published. The Project generally reduces the overall size of the Original Project, as evaluated in the Draft and Final EIR, including the heights of certain new buildings. The Modified Project does not, however, change the nature of studio-related uses of the Project. Based on that reduction in size, among other reasons, the Erratum concluded that the impacts of the Modified Project would be less than or equal to the impacts of the Original Project as evaluated in the Draft and Final EIR. Therefore, the conclusions in the Draft and Final EIR concerning the impacts of the Original Project apply to the impacts of the Modified Project, and the findings made herein apply to the Modified Project based on the impact analyses in the Draft and Final EIR as well as the Erratum.

Since the impacts of the Modified Project are the same or less than impacts of the Original Project, these Findings shall use the term "Project" when discussing the determinations and conclusions concerning environmental impacts made in the Draft and Final EIR, which are also applicable to the Modified Project. For the same reasons, the language of the Project Design Features and Mitigation Measures listed in these Findings use the term "Project," but to be clear those features and measures apply to the project as modified. Further, these Findings use the term "Project" when discussing the comparative impacts and benefits relative to the impacts and benefits of the alternatives of the Original Project. Finally, the Statement of Overriding Considerations provided at the end of these Findings use the term "Project" when discussing the benefits of the project as modified. Therefore, the use of the term "Project" in the Findings applies to the Modified Project. The term "Modified Project" is hereinafter used in these Findings only when (i) the nature of the modifications to the project are described, (ii) the impacts of the project as modified are compared to the impacts of the original version of the project, and (ii) the analysis of environmental impacts provided in the Erratum are specifically discussed or summarized.

**V. No Impact or Less than Significant Impact Without Mitigation**

Impacts of the Project that were determined to have no impact or be less than significant in the EIR (including having a less than significant impact due to compliance with existing regulations) and that require no mitigation are identified below. The City has reviewed the record and agrees with the conclusion that the following environmental issues would not be significantly affected by the Project and, therefore, no additional findings are needed. The following information does not repeat the full discussions of environmental impacts contained in the EIR. The City ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR.

**Aesthetics****Impact Summary**

The Project is an employment center project located on an infill site within a Transit Priority Area (TPA). Therefore, in accordance with PRC Section 21099(d)(1), the Project's aesthetic impacts are not considered to be significant impacts on the environment and therefore do not require further evaluation under CEQA. (Draft EIR pages VI-20 through VI-21 and Erratum page 75)

**Agriculture and Forestry Resources****Impact Summary**

The Project Site is located in an urbanized area of the City of Los Angeles and is developed with commercial buildings and surface parking. The Project Site and surrounding area are not zoned for agricultural or forest uses, and no agricultural or forest lands occur on-site or in the vicinity of the Project Site. No impacts to agriculture and forestry resources would occur. (Draft EIR page VI-21 and Erratum page 75)

**Air Quality (Regional Emissions, Localized Emissions—Operation, Toxic Air Contaminants, and Odors)****Impact Summary**

Regional emissions would be below established South Coast Air Quality Management District (SCAQMD) thresholds during both construction and operation. Impacts would be less than significant. (Draft EIR pages IV.A-59 through IV.A-63 and Erratum pages 32 and 33) The Project includes multiple PDFs to reduce GHG emissions and promote environmental sustainability, as discussed at pages IV.E-50-51 of the Draft EIR. These PDFs include designing new buildings to incorporate the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Gold Standards (Project Design Feature GHG-PDF-1), providing photovoltaic panels upon buildout capable of generating a minimum of 2,000,000 kilowatt-hours annually (Project Design Feature GHG-PDF-2), and implementing a transportation demand management (TDM) program (Project Design Feature TR-PDF-2). These PDFs also serve to reduce the Project's operational emission of criteria air pollutants. The Project's regional emissions during operations would not exceed SCAQMD's daily regional operational thresholds, as shown in Table IV.A-7 of the Draft EIR, and therefore would result in a less than significant impact.

The Project's localized operational emissions were evaluated based on local significance thresholds (LSTs) developed by SCAQMD, which address emissions from on-site sources such

as water heaters, cooking appliances, and HVAC systems. As shown on Table IV.A-10 of the Draft EIR, the Project's localized operational emissions would not exceed the SCAQMD's LSTs, and therefore would result in a less than significant impact. See also Erratum pages 33 and 34.

Given the anticipated 32-month duration of construction activities under a single-phase buildout, the Project would not result in a long-term (i.e., 70-year) source of toxic air contaminant (TAC) emissions (such as diesel particulate) that would contribute to "individual cancer risk," or the likelihood that a person continuously exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on standard risk assessment methodology. (See Draft EIR, pp. IV.A-68-69.) Although it is not necessary to evaluate long-term cancer impacts from short-term construction activities, a quantitative Health Risk Assessment (HRA), included as Appendix FEIR-10 of the Final EIR, confirmed the Draft EIR's conclusion that any construction-related health risks from the Project would be less than significant. Project operations would not result in substantial generation of TAC emissions, and the Draft EIR concluded the Project would not expose sensitive receptors to substantial pollutant concentrations and the potential for TAC impacts during Project operation would be less than significant. (See Draft EIR, pp. IV.A-71-73; Final EIR Response to Comment No. 26-E.1-2 [Final EIR pages II-849 to II-851]; and Erratum pages 33 and 34.)

While the Project includes sources of TACs such as diesel particulate matter from delivery and production trucks and, to a lesser extent, facility operations (e.g., natural gas fired boilers), these activities and the land uses associated with the Project are not substantial generators of TAC emissions. As such and given the Project's consistency with SCAQMD and CARB guidance, the Draft EIR concluded that the Project would not expose sensitive receptors to substantial pollutant concentrations and the potential for TAC impacts during Project operation would be less than significant. (See Draft EIR, pp. IV.A-71-73 and Erratum pages 33 and 34.) A quantitative HRA, included as Appendix FEIR-10 of the Final EIR, confirmed the Draft EIR's conclusion that any operational-related health risks from the Project would be less than significant. (See, e.g., Response to Comment No. 26-25 [Final EIR pages II-565 to II-566]).

No objectionable odors are anticipated as a result of either construction or operation of the Project and construction and operation of the Project would comply with all applicable SCAQMD regulations. Impacts would be less than significant. (Draft EIR pages VI-21 through VI-22 and Erratum page 34)

### **Project Design Features**

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

**Project Design Feature AIR-PDF-2:** All new emergency generators will meet the emission standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards. A childcare use, if any is proposed in the future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

**Project Design Feature AIR-PDF-3:** The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and 5 miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active

import/export operation (excavation area) will be watered three times daily.

## **Biological Resources**

### **Impact Summary**

The Project Site is located in an urbanized area and is currently developed with studio-related uses. Landscaping within the Project Site is limited to minimal ornamental landscaping and hardscape features. None of the trees within the Project Site are protected under the City of Los Angeles Native Tree Protection Ordinance and tree removal would comply with the Migratory Bird Treaty Act and California Fish and Game Code. Impacts would be less than significant. (Draft EIR pages VI-22 through VI-24 and Erratum page 76)

## **Cultural Resources (Historical Resources and Human Remains)**

### **Impact Summary**

With respect to the Project's potential impact to historical resources, the Project includes the rehabilitation of Primary Studio Complex within the Project Site, which is designated as HCM No. 1167. That prior designation determined, based on a detailed historical resources assessment dated April 2018, that the period of significance for the CBS Television City facility is 1952 to 1963. That determination was confirmed in an Historical Resources Technical Report included as Appendix C.1 to the Draft EIR. Rehabilitation of the Primary Studio Complex (which includes the 1952 Service Building and 1952 Studio Building) would occur within the parameters established under Project Design Feature CUL-PDF-1. The Historic Structure Report (HSR) that will be prepared pursuant to Project Design Feature CUL-PDF-2 will serve as a guide for the rehabilitation of the Primary Studio Complex and will provide detailed information and instruction beyond what is typically available prior to the rehabilitation of a historical resource. Rehabilitation will comply with the parameters set forth in Project Design Feature CUL-PDF-1, which sets forth the maximum permitted development footprint and building heights for new construction and additions to the Primary Studio Complex that may be carried out under the Project to ensure that the historic significance of the Primary Studio Complex is not adversely impacted by new construction. Further, rehabilitation of the Primary Studio Complex will comply with City's Cultural Heritage Ordinance (Los Angeles Administrative Code Section 22.171) as well as the Secretary of Interior's Rehabilitation Standards. After construction of the Project, the Primary Studio Complex would remain eligible for designation as an HCM and for listing in the National Register and the California Register.

The EIR also evaluated the potential impacts attributable to new construction in the Viewshed Restoration Area located north of the Primary Studio Complex that was established by the City's findings adopted as part of the HCM designation (HCM Findings). The Viewshed Restoration Area is defined therein as extending approximately 430 feet along Beverly Boulevard from 7811 Beverly Boulevard to Genesee Avenue on the east and extending southward toward the Primary Studio Complex. The proposed Specific Plan would codify the HCM designation and HCM Findings by establishing Viewshed Restoration Area objective standards. Those standards would require, among other things, certain visibility standards and limit the height of new buildings. Any proposed development in the Viewshed Restoration Area would be reviewed by the City for compliance with the requirements and objectives codified in the Specific Plan.

Additionally, the Project would not affect the eligibility of the nearby historical resources (i.e., the Gilmore Adobe, The Original Farmers Market, Chase Bank, Fairfax Theater, and Air Raid Siren No. 25) since the Project would not cause any physical alterations to those resources and the settings of these resources that are critical to conveying their historical significance are largely contained to their respective properties. As such, impacts to historical resources would be less than significant. (Draft EIR page IV.B-41 through IV.B-57; Appendix C.1 to Draft EIR; Topical Response No. 5 in Section II of the Final EIR; and Erratum pages 34 to 42)

With respect to the Project's potential impacts caused by disturbance of human remains that may be buried below the ground surface of the Project Site, the Project Site is located within an urbanized area and has been subject to previous grading and development. If human remains are discovered during Project construction, Project construction would be required to comply with applicable regulatory requirements including California Health and Safety Code Section 7050.5, PRC Section 5097.98, and CEQA Guidelines Section 15064.5(e). Impacts would be less than significant. (Draft EIR page VI-24)

### **Project Design Features**

**Project Design Feature CUL-PDF-1: Project Parameters**—The following Project Parameters set forth the maximum permitted development footprint and building heights for new adjacent construction and additions to the Primary Studio Complex to ensure that the historic significance of the Primary Studio Complex is not adversely impacted by new construction. These Project Parameters will not limit the land uses or floor areas permitted under the proposed Specific Plan. Conceptual diagrams illustrating the Project Parameters set forth below are included in Section 9 of the Historical Resources Technical Report—TVC 2050 Project (Historic Report), provided in Appendix C of the Draft EIR.

Rehabilitation of the Primary Studio Complex and new construction adjacent to the Primary Studio Complex will comply with the following Project Parameters:

#### **Rehabilitation of the Primary Studio Complex**

- Preserve the existing character-defining features of the Primary Studio Complex, as detailed in designated Historic-Cultural Monument (HCM) No. 1167 (CHC-2018-476-HCM), and restore those character-defining features which, in some cases, have been compromised in the past (prior to this Project).<sup>1</sup>
- Remove the non-historic Support Building addition on the west side of the Studio Building, thereby restoring the original volume of the Studio Building, revealing the currently obstructed portions of the Studio Building's original west wall and restoring areas that have previously been removed.
- Remove up to two bays of the Studio Building's west wall to allow for an interior east-west passage through the Primary Studio Complex.

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<sup>1</sup> The character-defining features of the Primary Studio Complex are set forth in the findings that were adopted as part of the HCM designation (CHC-2018-476-HCM), which is included in Appendix C of the Historic Report of the Draft EIR (Draft EIR Appendix C.1).



- Remove the non-historic Mill Addition constructed in 1969 on the east side of the Service Building.
- Retain and rehabilitate the three-story office portion of the Service Building and its steel frame and glass curtain walls on the primary (north) and east façades.
- Remove the portion of the Service Building south of the three-story office, much of which has been altered since 1963.
- Replace the portion of the Service Building south of the three-story office with new construction that partially restores the original volume of the Service Building.
- Remove and/or extend the south façade of the Studio Building by up to 20 feet south.
- Remove portions of the roof of the Studio Building above the interior east-west passage to create a partial open-air corridor.

#### **Rooftop Addition above the Primary Studio Complex**

- Design any rooftop addition as a single rectangular volume.
- Design any rooftop addition to be a separate and distinct volume rather than as an integrated extension of the Primary Studio Complex.
- Limit the height of any rooftop addition to 36 feet in height when measured from the top of the parapet of the Studio Building (approximately 84 feet above Project Grade) to the roof of the rooftop addition.
- Set back any rooftop addition a minimum of 55 feet from the north façade of the Studio Building.
- Engineer the structural support of any rooftop addition so that it could be removed without impairing the essential form and integrity of the Primary Studio Complex.

#### **Adjacent New Buildings**

- Locate new buildings immediately adjacent to the Primary Studio Complex to the east and south of the Service Building and to the west of the Studio Building.
- For any new construction immediately east of the Service Building that exceeds the height of the Service Building, any occupiable structure will be set back southerly from the north façade of the Service Building by a minimum of 60 feet and separated from the east façade of the Service Building by a minimum of 15 feet.
- For any new construction immediately west of the Studio Building that exceeds the height of the Service Building, any occupiable structure will be set back southerly from the north façade of the Service Building by a minimum of 150 feet and separated from the west façade of the Studio Building by a minimum of 10 feet.

- Limit new construction on the west and east of the Primary Studio Complex to 225 feet in height above Project Grade.
- Design new construction to the west and east of the Primary Studio Complex as distinct volumes.
- Permit up to six open-air bridges at the interior floor levels (three on the east and three on the west) to provide pedestrian access to the Primary Studio Complex and any rooftop addition from the adjacent new buildings.

**Project Design Feature CUL-PDF-2: Historic Structure Report**—The Applicant will prepare a Historic Structure Report (HSR) that will further document the history of the Primary Studio Complex and guide its rehabilitation in compliance with the Secretary of the Interior's Standards for Rehabilitation (Rehabilitation Standards). The HSR will be completed prior to the development of the architectural and engineering plans for the Project. The HSR will be prepared based upon the National Park Service's Preservation Brief #43: The Preparation and Use of Historic Structure Reports. The HSR will thoroughly document and evaluate the existing conditions of the character-defining features of the Primary Studio Complex and make recommendations for their treatment. The HSR will also address changes to the buildings to suit new production techniques and modern amenities as well as their on-going maintenance after Project completion. The HSR will set forth the most appropriate approach to treatment and outline a scope of recommended work before the commencement of any construction. As such, the report will serve as an important guide for the rehabilitation of the Primary Studio Complex and will provide detailed information and instruction above and beyond what is typically available prior to the rehabilitation of a historical resource.

## Energy

### Impact Summary

The Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the City of Los Angeles Department of Water and Power (LADWP) and the Southern California Gas Company (SoCalGas). Further, the Project would comply with all applicable energy conservation policies and plans, including the California Title 24 energy standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, the City's All-Electric Buildings Ordinance, as applicable, and the 2020–2045 RTP/SCS. Both in compliance with and, in some cases, in exceedance of regulatory requirements, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: Energy Star appliances; solar panels; plumbing fixtures and fittings that comply with the performance requirements specified in the Los Angeles Green Building Code; weather-based irrigation systems; water-efficient plantings with drought-tolerant species; shade trees in public areas; green walls in some outdoor areas; vegetated roofs or cool roof systems to help reduce energy use; short- and long-term bicycle parking; electric vehicle (EV) charging infrastructure; a TDM Program; the proposed Mobility Hub; use of daylighting where feasible; energy-efficient lighting; and permeable paving where appropriate. Lastly, the Project's increase in electricity and natural gas demand would represent only a small fraction of demand in

the LADWP and SoCalGas service areas. Impacts would be less than significant. (Draft EIR pages IV.C-22 through IV.C-43 and Erratum pages 43 and 44)

## **Geology and Soils (Not Including Paleontological Resources)**

### **Impact Summary**

No active faults cross the Project Site, and it is not located within an Alquist-Priolo Fault Zone. Therefore, the potential for surface rupture due to faulting beneath the Project Site is considered low and impacts would be less than significant. (Draft EIR pages IV.D-19 through IV.D-20)

The Project Site is located in the seismically active region of Southern California and could be subject to strong seismic ground shaking. However, the Project's design and construction would comply with all applicable regulatory requirements, including applicable provisions of the Los Angeles Building Code relating to seismic safety, and accepted and proven construction engineering practices would be implemented, including the Project-specific geotechnical design recommendations set forth in the Geotechnical Investigation (included in Appendix E of the Draft EIR) and in Project Design Feature GEO-PDF-1. Through compliance with regulatory requirements and site-specific geotechnical recommendations contained in a final design-level geotechnical report, impacts would be less than significant. (Draft EIR pages IV.D-20 through IV.D-21 and Erratum page 45)

While the Project Site is located within a liquefaction area, the results of the liquefaction analysis performed as part of the Geotechnical Investigation included in Appendix E of the Draft EIR demonstrate that the potential for liquefaction at the Project Site is considered low. Additionally, the Project would be designed in accordance with the Los Angeles Building Code, which requires implementation of engineering techniques to minimize hazards related to ground failure, including liquefaction, to acceptable levels. Impacts would be less than significant. (Draft EIR page IV.D-22 and Erratum page 46)

The Project Site is not located in a landslide area mapped by the state or the City. Furthermore, as concluded in the Geotechnical Investigation, the probability of seismically induced landslides occurring on the Project Site is considered low due to the minimal change in elevation throughout and adjacent to the Project Site. No impact would occur. (Draft EIR page IV.D-23 and Erratum page 46)

All grading activities would require grading permits from the Los Angeles Department of Building and Safety and on-site grading and site preparation would comply with all applicable provisions of the Los Angeles Municipal Code (LAMC). Furthermore, the Project would be required to comply with the City's Low Impact Development (LID) ordinance and implement standard erosion controls. Impacts related to erosion would be less than significant. (Draft EIR page IV.D-23 and Erratum pages 45 and 46)

With respect to unstable soils, as discussed above, the Project Site is not susceptible to liquefaction or landslides. Subsidence is not anticipated at the Project Site because no large-scale extraction of groundwater, gas, oil, or geothermal energy currently occurs or is planned at the Project Site. Additionally, although temporary dewatering is expected during construction, such activities would be limited and temporary and would not involve permanent large-scale water extraction. Consolidation tests performed on collected soil samples as part of the Geotechnical Investigation did not exhibit hydro-collapse upon saturation. Impacts would be less than significant. (Draft EIR pages IV.D-23 through IV.D-25 and Erratum page 46)

As discussed in the Geotechnical Investigation, the on-site geologic materials are in the low to very high expansion range. Any required import materials would have an expansion index of less

than 50 in accordance with Project Design Feature GEO-PDF-1. Impacts would be less than significant. (Draft EIR pages IV.D-25 through IV.D-26 and Erratum page 47)

The Project Site is served by existing sewage infrastructure and would not require the use of septic tanks or alternative wastewater disposal systems. No impacts related to septic tanks or alternative wastewater disposal systems would occur. (Draft EIR page IV.D-26)

## **Project Design Features**

**Project Design Feature GEO-PDF-1:** All development activities conducted on the Project Site will incorporate the professional recommendations contained in the Preliminary Geotechnical Engineering Investigation and all associated Addenda and/or alternative recommendations set forth in a site-specific, design-level geologic and geotechnical investigation(s) approved by the City Engineer, provided such recommendations meet and/or surpass relevant state and City laws, ordinances, and Code requirements, including California Geological Survey's Special Publication 117A and the City's Building Code. Such professional recommendations will include, but will not be limited to, the following and may be revised or superseded in accordance with an approved final geotechnical investigation(s):

- Excavated fill materials will be removed and exported or properly removed and recompacted as controlled fill for foundation and/or slab support of lightly loaded structures.
- Imported soil materials will have an Expansion Index of less than 50.
- At-grade structures with column loads less than 500 kips will be supported on conventional foundations bearing in an engineered fill pad.
- Foundation piles will be used for high-load office buildings and parking structures.
- Temporary dewatering will be utilized during construction.
- Permanent structures will be designed for hydrostatic pressure such that the temporary construction dewatering system will be terminated at the completion of construction.
- Temporary shoring, such as conventional shoring piles and tiebacks, will be installed for excavation of the subterranean levels.

## **Greenhouse Gas Emissions**

### **Impact Summary**

There is no applicable adopted or accepted numerical threshold for assessing the Project's GHG emissions impacts, which are assessed based on consistency with applicable climate change plans. Compliance with applicable GHG emissions reduction plans would result in a less-than-significant Project and cumulative impact. The Project would comply with or exceed the performance-based standards included in the regulations outlined in the 2008 Climate Change Scoping Plan and subsequent updates (i.e., 2014 Update to the Scoping Plan, 2017 Update to the Scoping Plan, and 2022 Update to the Scoping Plan), SCAG's 2020–2045 RTP/SCS, and the City's Green New Deal. The Project also includes Project Design Features GHG-PDF-1 and

GHG-PDF-2 to further reduce GHG emissions. As such, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and impacts would be less than significant. (Draft EIR pages IV.E-52 through IV.E-85 and Erratum pages 48 and 49)

### **Project Design Features**

**Project Design Feature GHG-PDF-1:** The design of new buildings will incorporate features of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program to be capable of meeting the standards of LEED Gold under LEED v4 or equivalent green building standards. Specific sustainability features that are integrated into the Project design will include, but will not be limited to, the following:

- a. Incorporate energy-saving technologies and components to reduce the Project's electrical use profile. Examples of these components include the use of light-emitting diode (LED) and other efficient lighting technology, energy saving lighting control systems, such as light- and motion-detection controls (where applicable), and energy efficient heating, ventilation, and air conditioning (HVAC) equipment;
- b. Use of Energy Star-labeled appliances (e.g., refrigerators, air conditioners, and water heaters) consistent with California Code of Regulations (CCR) Title 20 (Appliance Efficiency Regulations);
- c. Reduce indoor water use by at least 20 percent;
- d. Plumbing fixtures (water closets and urinals) and fittings (faucets) that exceed Los Angeles Municipal Code (LAMC) performance requirements; and
- e. Weather-based irrigation system and water-efficient landscaping with use of drought tolerant plants in up to 60 percent of the proposed landscaping.

**Project Design Feature GHG-PDF-2:** Upon buildout of the Project, the Project will provide photovoltaic panels on the Project Site capable of generating a minimum of 2,000,000 kilowatt-hours annually.

**Project Design Feature GHG-PDF-3:** The use of portable gasoline or diesel generators at basecamps or elsewhere on-site will be prohibited. Installation of a backbone electrical grid will be provided so that plugs (i.e., electrical hookups) are available at basecamp areas. In addition, four EV chargers will be installed for the four shuttle parking spaces in the Mobility Hub.

**Project Design Feature GHG-PDF-4:** The use of portable combustion equipment (e.g., street sweeper, forklifts, aerial lifts) including landscape equipment will be prohibited on-site.

### **Hazards and Hazardous Materials (Routine Use, Use Within 0.25 Miles of a School, Airport Hazards, Emergency Response Plans, and Wildland Fires)**

#### **Impact Summary**

Construction and operation of the Project would involve the routine use of small quantities of potentially hazardous materials typical of those used on construction sites and studio campuses. All hazardous materials would be acquired, handled, used, stored, and disposed of in accordance

with all applicable federal, state, and local requirements. Impacts would be less than significant. (Draft EIR pages IV.F-39 through IV.F-42 and Erratum page 49)

Ohel Chana High School and Morasha Hebrew Academy are located on Beverly Boulevard approximately 0.1 miles and 0.2 miles east of the Project Site, respectively. However, as noted above, the Project is not expected to involve hazardous emissions or handle acutely hazardous materials, substances, or waste. Impacts would be less than significant. (Draft EIR pages IV.F-55 through IV.F-56 and Erratum page 50)

The Project Site is not located within two miles of an airport, private airstrip, or within an area subject to an airport land use plan. Accordingly, no impact would occur. (Draft EIR page IV.F-57 and Erratum page 50)

If lane closures are necessary during construction, the remaining travel lanes would be maintained in accordance with standard construction management plans that would be implemented to ensure adequate circulation and emergency access. Additionally, the Project would comply with LAFD access requirements and would not impede emergency access within the Project vicinity. Impacts would be less than significant. (Draft EIR pages IV.F-57 through IV.F-58 and Erratum page 51)

The Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone. Additionally, the proposed uses would not create a fire hazard that has the potential to exacerbate current environmental conditions relative to wildfires. Accordingly, no impact would occur. (Draft EIR page IV.F-58 and Erratum page 51)

## **Project Design Features**

**Project Design Feature HAZ-PDF-1:** The Project Applicant will update, and the Project will comply with, the Consolidated Contingency Plan for the Project Site. This will include spill prevention measures such as the use of secondary containment storage and storing materials away from drains in leak-proof containers with tight-fitting lids. Spill response measures will include the evacuation of unnecessary employees from a spill area, the use of absorbent materials in the case of small spills or evacuating all employees, calling 911, and reporting to Los Angeles Fire Department (LAFD) in the case of large spills. Absorbent materials used to clean small spills will be placed in a leak-proof container that is compatible with the waste, labeled as hazardous waste, and lawfully disposed of as such. Notifications will be made to the Health Hazardous Waste Materials Division of the LAFD and the California Office of Emergency Services (Cal OES) as necessary.

**Project Design Feature HAZ-PDF-2:** The Project Applicant will update, and the Project will comply with, the Television Studios Emergency Action Plan and associated emergency exit and assembly maps. The Emergency Action Plan will include procedures for earthquakes, emergency evacuation, fires, medical emergencies, and active shooters.

