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November 27, 2024

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

SECOND-LEVEL APPEAL RESPONSES FOR THE TVC 2050 PROJECT; CASE NO. VTT-83387-2A; CF NO. 24-1315

On May 28, 2024, the Deputy Advisory Agency (DAA) issued a Letter of Determination (LOD) for Case No. VTT-83387 (DAA LOD) and approved a Vesting Tentative Tract Map (VTTM) for 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, and certified the Environmental Impact Report (EIR) for the Television City (TVC) 2050 Project (Project).

First-Level Appeals

Following issuance of the LOD, nine appeals were filed and received in a timely manner by the following parties: 1) The Grove, LLC; 2) Peter Hayden, on behalf of A.F. Gilmore; 3) Patti Shwayder, on behalf of Mayer Beverly Park Limited Partnership; 4) Save Beverly Fairfax; 5) Beverly Wilshire Homes Association; 6) Fix the City; 7) Danielle Peters, on behalf of Neighbors for Responsible TVC Development; 8) Greg Goldin, on behalf of Miracle Mile Residents Association; and 9) Barbara Gallen, on behalf of Park La Brea Impacted Residents Group.

City Planning Commission's Actions on First-Level Appeals and Related Entitlements

On September 12, 2024, the Los Angeles City Planning Commission (CPC) considered the tract map appeals and other associated Project entitlements. At its meeting, the CPC certified the EIR, recommended approval of the Project (including a General Plan Amendment, Zone and Height District Change, Code Amendment, Specific Plan, Sign District, Development Agreement, and Annexation of a portion of the Project Site), and denied the appeals of the Deputy Advisory Agency's determination. In response to input from Council District 5, the Project, as approved by the CPC, included: a reduction of 38,000 square feet of general office floor area; a reallocation of 12,000 square feet of general office floor area to production office floor area; a reduction in the height of building façades fronting Fairfax Avenue from 88 feet to 73 feet (such that any portion of the building above 73 feet is stepped back at least 20 feet from the building façade fronting Fairfax Avenue); a requirement for the prioritization of entertainment-related uses for the general office space; and a requirement to ensure that the Project's Traffic Demand Management (TDM) Program is monitored and enforced by LADOT.

As modified and approved by the CPC in the LOD for Case No. CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, dated October 3, 2024, the Project would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and modernization and expansion of media production facilities within the approximately 25-acre Television City studio site (Project Site). The Specific Plan would establish standards to regulate land use, massing, design, and development, and permit up to a maximum of 1,686,000 sf 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 1,421,623 square feet of new development, the retention of a minimum of 264,377 square feet of existing uses, and the demolition of up to 479,303 square feet of existing media production facilities. 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.

Second-Level Appeals

Following the issuance of the CPC's LOD to certify the EIR and to deny the first-level tract map appeals, six second-level appeals of the VTTM were filed and received in a timely manner by the following parties:

- 1) Beverly Wilshire Homes Association, represented by Carstens, Black & Minter LLP
- 2) Save Beverly Fairfax, represented by Carstens, Black & Minter LLP
- 3) Peter Hayden, on behalf of A.F. Gilmore Company, represented by Holland & Knight LLP
- 4) The Grove, LLC, represented by Latham & Watkins LLP
- 5) Patti Shwayder, on behalf of Mayer Beverly Park Limited Partnership, represented by Sheppard, Mullin, Richter & Hampton LLP
- 6) Danielle Peters, on behalf of Neighbors for Responsible TVC Development

All six appellants had previously submitted first-level appeals of the VTTM.

APPEAL POINTS AND STAFF RESPONSES

Below is a summary of the main appeal points for the second-level appeals of the VTTM. Given the content of the appeals, this Appeal Report and associated attachments are provided to address the appeal points raised by the Appellants, and to provide clarity where necessary for purposes of assisting the City Council in their consideration of the Project and the appeals. As noted below, many of the Appellants' appeal points are duplicative of previous comments and appeal points submitted throughout the Project's environmental and entitlement review process.

APPELLANT NO. 1: BEVERLY WILSHIRE HOMES ASSOCIATION; REPRESENTED BY CARSTENS, BLACK & MINTEER, LLP

As referenced by the Appellant in their second-level appeal, previously submitted correspondence includes:

- 1) Following publication of the Project's Draft EIR (DEIR), the Appellant submitted a comment letter, dated September 13, 2022, discussing issues with the Project Description, Air Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use, Transportation, and Alternatives sections; and more generally with the availability of the Specific Plan and Sign District, Project timeline, and inadequacy of the DEIR. DEIR comments submitted by the Appellant were responded to in detail on pages II-312 to II-353, Section II, Response to Comments, of the Final EIR (FEIR).

- 2) Prior to the DAA and Hearing Officer (HO) Joint Hearing on May 15, 2024, the Appellant submitted correspondence dated May 14, 2024, with additional comments discussing a request and justification for EIR recirculation and the failure of the FEIR to respond to the Appellants DEIR comments. Responses to these comments were inadvertently omitted from the VTTM Appeal Staff Report's Exhibit E: Responses to Additional Public Comments. As such, responses to these comments are now included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024, in Attachment 2 (May 2024 DAA and HO Hearing Response Memorandum), responses to Comment Letter 8.
- 3) Following the issuance of the DAA LOD, the Appellant submitted a first-level appeal of the DAA LOD, application dated June 5, 2024, with additional comments reiterating previous comments and justifications as well as comments regarding the consistency of the VTTM findings. Responses to their Appeal Points were addressed in the VTTM Appeal Report, as well as in the report's Exhibit D – Appeal Points and Responses.

The Appellant's second-level appeal references the above letters, which generally address the following issues as noted below, and are primarily duplicative of their previous comments and appeals:

- The EIR has an unstable Project Description.
- Traffic analysis is inadequate.
- Dewatering impact analysis and mitigation is deferred.
- The Sign District Ordinance was released after the completion of CEQA analysis.
- PDFs are not enforceable mitigation measures.
- The EIR fails to adequately analyze of air quality and health risks.
- The EIR has not analyzed the Project's land use impacts.
- The EIR fails to analyze meaningful Alternatives.
- Recirculation was required, not an Erratum.
- The City cannot make findings required to approve a Vesting Tentative Map.

Please refer to the **Exhibit A: Second-Level VTTM Appeals Memorandum**, dated November 16, 2024, for detailed responses to the Appellant's appeal points. As demonstrated therein, the appeal lacks merit and should be denied.

APPELLANT NO. 2: SAVE BEVERLY FAIRFAX; REPRESENTED BY CARSTENS, BLACK & MINTEER LLP

As referenced by the Appellant in their second-level appeal, previously submitted correspondences include:

- 1) Following the publication of the Project's DEIR, the Appellant submitted a comment letter, dated August 25, 2022, discussing issues with the Project Description, Cultural Resources, Land Use, Public Services, Transportation, Tribal Cultural Resources, and Alternatives sections, and more generally with the availability of the Specific Plan and Sign District, the timeline of the Project, and the inadequacy of the DEIR. DEIR comments submitted by the Appellant were responded to in detail on pages II-269 to II-309, Section II, Response to Comments, of the FEIR.
- 2) Following the publication of the Project's Erratum, the Appellant submitted correspondence dated April 17, 2024, with additional comments discussing a request and justification for EIR recirculation. Responses to these comments were included the

VTTM Appeal Report, and the report's Exhibit E: Responses to Additional Public Comments.

