

Neighbors for Responsible TVC Development

Via Email

December 3, 2024

John Lee, Chair
Planning and Land Use Management Committee
200 South Spring Street
Los Angeles, CA 90013

Date: 12/3/24 9, 10, 11
Submitted in PLUM Committee
Council File No. 9, 10, 11
Item No. 24-1315, 51, 52
Deputy: D. Luna

Re: 7716-7860 West Beverly Boulevard, Los Angeles 90036, VTT-83387, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-2021-4090-DA, ENV-2021-4091-EIR

Dear Chair Lee and Members of the Planning and Land Use Management Committee:

Neighbors for Responsible TVC Development formed to represent community concerns regarding the redevelopment of Television City at Beverly and Fairfax ("TVC 2050"). With support from Beverly Fairfax Community Alliance, we have worked with local residents, businesses, and community groups including Save Beverly Fairfax, Miracle Mile Residents Association, and Park La Brea Impacted Residents Group. NFRTD remains concerned that the development of the Project will adversely impact the community. These impacts were obscured by an impermissibly opaque administrative and hearing process that prevented the full disclosure of Project details and their likely impacts, thereby preventing full environmental analysis and the mitigation of those likely impacts.

We have, and continue to, support the Project, with modifications. We support the future of this City. But we want to be included in the process.

A. Public Participation in the Hearing and Administrative Process Has Not Met the Standards of California Law.

Neighbors for Responsible TVC Development appreciates the goal of modernizing Television City's production facilities but asserts that *the City's administrative and hearing process has lacked the transparency required for full community understanding and the mitigation of impacts on that community.*

Notably, the Specific Plan was not available for public review until nearly two years after the completion of the draft EIR. The EIR claimed impacts of the Project would be mitigated by the design and other standards included in the Specific Plan, but those standards were not made public during the EIR comment period.

Many speakers were not allowed to speak at the Planning Commission hearing; elderly people were locked outside for hours without bathroom access, seating, or water and were denied access to speak at the hearing, while supporters of the Project somehow accessed City Hall. The lack of public access to this process has been offensive at best.

Further changes were made to the Project and were announced at the hearing with no discussion by the Planning Commission. We have detailed these failures in our objections to the Project and to the City's CEQA process in our many prior appeals.

B. The EIR Continues to Have an Unstable and Unclear Project Description.

The Specific Plan was not released to the public or to decision makers 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.

This makes no sense. Moreover, without being able to review the Specific Plan, members of the public were deprived of the right to provide informed comment on both the Specific Plan and the EIR. The Project Description failed at the outset to provide any specificity as to use, operation, or definition of the site, instead referring to a Specific Plan framework which was not provided to the public.

What little was known about the Project was that it is a 20-year blank check for 1.74 million square feet of 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 Project allows for general office and retail uses, far more than the studio production facilities touted by Project proponents. In fact, over one-third of Project development could be devoted to non-production uses. 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.) A Specific Plan in lieu of a direct zone change does not alter this analysis.

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.

C. 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.
- The EIR conceded that the Fire Department would be unable to service TVC2050, so the Applicant responded that the buildings on-site would have extra fire suppression systems. But emergencies aren't just fires. Emergencies are accidents, injuries, and 911 calls in a very dense neighborhood. Increased fire suppression equipment doesn't resuscitate people or get them to the hospital in an emergency. Ambulances and Paramedics—operated by the Fire Department—get caught in gridlocked traffic just like the rest of us, and can't access side streets, either, thanks to the prevalence of driving software.

D. 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.

E. Project Design Features are Not Enforceable Mitigation Measures.

The Project continues to impermissibly rely on project design features (PDFs), which compress the analysis and mitigation of impacts and result in the EIR’s failure to analyze the efficacy of these mitigating features. (*Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 655-656.) Even the Project mitigation measures delineated in the Mitigation Monitoring and Reporting Program (MMRP) fail to comply with CEQA because they are not fully enforceable. (Pub. Resources Code, § 21081.6, subd. (b).) The MMRP expressly provides that City staff can modify or delete mitigation measures that are difficult to comply with. Project Design Features also continue to be of little comfort if there is no enforcement mechanism. Project Design Features with no enforcement mechanism are deferred mitigation, at best, which is clearly illegal under California law. CEQA Guidelines section 15091(d).

F. The EIR Fails to Adequately Analyze of Air Quality and Health Risks.

The South Coast Air Quality Management District and Save Beverly Fairfax detailed concerns about the EIR’s air quality analysis, especially regarding sensitive receptors residing within several hundred feet of the Project. Neighbors for Responsible TVC Development shares these concerns about the Project’s deficient Health Risk Analysis and the assumptions contained therein.

G. 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*. It will not be accessible to the general public. Nor does it have required height and scale limits.

H. 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. A reduced density of development alternative is feasible and should have been analyzed in the EIR, especially given that the Project’s significant impacts are largely tied to its size. The EIR’s rejection of Alternatives 2, 3, and 5 is unsupported.

I. 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. Neighbors for Responsible TVC Development concurs with 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.

J. 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. Save Beverly Fairfax's comments detail how and why 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 the VTT approval was unlawful. Neighbors for Responsible TVC Development endorses and relies on Save Beverly Fairfax's comments on this issue.

K. The City has continued to fail to meet Public Notice Requirements pursuant to the Brown Act.

The Planning Department has failed compliance with California Law and common sense when it comes to procedure for the Project. The City failed to produce a copy of a Draft Specific Plan for months, despite numerous community requests and a Public Records Act Request. When the PRA error was pointed out to the City, the Planning Department denied responsibility for the error in the Beverly Press yet quickly made the document public via its website. The copy of the Draft Specific Plan that was uploaded to the City's website contained metadata stating that the City obtained it from Applicant's counsel the week prior. (Attachment 6.) That is not public notice.

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. NFRTD was forced to comment on a Sign Plan it had never seen to meet City deadlines. The proposed Sign District would allow for signage on the Project site not currently allowed on the site or in the City, and would allow much of that signage to be approved ministerially in the future without further environmental review. This completely circumvents public input related to public meetings and CEQA analysis.

L. The Project Includes an Illegal Helipad Inadequately Analyzed Under CEQA.

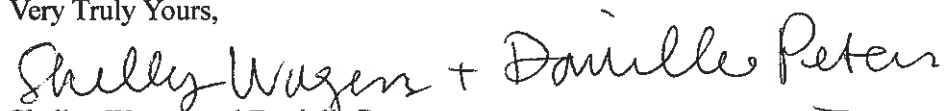
The Applicant cannot rely on a 1950s era approval that it did not legally acknowledge for over 30 years to state that it now has existing helipad rights. The EIR and the City's approvals for the Project incorrectly and without evidentiary support assume there is a legally operating helipad in the Project, despite clear evidence to the contrary available upon public review of City files.

The site has never received any required permit to allow helipad use on the Project site, and any existing non-conforming rights were abandoned when the prior owner submitted site plans throughout the 1980 and 1990s showing no helipad. 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. So now the Applicant wants to move the helipad it hasn't acknowledged in 30 years, increase its use, and argue that it's had the right all along? This is nonsensical.

The Neighbors, and the City, deserve better than this Half-Baked Specific Plan Proposal.

Neighbors for Responsible TVC Development urges the Committee and Council to grant its appeal of the City Planning Commission approvals for this Project. Let's work—together—under full disclosure and in the open—to get a Project that everyone can live with.

Very Truly Yours,


Shelley Wagers and Danielle Peters

Chairs, Neighbors for Responsible Television City Development