**Project Design Feature HAZ-PDF-3:** The Project Applicant will update, and the Project will comply with, the Television Studios Safety Manual. This manual will include, among other measures, safety procedures and requirements for personnel working at heights and procedures that ensure the safety of crew members when servicing or repairing equipment that is capable of a spontaneous release of stored mechanical, electrical, or hydraulic energy, or which could be inadvertently energized.

**Project Design Feature HAZ-PDF-4:** The Project Applicant will update, and the Project will comply with, the Television Studios Injury and Illness Prevention Program (IIPP). The IIPP will include protocols regarding responsibility, compliance, employee communication, hazard assessment, accident/exposure investigation, hazard correction, training and construction, and recordkeeping.

**Project Design Feature HAZ-PDF-5:** Prior to demolition, existing buildings and structures will be tested to determine if they include asbestos-containing materials (ACMs). If present, ACMs will be removed and disposed of by a licensed and certified asbestos abatement contractor, in accordance with applicable federal, state, and local regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to the South Coast Air Quality Management District (SCAQMD) and LAFD for review and approval.

**Project Design Feature HAZ-PDF-6:** Prior to demolition, existing buildings and structures will be sampled to determine if they contain lead-based paint (LBP). If LBP is present, standard handling and disposal practices will be implemented pursuant to Occupational Safety and Health Act regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to LAFD for review and approval.

## Hydrology and Water Quality

### Impact Summary

The Project would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit that requires site-specific stormwater treatment. In addition, Project construction would occur in accordance with all applicable City grading regulations. During operation, the Project would include the installation of a capture and use system to be used for irrigation purposes consistent with the City's LID manual. With adherence to applicable regulatory requirements, impacts related to surface water quality would be less than significant. (Draft EIR pages IV.G-28 through IV.G-30 and Erratum pages 51 and 52) Project construction activities could encounter groundwater, and temporary dewatering would likely be required. However, any discharge of groundwater during Project construction would comply with the applicable NPDES permit or industrial user sewer discharge permit and applicable Los Angeles Regional Water Quality Control Board (LARWQCB) requirements. During operation, any potential hazardous materials associated with the Project would be acquired, handled, used, contained, stored, and disposed of in accordance with manufacturers' instructions and all applicable regulatory requirements such that no hazardous materials would contaminate or otherwise affect groundwater. Impacts would be less than significant. (Draft EIR pages IV.G-30 through IV.G-33 and Erratum pages 52 and 53)

As noted above, Project construction would include dewatering. However, due to the limited and temporary nature of dewatering operations, and with compliance with all applicable regulatory requirements, impacts to regional groundwater levels would be less than significant. Although not required at this stage of the permitting process, a detailed dewatering report was prepared. (Refer to Appendix FEIR-13, Appendix D, to the Final EIR.) That report confirmed that the subsidence effects of construction dewatering for the Project would be negligible. That report also confirmed that the amount of groundwater that would be removed from the groundwater basin would only be approximately .04 percent of the basin's storage capacity. In addition, the Project's construction dewatering would not affect any existing groundwater wells, which are located over

one mile away from the Project Site. During operation, the Project Site would be comprised of approximately 90 percent impervious surfaces, and, as such, limited groundwater recharge would occur. Further, the Project's new below-grade parking structures will be designed so that a permanent dewatering system will not be required. Thus, impacts related to dewatering and subsidence would be less than significant. (Draft EIR pages IV.G-33 through IV.G-34; Final EIR, Appendix FEIR-13; and Erratum pages 52 and 53)

Construction activities for the Project have the potential to temporarily alter existing drainage patterns on-site by exposing the underlying soils, modifying flow direction, and making the Project Site temporarily more permeable. Exposed and stockpiled soils could also be subject to erosion. However, as noted above, the Project would be required to obtain coverage under the NPDES Construction General Permit and comply with all applicable City grading regulations. During operation, the existing drainage areas and overall drainage patterns would remain unchanged. Impacts would be less than significant. (Draft EIR pages IV.G-34 through IV.G-37 and Erratum page 53)

With respect to stormwater flows, flow rates would remain the same with implementation of the Project. Impacts would be less than significant. (Draft EIR pages IV.G-37 through IV.G-38 and Erratum page 53)

The Project Site is not located within a 100-year flood plain as mapped by the Federal Emergency Management Agency. No impact would occur. (Draft EIR page IV.G-38 and Erratum page 54)

The Project Site is not located near the Pacific Ocean or large body of water and would not be susceptible to tsunami or seiche. The Safety Element of the General Plan maps the Project Site within the potential inundation area for the Hollywood Reservoir, which is held by the Mulholland Dam. However, dams in California are continually monitored by various governmental agencies (such as the State of California Division of Safety of Dams and the U.S. Army Corps of Engineers) to prevent dam failure. Impacts would be less than significant. (Draft EIR pages IV.G-38 through IV.G-40 and Erratum page 54)

## **Land Use and Planning**

### **Impact Summary**

The Project Site is currently developed with studio-related uses and is located in an urbanized area that is developed with a mix of land uses. The proposed uses would be consistent with the existing uses on-site as well as the other commercial developments located adjacent to and in the general vicinity of the Project Site. All proposed development would occur within the boundaries of the Project Site. Accordingly, impacts related to the physical division of an established community would be less than significant. (Draft EIR pages IV.H-38 through IV.H-39 and Erratum page 54).

The requested entitlements for the Project include, among others, a General Plan Amendment to change the existing designation for the Project Site from Community Commercial, Limited Commercial, and Neighborhood Commercial to a unified Community Commercial land use designation. That land use designation would also apply to the approximately 0.63-acre portion of the Project Site located in unincorporated Los Angeles County to be annexed into the City of Los Angeles. The requested entitlements also include a Vesting Zone Change to change the existing zoning to the proposed TVC 2050 Specific Plan Zone (TVC Zone).

The Project and associated amendments to the General Plan designation and zoning for the Project Site are consistent with the policies and objectives provided in the applicable land use



plans that were adopted for the purpose of avoiding or mitigating an environmental effect, including the City's General Plan (i.e., Framework Element, Conservation Element, Transportation Element [Mobility Plan 2035], and the Wilshire Community Plan), the LAMC, the Citywide Design Guidelines, and SCAG's 2020–2045 RTP/SCS. Under applicable state law, a project is consistent with the applicable land use plan if it is compatible with the objectives, policies, general land uses, and programs specified in the applicable plan, meaning that the project is in agreement or harmony with the applicable land use plan. As demonstrated in the EIR (including Appendix I to the Draft EIR), the Project will not conflict with the relevant policies in the applicable land use plans. Therefore, the Project would not conflict with the goals, policies, and objectives in local and regional plans that were adopted for the purpose of avoiding or mitigating an environmental effect. In addition, the proposed Specific Plan would establish development requirements and guidelines that will ensure that the Project is developed consistent with the policies and objectives in the land use plans, including establishing requirements for design, height, setbacks, permitted uses, and other standards. Accordingly, impacts related to conflicts with applicable plans, policies, and regulations would be less than significant. (Draft EIR pages IV.H-39 through IV.H-57 and Erratum pages 55 through 59)

## **Mineral Resources**

### **Impact Summary**

No mineral extraction operations currently occur on the Project Site. Furthermore, the Project Site is not located within a City-designated Mineral Resource Zone or Surface Mining District where significant mineral deposits are known to be present or within a mineral producing area as classified by the California Geologic Survey. No impact would occur. (Draft EIR page VI-27 and Erratum page 76)

## **Noise (Operational Noise, Operational Vibration, Airport Noise, and Construction Vibration [Building Damage])**

### **Impact Summary**

Operation of the Project includes on-site stationary noise sources such as mechanical equipment (e.g., heating, ventilation, and HVAC equipment), studio-related production, outdoor roof deck gathering spaces, parking facilities and on-site vehicle movement, the Mobility Hub, and loading dock and trash collection areas. The Project includes three PDFs to minimize operational noise: Project Design Feature NOI-PDF-3 (mounted outdoor mechanical equipment must be enclosed or screened from off-site noise-sensitive receptors); Project Design Feature NOI-PDF-4 (specifying maximum noise levels for any amplified sound system used in an outdoor roof deck gathering as measured at specified distances from the property boundary to ensure compliance with City's noise limits); and Project Design Feature NOI-PDF-5 (maintaining existing prohibition on outdoor studio production activities within 200 feet of the Shared Eastern Property Line and the existing multi-family residence located immediately east of the Project Site (receptor location R1) between 10:00 P.M. and 7:00 A.M.). (See Draft EIR, pp. IV.I-34, 43-45.) As discussed in the Draft EIR at pages IV.I-43-48, the Final EIR at pages III-58 and III-61-63, the Draft EIR at Tables IV.I-12, 13, 14, and 15, and the Final EIR at Tables IV.I-14(a), 14(b), and 14(c), noise impacts from each of these sources would be within the applicable significance criteria and on-site operational noise impacts would be less than significant. (See also Response to Comment Nos. 26-135 [Final EIR pages II-736 to II-739] and 35-129 [Final EIR pages II-1401 to II-1402]; and Erratum pages 60 through 64).

The Draft EIR evaluated future roadway noise levels along 18 roadway segments in the vicinity of the Project Site, utilizing traffic data provided in the Transportation Assessment included as Appendix M to the Draft EIR, which estimated that the Project will generate a net increase of 787 and 855 trips during the morning and afternoon peak hours, respectively. The Draft EIR evaluated the incremental increase in traffic noise levels from the Project as compared to a Future Without Project condition and measured the Project-related increase in traffic noise as compared to existing baseline conditions. As discussed in the Draft EIR at pages IV.I-48-54 and in Tables IV.I-16 and 17, the Project's traffic noise impacts would be less than significant under each scenario because the increase in traffic noise levels would be below the applicable significance criterion. See also Erratum page 64.

Potential sources of vibration related to Project operations include vehicle circulation, delivery trucks, and building mechanical equipment. However, it is unusual for vibration from sources like rubber-tired buses and trucks to be perceptible, even in locations close to major roads, so that vehicle circulation within the subterranean, surface, and above-grade areas would not generate perceptible vibration levels at off-site sensitive receptors. Building mechanical equipment such as air-condenser units mounted at roof-level will include vibration-attenuation mounts to reduce vibration and ensure vibration would not be perceptible at off-site sensitive receptors. For these reasons, the Project's operational vibration impacts would be less than significant, as discussed in the Draft EIR at page IV.I-66 and Erratum page 65.

The Project Site is not located within the vicinity of a private airstrip and the Project Site is not located within two miles of an airport or within an area subject to an airport land use plan. No impact would occur. (Draft EIR pages IV.I-67 through IV.I-68 and Erratum page 65)

With respect to vibration, the Project would generate ground-borne vibration during building demolition and site excavation/grading activities when heavy construction equipment such as large bulldozers, drill rigs, and loaded trucks would be used. In accordance with Project Design Feature NOI-PDF-2, however, the Project would not use impact pile driving methods and would thus avoid any vibration associated with those methods. As discussed on page IV.I-60 of the Draft EIR, the Project's on-site vibration impacts during construction will not cause building damage to nearby structures. As set forth in Table IV.I-20 of the Draft EIR, estimated off-site vibration velocity levels at the nearest off-site structures will be below the thresholds of significance established by the Federal Transit Authority (FTA), including the lower FTA thresholds of significance that were applied to analyze five off-site historical resources in the vicinity of the Project Site. Accordingly, the Project's potential vibration impact related to building damage due to on-site construction would be less than significant. (See also Response to Comment Nos. 26-139 [Final EIR pages II-750 to II-752] and 363-2 [Final EIR pages II-2301 to II-2302]; and Erratum page 65).

Project construction will include construction delivery/haul trucks traveling between the Project Site and I-10 along the Project's anticipated haul routes, which would generate ground-borne vibration. Based on FTA data used to estimate the vibration generated by a typical heavy-duty truck and existing buildings along the Project's anticipated haul routes located approximately 20 feet from the right-of-way, the Draft EIR concluded that anticipated ground-borne levels of vibration would be well below the building damage criterion for buildings extremely susceptible to vibration, as explained on pages IV.I-64 through IV.I-66 of the Draft EIR. Accordingly, the Project's impact for building damage due to off-site construction would be less than significant. (See also Response to Comment No. 35-124 [Final EIR page II-1394]).

## **Project Design Features**

**Project Design Feature NOI-PDF-3:** Outdoor mounted mechanical equipment will be enclosed or screened by the building design (e.g., a roof parapet or mechanical screen) from the view of off-site noise-sensitive receptors.

**Project Design Feature NOI-PDF-4:** Outdoor amplified sound systems for outdoor gatherings (non-production uses) on roof decks, if any, will be designed so as not to exceed a maximum noise level of 85 A-weighted decibels (dBA) ( $L_{eq-1hr}$ ) at a distance of 25 feet from the amplified speaker sound systems in any roof deck gathering areas located within 15 feet from the northern, southern and western property lines and within 40 feet from the eastern property line, and 95 dBA ( $L_{eq-1hr}$ ) at a distance of 25 feet from the amplified speaker sound systems within the interior portions of the Project Site.<sup>2</sup> A qualified noise consultant will provide written documentation that the design of the system complies with these maximum noise levels.

**Project Design Feature NOI-PDF-5:** Outdoor studio production activities will be prohibited within 200 feet of the Shared Eastern Property Line adjacent to the existing multi-family residence located immediately east of the Project Site (receptor location R1) between the hours of 10 P.M. and 7 A.M.

## **Population and Housing**

### **Impact Summary**

The Project Site is currently developed with a studio. As no housing currently exists on the Project Site, the Project would not displace any existing persons or housing. Impacts related to the displacement of people or housing would be less than significant. (Draft EIR page VI-29)

The Project's net increase in employment would be consistent with expected employment growth projected by SCAG's RTP/SCS. Impacts would be less than significant. (Draft EIR pages VI-28 through 29 and Erratum page 76)

## **Public Services**

### **Impact Summary**

The Project would increase the demand for LAFD fire protection and emergency medical services. However, the Project would not include any unique or especially hazardous uses and would comply with all applicable requirements. Compliance with applicable regulatory requirements as well as the measures set forth in the LAFD letter included in Appendix K of the Draft EIR would ensure that adequate fire prevention features that reduce the demand on LAFD facilities and equipment are provided. As such, impacts would be less than significant. (Draft EIR pages IV.J.1-21 through IV.J.1-28 and Erratum page 66)

The Project would introduce a new employee and visitor population to the Project Site. The Project would include Project Design Features POL-PDF-1 through POL-PDF-7, which would reduce the

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<sup>2</sup> Based on the conceptual site plan shown in Section II, Project Description, of the Draft EIR, the potential roof decks along the perimeter were assumed to be at least 75 feet above adjacent grade and the roof decks within the interior portion of the Project Site were assumed to be at least 50 feet above grade.

demand for police services. In addition to these security features, the Project would generate revenues to the City's General Fund (in the form of property taxes, sales tax revenue, etc.) that could be applied toward the provision of new police facilities and related staffing in the community, as deemed appropriate. Impacts would be less than significant. (Draft EIR pages IV.J.2-13 through IV.J.2-17 and Erratum page 66)

With respect to schools, the Project does not include residential uses and would not result in a direct increase in the number of students in Los Angeles Unified School District (LAUSD) schools. Furthermore, per SB 50, the Applicant would be required to pay development fees for schools to LAUSD prior to the issuance of building permits. Pursuant to Government Code Section 65995, the payment of these fees is considered full mitigation of Project-related school impacts. Impacts would be less than significant. (Draft EIR page VI-29 and Erratum page 76)

With respect to parks and libraries, the Project would not include residential uses and would not generate a new residential population that would regularly utilize nearby parks and/or libraries. In addition, while some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project Site, and thus an associated demand for new or expanded park facilities or libraries would not be expected. Impacts would be less than significant. (Draft EIR pages VI-30 through VI-31 and Erratum page 76)

### **Project Design Features**

**Project Design Feature POL-PDF-1:** During Project construction, the Applicant will implement security measures including security fencing, low-level security lighting, locked entry, and security patrols.

**Project Design Feature POL-PDF-2:** During operation, the Project will incorporate a 24/7 security plan to ensure the safety of its employees and visitors. The Project's security plan will include, but will not be limited to, the following design features:

- Security fencing, walls, landscaping, and/or other elements to create a physical barrier at the Project Site perimeter;
- Points of entry will be secured by elements such as guard booths, key card passes, and pedestrian and vehicular access controls;
- A 24-hour security camera network to provide visual surveillance of outdoor areas, parking facilities, and other activity areas;
- Private on-site security staff, including at guard booths to control entry, and regular security patrols of the Project Site; and
- Appropriate staff training on security protocols, including site and building access control, managing and monitoring fire/life/safety systems, and patrolling the Project Site.

**Project Design Feature POL-PDF-3:** The Project will include appropriate lighting of buildings and walkways to provide for pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into buildings.

**Project Design Feature POL-PDF-4:** The Project will include appropriate lighting of parking areas, elevators, and lobbies to maximize visibility and reduce areas of concealment.

**Project Design Feature POL-PDF-5:** The design of the Project's entrances to and exits from buildings, open spaces around buildings, and pedestrian walkways will be open and in view of surrounding sites.

**Project Design Feature POL-PDF-6:** Prior to the issuance of a building permit, the Applicant will consult with Los Angeles Police Department's (LAPD's) Crime Prevention Unit regarding the incorporation of feasible crime prevention features appropriate for the design of the Project.

**Project Design Feature POL-PDF-7:** Upon completion of Project construction and prior to the issuance of a certificate of occupancy, the Applicant will submit a diagram of the Project Site to LAPD's Wilshire Division Commanding Officer that includes access routes and any additional information that might facilitate police response.

## Transportation

### Impact Summary

The Los Angeles Department of Transportation's (LADOT) Transportation Assessment Guidelines (TAG) identify the following City plans, policies, programs, ordinances, and standards relevant for determining consistency for purposes of the Project's transportation impacts: Mobility Plan, Wilshire Community Plan, Plan for a Healthy Los Angeles, LAMC, Vision Zero, and the Citywide Design Guidelines. As detailed in the Draft EIR, at pages IV.K-45 through IV.K-72 and Tables IV.K-1 and IV.K-2; in the Final EIR, at pages III-67 through III-69; and in the Erratum at page 68, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project includes PDFs requiring off-site Vision Zero safety improvements to existing pedestrian infrastructure at bus stops around the Project Site perimeter and to contribute to the funding of pedestrian facilities and safety improvements within the Project's Transportation Study Area (Project Design Feature TR-PDF-3); contribution towards transportation systems management improvements to better accommodate intersection operations and increase network capacity in the Study Area (Project Design Feature TR-PDF-4); and the installation of left-turn signal phases at three key intersections (Project Design Feature TR-PDF-5). Impacts would therefore be less than significant.

As discussed in the Draft EIR, LADOT's Vehicle Miles Traveled (VMT) Calculator was used to evaluate the Project's VMT and compare it to the VMT impact criteria. The VMT Calculator has built-in land use characteristics for certain land uses, but it does not include sound stage and production-related uses. Accordingly, as directed by LADOT, land use and travel demand characteristics were manually entered for the Project's studio-related uses, including sound stage, production support, production office, and general office uses, as a combined custom studio land use representing approximately 1,854,000 square feet of total permitted floor area. The Project's proposed 20,000 square feet of retail space was assessed using a built-in rate. The VMT analysis conservatively excluded all but two of the Project's TDM measures set forth in Project Design Feature TR-PDF-2, incorporating only bicycle parking per LAMC requirements and secure bike parking and showers. Based on this analysis, the Project's average work VMT per employee did not exceed the applicable threshold of significance, as described in the Draft EIR at pages IV.K-73-77; in the Final EIR at page III-69; and in the Erratum at pages 69 and 70. The Project's VMT impacts would therefore be less than significant. The Draft EIR also analyzed two maximum

transportation impact scenarios and concluded VMT impacts would be less than significant for each scenario. As detailed in Topical Response No. 8, at Final EIR pages II-115 through II-129, the VMT analysis properly used the VMT Calculator, addressed all allowable uses under the proposed Specific Plan as clarified in the Final EIR at pages III-8 through III-13, and used appropriate assumptions regarding employee trip length.

The Project Site is located in an urbanized area developed with numerous roadways and infrastructure. The roadways adjacent to the Project Site are part of the urban roadway network and contain no sharp curves or dangerous intersections. In addition, the Project would not include any new public roads or incompatible uses that would result in an increase in hazards due to a design feature. Impacts would be less than significant. (Draft EIR pages IV.K-78 through IV.K-79 and Erratum pages 69 through 71)

Emergency access would be maintained throughout construction and operation. In addition, the Project would comply with LAFD access requirements, including required fire lane widths, turning radii, secondary access, etc., and plot plans would be submitted to LAFD for approval. Impacts would be less than significant. (Draft EIR page IV.K-80 and Erratum page 71)

In accordance with LADOT guidance, the Draft EIR conducted a freeway safety analysis to evaluate the Project's potential to cause or lengthen a forecasted freeway off-ramp queue that could constitute a potential safety impact under CEQA. Based on the Project's trip generation estimate and traffic distribution pattern, the Project would add 25 or more peak hour trips to one off-ramp, the US 101 southbound off-ramp at Highland Avenue. Calculating the 95th percentile ramp queue, the analysis demonstrated that queue lengths under Future with Project Conditions during the morning and afternoon peak hours would not exceed the ramp storage length. Nor would the speed differential between the existing traffic and the mainline traffic exceed the City of Los Angeles' criteria. Accordingly, impacts would be less than significant. (See Draft EIR pages IV.K-78 and IV.K-79 and Erratum page 71)

## **Project Design Features**

**Project Design Feature TR-PDF-1:** A detailed Construction Traffic Management Plan, including street closure information, a detour plan, haul routes, and a staging plan, will be prepared and submitted to the City for review and approval prior to commencing construction. The Construction Traffic Management Plan will formalize how Project construction will be carried out and identify specific actions that will reduce effects on the surrounding community. The Construction Traffic Management Plan will be based on the nature and timing of the specific construction activities and other projects in the vicinity of the Project Site and will include, but not be limited to, the following elements, as appropriate:

- The Project Applicant will designate a construction manager to serve as a liaison with the surrounding community and respond to any construction-related inquiries. Publicly visible signs will be posted at various locations with the liaison's contact information to contact regarding dust complaints. The South Coast Air Quality Management District's phone number will also be included to ensure compliance with applicable regulations.
- Advance, bilingual notification of adjacent property owners and occupants of upcoming construction activities, including durations and daily hours of operation.

- Prohibition of construction worker or equipment parking on adjacent streets or in predominantly residentially zoned areas.
- Temporary pedestrian, bicycle, and vehicular traffic controls (e.g., flag people trained in pedestrian and bicycle safety at the Project Site's driveways) during all construction activities adjacent to Fairfax Avenue, Beverly Boulevard, and The Grove Drive, to ensure traffic safety on the public right-of-way.
- Scheduling of construction-related activities to reduce the effect on traffic flow on surrounding major roadways.
- Containment of construction activity within the Project Site boundaries, to the extent feasible.
- Coordination with the Los Angeles Department of Transportation (LADOT) Parking Meter Division to address any potential loss of metered parking spaces.
- Implementing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers.
- Rerouting construction trucks to reduce travel on congested streets.
- Provision of dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, subject to LADOT approval.
- Prohibition of haul truck staging on any streets adjacent to the Project Site, unless specifically approved as a condition of an approved haul route.
- Spacing of trucks so as to discourage a convoy effect.
- Sufficient dampening of the construction area to control dust caused by grading and hauling and reasonable control at all times of dust caused by wind.
- Maintenance of a log, available on the Project Site at all times, documenting the dates of hauling and the number of trips (i.e., trucks) per day.
- Identification of a construction manager and provision of a telephone number for any inquiries or complaints from residents regarding construction activities and posting of the telephone number at the Project Site readily visible to any interested party during site preparation, grading, and construction.
- Obtaining the required permits for truck haul routes from the City prior to the issuance of any building permit for the Project.

**Project Design Feature TR-PDF-2:** The Project will implement a series of transportation demand management (TDM) measures that exceed the requirements established in the current TDM Ordinance. The TDM strategies will be implemented for the Project Site as a whole and will be available to both the existing and new employees on-site. The TDM Program will be subject to review and approval by the City, and the Project Applicant will record a Covenant and Agreement to ensure that the TDM Program will be

maintained. The following TDM strategies will be implemented as proposed under the TDM Program:

- **Educational Programs/On-Site Coordinator:** A coordinator will reach out to employees directly to promote the benefits of TDM. The coordinator will provide information on public transit and any related incentives, flexible work schedules and telecommuting programs, pedestrian and bicycle amenities, rideshare/carpool/vanpool programs, and parking incentives. Marketing activities, including printed/posted materials and digitally distributed information, will ensure that employees and visitors at the Project Site are aware of the benefits of the TDM Program and all of the mobility options available on-site and in the surrounding area.
- **Transportation Information Center/Kiosks via Mobility Hub:** The Project will install a transportation information center at a Mobility Hub. The transportation information center will provide employees and visitors with information regarding transit, commute programs, and non-vehicular travel planning. Informational digital bulletin boards and wayfinding information will be displayed along pedestrian paths to direct pedestrians to the Mobility Hub, nearby transit stops, bicycle parking, and bikeshare facilities.
- **Bicycle Parking and Amenities:** In order to facilitate bicycle use, the Project will provide short-term and long-term bicycle parking spaces in accordance with the Los Angeles Municipal Code (LAMC), as well as valet service, showers, lockers, and bicycle service areas and repair stands within the Project Site. The Project will incorporate features for bicyclists, such as exclusive access points and secured bicycle parking facilities. The Project Applicant will also contribute toward the implementation of bicycle improvements within the Study Area in accordance with the Mobility Plan.
- **Pedestrian Amenities:** The Project will incorporate features for pedestrians, such as landscape improvements, exclusive access points, and upgraded pedestrian facilities and bus stops. Additionally, the Project Site will be designed to be a safe, friendly, and convenient environment for pedestrians. The Project will provide more pedestrian-friendly sidewalks and areas along Fairfax Avenue, Beverly Boulevard, and The Grove Drive and maintain internal walkways throughout the Project Site. The Project Applicant will also contribute toward pedestrian facilities improvements as part of Vision Zero.
- **Shuttle Service:** The Applicant will either operate or fund a van or shuttle service for employees and visitors between the proposed Metro D (Purple) Line Wilshire/Fairfax Station and the Project Site. The shuttle will operate during typical commuter peak periods and provide service from or near the Project Site to the Wilshire/Fairfax Station. The shuttle service will enhance employee and visitor access to the Metro D (Purple) Line and, therefore, result in greater reductions in vehicle trips and vehicle miles traveled (VMT). Additionally, the Mobility Hub could support future shuttle services to connect to existing and future



transit stations (e.g., the Metro B [Red] Line or Metro K [Crenshaw North] Line Extension).