- 3) Prior to the DAA and HO Joint Hearing on May 15, 2024, the Appellant submitted correspondence dated May 14, 2024, with additional comments discussing the FEIR, Erratum, Specific Plan, and Sign District, reiterating previous comments and justifications as well as comments questioning the validity and adequacy of the FEIR. Responses to these comments were included in the VTTM Appeal Report, and the report's Exhibit E: Responses to Additional Public Comments. Supplemental responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.
- 4) Following the issuance of the DAA LOD, dated May 28, 2024, the Appellant submitted a first-level appeal, application dated June 5, 2024, with additional comments reiterating previous comments and justifications as well as comments regarding the consistency of the VTTM findings. Responses to their Appeal Points addressed in the VTTM Appeal Report, as well as in the report's Exhibit D – Appeal Points and Responses.
- 5) Prior to the CPC meeting on September 12, 2024, the Appellant submitted correspondence dated September 9, 2024, with additional comments that were the same or substantially similar to those submitted in their first-level appeal of the VTTM as well as comments regarding the Statement of Overriding Considerations compliance with CEQA. Responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.

The Appellant references the above letters in their current appeal points, which generally address the following issues as noted below, and are primarily duplicative of previous comments and appeals:

- The EIR has an unstable Project Description.
- The Sign District Ordinance was released after the completion of CEQA analysis.
- The Project relies upon inadequate and unenforceable mitigation measures.
- The EIR fails to adequately analyze of air quality and health risks.
- Analysis of dewatering impacts is improperly deferred.
- The EIR has not analyzed the Project's land use impacts.
- Traffic analysis is inadequate.
- The EIR fails to analyze meaningful Alternatives.
- The Statement of Overriding Considerations is unsupported.
- Recirculation was required, not an Erratum.
- The City cannot make findings required to approve a Vesting Tentative Tract Map.
- The Project Site does not include a legal helipad.

Please refer to the **Exhibit A: Second-Level VTTM Appeals Memorandum**, dated November 16, 2024, for detailed responses to the Appellant's appeal points. As demonstrated therein, the appeal lacks merit and should be denied.

APPELLANT NO. 3: PETER HAYDEN, A.F. GILMORE COMPANY; REPRESENTED BY HOLLAND & KNIGHT LLP

As referenced by the Appellant in their second-level appeal, previously submitted correspondences include:

- 1) Following the publication of the Project's DEIR, the Appellant submitted a comment letter, dated September 13, 2022, discussing issues with the Project Description, Aesthetics, Cultural Resources, Land Use, Noise, Transportation, and Alternatives sections, and more generally with the availability of the Specific Plan, the scale of the Project, and the inadequacy of the DEIR. DEIR comments submitted by the Appellant were responded to in detail on pages II-1166 to II-1224, Section II, Response to Comments, of the FEIR.
- 2) Prior to the DAA and HO Joint Hearing on May 15, 2024, the Appellant submitted correspondence with additional comments discussing the pending Wilshire Community Plan update, proposed general office uses, inadequacy of the DEIR and Project Objectives, and the availability of the Development Agreement. Responses to these comments were included in the VTTM Appeal Report, and the report's Exhibit E: Responses to Additional Public Comments. Supplemental responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.
- 3) Following the issuance of the DAA LOD, dated May 28, 2024, the Appellant submitted a first-level appeal, application dated June 5, 2024, with additional comments discussing the consistency of the VTTM with applicable plans, consistency of the design and improvement of the subdivision with applicable plans, site suitability, public health impacts from the design and improvement of the subdivision, the age of the Wilshire Community Plan, and the DAA's decision-making authority. Responses to their Appeal Points were included in the VTTM Appeal Report, and the report's Exhibit D: Appeal Points and Responses.
- 4) Prior to the CPC meeting on September 12, 2024, the Appellant submitted multiple correspondences dated August 30, 2024, and September 2, 2024, with comments that were the same or substantially similar to those submitted in their first-level appeal of the VTTM. Responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.

The Appellant references the above letters in their current appeal points, which generally address the following issues, and are primarily duplicative of previous comments and appeals, as noted below:

- The Tentative Map approval is deficient because the requisite findings cannot lawfully be made.
- The Tentative Map is not consistent with applicable General and Specific Plans.
- The design and improvements contemplated by the proposed subdivision are not consistent with applicable General and Specific Plans.
- The site, and its surrounding land uses, is not physically suitable for the proposed type and density of development.
- The Project would be dependent of truck traffic, increase the number of employees and visitors to the Project site, inundate the surrounding road and transit infrastructure, specifically in residential neighborhoods.
- The Project Site is inappropriate for the type and density of development proposed.
- Conformance with applicable plans cannot be granted because the Wilshire Community Plan is out-of-date.
- The proposed development and design of the subdivision are likely to cause serious public health problems.
- The approval and certification of the EIR, Statement of Overriding Considerations and mitigation measures are legally impermissible under CEQA.

- The CEQA documentation fails to adequately analyze the impacts of the proposed development contemplated by the approval of the Project.
- The Statement of Overriding Considerations is not supported by sufficient factual circumstances in the record sufficient to comply with CEQA.
- Mitigation Measures do not reflect consideration of the issues raised by Project appellants and are not sufficiently detailed to evidence their ability to mitigate the environmental impacts posed by the Project.

Please refer to **Exhibit A: Second-Level VTTM Appeals Memorandum**, dated November 16, 2024, for detailed responses to the Appellant's appeal points. As demonstrated therein, the appeal lacks merit and should be denied.

APPELLANT NO. 4: THE GROVE, LLC; REPRESENTED BY LATHAM & WATKINS LLP

As referenced by the Appellant in their second-level appeal, previously submitted correspondences include:

- 1) Following the publication of the Project's Draft EIR, the Appellant submitted a 374-page comment letter, dated September 13, 2022, discussing issues with the Project Description, Alternatives, Air Quality, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Transportation, Tribal Cultural Resources, and Utilities and Service Systems. DEIR comments submitted by the Appellant were responded to in detail on pages II-496 to II-1164, Section II, Response to Comments, of the Final EIR.
- 2) Prior to the DAA and HO Joint Hearing on May 15, 2024, the Appellant submitted a correspondence, dated May 14, 2024, with additional comments discussing the inadequacy of the DEIR, the responses included in the FEIR to their previous comments, and their request for a continuance of the Joint Hearing. Responses to these comments were included in the VTTM Appeal Report, and the report's Exhibit E: Responses to Additional Public Comments. Supplemental responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.
- 3) Following the issuance of the DAA LOD, dated May 28, 2024, the Appellant submitted a first-level appeal, dated June 5, 2024, with additional comments discussing the inadequacy of the VTTM and the VTTM process. Responses to their Appeal Points were included in the VTTM Appeal Report, and the report's Exhibit D: Appeal Points and Responses.
- 4) Prior to the CPC meeting on September 12, 2024, the Appellant submitted multiple correspondences dated September 3, 2024, and September 10, 2024, with additional comments reiterating their previous comments and appeal points. Responses to these comments are included in the **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.

The Appellant references the above letters in their current appeal points, which generally address the following issues as noted below, and are primarily duplicative of previous comments and appeals:

- The Planning Commission's decision violates CEQA.
- The approved map was filed after the Advisory Agency's Public Hearing.

- The approved map lacks the details a Vesting Tentative Tract Map requires.
- The CPC's decision violates the Subdivision Map Act.
- The VTTM is inconsistent with the applicable General Plan and Specific Plan.
- The site is not physically suitable for the type or proposed density of development, and the CPC's finding is unsupported by the evidence in the record.
- The CPC was required to approve the Appeals and deny the VTTM because the EIR for the Project is deficient.
- The CPC was required to approve the Appeals and deny the VTTM because the design of the subdivision or type of improvements are likely to cause serious public health problems as discussed in previous comments.
- The CPC was required to approve the Appeals and deny the VTTM because there is no support for a finding that the design of the subdivision or type of improvements will not conflict with certain public access easements.

Please refer to **Exhibit A: Second-Level VTTM Appeals Memorandum**, dated November 16, 2024, for detailed responses to the Appellant's appeal points. As demonstrated therein, the appeal lacks merit and should be denied.

APPELLANT NO. 5: PATTI SHWAYDER, ON BEHALF OF MAYER BEVERLY PARK LIMITED PARTNERSHIP; REPRESENTED BY SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

As referenced by the Appellant in their second-level appeal, previously submitted correspondences include:

- 1) Following the issuance of the DAA LOD, dated May 28, 2024, the Appellant submitted a first-level appeal, application dated June 5, 2024, with additional comments discussing deficiencies with the EIR, the inadequacy of the VTTM, and the inconsistency of the VTTM findings. Responses to their Appeal Points were addressed in the VTTM Appeal Report, and the report's Exhibit D: Appeal Points and Responses .
- 2) Prior to the CPC meeting on September 12, 2024, the Appellant submitted a correspondence dated September 3, 2024, with additional comments that were the same or substantially similar to those submitted in their second-level appeal of the VTTM, further addressed below. Responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.

The Appellant references the above letters in their current appeal points, as noted below. The Appellant's second-level appeal points generally address the following issues, which are primarily duplicative of previous comments and appeals:

- The Advisory Agency failed to follow the procedural requirements of the LAMC and unlawfully approved the March 2024 VTTM.
- The Advisory Agency's comments at the hearing and the Applicant's acknowledgement of the March 2024 VTTM is insufficient to meet the LAMC public hearing requirements.
- Requirements per LAMC Section 17.03 B that the Advisory Agency "shall not act on a tentative map until 39 days has elapsed from the filing of the map, unless reports have been received from each member of the Subdivision Committee", were not met.
- The City ignored the substantive differences between the two maps with respect to LAMC Section 17.15 B(1)(b) by focusing solely on LAMC Section 17.06 and failed to address that the March 2024 VTTM is stamped as a "Revised Tentative Map".
- Planning contradicted itself and did not allow for public review of the March 2024 VTTM.

- The City violated its own processes and procedures, as well as the procedural requirements of the Map Act. Therefore, approval of the March 2024 VTTM was unlawful.
- The March 2024 VTTM does not include all of the information required by the LAMC.
- The March 2024 VTTM violates requirements in the Map Act.

Please refer to **Exhibit A: Second-Level VTTM Appeals Memorandum**, dated November 16, 2024, for detailed responses to the Appellant's appeal points. As demonstrated therein, the appeal lacks merit and should be denied.

APPELLANT NO. 6: DANIELLE PETERS, NEIGHBORS FOR RESPONSIBLE TVC DEVELOPMENT

As referenced by the Appellant in their second-level appeal, previously submitted correspondences include:

- 1) In a correspondence dated March 6, 2023, the Appellant submitted comments directly to the City's Office of the City Attorney discussing issues with the Project Description, and Land Use sections, and more generally with the availability of the Specific Plan, and the inadequacy of the DEIR. While these comments were not addressed to Planning, responses to these comments were included in the VTTM Appeal Report's Exhibit D: Appeal Points and Responses.
- 2) In a correspondence dated July 25, 2023, the Appellant submitted comments to Planning staff discussing the availability of the Specific Plan. Responses to these comments were addressed in the VTTM Appeal Report's Exhibit D: Appeal Points and Responses.
- 3) In a correspondence dated August 10, 2023, the Appellant submitted comments to Planning staff discussing the availability of the Specific Plan. Responses to these comments were included in the VTTM Appeal Report's Exhibit D: Appeal Points and Responses.
- 4) In a correspondence dated September 26, 2023, Nicole Kuklok-Waldman submitted a timeline of events and previous correspondences with Planning staff regarding a Public Records Act and records management. Responses to these comments were provided directly to Nicole Kuklok-Waldman by Planning staff on October 2, 2023 via email and were included in the VTTM Appeal Report's Exhibit D: Appeal Points and Responses.
- 5) In a correspondence dated February 14, 2024, the Appellant submitted comments to Planning staff discussing the Appellants proposed changes to the Project. Responses to these comments were included in the VTTM Appeal Report's Exhibit D: Appeal Points and Responses. Supplemental responses to these comments are included in **Exhibit B: Response to Public Comments Submitted to CPC Memorandum**, dated November 26, 2024.
- 6) Following the issuance of the DAA LOD, dated May 28, 2024, the Appellant submitted a first-level appeal, application dated June 5, 2024, reiterating previous comments and justifications as well as an email correspondence from Nicole Kuklok-Waldman to Planning staff. Responses to their Appeal Points were addressed in the VTTM Appeal Report and the report's Exhibit D: Appeal Points and Responses.

The Appellant references the above letters in their current appeal points, which generally address the following issues as noted below, and are primarily duplicative of previous comments and appeals:

- The City's administrative process has lacked the transparency required for full community understanding and the mitigation of impacts on that community.
- Further changes have been made to the Project since the release of the Final EIR.
- The EIR has an unstable Project Description.
- The Sign District Ordinance was released after the completion of CEQA analysis.
- The Project relies upon inadequate and unenforceable mitigation measures.
- The EIR fails to adequately analyze of air quality and health risks.
- The EIR has not analyzed the Project's land use impacts.
- The EIR fails to analyze meaningful Alternatives.
- The Statement of Overriding Considerations is unsupported.
- Recirculation was required, not an Erratum.
- The City has continued to fail to meet Brown Act public notice requirements.
- The Project includes an illegal helipad inadequately analyzed under CEQA.

Please refer to **Exhibit A: Second-Level VTTM Appeals Memorandum**, dated November 16, 2024, for detailed responses to the Appellant's appeal points. As demonstrated therein, the appeal lacks merit and should be denied.

CONCLUSION

As discussed above, no new substantial evidence was presented to dispute the findings of the EIR, or relative to VTTM. The EIR is comprehensive and has been completed in full compliance with CEQA, and no new impacts or substantial increases in previously identified impacts would result from the comments raised herein. In addition, the VTTM made the prescribed findings demonstrating that the proposed map is consistent with the Subdivision Map Act, including consistency with the applicable general and specific plans, that the site is physically suitable for the proposed type of development and density, that 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, not likely to cause serious public health problems, will not conflict with applicable public easements, and that the design of the proposed subdivision will provide future passive or natural heaven or cooling opportunities to the extent feasible. Therefore, in consideration of all the facts, City Planning staff recommends that the appeals be denied and that the actions of the CPC be sustained.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



Paul Caporaso
City Planner

VPB:MZ:MN:PC

Enclosures

Exhibit A: Second-Level VTTM Appeals Memorandum, November 16, 2024

Exhibit B: Response to Public Comments Submitted to CPC Memorandum, November 26, 2024



MEMORANDUM

TO: Paul Caporaso
City of Los Angeles Department of City Planning

FROM: Eystone Environmental

SUBJECT: TVC 2050 Project—Second-Level VTTM Appeals
ENV-2021-4091-EIR, VTT-83387,
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-2021-4090-DA

DATE: November 26, 2024

cc: Milena Zasadzien, Department of City Planning
Mindy Nguyen, Department of City Planning

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the TVC 2050 Project (Project). The Draft EIR was circulated for public review and comment from July 14, 2022, through September 13, 2022, an extended 60-day comment period, which exceeded the 45-day comment period required by CEQA. Following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was published in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. The Draft EIR, Final EIR and Erratum are collectively referred to herein as the EIR. Further, the EIR was prepared in accordance with CEQA and City policy.

The Advisory Agency issued a Letter of Determination (LOD) for Case No. VTT-83387 (DAA LOD) on May 28, 2024, certifying the EIR and approving the Vesting Tentative Tract Map (VTTM). Subsequently, nine appeals to the City Planning Commission were filed. Responses to the appeals were included in the Department of City Planning Staff Report prepared for Case No. VTT-83387-1A (VTTM Appeal Report). The nine appeals were considered during the City Planning Commission hearing on September 12, 2024, and the City Planning Commission denied the appeals and sustained the Deputy Advisory Agency's

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decision in its Letter of Determination for Case No. VTT-83387-1A (CPC LOD), dated October 3, 2024.