- **Ride-Share Matching and Carpool/Vanpool Program:** The on-site TDM coordinator will provide ride-share matching services to match interested employees with similar commuters into carpools and vanpools.
- **Neighborhood Enhancements:** The Project will enhance the transportation mobility around the immediate Project Site area to encourage alternative transportation modes and connections to the Project Site from off-site locations. The Project will also enhance the existing crosswalks at the signalized intersections along Beverly Boulevard at Fairfax Avenue and Stanley Avenue/The Grove Drive to current LADOT standards with new continental crosswalks and black and white contrast markings.<sup>3</sup>
- **First-Mile/Last-Mile Options:** In recent years, there has been a proliferation of new options for personal transportation that help to address first-mile/last-mile connectivity issues with public transit. These options include motorized scooters, skateboards, and bicycles, as well as human-powered bicycles. Some of these options involve personal ownership (various types of electric skateboards, bicycles, and scooters) and some are publicly available for short-term rentals (electric scooters, Metro Bike Share pedal-powered bicycles). These services are rapidly evolving and gaining widespread acceptance, and it is anticipated that by the time the Project is completed, the landscape for these services, as well as the regulatory issues surrounding some of them, may look substantially different. The Applicant is committed to forward-thinking in the design and implementation of the Project and will provide support for such services at the Mobility Hub, as appropriate. Specifically, as required by LADOT, the Mobility Hub will include space to accommodate support uses, storage, maintenance, and staging facilities. These services will give employees and visitors a variety of travel mode choices and, therefore, encourage the use of non-automobile modes to and from the Project Site and reduce VMT.
- **Carpool/Vanpool Parking and Loading via Mobility Hub:** The Mobility Hub will provide safe and convenient passenger loading areas for employee carpools/vanpools along with access to the Project Site's internal roadway network to get to the parking structures. Additional passenger loading areas are also proposed on Fairfax Avenue, Beverly Boulevard, and the Southern Shared Access Drive for carpools, vanpools, shuttles, ride-share, taxi, and other commercial and non-commercial vehicles. Bus or shuttle loading and unloading would not occur within 75 feet of the Broadcast Center Apartments without a noise barrier in place.

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<sup>3</sup> While LADOT recommended in their Assessment Letter for the Transportation Assessment (Draft EIR Appendix M.2) to improve the visibility of crosswalks, all crosswalks adjacent to the Project Site have since been improved with continental crosswalks.

- **Guaranteed Ride Home Program:** A Guaranteed Ride Home program assures that transportation service will be provided to individuals who commute without their personal automobiles. This program overcomes one of the primary concerns of those who may choose alternative modes of transportation, which is how to get home or to a child's school in the case of an emergency. In the event of personal or family emergencies, the individual will be reimbursed for a taxi ride, ride-share ride, or short-term car rental. This program will cover all employees participating in the carpool/vanpool program or using transit to and from the Project Site. A support service, such as Guaranteed Ride Home, is an important part of TDM implementation that assures an individual will not be dependent on a carpool or transit schedule in the event of an emergency.
- **Transit Infrastructure Improvements:** The Project will improve the existing transit infrastructure at bus stops located within the immediate vicinity of the Project Site along Fairfax Avenue and Beverly Boulevard. This will include, where applicable, upgrades to provide adequate benches, shelters, lighting, light-emitting diode (LED) displays, and signage.

**Project Design Feature TR-PDF-3:** The Project will include the following off-site Vision Zero safety improvements:<sup>4</sup>

- Where applicable, the Project will improve the existing pedestrian infrastructure at the bus stops located around the Project Site perimeter along Fairfax Avenue and Beverly Boulevard to include adequate benches, shelters, lighting, LED displays, and signage to the extent feasible under the City of Los Angeles' current bus shelter contract.
- The Project Applicant will contribute toward the funding of pedestrian facilities and safety improvements within the Study Area, including a pedestrian hybrid beacon at Stanley Avenue and Melrose Avenue.

**Project Design Feature TR-PDF-4:** The Project Applicant will contribute \$1.34 million toward transportation systems management (TSM) improvements within the Project area that may be considered to better accommodate intersection operations and increase network capacity throughout the Study Area. LADOT's Automated Traffic Surveillance and Control (ATSAC) Section has identified the following improvements within the Project area along Fairfax Avenue, Beverly Boulevard, and The Grove Drive:

- **Fairfax Avenue and Beverly Boulevard**—Signal upgrades, 351 cabinet with new signal controller, system loop, flashing yellow arrow at Beverly Boulevard for the westbound left-turn.
- **Fairfax Avenue and Oakwood Avenue**—Northbound and southbound system loops.

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<sup>4</sup> While LADOT recommended in their Assessment Letter for the Transportation Assessment (Draft EIR Appendix M.2) to improve the visibility of crosswalks, all crosswalks adjacent to the Project Site have since been improved with continental crosswalks.

- Fairfax Ave and 3rd Street—Signal upgrades, new cabinet, flashing yellow arrow for eastbound and westbound left turn.
- The Grove Drive and 3rd Street—New signal controller for leading pedestrian interval.
- The Grove Drive and Beverly Boulevard—Closed Circuit TV (CCTV) camera, new cabinet and signal controller for leading pedestrian interval.
- The Grove Drive Corridor—Signal communication including conduit, 25 pair interconnect, 24SM single mode fiber, pull boxes, and ground cables.
- Beverly Boulevard and Genesee Avenue—System loops for eastbound and westbound, and new cabinet and westbound left turn phasing (if warranted).
- Beverly Boulevard and Gardner Street—System loops for eastbound and westbound.
- Beverly Boulevard and Curson Avenue—System loops for eastbound and westbound.

**Project Design Feature TR-PDF-5:** The Project will install left-turn signal phases at the following three key intersections: Fairfax Avenue and 3rd Street, Martel Avenue/Hauser Boulevard and 3rd Street, and La Brea Avenue and 3rd Street.

## **Tribal Cultural Resources**

### **Impact Summary**

The Project would require excavation for subterranean parking and building foundations and therefore has the potential to uncover previously unidentified tribal cultural resources. A number of past reports evaluating the potential presence of tribal cultural resources at the Project Site and surrounding properties were reviewed as part of the EIR process for the Project. Based on those reports, there was no evidence identified for a tribal cultural resource, which includes significant Native American or specific resources identified by California and Native American tribes through the process of AB 52. In addition, the City generally applies a standard condition of approval to projects that provides the procedure to be followed in the event of the inadvertent discovery of tribal cultural resources. With implementation of the standard condition of approval, impacts would be less than significant. (Draft EIR pages IV.L-15 through IV.L-17; Draft EIR, Appendices C.2 and F; Final EIR, Appendix FEIR-14; and Erratum page 71)

## **Utilities and Service Systems**

### **Impact Summary**

Water service to the Project Site would continue to be supplied by LADWP for domestic and fire protection uses. Fire flow for the Project would comply with the LAMC and no expanded main water facilities would be required by the Project. Impacts would be less than significant. (Draft EIR pages IV.M.1-31 through IV.M.1-34 and Erratum pages 71 and 73)

In the Water Supply Assessment for the Project (Appendix N of the Draft EIR), LADWP concluded that the projected water supplies for average, single-dry, and multiple-dry years reported in LADWP's 2020 UWMP would be sufficient to meet the Project's estimated water demand, in addition to the existing and anticipated future water demands within LADWP's service area through the year 2045. Impacts would be less than significant. (Draft EIR pages IV.M.1-34 through IV.M.1-41 and Erratum pages 74 and 75)

The existing capacity of the sewer lines near the Project Site would have sufficient capacity to serve the Project. In addition, the Project's net increase in wastewater flow would represent only a small fraction of the remaining available capacity at the Hyperion Water Reclamation Plant. Impacts would be less than significant. (Draft EIR pages IV.M.2-12 through IV.M.2-19 and Erratum pages 73 and 75)

The Project's estimated net increase in solid waste disposal represents only a small fraction of the remaining capacity at the Class III landfills serving the County. The Project would also comply with all applicable state and local regulations related to solid waste. Impacts would be less than significant. (Draft EIR pages VI-33 through VI-35 and Erratum pages 76 and 77)

As confirmed by LADWP and SoCalGas, the existing infrastructure would be sufficient to serve the Project. Impacts would be less than significant. (Draft EIR pages IV.M.3-9 through IV.M.3-14 and Erratum page 74)

### **Project Design Features**

**Project Design Feature WAT-PDF-1:** In addition to any existing applicable regulatory requirements, the Project design will incorporate the following water conservation features to support water conservation:

- High-Efficiency Toilets with a flush volume of 1.1 gallons per flush or less.
- Showerheads with a flow rate of 1.5 gallons per minute or less.
- ENERGY STAR Certified Residential Dishwashers—standard with 3.0 gallons/cycle or less.
- Drip/Subsurface Irrigation (Micro-Irrigation).
- Proper Hydro-Zoning/Zoned Irrigation (groups plants with similar water requirements together).

### **Wildfire**

#### **Impact Summary**

The Project Site is not located within a City-designated Very High Fire Hazard Severity Zone, nor is it located within a City-designated fire buffer zone. Therefore, the Project Site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. No impact would occur. (Draft EIR page VI-35 and Erratum page 77)

### **VI. Less than Significant Impacts with Mitigation**

The EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The EIR identified feasible mitigation measures to avoid or substantially reduce

the environmental impacts in these areas to a level of less than significant. Based on the information and analysis set forth in the EIR, the Project would not have any significant environmental impacts in these areas, as long as all identified mitigation measures are incorporated into the Project. The City again ratifies, adopts, and incorporates the full analysis, explanation, findings, responses to comments, and conclusions of the EIR.

## **Air Quality (Localized Construction Emissions)**

### **Impact Summary**

Construction of the Project has the potential to generate temporary emissions through heavy-duty construction equipment like excavators and cranes, and through vehicle trips generated from workers and haul and delivery trucks traveling to and from the Project Site. Fugitive dust emissions would also result from demolition and various soil-handling activities. The localized effects from on-site daily construction emissions were determined at sensitive receptor locations potentially impacted by the Project by using SCAQMD's LST methodology. This methodology uses on-site mass emissions rate look-up tables and Project-specific modeling, where appropriate, to assess whether the Project's localized emissions would exceed the SCAQMD's LSTs as to the following criteria pollutants: NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standards and are based on the ambient concentrations of each pollutant for each source receptor area and the distance to the nearest sensitive receptor.

As set forth in Revised Table IV.A-9 on page III-27 of the Final EIR and discussed on pages 32 and 33 of the Erratum, the Project's maximum construction emissions would not exceed the SCAQMD's LSTs for CO or NO<sub>x</sub>, but would exceed the LSTs for PM<sub>10</sub> and PM<sub>2.5</sub>, primarily due to demolition and excavation and grading activities. As such, the Project's localized construction emissions would result in a potentially significant impact.

### **Project Design Features**

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

**Project Design Feature AIR-PDF-2:** All new emergency generators will meet the emission standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards. A childcare use, if any is proposed in the future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

**Project Design Feature AIR-PDF-3:** The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and 5 miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active import/export operation (excavation area) will be watered three times daily.

## Mitigation Measures

**Mitigation Measure AIR-MM-1:** Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements.

To the extent commercially available for the Project Site, small electric (i.e., less than 19 kilowatts) off-road equipment shall be used during Project construction in lieu of conventional small gasoline or diesel off-road equipment. Electric pumps shall be used for temporary dewatering during Project construction.

**Mitigation Measure AIR-MM-2:** The Project's truck operator(s)/construction contractor(s) shall commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/brake horsepower (bhp)-hr for particulate matter and 0.20 g/bhp-hr of nitrogen oxide emissions or newer, cleaner trucks for haul trucks associated with demolition and grading/excavation activities and concrete delivery trucks during concrete mat foundation pours. To monitor and ensure 2010 model year or newer trucks are used during Project construction, the Lead Agency shall require that truck operator(s)/construction contractor(s) maintain records of trucks during the applicable construction activities and make these records available to the Lead Agency during the construction process upon request. In addition, where commercially available for the Project Site, the Project's truck operator(s)/construction contractor(s) shall use 2014 model year or newer heavy-duty trucks meeting CARB's 2013 optional low-NOx standard (i.e., 0.02 g/bhp-hr of nitrogen oxide emissions).

**Mitigation Measure AIR-MM-3:** Construction haul truck staging areas shall be located no closer to adjacent residential uses than depicted in Figure 1 of Appendix FEIR-8 of the Final EIR.

**Mitigation Measure AIR-MM-4:** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

**Mitigation Measure AIR-MM-5:** To the extent commercially available for the Project Site, renewable diesel fuel shall be used in Project construction equipment in lieu of conventional diesel.

## **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

## **Rationale for Finding**

Implementation of the mitigation measures described above would reduce construction emissions. With the implementation of Mitigation Measure AIR-MM-1 and AIR-MM-2, peak daily localized emissions would be reduced below the SCAQMD LST thresholds. As such, Project construction would result in less than significant Project-level and cumulative localized impacts with the incorporation of Mitigation Measures AIR-MM-1 through AIR-MM-5.

## **Reference**

See Draft EIR Section IV.A, as revised in the Final EIR at pages III-23-30, and Appendix B of the Draft EIR for a complete evaluation of air quality impacts, thresholds, and evaluation methods conducted for the Project. The air quality-related PDFs and mitigation measures to be implemented by the Project Applicant are described in the Mitigation Monitoring Program (MMP) at page IV-3-7 of the Final EIR. See also pages 32 and 33 of the Erratum.

## **Cultural Resources (Archaeological Resources)**

### **Impact Summary**

Eight cultural resources were identified within 0.5 miles of the Project Site. Most notably, the presence of CA-LAN-3045H, a known historical archaeological site, was recorded to the south of the Project Site and consists of several archaeological features and artifacts. Artifacts and features from this site were identified as isolated items and in concentrations. Generally, substantial portions of the archaeological assemblage recorded in CA-LAN-3045H were found in the same locations where these various types of activities were described as having occurred. Most of the structures, activities, and uses appear to have been concentrated outside of the Project Site to the south, with only small portions of overlapping areas into the southernmost portions of the Project Site. Notably, most of the Project Site was used as open pasture before being developed in 1934 with the Gilmore Stadium. However, while some of the components recorded in CA-LAN-3045H are not necessarily likely to occur within the Project Site, the historical themes and material of those components could be an indicator of the type of historical refuse that could be present within the Project Site. Therefore, even though the integrity of an archaeological site can be impacted by disturbance due to natural or cultural transformation, the EIR conservatively identified a mitigation measure to ensure that any impact to previously undiscovered archaeological resources will be less than significant. Specifically, given that the Project would include excavations to a maximum depth of approximately 45 feet below ground surface, there may be a potential to encounter unknown archaeological resources that could be present at the Project Site. Therefore, potential impacts to archaeological resources would be potentially significant.

### **Mitigation Measures**

**Mitigation Measure CUL-MM-1:** Prior to the start of ground disturbance activities during Project construction, including demolition, digging, trenching, plowing, drilling, tunneling, grading, leveling, removing peat, clearing, augering,

stripping topsoil or a similar activity (Ground Disturbance Activities), a qualified principal archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (Qualified Archaeologist) shall be retained by the Applicant to prepare a written Cultural Resource Monitoring and Treatment Plan (CRMTP) in accordance with the Secretary of the Interior's Standards for Archeological Documentation, to reduce potential Project impacts on unanticipated archaeological resources unearthed during construction, with an emphasis on potential historical-period materials. The Applicant shall also coordinate with the Gabrieleño Band of Mission Indians—Kizh Nation who shall act in the capacity of the Tribal Consultant. A copy of the executed contract shall be submitted to the Department of City Planning prior to the issuance of any permit necessary for the Ground Disturbance Activities.

The CRMTP shall include the professional qualifications required of key staff, applicable regulatory requirements, monitoring protocols, provisions for evaluating and treating archaeological materials discovered during ground-disturbing activities, situations under which monitoring may be reduced or discontinued, and reporting requirements. Applicable regulations shall include but not be limited to Public Resources Code (PRC) Section 5024.1, Title 14 California Code of Regulations, Section 15064.5 of the CEQA Guidelines, and PRC Sections 21083.2 and 21084.1. The monitoring protocols shall include but not be limited to halting Ground Disturbance Activities within at least a 25-foot radius in the event resources are discovered so that the significance can be determined. Treatment provisions shall include but not be limited to the following: statement of the preference for preservation in place (i.e., avoidance) per CEQA Guidelines Section 15126.4(b)(3); description of methods for the adequate recovery of scientifically consequential information; requirements to coordinate with the Tribal Consultant to ensure that consideration is given to the cultural values ascribed to a resource beyond that which is scientifically important in the event the resource is Native American in origin; and procedures for curating any archaeological materials at a public, non-profit curation facility, university or museum with a research interest in the materials. The CRMTP shall be approved by the Department of City Planning prior to commencement of any Ground Disturbance Activities.

Prior to commencing any Ground Disturbance Activities at the Project Site, the Applicant shall retain an archaeological monitor who is qualified to identify archaeological resources and shall work under the direction of the Qualified Archaeologist. The Tribal Consultant shall designate a Native American monitor who will work in tandem with the archaeological monitor to identify resources. If no Native American monitor is designated within 30 days, the activity shall commence without the designated Native American monitor.

Prior to the commencement of any Ground Disturbance Activities, the archaeological monitor shall provide Worker Environmental Awareness Program (WEAP) training to construction workers involved in Ground Disturbance Activities that provides information on regulatory requirements for the protection of cultural resources. As part of the WEAP training, construction workers shall be informed about proper procedures to follow should a worker discover a cultural resource during Ground Disturbance Activities. In addition, construction workers shall be shown examples of the types of resources that would require notification of the archaeological



monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing that the training was completed for all construction workers involved in Ground Disturbance Activities.

The Qualified Archaeologist shall coordinate the proper implementation of this mitigation measure during the demolition and excavation phases of the Project. The archaeological and Native American monitor shall observe all Ground Disturbance Activities until the Qualified Archaeologist and Tribal Consultant, in consultation with the archaeological and Native American monitors, determines monitoring is no longer necessary, as specified in the CRMTP. If Ground Disturbance Activities are occurring simultaneously at multiple locations on the Project Site, the Qualified Archaeologist shall determine if additional monitors are required for other locations where such simultaneous Ground Disturbance Activities are occurring. Within 30 days of concluding the archaeological monitoring, the Qualified Archaeologist shall prepare a memo stating that the archaeological monitoring requirement of the mitigation measure has been fulfilled and summarize the results of any archaeological finds. The memo shall be submitted to the Applicant and the Department of City Planning. In the event that archaeological resources are identified, a full technical report shall be prepared documenting the methods and results of all work completed under the CRMTP, including, if any, treatment of archaeological materials, results of artifact processing, analysis, and research, and evaluation of the resource(s) for the California Register of Historical Resources. The report shall be prepared under the supervision of the Qualified Archaeologist and submitted to the Department of City Planning within one year of completion of the monitoring, unless other arrangements are required given the nature of the discovery. The final report shall be submitted to the South Central Coastal Information Center.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

### **Rationale for Finding**

Mitigation Measure CUL-MM-1 would provide for monitoring of ground disturbance activities in native soils on-site to reduce potential impacts on unanticipated archeological resources unearthed during construction. With the implementation of Mitigation Measure CUL-MM-1, impacts related to archeological resources would be reduced to a less than significant level.

### **Reference**

Section IV.B, Cultural Resources, of the Draft EIR; Appendix C, Tribal Cultural Resources Report, of the Draft EIR; Appendix FEIR-14, Archaeological and Tribal Cultural Resources Supplemental Memorandum, of the Final EIR; and page 42 of the Erratum.

## **Geology and Soils (Paleontological Resources)**

### **Impact Summary**

There are no previously encountered fossil vertebrate localities located within the Project Site and no fossil localities have been identified within 2,000 feet of the Project Site. However, localities

have been documented elsewhere in the area from the same geologic units that occur beneath portions of the Project Site. Therefore, potential impacts to unique paleontological resources would be potentially significant.

### **Mitigation Measures**

**Mitigation Measure GEO-MM-1:** The services of a Qualified Professional Paleontologist who meets the Society of Vertebrate Paleontology ([SVP] 2010) standards, shall be retained prior to ground disturbance activities associated with Project construction in order to develop a site-specific Paleontological Resource Mitigation and Treatment Plan. As defined by the SVP (2010), a Qualified Professional Paleontologist, also Principal Investigator, or Project Paleontologist, is described as:

A practicing scientist who is recognized in the paleontological community as a professional and can demonstrate familiarity and proficiency with paleontology in a stratigraphic context. A paleontological Principal Investigator shall have the equivalent of the following qualifications:

1. A graduate degree in paleontology or geology, and/or a publication record in peer reviewed journals; and demonstrated competence in field techniques, preparation, identification, curation, and reporting in the state or geologic province in which the project occurs. An advanced degree is less important than demonstrated competence and regional experience.
2. At least two full years professional experience as assistant to a Project Paleontologist with administration and project management experience; supported by a list of projects and referral contacts.
3. Proficiency in recognizing fossils in the field and determining their significance.
4. Expertise in local geology, stratigraphy, and biostratigraphy.
5. Experience collecting vertebrate fossils in the field."

The Paleontological Resource Mitigation and Treatment Plan shall specify the levels and types of mitigation efforts based on the types and depths of ground disturbance activities and the geologic and paleontological sensitivity of the Project Site. The Paleontological Resource Mitigation and Treatment Plan shall also include a description of the professional qualifications required of key staff, communication protocols during construction, fossil recovery protocols, sampling protocols for microfossils, laboratory procedures, reporting requirements, and curation provisions for any collected fossil specimens. The Paleontological Resource Mitigation and Treatment Plan shall be reviewed by the curatorial staff of the Vertebrate Paleontology Section of the Natural History Museum of Los Angeles County and/or the La Brea Tar Pits and Museum. The Draft Paleontological Resource Mitigation and Treatment Plan will be provided to the curatorial staff no later than four weeks before the start of excavation. A Worker Environmental Awareness Program, or WEAP, shall be conducted at the preconstruction meeting for the Project.

No monitoring would be required during excavation within artificial fill. This Qualified Professional Paleontologist shall supervise a Qualified

Paleontological Resource Monitor who shall monitor all ground disturbance activities within high sensitivity deposits (e.g., Pleistocene age deposits), including asphaltic deposits in order to identify potential paleontological remains. As defined by the SVP (2010), a Qualified Paleontological Resource Monitor has the following qualifications (or their equivalent):

1. BS or BA degree in geology or paleontology and one year experience monitoring in the state or geologic province of the specific project. An associate degree and/or demonstrated experience showing ability to recognize fossils in a biostratigraphic context and recover vertebrate fossils in the field may be substituted for a degree. An undergraduate degree in geology or paleontology is preferable, but is less important than documented experience performing paleontological monitoring, or
2. AS or AA in geology, paleontology, or biology and demonstrated two years of experience collecting and salvaging fossil materials in the state or geologic province of the specific project, or
3. Enrollment in upper division classes pursuing a degree in the fields of geology or paleontology and two years of monitoring experience in the state or geologic province of the specific project.
4. Monitors must demonstrate proficiency in recognizing various types of fossils, in collection methods, and in other paleontological field techniques.

In the event of a paleontological resource discovery, the monitor has the authority to divert and/or re-direct ground-disturbing activities in the area of the find, and rope off a protective barrier of at least 50 feet in length to evaluate the unanticipated find.

If significantly disturbed deposits or younger deposits too recent to contain paleontological resources are encountered during construction, the Qualified Professional Paleontologist may reduce or curtail monitoring in those affected areas, after consultation with the Applicant and the Los Angeles Department of City Planning's Office of Historic Resources.

Post-construction, a report shall be prepared detailing paleontological resources discovered during construction. The paleontological resources must be prepared, identified, curated, and donated to a repository, such as the Natural History Museum of Los Angeles County or the La Brea Tar Pits and Museum.

## **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

## **Rationale for Finding**

To address potential impacts to paleontological resources, monitoring will be required during excavation within Pleistocene age older alluvial deposits and the Palos Verdes Sand. The monitoring program would follow the guidelines outlined by the Society of Vertebrate Paleontology and include sediment sampling protocols for microfossil recovery. No monitoring would be required during excavation within artificial fill, as these deposits do not contain paleontological

resources in their original stratigraphic context and thus have a low sensitivity. With the implementation of Mitigation Measure GEO-MM-1, impacts related to paleontological resources would be reduced to a less than significant level.

### **Reference**

Section IV.D, Geology and Soils, of the Draft EIR pages IV.D-26 and IV.D-27; Appendix F, Paleontological Resources Review Memorandum, of the Draft EIR; and page 47 of the Erratum.