Following the City Planning Commission's decision, the following Second-Level appeals to the City Council were filed:

- #1: Carstens, Black & Minter LLP on behalf of Beverly Wilshire Homes Association (October 11, 2024)
- #2: Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax (October 11, 2024)
- #3: Holland & Knight LLP on behalf of A.F. Gilmore Company (October 14, 2024)
- #4: Latham & Watkins LLP on behalf of The Grove, LLC (October 15, 2024)
- #5: Sheppard, Mullin, Richter & Hampton LLP on behalf of Mayer Beverly Park Limited Partnership (September 10, 2024)
- #6: Neighbors for Responsible TVC Development (October 15, 2024)

These appeals raise issues that the City has already addressed in the Final EIR and/or in the Department of City Planning Staff Report prepared for Case No. VTT-83387-1A (VTTM Appeal Report), including the VTTM Appeal Responses included in Exhibit D.1, dated September 12, 2024; the Response to Public Comments Received May 2024 Memorandum dated May 22, 2024, and the more detailed memorandum dated August 7, 2024 (May 2024 Response Memorandum); and the Response to Public Comments Submitted to CPC Memorandum (Response to Comments Submitted to CPC Memorandum) dated November 18, 2024. Responses to comments raised in these appeal justifications are nevertheless provided below.



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Second-Level Appeal Letter No. 1 (Carstens, Black & Minter LLP, October 11, 2024)

Carstens, Black & Minter LLP
obo Beverly Wilshire Homes Association
2200 Pacific Coast Hwy., Ste. 318
Hermosa Beach, CA 90254-2702

Second-Level Appeal Point No. 1-1

On behalf of the Beverly Wilshire Homes Association, we hereby submit this summary of the reasons for the Association's appeal of the City Planning Commission's approval of the TVC 2050 Specific Plan, specifically Vesting Tentative Tract No. 83387 (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN), the Advisory Agency's issuance of which was upheld by the City Planning Commission on September 12, 2024.

Although not appealable pursuant to the Letters of Determination, the Association continues to contest the City Planning Commission's approval of the Development Agreement (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. The Letters of Determinations state that these Project approvals are final and no longer appealable.

The Association further appeals the City's certification of the environmental impact report and its adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA"), as the City's approval of the Development Agreement, annexation, General Plan Amendment, inclusion of the 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 are final and no longer appealable. (See, ENV-2021-4091-EIR.)

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A. Interest of Appellant

The Beverly Wilshire Homes Association is a non-profit, incorporated organization of property owners, residents and businesses within the area bounded by La Brea to La Cienega and Rosewood to the north side of Wilshire Blvd. From 1956 to the present, the Association has been the voice of the community. The Association's mission is to improve the quality of life for its members and the community. The Association remains concerned that the development of the Project will have adverse impacts on the community. These impacts were obscured by an impermissibly opaque administrative 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. 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.

B. Appellant's Concerns Regarding Project

The TVC 2050 Project would enact the TVC 2050 Specific Plan aimed at 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 entitlements, including:

- Annexation of a portion of the Project Site located within unincorporated Los Angeles County;
- General Plan Amendment to change the 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;



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- Approval of the TVC 2050 Specific Plan; and
- Establishment of the "SN" Sign.

Second-Level Appeal Response No. 1-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the Appellant are addressed in Second-Level Appeal Response Nos. 1-2 through 1-15 below.

Second-Level Appeal Point No. 1-2

The Beverly Wilshire Homes Association appreciates the goal of modernizing Television City's production facilities but asserts that ***the City's administrative 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.

Second-Level Appeal Response No. 1-2

This comment repeats previous comments which have already been addressed in the VTTM Appeal Report and Final EIR. Refer to pages A-32 to A-33 of the VTTM Appeal Report; Appeal Response No. 4-2 included in Exhibit D.1 (Appeal Points and Responses) of the VTTM Appeal Report (VTTM Appeal Responses); and Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and Response to Comment No. 5-3 in Section II, Responses to Comments, of the Final EIR. As discussed therein, an initial draft of the Specific Plan ordinance that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Further, neither CEQA nor City policy requires a draft Specific Plan ordinance itself to be included in the Draft or Final EIR. In addition, all of the elements of the proposed Specific Plan ordinance relative to the Project needed to fully evaluate the impacts of the Project were disclosed in the Draft EIR and all such project-related elements of the proposed specific plan have remained consistent with each version of the specific plan prepared by the

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City. Notably, similar to the Project, the most recently approved specific plan project, the District NoHo Specific Plan, did not provide its specific plan ordinance as part of either the draft or final EIR.¹ Nonetheless, in response to public comments, drafts of the proposed Specific Plan ordinance dated October 2023 (Draft Specific Plan Ordinance (October 2023)) and April 2024 (Draft Specific Plan Ordinance (April 2024)) and a draft of the proposed Sign District dated April 2024 (Draft Sign District Ordinance (April 2024)) were made publicly available on the Department of City Planning's website for informational purposes.

Contrary to the Appellant's assertion, the EIR does not claim that the impacts of the Project would be mitigated by the design and other standards included in the Specific Plan. Section IV, Environmental Impact Analysis, of the Draft EIR included a detailed analysis of all environmental impact areas identified as potentially significant in the Initial Study. For those topic areas where significant impacts were identified, mitigation measures were proposed. Specifically, mitigation measures were included in the EIR with respect to air quality, cultural resources, geology and soils, hazards and hazardous materials, and noise. Each of the mitigation measures along with details about timing and enforcement were included in Section IV, Mitigation Monitoring Program, of the Final EIR.

Second-Level Appeal Point No. 1-3

Further changes have been made to the Project since the release of the final EIR.

Second-Level Appeal Response No. 1-3

As discussed in Section G, Environmental Review is Not Premature, of Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, a fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation.² The CEQA process is not designed to

¹ The District NoHo Project EIR (Case No. ENV-2019-7241-EIR) can be accessed at <https://planning.lacity.gov/development-services/eir/district-noho-project-0> (Draft EIR) and <https://planning.lacity.gov/development-services/eir/district-noho-project-1> (Final EIR).

² CEQA Guidelines § 15004(b).

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freeze the ultimate proposal in the precise mold of the initial project.³ As the court explained in the recent *Gooden v. County of Los Angeles* case, “[b]y obligating public agencies to prepare and circulate environmental impact reports, to solicit comments, and then to respond to that feedback, CEQA necessarily contemplates that public agencies may opt to alter projects in response to feedback and thus to adopt projects that deviate from what was described in prior environmental impact reports. If any and every deviation rendered the description of projects in previously circulated environmental impact reports retroactively inadequate or unstable, public agencies would have a strong disincentive ever to deviate from a project as originally articulated [emphasis in original]. This would ‘freeze’ projects ‘in the precise mold of the initial project’ [citing *County of Inyo*, 71 Cal.App.3d at 199; *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 673] and ‘handcuff decisionmakers’ to the project as initially described [citing *Dusek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029, 1041; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 336]. This is not in the spirit of CEQA, for it would prompt agencies to ignore helpful or enlightening public feedback—a result at odds with the entire purpose of the information exchange triggered by CEQA’s environmental impact report procedures.”⁴

The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, including the Appellant, which is exactly how CEQA is supposed to work. As detailed in the Erratum, the refinements to the Project are within the scope of the analysis in the EIR and the Erratum did not identify any new significant impacts or a substantial increase in the severity of any impact. The Erratum demonstrated that the Modified Project is within the envelope of impacts analyzed in the EIR, no additional impacts would result, and no new mitigation is required. There was no new significant information that would preclude the public’s ability to comment on the potential impacts of the Project, and the public was provided ample opportunity to review and comment upon the Project’s potential environmental impacts.

³ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.

⁴ *Gooden v. County of Los Angeles* (No. B326446; Cal. Ct. App. Oct. 24, 2024).

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Second-Level Appeal Point No. 1-4

The Beverly Wilshire Homes Association detailed its objections to the Project and to the City's CEQA process for the in [sic] the attached comment letters. (**Attachment 1**, September 13, 2022 DEIR Comments; **Attachment 2**, May 14, 2024 FEIR Comments.) The Association further attaches its Statement of Reasons for appealing the Advisory Agency's May 2024 Decision. (**Attachment 3**, Statement of Reasons, June 6, 2024.) These comments detail the reasons for the Association's appeal. The Beverly Wilshire Homes Association incorporates by reference the comment letters submitted during this administrative process by Save Beverly Fairfax, The Grove, LLC, Mayer Beverly Park, LP [sic] and A.F. Gilmore and relies upon these comments for its appeal.

Second-Level Appeal Response No. 1-4

The City has provided responses to each of the letters submitted by the Appellant. Refer to the responses to Comment Letter No. 11 on pages II-312 to II-353 of Section II, Responses to Comments, of the Final EIR for responses to the September 13, 2022, letter; responses to Comment Letter No. 8 of the May 2024 Response Memorandum for responses to the May 14, 2024, letter; and responses to Appellant No. 5 of the VTTM Appeal Responses included as Exhibit D.1 of the VTTM Appeal Report for responses to the June 6, 2024, letter.

With respect to the letters submitted by other appellants, refer to the VTTM Appeal Responses.

Second-Level Appeal Point No. 1-5

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. This makes no sense. Moreover, without being able to review the Specific Plan,

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members of the public were deprived of the right to provide informed comment on both the Specific Plan and the EIR.

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 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.) 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.

Second-Level Appeal Response No. 1-5

Refer to Second-Level Appeal Response No. 1-2 above regarding the availability of the draft Specific Plan and Sign District ordinances.

The Appellant's claims related to the Project Description, Specific Plan, Sign District, and Millennium case are duplicative of previous comments, including comments from the Appellant, that the City has already addressed in the Final EIR and VTTM Appeal Report. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR (pages II-71 to II-75) and Response to Comment No. 9-13 of the Final EIR, and Appeal Response Nos. 4-7 and 5-2 of the VTTM Appeal Responses. As discussed therein, the Project Description is accurate, finite and stable; the EIR disclosed and analyzed all of the physical elements of the Project in accordance with CEQA; the Draft Specific Plan

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Ordinance (April 2024) was made publicly available for informational purposes in response to public comments, which went above and beyond CEQA and City requirements; and the project at issue in the Millennium case is distinguishable from the Project. Contrary to the Appellant's assertion, the City Planning Commission considered the entirety of the record, including all comments on the Draft EIR and all subsequent comments. The Appellant provides no detail or evidence to support its claim that the City Planning Commission "dismissed" their claims.

The Project is a fixed and finite studio project that will continue the existing studio use established over 70 years ago and would permit only five land uses—sound stage, production support, production office, general office, and retail. Since the initial entitlement application for the Project was filed in March 2021, the Project has only been a studio project. The only changes that have been made to the Project were refinements and further limitations made in direct response to community and stakeholder feedback, all of which has been fully disclosed and analyzed in the EIR and Erratum. There are fixed plans, renderings, design standards and streetscape requirements in the Specific Plan, and any substantial change would require further discretionary approval. Further, as discussed in Appeal Response No. 4-25 of the VTTM Appeal Responses, notably, the Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively under the Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans would require a new discretionary approval by the City and CEQA compliance review.

One of the core principles under CEQA is that the level of detail in an EIR is driven by the nature of the project.⁵ The Millennium project involved an individual construction project, whereas the TVC Project is a specific plan project that commits to an individual development project (i.e., the Initial Development Plans) that provides detailed development standards that would control any proposed changes to the Initial Development Plans. Nevertheless,

⁵ CEQA Guidelines Section 15146; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1051.

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the TVC EIR included much more detail than is required by CEQA, and far more detail than the Millennium project, as demonstrated in the Draft EIR, which was over 1,000 pages (not including the dozens of technical reports and appendices attached to the Draft EIR), as well as the nearly 3,000 pages of responses to comments in Section II, Responses to Comments, of the Final EIR.

In Millennium, the project description was “designed to create an impact ‘envelope’ within which a range of development scenarios can occur.”⁶ In other words, the project description itself was merely an impact envelope and not a specific project. The TVC Project Description, on the other hand, described and analyzed the proposed studio specific plan project in accordance with CEQA. Notably, although CEQA Guidelines Section 15146(b) states that “[a]n EIR on a project such as the adoption or amendment of a zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow,” the TVC EIR went above and beyond this requirement by describing and analyzing a specific development plan (i.e., the proposed development program, which is depicted in the Conceptual Site Plan and architectural plans), in addition to the secondary effects of the proposed land use and zoning ordinances (e.g., the effects of the proposed land use exchange program under the Draft Specific Plan). The Draft Specific Plan goes further and commits the Project to this specific development plan (i.e., the Initial Development Plans) and requires discretionary entitlement review and further CEQA analysis for any materially different plan.

Section II, Project Description, of the Draft EIR included a 37-page-long description of the Project. The proposed development program is discussed on pages II-12 to II-15, and depicted in Table II-2, Proposed Development Program, and Figure II-4, Conceptual Site Plan, of the Draft EIR. As discussed therein, the proposed development program includes five uses, including sound stage, production support, production office, general office and retail, and the floor area for each use as well as the total proposed floor area is included in Table II-2, Proposed Development Program, and the number and placement of buildings is shown in Figure II-4, Conceptual Site Plan. The architectural plans were included in and

⁶ *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 9.

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formed the technical bases for the CEQA analyses in the Draft EIR, Final EIR and Erratum. In addition, the development regulations under the proposed Specific Plan and Sign District ordinances are discussed on pages II-15 to II-32, including permitted uses, floor area limitations, land use exchange program, height limits, setback (frontage) requirements, stepback requirements, design and architecture, open space, landscaping, public realm improvements, access and circulation, parking, lighting, signage, and historic preservation. Further, the Project Description includes a list of the Project objectives that relate to the Project's underlying studio purpose. Unlike the TVC Project Description, the Millennium project description did not include what Millennium proposed to build, the number of buildings, the shape and size of buildings, the location of buildings, or the purposes to which they would be put.

With respect to the allowable uses, as explained in Response to Comment No. 5-6 and Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the permitted uses on-site will only include the five studio uses discussed throughout the Draft EIR (i.e., sound stage, production support, production office, general office, and retail) and associated ancillary uses, and these uses have all been addressed in the EIR. The allowable uses were further clarified in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. As further elaborated in Response to CPC Comment No. 3-8 of the Response to Comments Submitted to CPC Memorandum, Section 5.1 of the Specific Plan sets forth the limited studio-related land uses permitted as part of the Project. Section 5.1.D is a standard provision that matches other standard City-adopted specific plans, including, among many others, the District NoHo Specific Plan.⁷ Section 5.1.D would only allow uses that are similar to the permitted studio uses and not more objectionable to the public welfare, upon determination by the Director of Planning pursuant to LAMC Section 13B.4.6 (Specific Plan Interpretation). The primary objective of this Project is to continue the existing studio and to implement the Initial Development Plans for studio uses. In addition, the definitions of the permitted uses in the Specific Plan are the same as or materially consistent with those in other approved studio specific plans such as Paramount Pictures, Universal Studios, and Fox. Moreover, in response to feedback from the public and at the request of Councilmember