### **Hazards and Hazardous Materials (Release of Hazardous Materials)**

#### **Impact Summary**

The Project Site is located within a designated methane zone mapped by the City, and the subsurface investigation conducted in 2018 identified elevated methane concentrations in on-site soils. Sampling across the Project Site identified the presence of methane. A Site Design Level V methane system will be required for any new construction at the Project Site in accordance with Division 71 of Article 1, Chapter 9 of the LAMC, Section 91.7107 and the City of Los Angeles Methane Hazard Mitigation Standards. The Project's methane controls would include an impervious membrane, ventilation systems, monitoring and maintenance plan, and an emergency and contingency plan.

Elevated concentrations of fuel-related constituents were detected in soil and groundwater downgradient of the former Texaco station. VOCs were also detected in groundwater at the Project Site. Therefore, impacts associated with hazardous waste generation, handling, and disposal during construction would be potentially significant.

#### **Project Design Features**

**Project Design Feature HAZ-PDF-1:** The Project Applicant will update, and the Project will comply with, the Consolidated Contingency Plan for the Project Site. This will include spill prevention measures such as the use of secondary containment storage and storing materials away from drains in leak-proof containers with tight-fitting lids. Spill response measures will include the evacuation of unnecessary employees from a spill area, the use of absorbent materials in the case of small spills or evacuating all employees, calling 911, and reporting to Los Angeles Fire Department (LAFD) in the case of large spills. Absorbent materials used to clean small spills will be placed in a leak-proof container that is compatible with the waste, labeled as hazardous waste, and lawfully disposed of as such. Notifications will be made to the Health Hazardous Waste Materials Division of the LAFD and the California Office of Emergency Services (Cal OES) as necessary.

**Project Design Feature HAZ-PDF-2:** The Project Applicant will update, and the Project will comply with, the Television Studios Emergency Action Plan and associated emergency exit and assembly maps. The Emergency Action Plan will include procedures for earthquakes, emergency evacuation, fires, medical emergencies, and active shooters.

**Project Design Feature HAZ-PDF-3:** The Project Applicant will update, and the Project will comply with, the Television Studios Safety Manual. This manual will include, among other measures, safety procedures and requirements for personnel working at heights and procedures that ensure the safety of crew

members when servicing or repairing equipment that is capable of a spontaneous release of stored mechanical, electrical, or hydraulic energy, or which could be inadvertently energized.

**Project Design Feature HAZ-PDF-4:** The Project Applicant will update, and the Project will comply with, the Television Studios Injury and Illness Prevention Program (IIPP). The IIPP will include protocols regarding responsibility, compliance, employee communication, hazard assessment, accident/exposure investigation, hazard correction, training and construction, and recordkeeping.

**Project Design Feature HAZ-PDF-5:** Prior to demolition, existing buildings and structures will be tested to determine if they include asbestos-containing materials (ACMs). If present, ACMs will be removed and disposed of by a licensed and certified asbestos abatement contractor, in accordance with applicable federal, state, and local regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to the South Coast Air Quality Management District (SCAQMD) and LAFD for review and approval.

**Project Design Feature HAZ-PDF-6:** Prior to demolition, existing buildings and structures will be sampled to determine if they contain lead-based paint (LBP). If LBP is present, standard handling and disposal practices will be implemented pursuant to Occupational Safety and Health Act regulations. If required, the Project Applicant will submit a Hazardous Building Materials Demolition Assessment and Management Plan to LAFD for review and approval.

## **Mitigation Measures**

**Mitigation Measure HAZ-MM-1:** Soil Management Plan (SMP)—The Project Applicant shall implement the SMP prepared by Geosyntec, provided as Appendix B of the Site Summary Report, which shall be submitted to the City of Los Angeles Department of Building and Safety for review and approval prior to the commencement of excavation and grading activities. The entire Project Site shall be subject to the general protocols described in the SMP regarding prudent precautions and general observations and evaluations of soil conditions to be implemented throughout earthwork, grading, excavation, or other soil disturbance activities on the Project Site.

The protocols in the SMP include, but are not limited to, the following:

- Special precautions shall be taken to manage soils that will be disturbed during Project earthwork activities in areas containing Chemicals of Concern (COCs) above screening levels (SLs). These areas include the former Texaco gas station and other select areas of the Project Site with elevated total petroleum hydrocarbons (TPH) and arsenic in shallow soil, as shown in the Site Summary Report. Soil in these areas of the Project Site with residual COCs above SLs shall either be excavated prior to commencing excavation and grading operations in these areas or segregated and stockpiled prior to off-site disposal.
- The following requirements and precautionary actions shall be implemented when disturbing soil at the Project Site other than imported backfill: no soil disturbance or excavation activities shall occur without a Project Site-specific Health and Safety Plan (HASP). Any soil

that is disturbed, excavated, or trenched due to onsite construction activities shall be handled in accordance with applicable local, state, and federal regulations. Prior to the re-use of the excavated soil or the disposal of any soil from the Project Site, the requirements and guidelines in the SMP shall be implemented. The General Contractor shall conduct, or have its designated subcontractor conduct, visual screening of soil during activities that include soil disturbance. If the General Contractor or subcontractor(s) encounter any soil that is stained or odorous (Suspect Soil), the General Contractor and subcontractor(s) shall immediately stop work and take measures to not further disturb the soils (e.g., cover suspect soil with plastic sheeting) and inform the property owner's representative and the environmental monitor. The environmental monitor, an experienced professional trained in the practice of the evaluation and screening of soil for potential impacts working under the direction of a licensed Geologist or Engineer, shall be identified by the property owner prior to the beginning of work.

- If Suspect Soil is encountered on the Project Site, the environmental monitor shall collect samples for analysis to characterize the soil for potential on-site re-use or off-site disposal per the provisions provided in the SMP.
- Prior to excavation activities, the General Contractor or designated subcontractor shall establish specific areas for stockpiling Suspect Soil, should it be encountered, to control contact by workers and dispersal into the environment, per the provisions provided in the SMP.
- In the event of soil import to the Project Site, soil must be screened and evaluated in accordance with the Department of Toxic and Substance Control (DTSC) advisory regarding clean imported fill material. The General Contractor or designated subcontractor shall require that the source of the imported soil provide documentation of such evaluation.
- The General Contractor shall ensure that on-site construction personnel comply with all applicable federal, state, and local regulations, as well as the State of California Construction Safety Orders (Title 8). Additionally, if Suspect Soil is expected to be encountered, personnel working in that area shall comply with California Occupational Safety and Health Administration regulations specified in CCR Title 8, Section 5192. The General Contractor shall prepare a Project-specific HASP. It is the responsibility of the General Contractor to review available information regarding Project Site conditions, including the SMP, and potential health and safety concerns in the planned area of work. The HASP should specify COC action levels for construction workers and appropriate levels of personal protective equipment (PPE), as well as monitoring criteria for increasing the level of PPE. The General Contractor and each subcontractor shall require its employees who may directly contact Suspect Soil to perform

all activities in accordance with the General Contractor and subcontractor's HASP. If Suspect Soil is encountered, to minimize the exposure of other workers to potential contaminants on the Project Site, the General Contractor or designated subcontractor may erect temporary fencing around excavation areas with appropriate signage as necessary to restrict access and to warn unauthorized on-site personnel not to enter the fenced area. It is anticipated that all soil will be immediately loaded onto trucks for disposal and stockpiling on-site would not be necessary. If soil needs to be temporarily stored on-site, the stockpiled soil will be stored on the Project Site interior away from public interfaces on the perimeter.

- The General Contractor shall implement the following measures as provided in the SMP to protect human health and the environment during construction activities involving contact with soils at the Project Site: decontamination of construction and transportation equipment; dust control measures; storm water pollution controls and best management practices; and proper procedures for the handling, storage, sampling, transport and disposal of waste and debris.
- In the event volatile organic compound (VOC)-contaminated soil is encountered during excavation onsite, a South Coast Air Quality Management District (SCAQMD) Rule 1166 permit shall be obtained before resuming excavation. Rule 1166 defines VOC-contaminated soil as a soil which registers a concentration of 50 ppm or greater of VOCs as measured before suppression materials have been applied and at a distance of no more than three inches from the surface of the excavated soil with an organic vapor analyzer calibrated with hexane. Either a SCAQMD Various Locations permit and plan, or a Project Site-specific permit and plan shall be required, depending upon the volume of soil to be excavated. Notifications, monitoring, and reporting related to the SCAQMD Rule 1166 permit shall be the responsibility of the General Contractor. If a Rule 1166 permit is required, an air monitoring plan may be required by the SCAQMD. Air monitoring plans are intended to protect the surrounding community from harmful exposure to VOCs and typically entail stationary monitoring stations for sample collection for laboratory analysis. Protection of onsite construction workers shall be accomplished by the development and implementation of the HASP.
- Known below-grade structures at the Project Site (i.e., storm water infrastructure) shall be removed from the ground or cleaned, backfilled, and left in place as appropriate during grading and excavation. If unknown below-grade structures are encountered during Project Site grading and excavation, the General Contractor shall promptly notify the property owner's representative the same day the structure is discovered. Based on an evaluation of the unknown below-grade structure by the appropriate professional (e.g., environmental monitor, geotechnical engineer), the property owner shall address the below-grade structure in accordance with applicable laws and regulations.

**Mitigation Measure HAZ-MM-2:** During construction activities at the Project Site, controls shall be in place to mitigate the effects of subsurface gases and impacted soil and groundwater on workers and the public. During construction, the following shall be implemented:

- Monitoring devices for methane and benzene shall be present to alert workers of elevated gas concentrations when basement or subsurface soil disturbing work is being performed;
- Contingency procedures shall be in place if elevated gas concentrations are detected such as the mandatory use of PPE, evacuating the area, and/or increasing ventilation within the immediate work area where the elevated concentrations are detected;
- Workers shall be trained to identify exposure symptoms and implement alarm response actions;
- Soil and groundwater exposed during excavations shall be minimized to reduce the surface area which could off-gas. This shall be achieved by staggering exposed excavation areas;
- Soil removed as part of construction shall be sampled and tested for off-site disposal in a timely manner. If soil is stockpiled prior to disposal, it shall be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP);
- Fencing shall be erected to limit public access and allow for gas dilution; and
- A HASP shall be prepared to describe the proposed construction activities and hazards associated with each activity. Hazard mitigation shall be presented in the HASP to limit construction risks to workers. The HASP shall include emergency contact numbers, maps to the nearest hospital, gas monitoring action levels, gas response actions, allowable worker exposure times, and mandatory PPE requirements. The HASP shall be signed by all workers on-site to demonstrate their understanding of the construction risks.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

### **Rationale for Finding**

Mitigation measures would reduce impacts to a less than significant level. Specifically, testing and proper disposal of all excavated soil at the Project Site will follow the procedures and regulations described in the Soil Management Plan required by Mitigation Measure HAZ-MM-1.. (See Appendix B of the Site Summary Report [Appendix G.1 of the Draft EIR]). Per the Soil Management Plan set forth in Mitigation Measure HAZ-MM-1, a SCAQMD Rule 1166 permit would be obtained in the event VOC-contaminated soils are encountered, and the approved mitigation plan would be implemented. As such, compliance with existing regulations and



implementation of Mitigation Measure HAZ-MM-1 would ensure the Project would not create or exacerbate a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the handling and disposal of VOC-contaminated soil that may be encountered on-site.

With regard to methane, Mitigation Measure HAZ-MM-2 requires the installation of controls during Project construction to mitigate the effects of subsurface gases on workers and the public. These measures would include monitoring devices for methane and benzene to alert workers of elevated gas concentrations, contingency procedures if elevated gas concentrations are detected, worker training to identify exposure symptoms and implement alarm response actions, and the minimization of soil and groundwater during excavations. Additionally, soil removed as part of construction would be sampled and tested for off-site disposal in a timely manner and if soil is stockpiled prior to disposal, it would be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP). Furthermore, fencing would be erected to limit public access and allow for gas dilution. Lastly, a HASP would be prepared to describe the proposed construction activities and hazards associated with each activity. As such, implementation of Mitigation Measure HAZ-MM-2 would ensure potential impacts related to subsurface gases and associated potential impacts to soil and groundwater would be less than significant.

With the implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, impacts related to the release of hazardous materials into the environment would be reduced to a less than significant level.

## **Reference**

Section IV.H, Hazards and Hazardous Materials, of the Draft EIR pages IV.F-42 through IV.F-56; the Site Summary Report and Phase I Environmental Site Assessment included as Appendix G of the Draft EIR; and pages 49 and 50 of the Erratum.

## **VII. Significant and Unavoidable Impacts**

The Final EIR determined that the environmental impacts set forth below are significant and unavoidable. In order to approve the project with significant unmitigated impacts, the City is required to adopt a Statement of Overriding Considerations, which is set forth in Section XII below. No additional environmental impacts other than those identified below will have a significant effect or result in a substantial or potentially substantial adverse effect on the environment as a result of the construction or operation of the project. The City finds and determines that:

4. a) All significant environmental impacts that can be feasibly avoided have been eliminated, or substantially lessened through implementation of the project design features and/or mitigation measures; and
5. b) Based on the Final EIR, the Statement of Overriding Considerations set forth below, and other documents and information in the record with respect to the construction and operation of the project, all remaining unavoidable significant impacts, as set forth in these findings, are overridden by the benefits of the project as described in the Statement of Overriding Considerations for the construction and operation of the project and implementing actions.

## **Air Quality (Construction/Regional Emissions)**

### **Impact Summary**

Construction of the Project has the potential to generate temporary emissions through heavy-duty construction equipment like excavators and cranes, and through vehicle trips generated from workers and haul and delivery trucks traveling to and from the Project site. Fugitive dust emissions would also result from demolition and various soil-handling activities. Mobile source emissions, primarily NO<sub>x</sub>, could result from the use of construction equipment, such as dozers, loaders, and cranes. During the finishing phase of the Project, paving and the application of architectural coatings (e.g., paints) could potentially release VOCs. Each of these potential sources were considered in the construction air quality impact assessment.

The Project's regional emissions were evaluated against regional emissions thresholds established by SCAQMD. Daily regional emissions during construction were estimated by applying Project-specific mobile source and fugitive dust emissions factors based on the anticipated construction equipment types and the construction schedule. To be conservative, this analysis evaluates the Project's air quality impacts during construction based on reasonably expected maximum construction emissions even though such emissions would not occur throughout the entire construction phase. The analysis utilized CalEEMod (Version 2020.4.0), an emissions inventory software program recommended by SCAQMD.

The Project Applicant is seeking a Development Agreement which could extend the full buildout year to approximately 2043. Moreover, the construction equipment and truck fleet mix will emit less pollution in future years due to more stringent emissions control regulations. As construction air quality impacts are evaluated on a worst-case day, the 32-month construction duration (2023–2026) was conservatively analyzed, which assumes more intensive activities on a daily basis, as well as overlapping activities. In addition, the long-term buildout scenario was also evaluated to provide a comprehensive analysis. While the Specific Plan would provide limited development flexibility as to the floor area mix of the permitted studio land uses, the overall square footage of development and earthwork activities would be the same under any potential buildout scenario. The Project's highest estimated daily construction emissions expected to occur during each year of construction are set forth in Table IV.A-6 on page IV.A-63 of the Draft EIR. As shown in Table IV.A-6, construction-related daily maximum regional construction emissions would exceed daily significance thresholds only for NO<sub>x</sub>, resulting in a short-term significant impact related to NO<sub>x</sub>. In addition, according to SCAQMD guidance, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, the project would also cause a cumulatively considerable net increase of these criteria pollutants. Because the Project would exceed SCAQMD's daily regional significance threshold for NO<sub>x</sub>, as explained above, the Project would also have a cumulatively significant impact related to NO<sub>x</sub>.

### **Project Design Features**

The Project incorporates the following PDFs regarding air quality:

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

**Project Design Feature AIR-PDF-2:** All new emergency generators will meet the emissions standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards. A childcare use, if any is proposed in the

future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

**Project Design Feature AIR-PDF-3:** The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and five miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active import/export operation (excavation area) will be watered three times daily.

### **Mitigation Measures**

The following mitigation measures shall be undertaken by the Project Applicant:

**Mitigation Measure AIR-MM-1:** Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of the construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements.

To the extent commercially available for the Project Site, small electric (i.e., less than 19 kilowatts) off-road equipment shall be used during Project construction in lieu of conventional small gasoline or diesel off-road equipment. Electric pumps shall be used for temporary dewatering during Project construction.

**Mitigation Measure AIR-MM-2:** The Project's truck operator(s)/construction contractors(s) shall commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/brake horsepower (bhp)-hr for particulate matter and 0.20 g/bhp-hr of nitrogen oxide emissions or newer, cleaner trucks for haul trucks associated with demolition and grading/excavation activities and concrete delivery trucks during concrete mat foundation pours. To monitor and ensure 2010 model year or newer trucks are used during Project construction, the Lead Agency shall require that truck operator(s)/construction contractor(s) maintain records of trucks during the applicable construction activities and make these records available to the Lead Agency during the construction process upon request. In addition, where commercially available for the Project Site, the Project's truck operator(s)/construction contractor(s) shall use 2014

model year or newer heavy-duty trucks meeting CARB's 2013 optional low-NOx standard (i.e., 0.02 g/bhp-hr of nitrogen oxide emissions).

**Mitigation Measure AIR-MM-3:** Construction haul truck staging areas shall be located no closer to adjacent residential uses than depicted in Figure 1 of Appendix FEIR-8 of the Final EIR.

**Mitigation Measure AIR-MM-4:** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

**Mitigation Measure AIR-MM-5:** To the extent commercially available for the Project Site, renewable diesel fuel shall be used in Project construction equipment in lieu of conventional diesel.

### Finding

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### Rationale for Finding

As discussed in Section IV.A of the Draft EIR, as revised at pages III-23-30 of the Final EIR, Project construction would result in a significant and unavoidable Project-level and cumulative impact related to regional NOx emissions. This impact would primarily occur over a nine-month duration during concurrent demolition and grading/excavation operations. Implementation of Mitigation Measures AIR-MM-1 through AIR-MM-5 would reduce construction emissions, including NOx emissions, but peak daily regional NOx emissions would still exceed the SCAQMD regional threshold. In response to public comments on the Draft EIR, as part of the Final EIR, Mitigation Measure AIR-MM-1 was updated to require construction equipment that meets Tier 5 requirements, when such equipment is commercially available; to use small electrical off-road equipment, to the extent commercially available; and to use electrical pumps for dewatering. Mitigation Measure AIR-MM-2 was revised to require use of model year 2014 or newer heavy-duty trucks that meet CARB's 2013 optional low-NOx standard, where commercially available. In addition, Mitigation Measure AIR-MM-5 was added that requires use of renewable diesel fuel in construction equipment in lieu of conventional diesel fuel, to the extent commercially available. Prohibition of the use of portable generators was also suggested in public comments and in response to this suggestion, Project Design Feature GHG-PDF-3 was included that provides for the installation of additional electrical hookups at all basecamp areas to eliminate the need for portable generators.

Use of zero emission (ZE) or near-zero emission (NZE) trucks and other equipment was suggested in public comments. As explained in Response to Comment No. 26-39, it is not within the Project Applicant's control and influence to ensure that only ZE or NZE vehicles operate at the Project Site during construction. During construction, numerous independent contractors will operate haul trucks and delivery trucks, who may themselves subcontract other entities, including small businesses, to provide hauling and deliveries to meet those needs. There is simply no feasible mechanism to fairly apply and enforce such a requirement given the scale of Project

construction. Public comments also suggested a variety of mitigation recommendations related to the control of fugitive dust, including that construction vehicles be rinsed prior to exiting the Project Site. However, these recommended mitigation measures are not necessary as compliance with SCAQMD Rule 403 requires the use of best available control technologies (BACT) for dust control, including measures for the prevention of dust track out onto public roads.

Public comment also suggested that cement be blended with the maximum feasible amount of flash or other emission-reducing products. However, this public comment did not provide substantial evidence of how the use of flash in concrete would reduce significant Project-related air quality impacts. Furthermore, flash contains hazardous contaminants, including mercury, cadmium, and arsenic, which could negatively impact communities in the vicinity of the Project Site if carried off-site by local winds. Public comments also suggested that low-VOC emission coatings be used beyond local requirements. However, as discussed on page IV.A-17 in Section IV.A, Air Quality, of the Draft EIR, SCAQMD Rule 1113—Architectural Coatings limits the allowable VOC content of architectural coatings in the SCAQMD's jurisdiction and is regularly amended to reduce allowable VOC content of architectural coatings based on the commercial availability of low-VOC products. There are no feasible mitigation measures, other than those discussed above and incorporated into the Project, that would further reduce or avoid this impact.

Additionally, although the Modified Project would reduce the amount of square footage to be developed, the Modified Project would not change the quantity, depth or location of grading and excavation activities that would occur within the Project Site. In addition, construction activities, including types of equipment, hours of operation, and haul routes, would be consistent with those set forth in the EIR (refer to Appendix FEIR-8 of the Final EIR, Details of Buildout and Construction). The depth of grading would also be within the grading envelopes specified in Figure 3 of Appendix FEIR-13. As such, while the overall duration of construction activities under the Modified Project could be reduced somewhat due to the reduction in floor area, the intensity of air emissions from grading and construction activities would be similar to the Original Project on days when maximum construction activities occur. As maximum daily conditions are used for measuring impact significance, regional impacts on these days would be similar to those of the Original Project and would be significant and unavoidable. Although temporary, this impact would be significant and unavoidable.

### **Reference**

See Draft EIR Section IV.A, as revised in Final EIR at pages III-23-30, and Appendix B of the Draft EIR for a complete evaluation of air quality impacts, thresholds, and evaluation methods conducted for the Project. Also refer to Response to Comment Nos. 1-2, 26-39, 26-40, 26-E.1-38, and 26-E.1-39 of the Final EIR and Erratum page 32. The air quality-related PDFs and mitigation measures to be implemented by the Project Applicant are described in the MMP at pages IV-3 through IV-7 of the Final EIR.

### **Air Quality (Concurrent Construction and Operation)**

#### **Impact Summary**

The Project Applicant is seeking a Development Agreement with a 20-year term, which could extend the full buildout year to approximately 2043. The Development Agreement would confer a vested right to develop the Project in accordance with the Specific Plan and the MMP throughout the term of the Development Agreement. The Specific Plan and MMP would continue to regulate development of the Project and require implementation of all applicable PDFs and mitigation measures associated with any development activities during and beyond the term of the

Development Agreement. Extending the buildout year to approximately 2043 has the potential to result in concurrent construction and operational activities.

From a construction standpoint, the overall amount of demolition, excavation/export, and square footage of building construction would not change. However, a long-term buildout would benefit from future improvements in equipment efficiencies, including more stringent regulatory requirements, that would reduce future emissions during Project construction. Based on SCAQMD factors, the construction equipment and truck fleet mix would emit less pollution in future years due to more stringent emissions control regulations. As construction air quality impacts are evaluated on a worst-case day, the 32-month construction scenario (2023–2026) assumes more intensive construction activities on a daily basis, as well as overlapping activities and construction phases.

From an operational standpoint, a long-term buildout would also result in an overall reduction in operational emissions due to more stringent requirements that will apply in the future, including subsequent versions of Title 24 requirements which typically include increasingly stringent energy conservation requirements and associated reductions in energy use. More stringent fuel economy requirements in subsequent years would similarly decrease Project-related fuel usage.

The analysis of concurrent construction and operational activities was considered in five-year increments, with construction activities conservatively assumed to occur at approximately 50 percent of the maximum daily intensity as would occur during the 32-month construction scenario (2023–2026). As shown in Table IV.A-12 on page IV.A-76 of the Draft EIR, concurrent construction and operation of the Project would result in NO<sub>x</sub> and VOC emissions that would exceed the SCAQMD regional significance threshold and cause a significant and unavoidable air quality impact. As shown in Revised Table IV.A-13 on page III-30 of the Final EIR, concurrent construction (mitigated) and operational localized emissions would not exceed the SCAQMD LSTs and would result in a less than significant localized impact with mitigation.

### **Project Design Features**

The Project incorporates the following PDFs regarding air quality:

**Project Design Feature AIR-PDF-1:** Where power poles are available, electricity from power poles and/or solar powered generators, rather than temporary diesel or gasoline generators, will be used during construction.

**Project Design Feature AIR-PDF-2:** All new emergency generators will meet the emissions standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards. A childcare use, if any is proposed in the future, will be located a minimum of 330 feet from the existing Big Blue emergency generator to the extent it remains in use.

**Project Design Feature AIR-PDF-3:** The on-site speed limit for construction employee vehicles and delivery and haul trucks will be limited to 15 miles per hour on paved surfaces, 10 miles per hour on unpaved surfaces controlled by soil stabilizers, and five miles per hour near active work zones to position for loading/unloading. To further control dust emissions from the unpaved portion of on-site haul routes, 400 feet of surface area per haul (haul truck round trip) will be controlled by soil stabilizers and 200 feet of surface area per haul near the active import/export operation (excavation area) will be watered three times daily.

## Mitigation Measures

The following mitigation measures shall be undertaken by the Project Applicant:

**Mitigation Measure AIR-MM-1:** Prior to demolition, a Project representative shall make available to the City of Los Angeles Department of Building and Safety and the South Coast Air Quality Management District (SCAQMD) a comprehensive inventory of all offroad construction equipment that will be used during any portion of the construction. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board (CARB) or SCAQMD operating permit shall be available onsite at the time of mobilization of each applicable unit of equipment to allow a Construction Monitor to compare the onsite equipment with the inventory and certified Tier specification and operating permit. Offroad diesel-powered equipment within the construction inventory list described above shall meet the United States Environmental Protection Agency (USEPA) Tier 4 Final standards. In addition, where commercially available for the Project Site, construction equipment shall meet Tier 5 requirements.

To the extent commercially available for the Project Site, small electric (i.e., less than 19 kilowatts) off-road equipment shall be used during Project construction in lieu of conventional small gasoline or diesel off-road equipment. Electric pumps shall be used for temporary dewatering during Project construction.