⁷ District NoHo Specific Plan (Ordinance No. 188144, effective April 22, 2024), Section 5.1.C, p. 15, accessed at https://planning.lacity.gov/odocument/78663e3f-1e0c-4fbd-97de-cdbb927357aa/SP_23-1264-S1_ord_188144_4-22-24.pdf

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Katy Yaroslavsky, the following requirement that studio-related tenants to be prioritized for the general office use was added to the Specific Plan: “All commercially reasonable efforts shall be used to prioritize/target tenants engaged primarily in media, entertainment, and/or technology-related businesses, including, but not limited to, writing, casting, production, software, special effects, editing, content, communication, multimedia, professional, service, administrative, documentation and technical support, or ancillary businesses to the foregoing in connection with marketing efforts for the General Office land uses space at the Project. Upon written request by the City, the property owner shall update the City of its efforts pertaining to the above commitment.” (Draft Specific Plan dated September 2024, as modified by the City Planning Commission on September 12, 2024, Section 5.1.E.) Refer to Appeal Response No. 2-13 of the VTTM Appeal Responses regarding the general office use, which is a core and necessary studio use that is included in all modern media campuses throughout southern California. The Appellant’s assertion that over one-third of the Project could be non-production uses is incorrect.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the buildout timeline.

With respect to the Appellant’s claim that “EIR further failed to provide sufficient information regarding project design and architecture, height, rooftop decks, parking, and haul routes,” this is untrue on its face. Refer to Section II, Project Description, of the Draft EIR for a discussion of design, architecture, and height (pages II-17 through II-22); rooftop decks (page II-23); parking (page II-30); and haul routes (pages II-34 and II-35), as well as the Final EIR (Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, pages III-18 and III-21 through III-23 related to parking and haul routes) and the Erratum (Table 1 on pages 2 through 5 and pages 15, 17, 21, and 28 related to heights, parking, and decks).

Second-Level Appeal Point No. 1-6

II. Traffic Analysis is Inadequate.

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

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- 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.

Second-Level Appeal Response No. 1-6

This comment is nearly identical to the Appellant's previous comment in their appeal justification, which has already been addressed by the City. Refer to Appeal Response No. 5-3 of the VTTM Appeal Responses.

Refer to Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR for a discussion of LADOT-approved VMT assumptions, which were disclosed in the EIR in accordance with CEQA Guidelines Section 15064.3(b)(4), and use of the City's VMT model; Response to Comment No. 9-31 of the Final EIR regarding trip distribution; and Topical Response No. 12, Safety and Congestion, and Response to Comment No. 9-29 of the Final EIR for a discussion of traffic safety. As discussed therein, each of these topics were thoroughly evaluated in the EIR and impacts were determined to be less than significant.

Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR provides discussion and justification for the use of the LADOT VMT Calculator, the tool and the methodology that is used to evaluate virtually every moderately sized and major project in the City. The VMT Calculator is based on the Southern California Association of Governments (SCAG) regional

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travel demand forecast model which takes into account Project trip generation as well as regionwide trip distribution and trip assignment in order to calculate the per- employee VMT. The calculated work VMT per employee is the weighted average of the trip lengths for home-to-work trips, including trips shorter than and longer than that average. Therefore it is inaccurate to suggest that the EIR assumes that Project trips would not include employees living in Santa Monica. Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR. As discussed therein, while cut-through trips are not environmental impacts under CEQA, a residential street cut-through analysis was included in the Transportation Assessment as required by LADOT.

Refer to Topical Response Nos. 12.D, Emergency Access, and 14, Construction Vehicle Impacts, and Response to Comment Nos. 9-35, 26-147, and 35-134 of the Final EIR. As discussed therein, the Draft EIR correctly concluded that the Project's impact on emergency response would be less than significant.

Second-Level Appeal Point No. 1-7

III. Dewatering Impact Analysis and Mitigation is Deferred.

The EIR claims dewatering impacts will be only temporary, but this does not absolve the City of analyzing the impact. Further, the final EIR's response to comments indicates that planning for the Project's excavation and dewatering will not occur until after Project approval. Thus, the EIR improperly defers analysis and mitigation of dewatering impacts in violation of CEQA.

Second-Level Appeal Response No. 1-7

This comment is identical to a comment in Appellant's previous appeal justification that was fully addressed in the VTTM Appeal Responses. Refer to Appeal Response Nos. 4-14 and 5-4 of the VTTM Appeal Responses. As stated therein, contrary to the Appellant's assertion, the analysis of the Project's dewatering impacts is not deferred in the EIR. For example, the following key facts are described and discussed in Appendix FEIR-13, Dewatering Simulation and Analysis for Temporary Excavation and Underground Parking Structure Construction Report, and in the responses provided in Section II, Responses to Comments, of the Final EIR:

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- The proposed structures will be designed to resist the hydrostatic pressure, such that a permanent dewatering system (post-construction dewatering) will not be required.
- Hydrogeologic evaluations including assessments of groundwater quality at the Project Site have been performed as described in the Site Summary Report.
- Evaluations have been performed regarding hydraulic properties of the soils, the potential for ground subsidence or liquefaction, the potential to mobilize existing groundwater contaminants, proximity to production wells, and the volume of water to be dewatered.
- Geotechnologies reviewed the Project Site groundwater conditions and preliminary temporary construction dewatering findings and concluded the small amount of groundwater drawdown will have less than significant subsidence effects on the surrounding properties adjacent to the excavation given the long-term water level fluctuations due to seasonal changes and regulatory approved activities recorded from monitoring wells in the vicinity of the Project Site. The subsidence evaluation by Geotechnologies was presented in Appendix D of the dewatering report (Appendix FEIR-13).
- Defining the exact methods for dewatering prior to Project entitlement approval and the preparation of final construction plans is premature and not reasonable. As appropriate, the method of dewatering will be presented in a NPDES Permit application for LARWQCB or LA City Sanitation if a sanitary sewer industrial discharge permit is obtained, for review and approval; therefore, the means and methods for dewatering will be evaluated by the Local Agency and/or the LARWQCB and conform with all applicable regulatory requirements. Accordingly, temporary construction phase dewatering will be performed in a manner that will provide for less than significant impacts to neighboring properties and regional water resource needs.
- All shoring design, infiltration cut-off methods, if required, and dewatering methods will also be designed and submitted to the local jurisdictions for review and approval and will be performed, inspected, and monitored to comply with the applicable regulatory requirements.

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- In accordance with Section 99.04.305.4 of Ordinance No. 184248, extracted groundwater would be reused on-site if feasible to do so or discharged to the sewer if not.
- As the dewatering will be limited to temporary dewatering during construction, and the proposed construction will eliminate the need for permanent dewatering, there will be no long-term impact on the water table in the vicinity of the Project due to ongoing dewatering.

Also refer to Response to Comment No. 26-70 of the Final EIR.

Second-Level Appeal Point No. 1-8

IV. 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.

Second-Level Appeal Response No. 1-8

The first, second and fifth sentences of this comment are identical to the Appellant’s previous comment in their appeal justification that the City has already addressed. Refer to Appeal Response No. 5-5 of the VTTM Appeal Responses, as well as Response to Comment Nos. 9-6, 9-21, and 9-25 of the Final EIR. As discussed therein, the physical environmental impacts associated with the proposed Sign District were fully disclosed and analyzed in the EIR. Further, the release of the Draft Sign District Ordinance (April 2024)—40 days prior to the Hearing Officer/Deputy Advisory Agency hearing on May 15, 2024—exceeds both the City’s and CEQA’s requirements. CEQA does not require a proposed land use ordinance to be included in an EIR, and the release of the Draft Sign District Ordinance (April 2024) 40

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days before the first public hearing is more than adequate under the City's public notice requirements, which are the only requirements governing circulation of a proposed ordinance.