**Mitigation Measure AIR-MM-2:** The Project's truck operator(s)/construction contractors(s) shall commit to using 2010 model year or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/brake horsepower (bhp)-hr for particulate matter and 0.20 g/bhp-hr of nitrogen oxide emissions or newer, cleaner trucks for haul trucks associated with demolition and grading/excavation activities and concrete delivery trucks during concrete mat foundation pours. To monitor and ensure 2010 model year or newer trucks are used during Project construction, the Lead Agency shall require that truck operator(s)/construction contractor(s) maintain records of trucks during the applicable construction activities and make these records available to the Lead Agency during the construction process upon request. In addition, where commercially available for the Project Site, the Project's truck operator(s)/construction contractor(s) shall use 2014 model year or newer heavy-duty trucks meeting CARB's 2013 optional low-NOx standard (i.e., 0.02 g/bhp-hr of nitrogen oxide emissions).

**Mitigation Measure AIR-MM-3:** Construction haul truck staging areas shall be located no closer to adjacent residential uses than depicted in Figure 1 of Appendix FEIR-8 of the Final EIR.

**Mitigation Measure AIR-MM-4:** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

**Mitigation Measure AIR-MM-5:** To the extent commercially available for the Project Site, renewable diesel fuel shall be used in Project construction equipment in lieu of conventional diesel.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### **Rationale for Finding**

As discussed in Section IV.A of the Draft EIR, as revised at pages III-23-30 of the Final EIR, concurrent construction (mitigated) and operation of the Project would result in NO<sub>x</sub> and VOC emissions that exceed the SCAQMD regional significance threshold and result in a significant and unavoidable air quality impact. Implementation of Mitigation Measures AIR-MM-1 through AIR-MM-5 would reduce construction emissions, including NO<sub>x</sub> emissions, but peak daily regional NO<sub>x</sub> emissions would still exceed the SCAQMD regional threshold. Refer to the rationale for finding discussion above under Air Quality (construction/regional emissions) regarding mitigation measures for regional construction emissions that were updated or added in response to public comments, as well as suggested mitigation measures that were determined to be infeasible. There are no feasible mitigation measures, other than those discussed above and incorporated into the Project, that would further reduce or avoid this impact. Refer to the rationale for finding discussion above under Air Quality (construction/regional emissions) regarding why the Project would not reduce this impact to a less than significant level. This impact would be significant and unavoidable.

### **Reference**

See Draft EIR Section IV.A, as revised in the Final EIR at pages III-23-30, and Appendix B of the Draft EIR for a complete evaluation of air quality impacts, thresholds, and evaluation methods conducted for the Project. Also refer to Response to Comment Nos. 1-2, 26-39, 26-40, 26-E.1-38, and 26-E.1-39 of the Final EIR and Erratum page 32. The air quality-related PDFs and mitigation measures to be implemented by the Project Applicant are described in the MMP at pages IV-3 through IV-7 of the Final EIR.

### **Noise (Construction/On-Site Noise)**

#### **Impact Summary**

Project construction may occur in one phase, with a total construction period of approximately 32 months. The significance criterion used is whether Project-related construction noise exceeds the ambient exterior noise levels by 5 dBA (hourly Leq) or more at a noise-sensitive use.

Project construction would generally commence with the demolition of certain existing buildings and parking areas, followed by grading and excavation. Building foundations would then be constructed, followed by building construction, paving/concrete installation, and landscape installation. Up to approximately 772,000 cubic yards of soil is estimated to be exported from the Project Site, and potentially 50,000 cubic yards of soil would be imported to the Project Site during the excavation stage. Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating



construction activities, and the relative distance to noise-sensitive receptors. Each stage of construction would involve various types of equipment with distinct noise characteristics. Noise from construction equipment would generate both steady-state and episodic noise that could be heard within and adjacent to the Project Site.

Revised Table IV.I-10 on page III-56 of the Final EIR sets forth the estimated construction noise levels for various construction stages at off-site receptor locations. As shown on Revised Table IV.I-10, the estimated noise levels at all stages of Project construction combined, without mitigation, would exceed the significance criterion (cause an exceedance of the ambient Leq noise level by 5 dBA or more at a noise-sensitive receptor) at seven out of the eight off-site receptor locations, resulting in a potentially significant noise impact.

Based on the *L.A. CEQA Thresholds Guide*, noise from construction projects is typically localized and has the potential to affect noise-sensitive uses within 500 feet from the construction site, so that noise from construction activities for two projects within 1,000 feet of each other can contribute to a cumulative noise impact for receptors located midway between the two sites. The Draft EIR analyzed seven related projects within 1,000 feet of the Project Site and concluded that there would be potentially significant cumulative impacts to nearby sensitive uses located in proximity to the Project Site and three related project sites, in the event of concurrent construction activities. Cumulative noise impacts from on-site construction would therefore be potentially significant.

### **Project Design Features**

The Project incorporates the following PDFs regarding noise:

**Project Design Feature NOI-PDF-1:** Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices, consistent with manufacturers' standards. All equipment will be properly maintained to assure that no additional noise due to worn or improperly maintained parts will be generated.

- Construction contractors will schedule construction activities to avoid the simultaneous operation of construction equipment within 100 feet of receptor location R1 (Broadcast Center Apartments) to minimize noise levels resulting from operating several pieces of high-noise-level emitting equipment such as drilling rigs, excavators, and concrete pumps.
- Construction equipment staging areas will be located at least 100 feet from receptor location R1. Contractors will place stationary noise sources on the Project Site at least 100 feet from receptor location R1.
- A telephone hotline for use by the public will be established to report any adverse noise conditions associated with the construction of the Project. The hot-line telephone number shall be posted at the Project Site during construction in a manner visible to passersby with a minimum spacing of one sign for each 200 feet of the perimeter. In the event that the noise complaint is Project construction-related, the Applicant shall:
  - Document and respond to each noise complaint;

- Conduct an investigation to attempt to determine the source of noise related to the complaint;
- Take all reasonable measures to reduce the noise at its source; and
- Submit a monthly summary report of the Project-related noise complaints to the City Planning Department or Building and Safety.
- Hydraulic tools will be used instead of pneumatic tools within 100 feet from receptor location R1, when commercially available.
- All impacts tools will be shrouded or shielded within 100 feet from receptor location R1.
- Construction equipment will not be idled for extended periods of time (more than 5 minutes) within 100 feet of receptor location R1, as specified by CARB.
- Music (i.e., workers' radios) from the construction site will not be audible at off-site noise-sensitive receptors.
- Large 40-yard dumpsters will not be located within 200 feet from receptor location R1; or, if located within 200 feet of receptor location R1, a sound barrier blocking the line of sight to the dumpster from receptor location R1 will be required.
- Within 100 feet from any sensitive receptor location, the Project would utilize electric or battery powered construction equipment for the following pieces of equipment: tower cranes; mounted placing booms; scissor lifts; welding machines once permanent power is in place; swing stages; light towers for limited durations; concrete saw; and some light material forklifts (except for heavy material lifting) once concrete is in place.

**Project Design Feature NOI-PDF-2:** Project construction will not include the use of driven (impact) pile systems.

**Project Design Feature NOI-PDF-3:** Outdoor mounted mechanical equipment will be enclosed or screened by the building design (e.g., a roof parapet or mechanical screen) from the view of off-site noise-sensitive receptors.

**Project Design Feature NOI-PDF-4:** Outdoor amplified sound systems for outdoor gatherings (non-production uses) on roof decks, if any, will be designed so as not to exceed a maximum noise level of 85 A-weighted decibels (dBA) (Leq-1hr) at a distance of 25 feet from the amplified speaker sounds systems in any roof deck gathering areas located within 15 feet from the northern, southern and western property lines and within 40 feet from the eastern property line, and 95 dBA (Leq-1hr) at a distance of 25 feet from the amplified speaker sound systems within the interior portions of the Project Site.<sup>5</sup> A qualified noise consultant will provide written documentation that the design of the system complies with these maximum noise levels.

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<sup>5</sup> Based on the conceptual site plan shown in Section II, Project Description, of the Draft EIR, the potential roof decks along the perimeter were assumed to be at least 75 feet above adjacent grade and the roof decks within the interior portion of the Project Site were assumed to be at least 50 feet above grade.

**Project Design Feature NOI-PDF-5:** Outdoor studio production activities will be prohibited within 200 feet of the Shared Eastern Property Line adjacent to the existing multi-family residence located immediately east of the Project Site (receptor location R1) between the hours of 10 P.M. and 7 A.M.

### **Mitigation Measures**

The following mitigation measure shall be undertaken by the Project Applicant:

**Mitigation Measure NOI-MM-1:** A temporary and impermeable sound barrier shall be erected at the locations listed below. At plan check, building plans shall include documentation prepared by a noise consultant verifying compliance with this measure.

- Along the eastern property line of the Project Site between the construction areas and the adjacent residential and park uses to the east, the temporary sound barrier shall be designed to provide a minimum 16-A-weighted decibels (dBA) noise reduction at the ground level of receptor locations R1 and R2. In addition, the temporary sound barrier along the Shared Eastern Property Line (between the Project Site and the Broadcast Center Apartments (R1)) shall be 30 feet high. The sound barriers shall be constructed when construction activities are located within 700 feet and 560 feet of receptor locations R1 and R2, respectively.
- Along the northern property line of the Project Site between the construction areas and the motel (receptor location R3) and school (receptor location R4) on the north side of Beverly Boulevard and the residential uses along Orange Grove Avenue, Ogden Drive, Genesee Avenue, and Spaulding Avenue (represented by receptor location R5), the temporary sound barrier shall be designed to break the line-of-sight and provide a minimum 9-dBA, 5-dBA and 8-dBA noise reduction at the ground level of receptor locations R3, R4, and R5 respectively. The sound barriers shall be constructed when construction activities are located within 280 feet, 300 feet, and 490 feet of receptor locations R3, R4 and R5, respectively.
- Along the western and a portion of the southern property lines of the Project Site between the construction areas and residential uses on Hayworth Avenue (receptor location R7) and the residential and motel uses on the west side of Fairfax Avenue (receptor location R8), the temporary sound barrier shall be designed to break the line-of-sight and provide a minimum of 15-dBA and 10-dBA noise reduction at the ground level of receptor locations R7 and R8, respectively. The sound barriers shall be constructed when construction activities are located within 700 feet and 340 feet of receptor locations R7 and R8, respectively.
- Along an approximately 250-foot segment of the southern portion of the Project property line between the construction areas and the Gilmore Adobe, a temporary sound barrier shall be designed to break the line-

of-sight and provide a minimum of 15 dBA noise reduction at the ground level of the Gilmore Adobe.<sup>6</sup> The sound barrier shall be constructed when construction activities are located within 700 feet of the Gilmore Adobe.

### **Finding**

Pursuant to PRC Section 21081(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### **Rationale for Finding**

As discussed in Section IV.I of the Draft EIR, as revised in pages III-50-66 of the Final EIR, implementation of Mitigation Measure NOI-MM-1 would reduce the Project's construction noise levels to the extent feasible, so that estimated construction-related noise levels at six out of the eight off-site sensitive receptor locations (receptor locations R2, R3, R4, R5, R7, and R8) would be reduced below the significance criterion and to a less than significant level (noise levels at receptor location R6 would be below the significance criterion without mitigation). In response to public comments on the Draft EIR, Mitigation Measure NOI-MM-1 was updated to increase the height of the sound barrier adjacent to receptor location R1 and to extend sound barriers along specific locations along the property line. The temporary sound barrier specified for receptor location R1 would provide a noise reduction up to 5 dBA at level 3, which is a noticeable noise reduction. However, it would not be effective in reducing the construction-related noise levels at the higher levels of the residential building (up to five stories) due to the higher elevation relative to the Project Site. In order to be effective, the temporary noise barrier would need to be as high as the building (i.e., five stories), which is not financially or logistically feasible. As explained in Appendix FEIR-17 of the Final EIR, providing a 50-foot-high sound barrier would be extremely difficult to implement due to wind loading, which typically requires lateral bracing. Lateral bracing is not possible at this location due to the footprint of the new construction and the location of the existing Broadcast Center Apartment building. Further, lateral bracing would interfere with construction sequencing, causing the overall duration of construction to lengthen considerably. In response to public comments, various suggested measures to be implemented by the contractor were incorporated in Project Design Feature NOI-PDF-1 to address noise during construction, including scheduling of equipment, location of staging areas, use of a hot line, use of hydraulic tools instead of pneumatic tools, prohibition of audible music, locations of dumpsters, and use of electric or battery powered construction equipment for specified pieces of equipment. With respect to other mitigation measures suggested during the Draft EIR's public comment period, as discussed in detail in Appendix FEIR-17, there is currently no silent construction equipment available in the United States for the construction required for the Project; the use of alternative crushers, saws, hoppers, storage bins, etc. would extend the duration of construction, substantially increasing costs; and there is currently no electric/battery powered or hybrid equipment available in the United States for use in the heavy-duty requirements for mass excavation and shoring operations. Consequently, even with Mitigation Measure NOI-MM-1, the

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<sup>6</sup> The Gilmore Adobe (also referred to as the Rancho La Brea Adobe) is a commercial use. A commercial use is not a sensitive receptor for purposes of the noise analysis under CEQA. Nonetheless, the Gilmore Adobe was treated hypothetically as a residential use for informational purposes in response to comments on the Draft EIR.

construction-related noise at receptor location R1 would exceed the significance threshold. There are no other feasible mitigation measures to further reduce the construction noise impact at receptor location R1 below the significance threshold. In addition, concurrent construction activities at the Project Site and three related project sites located within 1,000 feet of the Project could cause significant cumulative noise impacts at nearby sensitive uses located in proximity to the Project Site and the related projects. Additionally, although the Modified Project would reduce the amount of square footage developed, the on- and off-site construction activities and the associated construction noise levels were conservatively assumed to be similar to the Original Project during maximum activity days. As such, noise levels during the maximum activity days, which are used for measuring noise impacts under CEQA, would be similar to those of the Original Project. Accordingly, construction noise impacts associated with on-site noise sources would remain significant and unavoidable at a project and cumulative level.

## **Reference**

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also Appendix FEIR-17 of the Final EIR for a detailed discussion of the feasibility of noise-related mitigation measures suggested during the Draft EIR's public comment period. Refer also to page 60 of the Erratum.

## **Noise (Construction/Off-Site Noise)**

### **Impact Summary**

Off-site construction-related noise sources may include materials delivery, concrete mixing, and haul trucks, as well as construction worker vehicles accessing the Project Site during construction. The most significant noise sources associated with off-site construction-related noise would be from material delivery/concrete/haul trucks. The significance threshold for off-site construction noise impacts is whether Project-related construction noise exceeds the ambient exterior noise levels by 5 dBA (hourly Leq) or more at a noise-sensitive location.

The Project's construction delivery/haul trucks would travel from the Project Site to the I-10 freeway on approved truck routes via three optional routes. The highest number of construction trucks would occur during the mat foundation stage, which would occur for up to five days. During this stage, there would be a maximum of approximately 500 concrete trucks coming to and leaving the Project Site (1,000 total trips) on a concrete pour day. There would be up to approximately 320 construction trucks (300 haul trucks and 20 delivery trucks) during the grading/excavation stage (total of 640 truck trips). There would also be approximately 50 to 970 construction workers traveling to and from the Project Site per day during the various construction stages, generating approximately 100 to 1,940 trips per day. Revised Table IV.I-11 on page III-59 of the Final EIR sets forth the estimated number of construction-related truck trips, including haul/concrete/material delivery trucks and the estimated noise levels along the anticipated truck routes. As set forth in Revised Table IV.I-11, the Project's construction-related truck trip noise levels exceed the significance threshold along Fairfax Avenue during the grading excavation stage, where the threshold would be exceeded by 0.5 dBA Leq. In addition, the mat foundation pour could occur during nighttime hours if permitted by the Executive Director of the Board of Police Commissioners. Estimated noise levels due to concrete trucks used for mat foundation pour traveling at nighttime would exceed the significance criteria at three total locations along Fairfax Avenue, La Brea Avenue, and San Vicente Boulevard. Temporary noise impacts from off-site trucks along the haul routes would therefore be potentially significant.

Off-site construction haul trucks would also have the potential to result in cumulative impacts if trucks for related projects use the same haul routes as the Project, as this would incrementally increase noise levels. Related projects in the vicinity of Fairfax Avenue, La Brea Avenue, and San Vicente Boulevard between the Project Site and the I-10 could utilize the same haul routes as the Project. In addition, there are related projects in the vicinity of Beverly Boulevard which could use Beverly Boulevard as a haul route. It is estimated that cumulative truck traffic on the foregoing streets could increase ambient noise levels by 5 dBA or more and exceed the significance criterion. As such, cumulative noise impacts from off-site construction would be potentially significant.

### **Mitigation Measures**

There are no feasible mitigation measures applicable to the Project's off-site construction-related noise impacts.

### **Finding**

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### **Rationale for Finding**

As discussed in Section IV.I of the Draft EIR, as revised in pages III-50-66 of the Final EIR, there are no feasible mitigation measures to reduce off-site construction-related truck traffic noise impacts. Conventional mitigation measures, such as temporary noise barriers, would be infeasible because the barriers would obstruct the access to and visibility of the properties along the anticipated haul routes. Additionally, although the Modified Project would reduce the amount of square footage developed, the on- and off-site construction activities and the associated construction noise levels were conservatively assumed to be similar to the Original Project during maximum activity days. As such, noise levels during the maximum activity days, which are used for measuring noise impacts under CEQA, would be similar to those of the Original Project. As such, the Project would have significant and unavoidable off-site noise impacts associated with construction trucks along Fairfax Avenue during daytime hauling activities during the grading/excavation stage of construction, as well as along Fairfax Avenue, La Brea Avenue, and San Vicente Boulevard for any potential nighttime truck operations for mat pour foundations. The Project would also have significant and unavoidable cumulative off-site noise impacts associated with construction trucks traveling along Fairfax Avenue, La Brea Avenue, San Vicente Boulevard, and Beverly Boulevard.

### **Reference**

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also Appendix FEIR-17 of the Final EIR for a detailed discussion of the feasibility of noise-related mitigation measures suggested during the Draft EIR's public comment period. See also page 60 of the Erratum.

## Noise (Construction/On-Site Vibration [Human Annoyance])

### Impact Summary

Construction activities can generate varying degrees of ground vibration, depending on the construction procedures and the type of equipment used. The operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source.

The Project's potential construction-related human annoyance impacts from on-site ground-borne vibration were assessed in accordance with FTA guidance, which establishes a 72-decibel notation (VdB) threshold for residential and hotel uses and a 75 VdB threshold for school uses, assuming a minimum of 70 vibration events occurring during a typical construction day. As set forth in Table IV.I-21 on page IV.I-64 of the Draft EIR, construction-related vibration impacts were estimated for five different types of construction equipment (large bulldozer, caisson drilling, loaded trucks, jack-hammer, and small bulldozer) at eight off-site locations including residential and hotel uses (receptor locations R1, R3, and R5 to R8) and school uses (receptor location R4). Receptor location R2 was included for informational purposes only, as the FTA human annoyance criteria do not apply to people in an outdoor environment. As shown in Table IV.I-21, the estimated ground-borne vibration levels from construction equipment would be below the significance criteria for human annoyance at all off-site sensitive receptor locations except receptor location R1, where the criteria would be exceeded during the demolition and grading/excavation stages where large construction equipment (i.e., large bulldozer, caisson drilling, and loaded trucks) would be operating within 80 feet of the receptor location. When such equipment is operating at a distance of 80 feet or greater from receptor location R1, ground-borne vibration impacts would be below the significance criteria. As such, potentially significant ground-borne vibration impacts would be limited to construction along the eastern property line, which would be within 80 feet of receptor R1. On-site vibration impacts to human annoyance during construction would therefore be potentially significant.

### Project Design Features

The Project incorporates the following PDFs regarding vibration:

**Project Design Feature NOI-PDF-1:** Power construction equipment (including combustion engines), fixed or mobile, will be equipped with state-of-the-art noise shielding and muffling devices, consistent with manufacturers' standards. All equipment will be properly maintained to assure that no additional noise due to worn or improperly maintained parts will be generated.

- Construction contractors will schedule construction activities to avoid the simultaneous operation of construction equipment within 100 feet of receptor location R1 (Broadcast Center Apartments) to minimize noise levels resulting from operating several pieces of high-noise-level emitting equipment such as drilling rigs, excavators, and concrete pumps.
- Construction equipment staging areas will be located at least 100 feet from receptor location R1. Contractors will place stationary noise sources on the Project Site at least 100 feet from receptor location R1.

- A telephone hotline for use by the public will be established to report any adverse noise conditions associated with the construction of the Project. The hot-line telephone number shall be posted at the Project Site during construction in a manner visible to passersby with a minimum spacing of one sign for each 200 feet of the perimeter. In the event that the noise complaint is Project construction-related, the Applicant shall:
  - Document and respond to each noise complaint;
  - Conduct an investigation to attempt to determine the source of noise related to the complaint;
  - Take all reasonable measures to reduce the noise at its source; and
  - Submit a monthly summary report of the Project-related noise complaints to the City Planning Department or Building and Safety.
- Hydraulic tools will be used instead of pneumatic tools within 100 feet from receptor location R1, when commercially available.
- All impacts tools will be shrouded or shielded within 100 feet from receptor location R1.
- Construction equipment will not be idled for extended periods of time (more than 5 minutes) within 100 feet of receptor location R1, as specified by CARB.
- Music (i.e., workers' radios) from the construction site will not be audible at off-site noise-sensitive receptors.
- Large 40-yard dumpsters will not be located within 200 feet from receptor location R1; or, if located within 200 feet of receptor location R1, a sound barrier blocking the line of sight to the dumpster from receptor location R1 will be required.
- Within 100 feet from any sensitive receptor location, the Project would utilize electric or battery powered construction equipment for the following pieces of equipment: tower cranes; mounted placing booms; scissor lifts; welding machines once permanent power is in place; swing stages; light towers for limited durations; concrete saw; and some light material forklifts (except for heavy material lifting) once concrete is in place.

**Project Design Feature NOI-PDF-2:** Project construction will not include the use of driven (impact) pile systems.

### **Mitigation Measures**

There are no feasible mitigation measures applicable to the Project's human annoyance impacts from ground-borne vibration caused by on-site construction.

### **Finding**

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly



trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### **Rationale for Finding**

Mitigation measures considered to reduce vibration impacts from on-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench, or a thin wall of sheet piles installed into the ground (essentially a subterranean sound barrier to reduce noise). To be effective, however, wave barriers must typically be very deep and long, rendering them cost prohibitive and infeasible for temporary applications such as construction, as confirmed in Appendix FEIR-17 of the Final EIR. (See also Caltrans, Transportation and Construction Induced Vibration Guidance Manual, June 2004.) Constructing a wave barrier would also generate the same ground-borne vibration that is sought to be mitigated. Thus, as explained on pages IV.I-66-67 of the Draft EIR, there are no feasible mitigation measures to reduce construction-related human annoyance impacts from on-site ground-borne vibration.

Additionally, although the overall amount and duration of construction activities would be reduced for the Modified Project, the on- and off-site construction activities and the associated vibration levels would be expected to be similar to those of the Original Project as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, peak vibration levels generated by construction equipment and construction truck trips for the Modified Project would be similar to those of the Original Project.

### **Reference**

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50 through III-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also Appendix FEIR-17 of the Final EIR. See also pages 64 and 65 of the Erratum.

### **Noise (Construction/Off-Site Vibration [Human Annoyance])**

#### **Impact Summary**

Heavy-duty construction trucks would generate ground-borne vibration as they travel along the Project's anticipated haul routes, including travel by construction delivery/haul trucks from the Project Site to the I-10 on approved truck routes via Washington Boulevard, Fairfax Avenue, San Vicente Boulevard, Beverly Boulevard, and/or La Brea Avenue.

The Project's potential construction-related human annoyance impacts from off-site ground-borne vibration were assessed in accordance with FTA guidance, which establishes a 72 VdB threshold for residential and hotel uses and a 75 VdB threshold for school uses. Buses and trucks rarely create vibration that exceeds 70 VdB at 50 feet from a receptor unless there are bumps in the road. The estimated vibration levels generated by construction trucks traveling along anticipated haul routes were assumed to be within 24 feet of the sensitive uses (residential and motel uses) along Fairfax Avenue, Beverly Boulevard, La Brea Avenue, and San Vicente Boulevard. As set forth in the noise calculation worksheets included in Appendix J of the Draft EIR, temporary vibration levels could reach approximately 72.6 VdB periodically as trucks pass sensitive receptors, exceeding the 72 VdB threshold. Accordingly, vibration impacts to human annoyance from off-site construction trucks traveling along the anticipated haul routes would be potentially significant.

Because related projects would use similar construction trucks as the Project, trucks from related projects are expected to generate similar vibration levels along Fairfax Avenue, La Brea Avenue, Beverly Boulevard, and San Vicente Boulevard. There are residential and motel uses along these truck routes at which the significance threshold could be exceeded as trucks pass by within 24 feet, as explained above, and related projects could use the same haul routes as the Project. As such, to the extent related projects use the same haul routes as the Project, cumulative vibration impacts with respect to human annoyance from temporary and intermittent vibration from haul trucks would be potentially significant.

### **Mitigation Measures**

There are no feasible mitigation measures applicable to the Project's off-site construction-related vibration impacts to human annoyance.

### **Finding**

Pursuant to PRC Section 21081(a)(3), specific economic, legal, social, technological, or other considerations, including consideration for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

### **Rationale for Finding**

Mitigation measures considered to reduce vibration impacts from on-site construction activities with respect to human annoyance included the installation of a wave barrier, which is typically a trench, or a thin wall of sheet piles installed into the ground (essentially a subterranean sound barrier to reduce noise). To be effective, however, wave barriers must typically be very deep and long, rendering them cost prohibitive and infeasible for temporary applications such as construction, as confirmed in Appendix FEIR-17 of the Final EIR. (See also Caltrans, Transportation and Construction Induced Vibration Guidance Manual, June 2004.) Constructing a wave barrier would also generate the same ground-borne vibration that is sought to be mitigated. In addition, it would not be feasible to install a wave barrier along the public roadways to address off-site construction vibration impacts. Thus, as explained on pages IV.I-66-67 of the Draft EIR, there are no feasible mitigation measures to reduce off-site construction-related human annoyance impacts from ground-borne vibration. Impacts would therefore be significant and unavoidable at a project and cumulative level.

Additionally, although the overall amount and duration of construction activities would be reduced for the Modified Project, the on- and off-site construction activities and the associated vibration levels would be expected to be similar to those of the Original Project as construction vibration impacts are evaluated based on the maximum (peak) vibration levels generated by each type of construction equipment. As such, peak vibration levels generated by construction equipment and construction truck trips for the Modified Project would be similar to those of the Original Project.

### **Reference**

See Draft EIR Section IV.I, as revised in the Final EIR at pages III-50-66, Appendix J of the Draft EIR, and Appendix FEIR-16 of the Final EIR for a complete evaluation of noise impacts, thresholds, and evaluation methods conducted for the Project. The noise-related PDFs and mitigation measures are described in the MMP at pages IV-24 through IV-29 of the Final EIR. See also pages 64 and 65 of the Erratum.

## **VIII. Alternatives**

CEQA requires that an EIR analyze a reasonable range of potentially feasible alternatives that could substantially reduce or avoid the significant impacts of a project while also meeting the project's basic objectives. An EIR must identify ways to substantially reduce or avoid the significant effects that a project may have on the environment (PRC Section 21002.1). Accordingly, the discussion of alternatives shall focus on alternatives to a project or its location which are capable of avoiding or substantially reducing any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The alternative analysis included in the Draft EIR, therefore, identified a reasonable range of Project alternatives focused on avoiding or substantially reducing the Project's significant impacts. The Modified Project results in the same Significant and Unavoidable Impacts as the Original Project, and, therefore, the impacts resulting from the Modified Project compared against each alternative is the same as the conclusions in the EIR for the Original Project.

### **Summary of Findings**

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that no feasible alternative or mitigation measure will substantially lessen any significant effect of the Project, reduce the significant unavoidable impacts of the Project to a level that is less than significant, or avoid any significant effect the Project would have on the environment.

### **Project Objectives**

Section 15124(b) of the CEQA Guidelines states that a project description shall contain a "Statement of the objectives sought by the proposed project." In addition, Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project." An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, pages II-10 through II-12, the project objectives are focused on the underlying purpose of the Project, which is to maintain Television City as a studio use and to modernize and enhance production facilities within the Project Site to meet both the existing unmet and anticipated future demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot. To achieve this underlying purpose, the Project Objectives are as follows:

6. 1. Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
7. 2. Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.

8. 3. Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
9. 4. Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
10. 5. Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
11. 6. Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
12. 7. Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
13. 8. Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
14. 9. Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
15. 10. Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
16. 11. Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
17. 12. Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

## **Alternatives Analyzed**

### **Alternative 1—No Project/No Build**

#### **Description of Alternative**

In accordance with the CEQA Guidelines, the “no project” alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. CEQA Guidelines Section 15126.6(e)(3)(B) states in part that “[i]n certain instances, the no project alternative means ‘no build’ wherein the existing environmental setting is maintained.” Accordingly, for purposes of this analysis, Alternative 1, the No Project/No Build Alternative, assumes that the Project would not be approved, no new permanent development would occur within the Project Site, and the existing environment, as described in Section II, Project Description, of the Draft EIR, would be maintained. Thus, the physical conditions of the Project Site would generally remain as they are today. Specifically, the existing buildings and surface parking areas would remain on the Project Site, and no new construction, aside from ongoing production activities, would occur.

#### **Impact Summary**

Alternative 1 would avoid the Project’s significant and unavoidable impacts with respect to regional construction emissions; on- and off-site noise sources during construction; and on- and off-site vibration (related to the significance threshold for human annoyance) during construction. In addition, Alternative 1 would avoid the Project’s less-than-significant-with-mitigation impacts, including those related to localized air quality emissions during construction, paleontological resources, hazards, and groundwater quality. Impacts associated with the remaining environmental issues would be less than those of the Project.

#### **Finding**

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the No Project Alternative, as described in the Draft EIR.

#### **Rationale for Finding**

No changes to existing land uses or operations on-site would occur under Alternative 1. Alternative 1 would avoid the Project’s significant and unavoidable impacts with respect to regional construction emissions; on- and off-site noise sources during construction; and on- and off-site vibration (related to the significance threshold for human annoyance) during construction. In addition, Alternative 1 would avoid the Project’s less-than-significant-with-mitigation impacts, including those related to localized air quality emissions during construction, paleontological resources, hazards, and groundwater quality. Impacts associated with the remaining environmental issues also would be less than those of the Project. Alternative 1 would not result in greater impacts for any environmental issue. Under Alternative 1, the existing uses would remain on the Project Site and no new development would occur. As such, Alternative 1 would not meet the Project’s underlying purpose or any of its objectives.

#### **Reference**

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-19 through V-31.

## **Alternative 2—Development in Accordance with Existing Zoning Alternative**

### **Description of Alternative**

Alternative 2 would involve buildout of the Project Site in accordance with the existing zoning and land use regulations for the Project Site. Alternative 2 would include a total of an estimated 1,600,666 square feet of studio-related development and an FAR of 1.49:1. Alternative 2 assumes the construction of an estimated 856,986 square feet of new studio-related general office uses and the retention of an estimated 743,680 square feet of existing development. No demolition would occur under Alternative 2. New development would include a 15-story office building (maximum height of 203 feet) with four levels of subterranean parking and three levels of above-ground parking, and a six-level parking structure (maximum height of 66 feet) with two levels of subterranean parking. Approximately 4,550 parking spaces would be provided. Alternative 2 contemplates the development of additional office space to better support the existing studio and production requirements. Modern studios require a higher programmatic percentage of office space, significantly more than was traditionally provided. Currently at the Project Site, there is a lack of such additional office space within the existing studio facilities. This alternative is also responsive to public comments requesting that taller structures be located along Fairfax Avenue, furthest away from the Broadcast Center Apartments.

### **Impact Summary**

Alternative 2 would not avoid or substantially reduce the Project's significant and unavoidable impacts with respect to Project-level and cumulative regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (related to the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 2 although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. Impacts associated with the Project's less-than-significant environmental impacts would be less than or similar to those of the Project under Alternative 2.

### **Finding**

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 2 as described in the EIR.

### **Rationale for Finding**

Alternative 2 would not avoid or substantially reduce the Project's significant and unavoidable impacts with respect to Project-level and cumulative regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (related to the significance threshold for human annoyance) during construction because the significance thresholds for these impacts are based on daily thresholds. These impacts would continue to be significant and unavoidable under Alternative 2, although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. Impacts associated with the Project's less-than-significant environmental impacts also would be less than or similar to those of the Project under Alternative 2. While the amount of development under this alternative would be less than under the Project, Alternative 2 would still generally meet the underlying purpose of the Project. However, Alternative

2 would be less effective than the Project in meeting the underlying purpose as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity.

Regarding the Project objectives, Alternative 2 would meet the following Project objective generally as effectively as the Project:

- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.

Alternative 2 would partially meet the following Project objectives or would not meet the objectives as well as the Project, due to the reduced amount of development under this alternative:

- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.

Alternative 2 would not meet the following objectives, due to the nature of the alternative and the location of proposed development under this alternative's conceptual layout:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.

- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.

### **Reference**

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-32 through V-61; Final EIR, Appendix FEIR-4.

## **Alternative 3—Reduced Density Alternative**

### **Description of Alternative**

Alternative 3 would involve a 20-percent reduction in the Project's proposed development program set forth in Section II, Project Description, of the Draft EIR. Alternative 3 consists of the same general site plan as the Project but with certain reduced building heights and square footages. Alternative 3 would include a total of an estimated 1,499,200 square feet of development (FAR of 1.4:1), including an estimated 280,000 square feet of sound stages, 83,200 square feet of production support, 560,000 square feet of production office, 560,000 square feet of general office, and 16,000 square feet of retail uses. Alternative 3 would involve the construction of an estimated 1,251,380 square feet of new development, the demolition of 495,860 square feet of existing studio-related uses and the retention of an estimated 247,820 square feet of existing studio-related uses. Approximately 4,240 parking spaces would be provided.

### **Impact Summary**

Alternative 3 would not avoid or substantially lessen the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and



cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 3 because the significance thresholds for these impacts are based on daily thresholds, although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. Impacts associated with the Project's less-than-significant environmental impacts would be less than or similar to those of the Project under Alternative 3.

### **Finding**

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 3, as described in the Draft EIR.

### **Rationale for Finding**

Alternative 3 would not avoid or substantially lessen the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 3, although the duration of such impacts would be reduced due to the overall reduction in building footprint and associated construction activities. While the amount of development under this alternative would be less than under the Project, Alternative 3 would generally meet the underlying purpose of the Project. However, Alternative 3 would be less effective than the Project in meeting this purpose as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity. Reducing the size of the Project by a total of 20 percent and reducing the amount of both sound stage and production support floor area under Alternative 3 does not allow for an operationally feasible mix of studio uses that meets the needs of modern productions. The demands of the entertainment industry are continually evolving, and the industry has seen the demand of "high-tech" sound stages increase drastically in recent years. These sound stage types are typically smaller than traditional media sound stages. The Modified Project meets the current needs of the entertainment industry by proposing a total of 22 sound stages that vary in type and size, ranging from approximately 1,800 square feet to 18,000 square feet, whereas Alternative 3 proposed 14 traditional sound stages ranging from approximately 12,000 square feet to 18,000 square feet. The Modified Project would retain two existing medium-format sound stages, located on the second level of the HCM, which were proposed to be demolished in both the Original Project and Alternative 3, thereby increasing the floor area being retained within the HCM. In addition, the Modified Project retains the same maximum permitted floor area of sound stages as the Original Project.

A secondary, but critical component of this technological and industry shift, as mentioned above, results in the increased demand for production support space. Space accommodating additional mill and set/production construction activities, editing bays, VFX rooms, and server rooms, for example, have all increased in demand on an equal or greater basis to sound stage area. Alternative 3 proposed 83,200 square feet of production support space, whereas the Modified Project proposes 215,440 square feet of production support (an approximately 250% increase). With such a small proportion of production support space provided under Alternative 3, productions would be required to lease space off-site and either provide remote access and/or move materials back and forth via production vehicles, increasing trips on public roadways and hindering their production operations.

Based on the reduced overall size of Alternative 3 as well as the reduced sound stage area coupled with the reduced production support area, Alternative 3 does not provide an operationally feasible mix of studio uses. As a result, Alternative 3 would face difficulties in attracting and retaining major movie and television production work in the City of Los Angeles, compromising several Project objectives.

Regarding the Project objectives, Alternative 3 would meet the following Project objectives generally as effectively as the Project:

- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.

Alternative 3 would partially meet the following Project objectives or would not meet the objectives as well as the Project, due to the reduced amount of development under this alternative:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.

- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

### **Reference**

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-62 through V-90; Final EIR, Appendix FEIR-4.

## **Alternative 4—Mixed-Use Alternative**

### **Description of Alternative**

Alternative 4 would involve a mixed-use development with studio, residential, and retail uses. Alternative 4 would be developed in accordance with the existing zoning and land use designations for the Project Site and would seek a maximum FAR of up to 3.75:1, per Transit Oriented Community (TOC) Tier 3. Alternative 4 would include a total of 3,696,370 square feet of development (FAR of 3.45:1), including approximately 2,772,000 square feet of residential uses and 924,370 square feet of commercial uses. Alternative 4 assumes the construction of 3,047,400 square feet of new development, the demolition of 94,710 square feet of existing studio-related uses, and the retention of 648,970 square feet of existing studio-related uses. In addition to residential uses, this alternative would include 36,000 square feet of sound stages, 41,400 square feet of production support, 138,000 square feet of general office uses, and 60,000 square feet of retail uses. The residential uses would include 3,680 units within three residential towers, with a mix of studios and one-, two- and three-bedroom units, of which 14 percent (516 units) would be affordable units for Very Low-Income households. The residential towers would be located along the western side of the Project Site, fronting Fairfax Avenue, and would consist of 30 stories over a six-level parking podium (maximum height of 400 feet), with ground floor retail uses and four levels of subterranean parking. New development on the eastern portion of the Project Site would include a six-story office building (maximum height of 90 feet) with two levels of subterranean parking, a four-story production support building (maximum height of 60 feet) connected to two single-story sound stages (maximum height of 60 feet), and a four-level parking structure (maximum height of 45 feet) with three levels of subterranean parking. Approximately 5,880 parking spaces would be provided.

Alternative 4 was analyzed in response to public comments received during the NOP comment period requesting the inclusion of housing in the Project. Alternative 4 was designed to locate all of the residential uses along the Fairfax Avenue frontage within a 30-story mixed-use structure with ground floor retail. A smaller office tower and parking structure would be located on the eastern portions of the Project Site. The location of the residential component along the Fairfax

Avenue frontage preserves the HCM-required historic viewshed and allows for on-going operations of the existing HCM and studio uses to continue without interruption. The number of units chosen for this Alternative is consistent with City goals related to housing production.

### **Impact Summary**

Alternative 4 would not avoid the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 4. The duration of the construction noise and vibration impacts, and the concurrent construction and operational regional air quality impacts, would increase due to the increase in building footprint and overall construction activities. The duration of the regional air quality impact during construction would decrease due to the reduction in overall grading. Moreover, the significant and unavoidable impacts with respect to regional emissions associated with concurrent construction and operations and on- and off-site construction noise would be greater under Alternative 4. In addition, regional operational emissions of VOCs and NOx under Alternative 4 would result in new significant and unavoidable air quality impacts that would not occur under the Project. In addition, Alternative 4 would result in greater less-than-significant impacts than the Project, including localized air emissions and TACs during operation, GHG emissions during operation, hazards and hazardous materials during operation, surface water quality and groundwater quality during operation, operational noise and vibration, fire protection, police protection, VMT, freeway safety, water supply and infrastructure during operation, wastewater, and energy and telecommunications infrastructure. In addition, Alternative 4 would result in substantially increased building heights and overall density than the Project, which could be considered incompatible with the predominantly low- and mid-rise land uses in the surrounding area. Furthermore, although not considered significant impacts on the environment, Alternative 4 would result in greater aesthetic and shading impacts than the Project. Impacts associated with the remaining environmental issues would be less than or similar to those of the Project.

### **Finding**

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 4, as described in the Draft EIR.

### **Rationale for Finding**

Alternative 4 would not avoid the Project-level and cumulative significant and unavoidable impacts with respect to regional construction emissions; regional emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; and Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable under Alternative 4. The duration of the construction noise and vibration impacts and the concurrent construction and operational regional air quality impacts would increase due to the increase in building footprint and overall construction activities. The duration of the regional air quality impact during construction would decrease due to the reduction in overall grading. Moreover, the significant and unavoidable impacts with respect to regional emissions associated with concurrent construction and operations and on- and off-site construction noise would be greater under Alternative 4. In addition, regional operational emissions of VOCs and NOx under Alternative 4 would result in new significant and unavoidable

air quality impacts that would not occur under the Project. In addition, Alternative 4 would result in greater less-than-significant impacts than the Project, including localized air emissions and TACs during operation, GHG emissions during operation, hazards and hazardous materials during operation, surface water quality and groundwater quality during operation, operational noise and vibration, fire protection, police protection, VMT, freeway safety, water supply and infrastructure during operation, wastewater, and energy and telecommunications infrastructure. In addition, Alternative 4 would result in substantially increased building heights and overall density than the Project, which could be considered incompatible with the predominantly low- and mid-rise land uses in the surrounding area. Furthermore, although not considered significant impacts on the environment, Alternative 4 would result in greater aesthetic and shading impacts than the Project.

Given that this alternative would substantially reduce the amount of studio-related uses within the Project Site, Alternative 4 would not meet the underlying purpose of the Project, which is to maintain Television City as a studio use and to modernize and enhance production facilities within the Project Site to meet both the existing unmet and anticipated future demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot. Alternative 4 would be less effective than the Project in meeting this purpose as a result of the reduced amount of studio-related uses. Regarding the Project objectives, Alternative 4 would meet the following Project objectives generally as effectively as the Project:

- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.
- Alternative 4 would partially meet the following Project objectives or would not meet the objectives as well as the Project, due to the reduced amount of studio-related development under this alternative:
  - Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
  - Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
  - Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
  - Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.

- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

Alternative 4 would not meet all or portions of the following objectives, due to the nature of the alternative and the location of proposed development under this alternative's conceptual layout:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.

### **Reference**

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-91 through V-126; Final EIR, Appendix FEIR-4.

## **Alternative 5—Above-Ground Parking Structure**

### **Description of Alternative**

Alternative 5 has been designed to eliminate subterranean parking in order to reduce excavation and export. Alternative 5 would include the same development program, square footages, and general layout as the Project, except that all parking would be located in above-ground structures. As a result, building heights would increase. Alternative 5 would involve the same demolition and retention of existing uses and the same FAR as the Project. Approximately 5,300 parking spaces would be provided.

## **Impact Summary**

Alternative 5 would reduce the Project-level and cumulative significant and unavoidable construction-related regional air quality NOx impacts to a less-than-significant level with mitigation because the elimination of subterranean parking would reduce excavation and the export of soil. However, Alternative 5 would not avoid the Project's significant and unavoidable impacts with respect to regional NOx and VOC emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; or Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable and would be similar to the Project's, with the exception of (a) the air quality impact related to concurrent construction and operations, which would be less than under the Project due to the reduction in earthwork; and (b) off-site construction noise, which would only occur during nighttime hours over the course of five days and, thus, would be substantially reduced in comparison to the Project. The duration of the regional NOx and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule. Impacts associated with the Project's less-than-significant environmental impacts would be less than or similar to those of the Project under Alternative 5.

## **Finding**

The City finds, pursuant to PRC Section 21081(a)(3), that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible Alternative 5, as described in the Draft EIR.

## **Rationale for Finding**

Alternative 5 would reduce the Project-level and cumulative significant and unavoidable construction-related regional air quality NOx impacts to a less-than-significant level with mitigation by eliminating subterranean parking in order to reduce excavation and the export of soil. However, Alternative 5 would not avoid the Project's significant and unavoidable impacts with respect to regional NOx and VOC emissions associated with concurrent construction and operations; Project-level and cumulative on- and off-site noise during construction; or Project-level on-site vibration and Project-level and cumulative off-site vibration (based on the significance threshold for human annoyance) during construction. These impacts would continue to be significant and unavoidable and would be similar to the Project's, with the exception of (a) the air quality impact related to concurrent construction and operations, which would be less than under the Project due to the reduction in earthwork; and (b) off-site construction noise, which would only occur during nighttime hours over the course of five days and, thus, would be substantially reduced in comparison to the Project. The duration of the regional NOx and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule.

The mix of land uses and associated floor area provided under Alternative 5 would be the same as the Project, and, therefore, Alternative 5 would still generally meet the underlying purpose of the Project. However, Alternative 5 would be less effective than the Project in meeting this purpose since the elimination of subterranean parking would compromise the Project's internal circulation plan and create operational inefficiencies. The Project's parking, basecamp, loading, and circulation areas that are at and below grade would allow for sound stages to be serviced and supported more efficiently. By eliminating these areas and elevating sound stages on parking podiums, maneuvering sets and equipment around the studio lot would become more challenging

and inefficient. Further, the disruption of a single, contiguous production plane would create difficult circulation paths for production vehicles, as well as loading and engineering challenges. Lastly, Alternative 5 would result in sub-optimal production operations that would jeopardize the economic viability of these sound stages. Specifically, in today's market, producers of movies and television shows need the ability to use multiple sound stages instead of just a single sound stage. Motion pictures typically require larger, more elaborate sets, as well as "shots" that necessitate wider frames, which require sound stage sizes of 30,000 square feet or more. The ability to have multiple, linked sound stages allows two 18,000 square foot sound stages to be combined, creating an overall production footprint of 36,000 square feet. Integrated use of multiple sound stages can only be achieved if the sound stages are located on the same level. Locating some sound stages on top of above-ground parking structures while other sound stages are located at ground level would not allow producers to easily use multiple sound stages for their productions. Regarding the Project objectives, Alternative 5 would meet the following Project objectives generally as effectively as the Project:

- Rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation and restore the currently obstructed public views of the HCM consistent with the HCM designation, while building upon Pereira & Luckman's master plan for a flexible and expandable studio campus.
- Promote local and regional economic growth by creating a wide range of entertainment jobs as well as construction jobs and keeping production jobs in Los Angeles.
- Contribute to Los Angeles' status as a global creative capital and provide maximum opportunity for productions to be filmed in the region through the continued use and expansion of the Project Site as a major studio and entertainment institution, in conformance with the goals and objectives of applicable local and regional plans and policies.
- Provide multi-modal transportation solutions, including a Project Mobility Hub, to connect TVC employees and guests with surrounding public transit lines, employee shuttles, and a rideshare program, to encourage alternative means of transportation, and focus growth in a high-density, jobs-rich area in close proximity to bus and rail transit.
- Create a model for environmental sustainability in modern production studio operations by implementing best management practices regarding water, energy, and resource conservation by achieving LEED Gold certification or equivalent green building standards.

Alternative 5 would partially meet the following Project objectives or would not meet the objectives as well as the Project:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site's land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities.
- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages



combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.

- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements.
- Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

### Reference

Section V, Alternatives, and Appendix P, Alternatives, of the Draft EIR pages V-127 through V-157; Final EIR, Appendix FEIR-4.

### Alternatives Rejected as Infeasible

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

**Alternative Site:** The objectives of the proposed Project are closely tied to the need to improve existing operations on the currently underutilized Project Site by creating a cohesive and integrated studio campus environment with new technologically advanced facilities. To meet the Project's objective to provide an expandable, flexible, and operationally seamless production ecosystem that is able to respond to evolving market demands, support content creation, and maximize studio production capabilities, the Project Applicant has identified improvements that are needed to bring the existing studio in line with modern production techniques and trends and to meet the significant and unmet demand for production space in Los Angeles. To this end, a central guiding principle behind the Project is to maximize the number of state-of-the-art sound stages on-site, combined with an adequate and complementary mix of production support facilities and production offices in order to meet the existing unmet and anticipated future demands of the entertainment industry. This goal is influenced by the inherent challenges posed by the existing development on-site, including the

age and layout of the existing facilities, as well as the need to rehabilitate and preserve the integrity of the Primary Studio Complex consistent with the HCM designation. Many of the existing production facilities on-site have been developed in an ad hoc manner over the years, resulting in inefficiencies and space constraints. Development on an alternative site would result in no changes to existing on-site conditions, which would therefore provide no potential to achieve the basic Project objectives related to: modernizing and enhancing production facilities within Television City; rehabilitating the Primary Studio Complex and restoring the currently obstructed public views of the HCM; optimizing the currently underutilized Project Site to address past ad hoc building additions; and enhancing the identity of the Project Site as an iconic entertainment and production facility. Furthermore, development on an alternative site would split studio operations into two locations, which would substantially reduce operational efficiency and functionality and increase VMT and related air quality and GHG impacts.

As all of the Project's significant and unavoidable impacts are related to construction activities, development on another site would not avoid or substantially lessen the Project's significant impacts. It is anticipated that development on an alternative site would still produce the significant construction-related air quality, noise, and vibration impacts as the Project, albeit in a different location. Moreover, depending on localized and site-specific conditions, development at another location could result in additional significant impacts, such as new traffic impacts in an area where transit options are not as plentiful or readily available. Finally, the Project Applicant already owns the Project Site, and it is not reasonable to assume that Television City's operations could be feasibly divided and transferred to another site.

Based on the above, an alternative site is not considered feasible as it would fail to achieve the basic project objectives related to modernizing the Project Site, providing new environmentally friendly and state-of-the-art sustainable facilities on the Project Site, creating an integrated, studio campus environment with a synergistic mix of uses, rehabilitating and preserving the integrity of the HCM, and enhancing the role of the Project Site in the entertainment industry. In addition, the development of an alternative site would not avoid or substantially lessen the Project's significant impacts. Thus, in accordance with Section 15126.6(f) of the CEQA Guidelines, this alternative was rejected from further consideration.

- **Alternatives that Remove or Substantially Modify the Primary Studio Complex:** Given that the Primary Studio Complex is designated as an HCM, any alternative that would remove or substantially alter the HCM such that its historic integrity and eligibility would be compromised was rejected as infeasible. Similarly, alternatives that would introduce substantial development within the Viewshed Restoration Area were eliminated from consideration since they would be inconsistent with the HCM designation. Thus, any alternatives that would compromise the HCM were rejected as infeasible.
- **Alternatives that Eliminate the Project's On-Site Construction Noise and Vibration Impacts:** An analysis was performed to determine whether the Project's significant impacts related to on-site construction noise and on-site vibration could be substantially reduced or avoided through an alternative development program. As shown in Table IV.I-10 in Section IV.I, Noise, of the Draft EIR, all stages of Project construction would cause a significant noise impact affecting the adjacent residential use (R1 [i.e., Broadcast Center Apartments]) given its proximity to on-site construction activities. In order to eliminate this impact, construction activities would need to be

moved approximately 700 feet westerly from the Shared Eastern Property Line; in other words, new development could not occur on approximately 2/3 of the Project Site, which would eliminate the development of any new sound stages. Accordingly, this alternative was rejected as infeasible.