In some instances, the proposed Sign District would permit future sign permits issued by the Department of Building and Safety to be cleared by the Department of City Planning without requiring a new discretionary entitlement and preparation of additional CEQA review. Signage eligible for the Director of City Planning (Director) sign off process are within the scope of the Sign District analyzed in full by the EIR, including the Erratum. Signage outside of the scope of eligibility for the Director sign off process would be required to file a discretionary entitlement and conduct associated CEQA review as required therewith. Therefore, no new signage will be introduced to the Project Site that was not analyzed pursuant to CEQA. The Appellant provides no specific information identifying that the analysis contained in the EIR, including the Erratum, is inadequate to account for signage proposed under the various programs of the Sign District, including those signs eligible for a Director sign off.

The Appellant's assertion regarding building-sized supergraphics and digital displays is incorrect. Under Section 8 of the Draft Sign District Ordinance (September 2024), individual supergraphics and digital displays are limited to a maximum area of 1,350 square feet each (see Sections 8.B.1.b and 8.D.1.b). Further, the Appellant does not provide any specifics or evidence to support their argument that the "conceptual" label prevented the full disclosure of potential impacts.

Second-Level Appeal Point No. 1-9

V. PDFs are Not Enforceable Mitigation Measures.

The Beverly Wilshire Homes Association's DEIR comments detail the Project's impermissible reliance 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

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Code, § 21081.6, subd. (b).) The MMRP expressly provides that City staff can modify or delete mitigation measures that are difficult to comply with.

Second-Level Appeal Response No. 1-9

This comment is nearly identical to the Appellant's prior comments in their appeal justification, which were fully responded to in the VTTM Appeal Responses, and were also repetitive of comments on the Draft EIR that were addressed in the Final EIR. Refer to Appeal Response No. 5-6, which refers to Appeal Response Nos. 4-11 and 4-12 of the VTTM Appeal Responses, and Response to Comment No. 9-34 of the Final EIR regarding the PDFs that would be implemented as part of the Project which are included as part of the Project's MMP. As discussed therein, the PDFs are not intended to be mitigation and do not "mitigate" any significant impacts but are integral features of the Project (i.e., they are part of the Project that is analyzed in the EIR).

As also discussed in Response to Comment No. 9-34 of the Final EIR, for each mitigation measure and PDF, the MMP provides details of the enforcement and monitoring agencies, timing, and action indicating compliance. Also, as correctly stated in the MMP, the City may determine whether the actual mitigation measure or PDF being implemented at the Project Site is in "substantial conformance" with the mitigation measures and PDFs provided in the MMP, which is standard language used in MMPs throughout the City and State. A determination of substantial conformance with previously approved CEQA documents does not trigger additional CEQA review, and any future modification or deletion of a mitigation measure or PDF would be required to comply with CEQA. Specifically, Section 4 of the MMP provides that "[a]fter 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" (MMP pages 2-3). A modification or deletion would only be permitted if "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 through 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to

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analyze the impacts from the modifications to or deletion of the PDFs or MMs” (MMP page IV-3).

Second-Level Appeal Point No. 1-10

VI. 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. Beverly Wilshire Homes Association joins in these concerns about the Project’s deficient Health Risk Analysis and the assumptions contained therein.

Second-Level Appeal Response No. 1-10

This comment is identical to the Appellant’s prior comment in the appeal justification, which the City fully addressed in the VTTM Appeal Responses. Refer to Appeal Response No. 5-7, which refers to Appeal Response No. 4-13, of the VTTM Appeal Responses. As stated therein, in response to comments and for informational purposes, a quantitative HRA was prepared as part of the Final EIR (refer to Appendix FEIR-10). The HRA confirms the less than significant conclusions regarding health risk in the Draft EIR. In addition, as discussed in Response to Comment No. 1-5 of the Final EIR, the HRA is based on a protocol that SCAQMD concluded to be adequate to address the potential health risk related to the Project. Discussions were held with SCAQMD staff regarding appropriate methodology for analyzing health risk impacts which included the appropriate sensitive receptor locations, meteorology data, and health risk calculation consistent with the Office of Environmental Health and Hazard Assessment (OEHHA) guidelines. SCAQMD has reviewed this protocol and approved the methodology and locations of sensitive receptors and health risk impacts; refer to Attachment A of this document.

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Second-Level Appeal Point No. 1-11

VII. 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.

Second-Level Appeal Response No. 1-11

This comment is identical to the Appellant's prior comment in the appeal justification, which the City fully addressed in the VTTM Appeal Responses. Refer to Appeal Response No. 5-8, which refers to Appeal Response Nos. 4-20 through 4-22, of the VTTM Appeal Responses.

As stated therein, in response to public comments, the proposed land use designation under the General Plan Amendment was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the Project Site. The land use impacts associated with the proposed Community Commercial land use designation were analyzed in Section 2.2.8.2 of the Erratum, which confirmed that the Project is consistent with the Community Commercial designation, and impacts would be less than significant. An erratum is commonly used by a lead agency to make changes or additions to an EIR, which ultimately becomes a part of the certified EIR if approved. A fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation.⁸ "The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project."⁹ The Erratum discloses and analyzes refinements that were made to the Project as the direct

⁸ CEQA Guidelines § 15004(b).

⁹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. In *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, the court held that changes to the configuration of a master plan project which resulted in an overall reduction in the scale of development did not require recirculation because the changes did not cause impacts beyond those studied in the EIR.

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result of feedback from the community, including the Appellant, which is exactly how CEQA is supposed to work.

The Appellant fails to cite any provision within the Framework Element of the General Plan to substantiate that the Project is not consistent with the proposed Community Center (i.e., Community Commercial) land use designation. As demonstrated by the analysis in Table 3 of the Erratum, the Modified Project is in conformance with the goals, objectives, and policies the Framework Element sets forth for properties designated as Community Commercial. The majority of the Project Site (approximately 60%), which has operated as a studio for over 70 years, is currently designated Community Commercial, and the Project would continue the existing studio use and unify the entire Project Site under the Community Commercial land use designation. Additionally, as discussed in the EIR and CPC LOD, the Project would include public realm improvements and publicly accessible space along the Project Site perimeter, while continuing to provide for the unique security needs of a working production studio. For example, the Draft Specific Plan Ordinance (September 2024) includes provisions to require publicly accessible Project gateway areas along Fairfax Avenue, Beverly Boulevard, and The Grove Drive.

Contrary to the Appellant's assertion, the Specific Plan would include height and scale limitations, which were disclosed and analyzed in the EIR and Erratum. Refer to Response to Comment Nos. 11-3 and 26-7 in Section II, Responses to Comments, of the Final EIR regarding how the size and height of the Project is compatible with the height and scale of surrounding uses. Also refer to pages 15 through 17 and 58 of the Erratum for a description of the reduced building heights under the Modified Project. In particular, there are existing and proposed developments ranging in height from 75 feet (8070 Beverly Boulevard) to 530 feet (5350 Wilshire Boulevard) within approximately one mile of the Project Site.

Second-Level Appeal Point No. 1-12

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

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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.

Second-Level Appeal Response No. 1-12

This comment repeats the Appellant’s claims made in its prior appeal justification and the Final EIR.

Refer to Appeal Response No. 5-9, which refers to Appeal Response Nos. 4-26 to 4-28, in the VTTM Appeal Responses, and Topical Response No. 16, Project Alternatives Analysis, and Response to Comment Nos. 26-178 and 26-179 of the Final EIR. As demonstrated therein, the Project’s alternatives analysis and Project objectives fully comply with CEQA, and the Project would not result in significant impacts that were not already disclosed in the Draft EIR.

With respect to the rejection of Alternatives 2, 3, and 5, refer to Appeal Response No. 4-28 in the VTTM Appeal Responses. As stated therein and as discussed in Section V, Alternatives, of the Draft EIR, Alternatives 2 and 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 Alternatives 2 and 3, although the duration of such impacts would be reduced due to the overall reduction in building square footage and associated construction activities.