Another alternative that was considered involved moving construction activities away from the adjacent residential building combined with the use of a tall sound wall. If development were moved approximately 100 feet westerly from the Shared Eastern Property Line, then a 30-foot-tall sound wall extending nearly 1,000 feet along the Shared Eastern Property Line would need to be erected in order to substantially reduce noise impacts at the fourth story of the apartment building. Not only would this be cost prohibitive, but a wall of this size would block views and sunlight for all of the west and south facing residential units of the adjacent building for the duration of the construction period. Further, this type of buffer zone alternative would preclude development of up to two acres of the Project Site, eliminate two to four new sound stages, and reduce the size of the floor plates of the new offices. Therefore, this alternative was rejected from further consideration, although the 30-foot-tall sound wall itself was added to Mitigation Measure NOI-MM-1 as part of the Final EIR.

With respect to on-site vibration, as discussed in Section IV.I, Noise, of the Draft EIR and shown in Table IV.I-21 therein, Project construction activities involving a large bulldozer, caisson drilling, jackhammer, or loaded trucks would exceed the vibration threshold with respect to human annoyance at the adjacent residential building (R1). As ground-borne vibration generated by human activities attenuates rapidly with distance from the vibration source, this impact could be reduced to a less-than-significant level by moving construction activities using heavy equipment at least 80 feet westerly from the Shared Eastern Property Line. While the Project's significant and unavoidable vibration impact would be reduced to a less-than-significant level, this alternative would render a substantial portion of the Project Site undevelopable (for the reasons discussed in the prior buffer zone alternative), and a significant construction-related noise impact would continue to occur. As such, this alternative was rejected from further consideration.

- **Tier 3 TOC Alternative Use with Maximum FAR:** As previously discussed, the Project Site is located in TOC Tier 3, which allows a maximum FAR of 3.75:1. Based on a site area of 1,071,011 square feet, this would allow 4,016,291 square feet of development, including over 4,500 residential units (TOC Tier 3 allows a 70 percent density bonus). The building heights, parking needs, and other space constraints associated with this maximum FAR scenario would yield both building massing and an overall density that would be greater than the surrounding predominantly low- and mid-rise land uses and would result in substantial increases in environmental impacts (e.g., operational air quality impacts, public services, and utilities impacts, etc.). Therefore, this alternative was rejected from further consideration.

## Reference

Section V, Alternatives pages V-10 through V-14, of the Draft EIR; Final EIR, Appendix FEIR-4.

## Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a project shall identify an Environmentally Superior Alternative among the alternatives evaluated in an EIR. The CEQA Guidelines also state that should it be determined that the No Project

Alternative is the Environmentally Superior Alternative, the EIR shall identify another Environmentally Superior Alternative among the remaining alternatives. Pursuant to Section 15126.6(c) of the CEQA Guidelines, the analysis below addresses the ability of the alternatives to “avoid or substantially lessen one or more of the significant effects” of the Project.

Of the alternatives analyzed in the Draft EIR, Alternative 1, the No Project/No Build Alternative, would avoid all of the Project’s significant environmental impacts.

In accordance with the CEQA Guidelines requirement to identify an Environmentally Superior Alternative other than the No Project Alternative, a comparative evaluation of the remaining alternatives indicates that Alternative 5, the Above-Ground Parking Alternative, would be the Environmentally Superior Alternative. As discussed above, although Alternative 5 would not eliminate all of the Project’s significant and unavoidable impacts, Alternative 5 would reduce the Project-level and cumulative construction-related regional air quality impacts related to NO<sub>x</sub> emissions from a significant and unavoidable level to a less-than-significant level with mitigation by eliminating subterranean parking that reduces excavation and the export of soil. Alternative 5 would also reduce the Project-level and cumulative air quality impacts related to concurrent construction and operations and would substantially reduce the Project’s off-site construction noise impact, although these impacts would remain significant and unavoidable. Alternative 5 would result in the same significant and unavoidable impacts related to on-site noise during construction and on- and off-site vibration during construction (based on the significance threshold for human annoyance). In addition, Alternative 5 would result in the same significant cumulative impacts that cannot feasibly be mitigated with regard to on-site construction noise and off-site construction vibration (based on the significance threshold for human annoyance). The duration of the regional NO<sub>x</sub> and VOC emissions impacts associated with concurrent construction and operations and the significant noise and vibration impacts would be reduced due to the reduction in grading and the overall length of the construction schedule.

Of the Project’s less-than-significant-with-mitigation impacts, Alternative 5 would result in similar less-than-significant-with-mitigation impacts as the Project with regard to geologic hazards. Alternative 5 would also reduce several of the construction-related less-than-significant-with-mitigation impacts associated with the Project, including localized emissions during construction; archaeological resources; paleontological resources; and hazards and hazardous materials during construction. Of the Project’s less-than-significant impacts, those related to construction activities or occurring during construction would generally be less than the Project’s impacts due to the reduction in soil import/export, while those related to operational activities would be the same as under the Project. Under Alternative 5, no environmental impacts would be greater than the Project. Thus, of the range of alternatives analyzed, Alternative 5, the Above-Ground Parking Alternative, would be the Environmentally Superior Alternative.

However, Alternative 5 would not meet the underlying purpose of the Project as effectively as the Project since the elimination of subterranean parking would compromise and require changes to the Project’s internal circulation plan, resulting in reduced integration of the production staging, loading, and basecamp areas with sound stages and filming areas, thereby making studio operations less efficient and flexible. These sub-optimal production operations would jeopardize the economic viability of the sound stages. Additionally, Alternative 5 would only partially meet the following Project objectives or would not meet the objectives as well as the Project, generally due to the elimination of the Project’s subterranean parking and resulting effects on internal circulation and production efficiencies, as well as the increased building massing:

- Create a fully integrated and cohesive master planned site regulated by a Specific Plan that retains the Project Site’s land use as a studio facility and provides an expandable, flexible, and operationally seamless production ecosystem that is able to

respond to evolving market demands, support content creation, and maximize studio production capabilities.

- Optimize the currently underutilized Project Site to address past ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry by providing new technologically advanced sound stages combined with an adequate and complementary mix of state-of-the-art production support facilities and production offices.
- Complement the neighboring community through design elements that would be compatible with surrounding uses, concentrate building mass and height towards the center of the Project Site, and provide an enhanced public realm to promote walkability, foster connectivity and safety, and better integrate on- and off-site uses.
- Provide adequate, safe, and efficient ingress/egress, circulation, staging, and parking that satisfies the unique demands of a large-scale production studio with direct, enhanced access to the uses on-site and sufficient truck and trailer circulation areas, in compliance with modern fire and life safety requirements. Create multiple production basecamps to allow for the flexible and efficient staging of vehicles needed for film and television productions.
- Enhance the identity of the Project Site as an iconic entertainment and media center by providing architecturally distinct development and a creative signage program that reflects and complements the production uses on-site.
- Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and allow for sustained economic viability and growth in an evolving entertainment market, while generating tax and property revenues to the City.

## **IX. Significant Irreversible Environmental Changes**

Section 15126.2(d) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the Project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the Project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation. The Project Site contains no energy resources that would be precluded from future use through Project implementation. For the reasons set forth in Section VI, Other CEQA Considerations, of the Draft EIR, the Project's irreversible changes to the environment related to the consumption of nonrenewable resources would not be significant, and the limited use of nonrenewable resources is justified.

### **Building Materials and Solid Waste**

Construction of the Project would include the consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), and petrochemical construction materials (e.g., plastics).

The Project's potential impacts related to solid waste are addressed in the Initial Study prepared for the Project, which is included as Appendix A to the Draft EIR. As discussed therein, pursuant to the requirements of SB 1374, the Project would implement a construction waste management plan to recycle and/or salvage a minimum of 75 percent of non-hazardous demolition and construction debris. Furthermore, pursuant to LAMC Sections 66.32 through 66.32.5 (Ordinance No. 181,519), the Project's general contractor and/or subcontractors would be required to deliver all remaining construction and demolition waste generated by the Project to a certified construction and demolition waste processing facility. In addition, during operation, the Project would provide adequate storage areas in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687), which requires that development projects include an on-site recycling area or room of a specified size. The Project would also comply with AB 939, AB 341, AB 1826, and City waste diversion goals, as applicable, by providing clearly marked, source-sorted receptacles to facilitate recycling, recycling of organic waste, and participation in the City's Curbside Recycling Program. Overall, the Project would adhere to State and local solid waste policies and objectives that further goals to divert waste. Thus, the consumption of nonrenewable building materials, such as aggregate materials and plastics, would be reduced and the Project would not result in significant impacts regarding solid waste.

### **Water**

Consumption of water during construction and operation of the Project is addressed in Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR. As evaluated therein, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout, and such water demand during construction would be offset by the removal of the existing uses on the Project Site. During operation, the estimated water demand for the Project would not exceed the available supplies projected by LADWP, as confirmed by the Water Supply Assessment prepared by LADWP for the Project and included as Appendix N of the Draft EIR. The Project would also be required to reduce indoor water use by at least 20 percent, in accordance with the City of Los Angeles Green Building Code. In addition, the Project would implement Project Design Feature WAT-PDF-1, which includes water conservation measures in excess of code requirements, such as high efficiency toilets, high efficiency shower heads, ENERGY STAR Certified residential dishwashers, drip/subsurface irrigation, and proper hydro-zoned irrigation. Thus, as evaluated in Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in significant impacts related to water supply.

### **Energy Consumption**

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and, thus, the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Project consumption of non-renewable fossil fuels for energy use during construction and operation of the Project is addressed in Section IV.C, Energy, of the Draft EIR. As discussed therein, construction activities for the Project would not require the consumption of natural gas but would require the use of fossil fuels and electricity. The electricity demand at any given time would vary throughout the construction period based on the construction activities being performed and would cease upon completion of construction. When not in use, electric equipment would be powered off so as to avoid unnecessary energy consumption. In addition, trucks and equipment used during construction activities would comply with CARB's anti-idling regulations, as well as the In-Use Off-Road Diesel-Fueled Fleets

regulation. Further, on-road vehicles (i.e., haul trucks, worker vehicles) would be subject to federal fuel efficiency requirements. Therefore, construction of the Project would not result in the wasteful, inefficient, and unnecessary consumption of energy resources. Thus, impacts related to the consumption of fossil fuels during construction of the Project would be less than significant.

During operation, the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of LADWP and SoCalGas. In addition, as discussed in Section IV.C, Energy, of the Draft EIR, the Project would comply with all applicable energy conservation policies and plans, including the City's All-Electric Buildings Ordinance, as applicable, California Title 24 energy standards, the CALGreen Code, the City of Los Angeles Green Building Code, City of Los Angeles Green New Deal, and the 2020–2045 RTP/SCS. Applicable requirements of Title 24, the CALGreen Code, and the Green Building Code that would be implemented by the Project include specific lighting requirements to conserve energy, window glazing to reflect heat, enhanced insulation to reduce heating and ventilation energy usage, and enhanced air filtration. In addition, compliance with Title 24 standards would ensure the use of the most energy efficient and energy conserving technologies and construction practices. The Project would also implement measures to comply with Title 24 energy efficiency requirements, including Project Design Features GHG-PDF-1 and WAT-PDF-1 included in Section IV.E, Greenhouse Gas Emissions, and Section IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, of the Draft EIR, respectively.

Regarding transportation uses, the Project design would reduce VMT in comparison to developments located in non-infill, non-urban areas and encourage the use of alternative modes of transportation. The Project would also be consistent with regional planning strategies that address energy conservation. As discussed above and in Section IV.H, Land Use and Planning, of the Draft EIR, SCAG's 2020–2045 RTP/SCS focuses on creating livable communities with an emphasis on sustainability and integrated planning, and identifies mobility, economy, and sustainability as the three principles most critical to the future of the region. The 2020–2045 RTP/SCS focuses on reducing fossil fuel use by decreasing VMT, reducing building energy use, and increasing the use of renewable sources. The Project would be consistent with the energy efficiency policies emphasized in the 2020–2045 RTP/SCS. Notably, the Project is a commercial development located in a High Quality Transit Area (HQTAs), as designated by the 2020–2045 RTP/SCS. The 2020–2045 RTP/SCS identifies HQTAs as generally walkable transit villages or corridors that are within 0.5 miles of a well-served transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. Local jurisdictions are encouraged to focus housing and employment growth within HQTAs to reduce VMT. The Project would provide new development in proximity to neighborhood services and would be well-served by existing public transportation, as evidenced by the Project Site's location within a designated HQTAs. The Project's generation of new job opportunities within an HQTAs is also consistent with numerous policies in the 2020–2045 RTP/SCS related to locating new jobs near transit.

Based on the above, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F of the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Refer to Section IV.C, Energy, of the Draft EIR for further analysis regarding the Project's consumption of energy resources.

### **Environmental Hazards**

The Project's potential use of hazardous materials is addressed in Section IV.F, Hazards and Hazardous Materials, of the Draft EIR. As evaluated therein, operation of the Project would be expected to involve the use and storage of potentially hazardous materials typical of those used in studio campuses, including paints, stains, adhesives, solvents and other materials used in set design and fabrication, fuels, pesticides for landscaping, cleaning and maintenance supplies,

materials for pyrotechnic activities, and other general products related to studio operations. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations. Additionally, the existing plans and protocols currently implemented at the Project Site with regard to the handling of hazardous materials and wastes would be updated pursuant to Project Design Features HAZ-PDF-1 through HAZ-PDF-4. Furthermore, the Project Site is currently designated as a small quantity generator under Resource Conservation and Recovery Act (RCRA), and the Applicant implements the life cycle provisions of both RCRA and the Hazardous Waste Control Law (HWCL) by maintaining the required inspection logs, manifests, and records, which are subject to review by the Los Angeles County Department of Health Services. In addition, the Applicant currently employs staff members trained in the appropriate standards for the management of hazardous waste and the clean-up of releases and uses licensed firms for the transport of hazardous waste. The Project would allow for the continued operation of the Project Site under these provisions and the required records, training, and licensed transport would continue to be maintained, thus minimizing risks.

Additionally, any asbestos or lead based paint encountered during demolition and construction would be handled and disposed of according to Project Design Features HAZ-PDF-5 and HAZ-PDF-6 and any contaminated soil would be handled and disposed of according to the Soil Management Plan prepared for the Project, as detailed in Mitigation Measure HAZ-MM-1. With regard to methane, Mitigation Measure HAZ-MM-2 requires the installation of controls during Project construction to mitigate the effects of subsurface gases on workers and the public. These measures would include monitoring devices for methane and benzene to alert workers of elevated gas concentrations, contingency procedures if elevated gas concentrations are detected, worker training to identify exposure symptoms and implement alarm response actions, and the minimization of soil and groundwater during excavations. Additionally, soil removed as part of construction would be sampled and tested for off-site disposal in a timely manner and, if soil is stockpiled prior to disposal, it would be managed in accordance with the Project's Storm Water Pollution Prevention Plan (SWPPP). Furthermore, fencing would be erected to limit public access and allow for gas dilution. Lastly, a Health and Safety Plan (HASP) would be prepared to describe the proposed construction activities and hazards associated with each activity. As such, implementation of Mitigation Measure HAZ-MM-2 would ensure potential impacts related to subsurface gases and associated potential impacts to soil and groundwater would be less than significant.

Therefore, any associated risk due to the use or disposal of hazardous materials would be reduced to a less-than-significant level through implementation of Project Design Features HAZ-PDF-1 through HAZ-PDF-6 and Mitigation Measures HAZ-MM-1 and HAZ-MM-2. As such, it is not expected that the Project would cause irreversible damage from environmental accidents.

## **X. Growth-Inducing Impacts**

Section 15126.2(e) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth or increases in the population which may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Additionally, consideration must be given to characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either



individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

### **Population**

As discussed in Section II, Project Description, of the Draft EIR, the Project would involve the continuation of the existing studio use and the modernization and expansion of Television City to meet the contemporary needs and changing demands of the entertainment industry, while rehabilitating and preserving the integrity of the HCM. Since the Project does not propose a housing component, it would not directly induce a new residential population, which would contribute to population growth in the vicinity of the Project Site or the Wilshire Community Plan area.

### **Employment**

The Project would have the potential to generate indirect population growth in the vicinity of the Project Site as a result of the employment opportunities generated by the Project. During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. The Project would draw from the existing regional pool of construction workers who typically move from project to project as work is available. Project-related construction workers would not be anticipated to relocate their household's permanent place of residence as a consequence of working on the Project and, therefore, no new permanent residents are expected to be generated during construction of the Project. Accordingly, Project construction would not induce substantial population growth.

As discussed in the Initial Study included as Appendix A to the Draft EIR, the Project would generate an estimated total of 7,832 employees at buildout, for a net increase of 5,702 employees over existing conditions. Per the employment data from the 2020–2045 RTP/SCS, an estimated 1,947,472 employees are projected within the City of Los Angeles in 2026, the Project's earliest buildout year, with 49,586 new employees projected in the City between 2021 and 2026. The Project's net increase in employment would represent approximately 0.29 percent of the total number of employees in the City in 2026 and approximately 11.50 percent of the growth between 2021 and 2026. In the event of phased development of the Project, which could potentially extend to 2043, the Project's net increase in employment would represent approximately 0.27 percent of the total number of employees in the City in 2043 and approximately 2.61 percent of the total projected growth between 2021 and 2043. As the Modified Project would result in a slight reduction in employment due to the reduction in office uses, the Modified Project would also be consistent with expected growth in the City. Overall, the provision of new jobs would constitute a small percentage of the City's anticipated employment growth and would not be considered "unplanned growth."

Furthermore, while some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project Site. Accordingly, this potential indirect increase in population would not be substantial. Specifically, some employment opportunities may be filled by people already residing in the vicinity of the Project Site, and it is anticipated that other employees would commute to the Project Site from other communities both in and outside of the City, as under existing conditions. Therefore, given that the Project would not directly contribute to substantial population growth in the Project area through the development of residential uses, and since many of the employment opportunities generated by the Project would be filled by people already residing in the Project vicinity or who would commute to the Project Site, the potential growth

associated with Project employees who may relocate their place of residence would not be substantial. Further, as the Project would be located in an urbanized area with an established network of roads and other urban infrastructure, the Project would not require the extension of such infrastructure in a manner that would indirectly induce substantial population growth. A variety of public transit options are located within 0.5 mile from the Project Site. Specifically, a number of bus lines provide transit service throughout the Project area, with bus stops located adjacent to the Project Site on both Beverly Boulevard and Fairfax Avenue as well as within a one-block radius; these include Los Angeles County Metropolitan Transportation Authority (Metro) Bus Lines 14, 16, 17, 217, 218, and 316, several of which have headways of 15 minutes or less during the morning and afternoon peak commute periods; and LADOT DASH Fairfax Line. Furthermore, Metro transit facilities planned in the area include the Metro D (Purple) Line extension. The first section of the Metro D (Purple) Line extension, which includes a new Wilshire/Fairfax Station, is currently under construction. The new Wilshire/Fairfax Station will be located approximately 0.8 miles south of the Project Site, with a station portal on the southeast corner of Wilshire Boulevard and Orange Grove Avenue. In addition, as part of the TDM Program set forth in Project Design Feature TR-PDF-2, a Mobility Hub would be located on-site to support first-mile/last-mile connections; encourage employee and visitor use of public transit, carpooling, vanpooling, and biking/scooter to work; and to support other TDM strategies, as previously discussed.

### **Utility Infrastructure Improvements**

The area surrounding the Project Site is already developed with a mix of residential, commercial, and industrial uses, and the Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. As discussed in Sections IV.M.1, Utilities and Service Systems—Water Supply and Infrastructure, IV.M.2, Utilities and Service Systems—Wastewater, and IV.M.3, Utilities and Service Systems—Electric Power, Natural Gas, and Telecommunications Infrastructure, of the Draft EIR, while the Project would require local infrastructure to connect the Project Site to the mainlines, such improvements would be limited to serving Project-related demand and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level.

### **Conclusion**

Overall, the Project would be consistent with the growth forecast for SCAG's City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of VMT. In addition, the Project would not require any major roadway improvements or open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability. Therefore, direct and indirect growth-inducing impacts would be less than significant.

## **XI. Energy Conservation**

The Project would be designed and constructed to incorporate features to support and promote environmental sustainability. Specifically, the Project would support environmental sustainability by incorporating sustainable building features and construction protocols required by the Los Angeles Green Building Code (LAMC Chapter IX, Article 9), the California Green Building Standards Code (California Code of Regulations, Title 24, Part 11; referred to as the CALGreen Code), and the California Building Energy Efficiency Standards (California Code of Regulations, Title 24, Part 6; California Energy Code), pursuing U.S. Green Building Council's LEED Gold certification or equivalent green building standards. The Project would also comply with the City's

All-Electric Buildings Ordinance, as applicable. The Project represents an infill development located in close proximity to existing and proposed transit lines and would utilize existing infrastructure to service the proposed uses. The Project also involves the re-use of certain existing buildings and facilities. Both in compliance with and, in some cases, in exceedance of regulatory requirements, a number of specific sustainable design components would be incorporated into the Project, including, but not limited to: Energy Star appliances; solar panels; plumbing fixtures and fittings that comply with the performance requirements specified in the Los Angeles Green Building Code; weather-based irrigation systems; water-efficient plantings with drought-tolerant species; shade trees in public areas; green walls in some outdoor areas; vegetated roofs or cool roof systems to help reduce energy use; short- and long-term bicycle parking; electric vehicle (EV) charging infrastructure; a TDM Program; the proposed Mobility Hub; use of daylighting where feasible; energy-efficient lighting; and permeable paving where appropriate.

## **XII. Statement of Overriding Considerations**

The EIR identifies unavoidable significant impacts that would result from implementation of the Project. PRC Section 21081 and CEQA Guidelines Section 15093(b) provide that when a decision of a public agency allows the occurrence of significant impacts that are identified in the EIR but are not at least substantially mitigated to an insignificant level or eliminated, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. The CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects have been identified in the EIR that cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on the documents and materials that constitute the record of proceedings, including, but not limited to, the EIR and all technical appendices attached thereto.

Based on the analysis provided in Section IV, Environmental Impact Analysis, of the Draft EIR, implementation of the Project would result in significant impacts that cannot be feasibly mitigated with respect to: regional construction-related emissions of nitrogen oxides (NOx) (Project-level and Cumulative); on- and off-site noise during construction (Project-level and Cumulative); on- and off-site vibration during construction based on the significance threshold for human annoyance (Project-level); off-site vibration during construction based on the significant threshold for human annoyance (Project-level and cumulative); and emissions of NOx and volatile organic compounds (VOC) under a long-term buildout scenario due to concurrent construction and operations (Project-level and Cumulative).<sup>7</sup>

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that temporary significant and unavoidable impacts would result from implementation of the Project. Having (i) adopted all feasible mitigation measures, (ii) rejected as infeasible the alternatives to the Project discussed above, (iii) recognized all significant, and unavoidable impacts, and (iv) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that the Project's benefits, as listed below, outweigh and override the temporary significant and unavoidable impacts relating to construction-related emissions, noise and vibration, and concurrent construction and operation-related emissions as identified above.

The below stated reasons summarize the benefits, goals and objectives of the Project, and provide the detailed rationale for the benefits of the Project. In accordance with CEQA Guidelines

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<sup>7</sup> While Project buildout is anticipated in 2026, the Project Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043.

Section 15093(a), the benefits of the Project include economic, social, technological and other benefits at a local, regional and statewide level. Each of the listed Project benefits set forth in this Statement of Overriding Considerations provides a separate and independent ground for the City's decision to approve the Project despite the Project's identified significant and unavoidable environmental impacts. Each of the following overriding considerations separately and independently (i) outweighs the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR. In particular, achieving the underlying purpose for the Project would be sufficient to override the significant environmental impacts of the Project.

1. The Project would invest in the economic growth of the production and entertainment industry in the City of Los Angeles by preserving the historic Television City studio as a production facility and providing approximately 1,724,000 square feet of sound stage and production support facilities, production office, general office and retail uses.
2. The Project would contribute to Los Angeles' status as the creative capital of the world, help meet both the existing and future demands of the entertainment industry for modern technologically advanced sound stages, provide the opportunity for more productions to be filmed in the City and region, and create a wide range of new production, entertainment and construction jobs in the City.
3. During construction, the Project will provide widespread economic benefits and will be a key component of Los Angeles' iconic production and entertainment industry. The planned expenditure of approximately \$1.25 billion (in 2024 dollars) to develop the Project could result in a total economic output of approximately \$2.1 billion, accompanied by approximately 7,750 total development-related jobs, of which approximately 2,950 would be directly involved in the construction of the Project. Approximately 1,660 countywide jobs will be indirectly supported by purchases of goods and services such as raw building materials or computer software, and approximately 3.150 jobs are supported by induced effects.<sup>8</sup>
4. The Project will support the economic development goals of the City's General Plan Framework Element to establish a balance of land uses that provide for commercial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality through the development of a mix of integrated and supporting land uses within a single site. Specifically, the Project represents the continuation and modernization of an existing studio use that will help maintain and grow existing production and entertainment jobs for the local community, and will sustain economic viability and growth by modernizing and expanding Television City to meet the contemporary needs and changing demands of the entertainment industry while generating tax and property revenues to the City.
5. The Project will support the goals of the Wilshire Community Plan to encourage strong and competitive commercial sectors that promote economic vitality and serve the needs of the Wilshire community through well-designed, safe, and accessible areas, while preserving historic and cultural character. The Project will modernize and expand Television City to meet the contemporary needs and changing demands of the entertainment industry while rehabilitating and preserving the integrity of the Primary

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<sup>8</sup> Los Angeles County Economic Development Corporation (2021). The Television City Expansion Project, An Economic Impact Study.

Studio Complex on-site (Historic-Cultural Monument [HCM] No. 1167). The Project will preserve all of the existing historic character-defining features of the Primary Studio Complex and restore those character-defining features that have been compromised in the past prior to the Project, consistent with the HCM designation.

6. The Project would support the Transportation Element of the City's General Plan (Mobility Plan 2035) and reduce traffic effects through the implementation of various improvements to encourage the use of public transit, including a Mobility Hub and a Transportation Demand Management (TDM) Program, monetary contributions toward transportation systems management (TSM) improvements within the Project Site area, Vision Zero safety improvements, among other improvements. Thus, the Project is ideally located to help achieve the City's goal of reducing vehicle miles of travel associated with travel between homes and employment opportunities in the region.
7. The Project supports Smart Growth policies. As an infill development, the Project will modernize and improve site by providing additional studio facilities and job-producing uses. The Project would represent the intensification of urban density within a City-designated Transit Priority Area and in close proximity to transit. Furthermore, the Project would not require the extension of roads or utility infrastructure, and would not result in urban sprawl. The Project would also provide new jobs in close proximity to existing housing, thereby contributing to jobs-housing balance. These characteristics are consistent with good planning practice, and would reduce VMT, fuel consumption, and associated greenhouse gas emissions.
8. The Project's design will support sustainability goals and will incorporate features of the U.S. Green Building Council's LEED program to be capable of meeting the standards of LEED Gold or equivalent green building standards, will include photovoltaic panels on the Project Site capable of generating a minimum of 2,000,000 kilowatt-hours annually, and newly constructed buildings would be all-electric.

## **General Findings**

1. The City, acting through the Department of City Planning, is the "Lead Agency" for the Project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential Project and cumulative environmental impacts: air quality, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services (fire and police), transportation, tribal cultural resources, utilities and service systems (water, wastewater, and energy infrastructure), alternatives, and other CEQA considerations. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project and the alternatives were identified in the EIR.

3. The City finds that the EIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review periods provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review periods and responds to comments made during the public review periods.
4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.
6. The Final EIR and Erratum document revisions, clarifications, corrections, and modifications to the Draft EIR. Having reviewed the information contained in the Draft EIR, the Final EIR, Erratum, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:
  - The Responses to Comments contained in Section II of the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
  - The City has thoroughly reviewed the public comments received regarding the Project, the Final EIR, and the Erratum as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide

substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.

- None of the information submitted after publication of the Final EIR and Erratum, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR and Erratum, or a feasible mitigation measure or alternative not included in the Final EIR or Erratum.
  - The mitigation measures identified for the Project were included in the Draft EIR and Final EIR. The final mitigation measures for the Project are described in the MMP. Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMP.
7. CEQA requires the Lead Agency approving a project to adopt an MMP or the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMP as adopted by the City serve that function. The MMP includes all of the mitigation measures and PDFs adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts the MMP.
  8. In accordance with the requirements of PRC Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
  9. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based is the City of Los Angeles, Department of City Planning, 221 N. Figueroa Street, Room 1350, Los Angeles, CA 90012.
  10. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
  11. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
  12. The EIR is a project EIR for purposes of environmental analysis of the Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.

**FINDINGS OF FACT (SUBDIVISION MAP ACT)**

In connection with the approval of VTTM No. 83387, the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

(a) **THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.**

Section 66411 of the Subdivision Map Act (Map Act) establishes that local agencies regulate and control the design of subdivisions. Chapter 2, Article I, of the Map Act establishes the general provisions for tentative, final, and parcel maps. The subdivision and merger of land is regulated pursuant to Article 7 of the LAMC. The LAMC implements the goals, objectives, and policies of the General Plan through zoning regulations, including Specific Plans and standards for the subdivision of land.

Pursuant to LAMC Section 17.05 C, vesting tract maps are to be designed in conformance with applicable tract map regulations to ensure compliance with the various elements of the General Plan. Additionally, the maps are to be designed in conformance with the Street Standards established pursuant to LAMC Section 17.05 B.

The General Plan Framework identifies the Project Site as located along a Mixed Use Boulevard along Fairfax Boulevard. These connect the city's neighborhood districts and community, regional and Downtown centers. Mixed Use development is encouraged along these boulevards, with the scale, density, and height of development compatible with the surrounding areas. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- to two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. Mixed Use Boulevards are served by a variety of transportation facilities.

The Land Use Element of the General Plan consists of the 35 Community Plans within the City of Los Angeles. The Community Plans establish goals, objectives, and policies for future developments at a neighborhood level. Additionally, through the Land Use Map, the Community Plan designates parcels with a land use designation and zone. The Land Use Element is further implemented through the LAMC. The zoning regulations contained within the LAMC regulate, but are not limited to permitted uses of land, the maximum permitted density, height, and other standards. The Project Site is located within the Wilshire Community Plan, which designates the Project Site for Commercial land uses, with corresponding zones of C2 and C1.5.

The Project Applicant is requesting a General Plan Amendment to the Wilshire Community Plan to change the land use designation from Community Commercial, Neighborhood Commercial, and Limited Commercial to Community Commercial and to establish a new Footnote to identify the TVC Zone as a corresponding zone to the Community Commercial land use designation; and a General Plan Amendment to assign a Community Commercial land use designation to a 0.63-acre portion of the Project Site located within unincorporated Los Angeles County to be annexed to the City of Los Angeles.

The TVC 2050 Specific Plan, upon adoption, would restrict development on the Project Site for studio land uses, including sound stage, production support, production office, general office, and retail uses that are generally included in commercial zones. In conjunction with the dedications associated with the proposed VTTM, the Project Site area would consist of approximately 25 acres. Contingent upon the approval of the Project's



requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the approximately 25-acre Project Site, resulting in a maximum project FAR of less than 2:1.

Contingent upon approval of the request for a General Plan Amendment Zone Change and Height District Change, and the Specific Plan, the proposed merger and re-subdivision of the site to create three lots for a studio campus development would be consistent with these regulations, and the VTTM would be consistent with the use and floor area permitted by the General Plan and the proposed Specific Plan.

Furthermore, pursuant to LAMC Section 17.06 B, a tentative tract map must be prepared by or under the direction of a licensed land surveyor or registered civil engineer. The VTTM indicates the map number, notes, legal description, contact information for the owner, applicant, and engineer, as well as other pertinent information as required by LAMC Section 17.06 B. Additionally, LAMC Section 17.15 B requires that vesting tentative tract maps provide the proposed building envelope, height, size, and number of units, as well as the approximate location of buildings, driveways, and proposed exterior garden walls. The VTTM provides the building envelope, height, and approximate location of the building and driveways among other required map elements. Therefore, as conditioned, the proposed map demonstrates compliance with LAMC Sections 17.05 C, 17.06 B, 17.15 B and would be consistent with the applicable General Plan and Specific Plan.

(b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

For purposes of a subdivision, design and improvement is defined by Section 66418 of the Subdivision Map Act and LAMC Section 17.02. Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

LAMC Section 17.05 enumerates design standards for a tract map and requires that each map be designed in conformance with the Street Design Standards and in conformance with the General Plan. LAMC Section 17.05 C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (net area). LAMC Section 17.06 B and 17.15 lists the map requirements for a tentative tract map and vesting tentative tract map. The design and layout of the VTTM is consistent with the design standards established by the Subdivision Map Act and LAMC regulations.

As indicated in Finding (a), LAMC Section 17.05 C requires that the tract map be designed in conformance with the zoning regulations of the Project Site. The Project Site is currently zoned C2-1-O and C1.5-2D-O. The Project Applicant is requesting a General Plan Amendment to the Wilshire Community Plan to change the land use designation from Community Commercial, Neighborhood Commercial, and Limited Commercial to Community Commercial and to establish a new Footnote to identify the TVC Zone as a

corresponding zone to the Community Commercial land use designation; and a General Plan Amendment to assign a Community Commercial land use designation to a 0.63-acre portion of the Project Site located within unincorporated Los Angeles County to be annexed to the City of Los Angeles. In conjunction, a Zone Change and Height District Change to the TVC Zone, and the establishment of the TVC 2050 Specific Plan with site-specific development regulations is also proposed.

The TVC Zone and TVC 2050 Specific Plan, upon adoption, would restrict development on the Project Site for studio land uses, including sound stage, production support, production office, general office, and retail uses that are generally included in commercial zones. In conjunction with the dedications associated with the proposed tract map, the Project Site area would consist of approximately 25 acres. Contingent upon the approval of the Project's requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the Project Site, with a FAR of less than 2:1. The design and improvements associated with the proposed re-subdivision of the site to create three lots for a studio campus development would be consistent with these regulations, and the VTTM would be consistent with the General Plan and the proposed Specific Plan, as well as the density and floor area permitted by the Specific Plan and zone.

The design and layout of the map is also consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the LAMC. The VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee, including, but not limited to, the Bureau of Engineering, Department of Building and Safety, Grading Division and Zoning Division, Bureau of Street Lighting, Department of Recreation and Parks, that have the authority to make dedication, and/or improvement recommendations. Several public agencies found the subdivision design satisfactory, with imposed improvement requirements and/or conditions of approval.

Specifically, the Bureau of Engineering reviewed the tract map for compliance with the Street Design Standards and pursuant to the letter dated May 10, 2024, requires dedication along The Grove Drive, and improvements along Beverly Boulevard, Fairfax Avenue, and The Grove Drive. The Department of Building and Safety – Grading Division reviewed the site grading and deemed it appropriate provided the conditions included in its Soils Report Approval Letter correspondence dated August 4, 2021, are complied with. The Bureau of Street Lighting determined that no street lighting improvements shall occur unless widening is required per BOE. If widening is required, streetlights must be relocated and upgraded with six along Fairfax Avenue, nine along Beverly Boulevard, and five along The Grove Drive. All Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy, as applicable.

Therefore, as conditioned and upon approval of the entitlement requests, the design and improvements of the proposed subdivision would be consistent with the applicable General Plan and Specific Plan.

(c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The Project Site consists of four lots totaling 1,065,726 gross square feet of lot (approximately 25 acres) and is currently developed with an existing television studio complex and ancillary buildings, totaling 743,7680 square feet of floor area, and surface parking lots. The request for VTTM No. 83387 is for merger and re-subdivision of four lots

into three lots, and a Haul Route for the export of up to 772,000 cubic yards of soil to allow for the TVC 2050 Project. With the approval of the proposed subdivision, the Project Site would consist of approximately 25 acres, and under the proposed entitlements, the Specific Plan would allow for up to 1,724,000 square feet of floor area of studio-related uses within the Project Site, with a FAR of less than 2:1.

There are currently 181 trees on or adjacent to the Project Site, including 150 on-site trees and 31 street trees within the existing public right-of-way. The Project would remove all on-site trees and three street trees located along Beverly Boulevard. In addition, the Project would provide a minimum of approximately 28,900 square feet of open space, which would include landscaping such as trees and shrubs, lighting, wayfinding signage, and pedestrian amenities such as benches and shade structures. The Project also includes public right-of-way and on-site street frontage improvements that would include both new and widened sidewalks; planting areas for street trees, shrubs, and groundcover; fencing, walls, and landscaped buffers; and berms and other visual screening to conceal parking areas.

The Project Site is located within an urbanized area, has been previously developed, and is relatively flat throughout its entirety. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Landslide, or Tsunami Inundation Zone. The Project Site is located within a designated Methane Zone mapped by the City and would therefore be subject to the Methane Requirements in Division 71 Section 91.7103 of the LAMC. The northwestern portion of the Project Site is also located within an area of minimal flood hazard while the remainder of the Project Site is located within Zone X, a flood hazard zone with a 0.2 percent annual chance of flooding. Additionally, a majority of the Project Site is located within an area prone to liquefaction, although results of the liquefaction analysis performed as a part of the Geotechnical Investigation provided in Appendix E of the Draft EIR demonstrates that the potential for liquefaction on the Project Site is low. As noted in the Conditions of Approval, the Los Angeles Department of Building and Safety, Grading Division, has reviewed the geology/soils reports prepared for the Project and issued a Soils Approval Letter. The Soils Approval Letter includes specific design and engineering conditions that will ensure the Project can be built safely and that the site will be suitable for the proposed development.

Regarding potential hazards on the site, the Phase I ESA, prepared in 2018, identified one Recognized Environmental Condition (REC), one Historical REC (HREC), and one Controlled REC (CREC) on-site, as well as several other conditions. No active regulatory cases were identified for the Project Site, and the various RECs identified in the Phase I ESA were evaluated as part of a Phase II ESA and supplemental investigations, including, a Limited Phase II Investigation in October 2018 and Supplemental Phase II Investigations in November 2018, August 2019, and May 2020, which revealed concentrations of naturally occurring methane up to 90.7 percent by volume and detected occurring hydrogen sulfide.

In order to address potential adverse effects associated with contaminated soils, the EIR's Hazards and Hazardous Materials analysis determined that with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts with respect to the public or the environment from the release of hazardous materials released during upset and/or accident conditions would be reduced to a less-than-significant level. Project construction would also be required to comply with all applicable regulations protecting public health related to the removal of potential ACMs and LBP-containing materials, including but not limited to Section 19827.5 of the California HSC and California Occupational Safety and Health Administration's (Cal/OSHA) Lead in Construction

Standards and SCAQMD Rule 403. Health and safety issues related to methane will be adequately addressed through regulatory compliance with LAMC Chapter IX, Article 1, Section Division 71, 91.7103, also known as the Los Angeles Methane Seepage Regulations, which establish requirements for buildings and paved areas located in methane zones. In the event that VOC-contaminated soils are encountered during construction or construction occurs in areas of known or potential contamination, appropriate handling, off-site disposal, and/or treatment would be implemented in accordance with applicable regulatory requirements, including SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil).

The Phase I ESA found three surrounding properties of potential concern to the Project Site. Records associated with additional off-site properties were reviewed, and determined they are not RECs and pose no concern with respect to the Project Site. Due to the absence of RECS on surrounding properties, these sites are not expected to represent a significant environmental concern for the Project Site. Therefore, development of the Project Site would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Finally, prior to the issuance of any permits, then Project would be required to be reviewed and approved by the Department of Building and Safety and the Fire Department to ensure compliance with building, fire, and safety codes. In general, compliance with existing regulations, VTTM conditions, and MMs identified in the EIR ensure that the proposed development could be feasibly and safely constructed and operated on the site. Therefore, based on the above and as conditioned, the Project Site would be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies, through its Community and Specific Plans, geographic locations where planned and anticipated densities are permitted. Zoning standards for density are applied to sites throughout the city and are allocated based on the type of land use, physical suitability, and future population growth expected to occur. The General Plan Framework identifies the Project Site as located along a Mixed Use Boulevard along Fairfax Boulevard. Generally, different types of Mixed Use Boulevards will fall within a range of floor area ratios from 1.5:1 up to 4:1 and be generally characterized by one- to two-story commercial structures, up to three- to six-story mixed use buildings between centers and higher buildings within centers. The adopted Wilshire Community Plan designates the Project Site for Community Commercial, Neighborhood Commercial, and Limited Commercial land uses. The Project Site is zoned C2-1-O and C1.5-2D-O, which allows for a range of commercial uses. Height District 1 allows does not restrict height but imposes a maximum FAR of 1.5:1 within commercial zones, and Height District 2 with D Limitations pursuant to Ordinance No. 171,432 does not restrict height but imposes a maximum average site FAR of 1.5:1 and a maximum building FAR of 3:1.

The Project Applicant is requesting a General Plan Amendment to the Wilshire Community Plan to change the land use designation to Community Commercial over the entire site and to establish a new Footnote to identify the TVC Zone as a corresponding zone to the Community Commercial land use designation; and a General Plan Amendment to assign a Community Commercial land use designation to a 0.63-acre portion of the Project Site located within unincorporated Los Angeles County to be annexed to the City of Los

Angeles. The requested Community Commercial land use designation corresponds to the CR, C2, C4, RAS3, RAS4, P, and PB Zones, and a proposed Footnote to the land use designation would include the proposed TVC Zone. Thus, the requested TVC Zone would be consistent with the requested land use designation.

The TVC 2050 Specific Plan, upon adoption, would restrict development on the Project Site for studio land uses, including sound stage, production support, production office, general office, and retail uses that are generally permitted in commercial zones. In conjunction with the dedications associated with the proposed VTTM, the Project Site area would consist of approximately 25 acres. Contingent upon the approval of the Project's requested entitlements and proposed Specific Plan, the Project would allow for up to 1,724,000 square feet of floor area within the Project Site, with an FAR of less than 2:1.

The physical characteristics of the site and the proposed density of development are generally consistent with existing development and urban character of the surrounding Beverly-Fairfax neighborhood. The Project Site vicinity is characterized by a concentration of both low- to medium-density commercial and residential uses, as well as more recently developed medium- to high-density mixed-use residential and commercial uses further south along Wilshire Boulevard and Fairfax Avenue.

In general, the major arterials in the Project vicinity, including Beverly Boulevard, 3rd Street, and Fairfax Avenue, are lined with commercial, institutional, and multi-family residential uses, with mixed residential neighborhoods interspersed between the major arterials. Immediately east of the Project Site is the Broadcast Center Apartments, a six-story apartment complex with a ground floor grocery store and café. To the east, across The Grove Drive, is a U.S. Post Office and Pan Pacific Park, which includes a variety of active and passive recreational uses, an outdoor amphitheater, and the Holocaust Museum LA. To the south are commercial uses, including The Grove, an outdoor shopping and entertainment center that includes groupings of one- to three-story retail shops, a movie theater, restaurants, and a seven-level (plus rooftop) parking garage; The Original Farmers Market complex (HCM No. 543), comprised of one- and two-story restaurants and other food-related businesses, including a four-story mixed-use office and retail building; and the approximately four-story Farmers Market Storage Facility (which is roughly the same height as the adjacent seven-level garage), the Gilmore Adobe, and surface parking. Further to the south across 3rd Street are a neighborhood-serving shopping center with surface parking, four- and five-story residential buildings, Hancock Park Elementary School, and several 13-story apartment buildings at Park La Brea. Along Fairfax Avenue to the immediate west are low-rise community-serving commercial uses, including a gas station, bank, dry cleaner, and several restaurants and retail stores, interspersed with small surface parking lots, and low- to mid-rise apartments further to the west, and Fairfax High School along Fairfax Avenue to the north. Similar development of up to three stories is located to the north along Beverly Boulevard, including retail shops, restaurants, a bank, gas station, religious temple, several small hotels, personal fitness facilities, Ohel Chana High School, and Morasha Hebrew Academy, with low-rise apartments further to the north.

Upon approval of the entitlement requests, and as conditioned therein, the Project's proposed density is consistent with the general provisions and area requirements of the Planning and Zoning Code. The Project's floor area, density, and massing are appropriately scaled and situated given the existing uses in the surrounding area. The site is a relatively flat infill lot in a developed urban area with adequate infrastructure. The area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project Site, as described in detail in the EIR, does not contain wetlands or riparian areas or have significant value as a wildlife habitat, and implementation of the Project would not harm protected species. The Project Site is situated in an established, fully developed mixed commercial and residential area, and is currently developed with 743,680 square feet of studio-related uses. Existing development on-site is comprised of four main buildings in addition to approximately 30 one-story ancillary buildings and structures. The Project Site does not contain any natural open spaces with water courses such as streams or lakes within and/or directly adjacent to the Project Site and the Project Site and vicinity do not support any riparian or wetland habitat, as defined by Section 404 of the Clean Water Act.

Furthermore, the Project Site is not located in or adjacent to a Biological Resource Area, as defined by the City. Moreover, the Project Site and immediately surrounding area are not within or near a designated Significant Ecological Area. The Project Site does not contain any natural open spaces, act as a wildlife corridor, migratory corridors, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value.

Regarding trees, as discussed in the associated Tree Report, the Project Site has been operating as a studio since the 1960s. There are currently 181 trees on or adjacent to the Project Site, including 150 on-site trees and 31 street trees within the existing public right-of-way. The Project would remove all on-site trees and three street trees located along Beverly Boulevard. In addition, the Project would provide a minimum of approximately 28,900 square feet of open space, and improvements along the public right-of-way, which would include landscaping such as trees and shrubs. The on-site replacement of trees would be provided at a minimum 1:1 ratio for non-protected trees and the Project would be subject to the street tree replacement requirements of the City's Urban Forestry Division. In addition, the Project vicinity is highly urbanized and does not support habitat for candidate, sensitive, or special status plant species. Therefore, no impacts to candidate, sensitive, or special status plant species would occur.

Therefore, as noted above, the Project Site is presently improved with existing studio-related buildings and parking areas, and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, or migratory corridors. The Project would not conflict with any protected tree ordinance or Habitat Conservation Plan, nor possess any areas of significant biological resource value. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the LAMC (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and

the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project Site is located within an urbanized area, has been previously developed, and is relatively flat throughout its entirety. The Project Site is not located in a Very High Fire Hazard Severity Zone, Alquist Priolo Zone, Fault Rupture Study Area, Landslide, or Tsunami Inundation Zone. The Project Site is located within a designated Methane Zone mapped by the City and would therefore require the entire Project Site be subject to the Methane Requirements in Division 71 Section 91.7103 of the Los Angeles Municipal Code. The northwestern portion of the Project Site is also located within an area of minimal flood hazard while the remainder of the Project Site is located within Zone X, a flood hazard zone with a 0.2 percent annual chance of flooding.

Regarding other hazards, the Phase I ESA, prepared in 2018, identified one Recognized Environmental Condition (REC), one Historical REC (HREC), and one Controlled REC (CREC) on-site, as well as several other conditions. No active regulatory cases were identified for the Project Site, and the various RECs identified in the Phase I ESA were evaluated as part of a Phase II ESA and supplemental investigations, including, a Limited Phase II Investigation in October 2018 and Supplemental Phase II Investigations in November 2018, August 2019, and May 2020, which revealed concentrations of naturally occurring methane up to 90.7 percent by volume and detected occurring hydrogen sulfide.

In order to address potential adverse effects associated with contaminated soils, the EIR's Hazards and Hazardous Materials analysis determined that with implementation of Mitigation Measures HAZ-MM-1 and HAZ-MM-2, potentially significant impacts with respect to the public or the environment from the release of hazardous materials released during upset and/or accident conditions would be reduced to a less-than-significant level. Project construction would also be required to comply with all applicable regulations protecting public health related to the removal of potential ACMs and LBP-containing materials, including but not limited to Section 19827.5 of the California HSC and California Occupational Safety and Health Administration's (Cal/OSHA) Lead in Construction Standards and SCAQMD Rule 403. Health and safety issues related to methane will be adequately addressed through regulatory compliance with LAMC Chapter IX, Article 1, Section Division 71, 91.7103, also known as the Los Angeles Methane Seepage Regulations, which establish requirements for buildings and paved areas located in methane zones. In the event that VOC-contaminated soils are encountered during construction or construction occurs in areas of known or potential contamination, appropriate handling, off-site disposal, and/or treatment would be implemented in accordance with applicable regulatory requirements, including SCAQMD Rule 1166 (Volatile Organic Compound Emissions from Decontamination of Soil).

The Phase I ESA found three surrounding properties of potential concern to the Project Site. Records associated with additional off-site properties were reviewed, and determined they are not RECs and pose no concern with respect to the Project Site. Due to the absence of RECS on surrounding properties, these sites are not expected to represent a significant environmental concern for the Project Site. With implementation of mitigation measures and adherence to existing regulations, the design and improvement of the subdivision would not result in serious public health problems related to hazardous materials.

Regarding seismic safety, a majority of the Project Site is located within an area prone to liquefaction, although results of the liquefaction analysis performed as a part of the Geotechnical Investigation provided in Appendix E of the Draft EIR demonstrates that the

potential for liquefaction on the Project Site is low. With adherence to State and City building requirements, along with the recommendations from the LADBS Geology and Soils Report Approval Letter, the subdivision and proposed improvements would not result in serious public health problems related to seismic safety.

Furthermore, the Project can be adequately served by existing utilities. The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which meets Statewide ocean discharge standards. The subdivision will be connected to the public sewer system and will have only a minor incremental increase on the effluent treated by the Hyperion Treatment Plant, which has adequate capacity to serve the project. Moreover, as required by LAMC Section 64.15, further detailed gauging and evaluation will be conducted as part of the required building permit process for the project, including the requirement to obtain final approval of an updated Sewer Capacity Availability Report demonstrating adequate capacity. In addition, Project-related sanitary sewer connections and on-site water and wastewater infrastructure will be designed and constructed in accordance with applicable LASAN and California Plumbing Code standards.

No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are public infrastructure easements contained within the Project Site and any proposed development near the easements must secure Department of Public Works approval. There are no other recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The Project Site is surrounded by public streets and private properties, that adjoin improved public streets designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, public park, or any officially recognized public recreation area. No streams or rivers cross the Project Site. Needed public access for roads and utilities will be acquired by the City prior to recordation of the proposed tract. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at-large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the Project Applicant has prepared and submitted materials which consider the local climate, contours, configuration of the lot(s) to be subdivided and other design and improvement requirements. Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed. The topography of the Project Site has been considered in the maximization of passive or natural heating and cooling opportunities. In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows,



insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the Project Site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for VTTM No. 83387.



## **LOS ANGELES CITY PLANNING APPEAL FILING PROCEDURES**

Entitlement and CEQA appeals may be filed using either the Online Application System (OAS) or in person Drop Off at DSC (Development Services Center).

**Online Application System:** The OAS (<https://planning.lacity.org/oas>) allows appeals to be submitted entirely electronically online; fee payment is by credit card or e-check.

**Drop off at DSC:** Appeals of this determination can be submitted in person at the Metro or Van Nuys DSC locations, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms, and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>. Public offices are located at:

**Metro DSC**

(213) 482-7077  
201 N. Figueroa Street  
Los Angeles, CA 90012

**Van Nuys DSC**

(818) 374-5050  
6262 Van Nuys Boulevard  
Van Nuys, CA 91401

**West Los Angeles DSC**

(CURRENTLY CLOSED)  
(310) 231-2901  
1828 Sawtelle Boulevard  
West Los Angeles, CA 90025

City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable Los Angeles Municipal Code provisions.

**An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination.** Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure that DSC staff members have adequate time to review and accept the documents, and to allow appellants time to submit payment.



QR Code to Online  
Appeal Filing



QR Code to Forms  
for In-Person Filing