With regard to Alternative 5, the EIR does not improperly reject Alternative 5. As discussed in detail in Section V, Alternatives, of the Draft EIR, Alternative 5 would reduce the Project-level and cumulative construction-related regional air quality impacts related to NO_x

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emissions from significant and unavoidable to less than significant 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 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 and unavoidable cumulative impacts 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_x 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. 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, 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. Also refer to Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 5.

We Advocate Through Environmental Review v. County of Siskiyou (2022) 78 Cal.App.5th 683 (We Advocate), in which the court held that the project objectives in the EIR were impermissibly narrow, is not applicable. In that case, Crystal Geyser had purchased a water bottling plant that had previously been owned and operated by Dannon and sought to return the plant to production.¹⁰ The EIR described the project as renovations to a former bottling plant for the production of sparkling water, flavored water, juice beverages, and teas,

¹⁰ We Advocate, 78 Cal.App.5th at 687.

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which would require several permits from the county and city.¹¹ The court found that the EIR largely defined the project objectives as operating the existing Plant building as proposed, which were so narrowly drawn that only the proposed project could satisfy most of the project objectives. The EIR included the following eight objectives: (1) “operate a beverage bottling facility and ancillary uses to meet increasing demand,” (2) “site the proposed facility at the Plant previously operated by [Dannon] to take advantage of the existing building, production well, and availability and high quality of existing spring water on the property,” (3) to “utilize the full production capacity of the existing Plant building based on its current size,” (4) to “initiate operation of the Plant as soon as possible to meet increasing market demand,” (5) to “minimize environmental impacts...by utilizing existing facilities and infrastructure to the extent possible,” (6) to “modify the existing facilities at the Plant in a manner that incorporates sustainable building and design practices, recycling efforts, and other conservation methods, in order to reduce water use,” (7) to “withdraw groundwater in a sustainable manner that does not result in negative effects on nearby springs or wells, the underlying shallow or deep aquifers, or the surrounding environment,” and (8) to “create new employment opportunities for the local and nearby communities, promote sustainable economic development, provide for adequate services and infrastructure to support the project, and contribute to the County's tax base.”¹² The EIR elsewhere defined the term “Plant” to mean the “former bottling plant in unincorporated Siskiyou County.”¹³ The court held that the project objectives were “so narrow as to preclude any alternative other than the project.”¹⁴ The court explained that “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.”¹⁵ To the contrary, the Project objectives in the Draft EIR for the Project are different than the artificially narrow objectives in We Advocate. The Project objectives consist of, among others, modernizing and enhancing production facilities, optimizing the currently underutilized 25-acre site by providing an adequate mix of state-of-the-art production facilities, rehabilitating the existing Historic-Cultural Monument, and

¹¹ Id. at 688.

¹² Id. at 691-692.

¹³ Id. at 692.

¹⁴ Id.

¹⁵ Id.

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enhancing the iconic entertainment production studio. These objectives, which could be potentially met by a variety of different development scenarios, as demonstrated by the analysis in Section V, Alternatives, of the Draft EIR, were not overly narrow as in the We Advocate case and allowed for a meaningful consideration of alternatives in accordance with CEQA. The Appellant does not provide any evidence in support of its incorrect assumption.

Second-Level Appeal Point No. 1-13

IX. 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.

Second-Level Appeal Response No. 1-13

This comment (excluding the last sentence) is nearly identical to the Appellant's comment in its previous appeal justification, which was already addressed in the VTTM Appeal Responses. Refer to Appeal Response No. 5-10, which refers to Appeal Response No. 4-29, of the VTTM Appeal Responses. As stated therein, an erratum is commonly used by a lead agency to make changes or additions to an EIR, which ultimately becomes a part of the certified EIR if approved. Recirculation is only required if an erratum includes "significant new information" as provided in CEQA Guidelines Section 15088.5. As observed by the California Supreme Court, "the final EIR will almost always contain information not included in the draft EIR" given CEQA's statutory requirements of circulation of the draft EIR "at the earliest possible time[.]" soliciting public comments, and providing detailed responses to comments prior to the certification of the final EIR, and "[r]ecirculation was intended to be an exception, rather than the general rule."¹⁶ A fundamental principle of CEQA is that EIRs

¹⁶ *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124, 1129, 1132.

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should be prepared as early as feasible in the planning process to allow for public participation.¹⁷ “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project.”¹⁸ The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, which is exactly how CEQA is supposed to work. The Appellant fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

Second-Level Appeal Point No. 1-14

X. 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. The Association joins and relies on Save Beverly Fairfax’s comments on this issue.

Second-Level Appeal Response No. 1-14

This comment is repetitive of the Appellant’s prior comments in its appeal justification that have already been addressed by the City. Refer to Appeal Response No. 5-11, as well as Appeal Response Nos. 1-11 and 2-1 through 2-9, in the VTTM Appeal Responses. As stated therein, the Deputy Advisory Agency found that the proposed vesting tentative tract map and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110-112 of the DAA LOD. The

¹⁷ CEQA Guidelines § 15004(b).

¹⁸ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. In *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, the court held that changes to the configuration of a master plan project which resulted in an overall reduction in the scale of development did not require recirculation because the changes did not cause impacts beyond those studied in the EIR.



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City Planning Commission also made the same findings on appeal; refer to pages F-90 to F-92 of the CPC LOD.

Second-Level Appeal Point No. 1-15

Conclusion

The Beverly Wilshire Homes Association urges the Committee and Council to grant its appeal of the City Planning Commission approvals for this Project. The Association reserves the right to supplement this appeal justification prior to the Planning and Land Use Management Committee's hearing of this matter.

Attachment 1: Chatten-Brown, Carstens & Minter LLP September 13, 2022, Letter—Draft EIR Comments [20 pages]

Attachment 2: Carstens, Black & Minter LLP May 14, 2024, Letter—Final EIR and Erratum No. 1 Comments [2 pages]

Attachment 3: Carstens, Black & Minter LLP June 6, 2024, Letter—Statement of Reasons for Appeal [6 pages]

Second-Level Appeal Response No. 1-15

This comment concludes the letter. Refer to Second-Level Appeal Response Nos. 1-1 through 1-14 above.

With respect to the attachments, refer to Second-Level Appeal Response No. 1-4 above.



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Second-Level Appeal Letter No. 2 (Carstens, Black & Minter, October 11, 2024)

Amy C. Minter
obo Save Beverly Fairfax
Carstens, Black & Minter
2200 Pacific Coast Hwy., Ste. 318
Hermosa Beach, CA 90254-2702

Second-Level Appeal Point No. 2-1

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 Commissions 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

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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 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;

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- 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.

Second-Level Appeal Response No. 2-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the Appellant are addressed in Second-Level Appeal Response Nos. 2-2 through 2-21 below.

Please note that only the VTTM and EIR are appealable pursuant to City regulations.

Second-Level Appeal Point No. 2-2

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**. [sic] September 9, 2024 Supplemental Comments.) These detailed

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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.

Second-Level Appeal Response No. 2-2

The City has provided responses to each of the letters submitted by the Appellant. Refer to the responses to Comment Letter No. 9 of Section II, Responses to Comments, of the Final EIR for responses to the August 25, 2022, letter; the Response to Save Beverly Fairfax April 2024 Letter (Exhibit E of the VTTM Appeal Report) for responses to the April 17, 2024, letter; responses to Comment Letter No. 2 of the May 2024 Response Memorandum for responses to the May 14, 2024, letter; and the responses to CPC Comment Letter No. 7 of the Response to Comments Submitted to CPC Memorandum for responses to the September 9, 2024, letter.

With respect to the letters submitted by other appellants, refer to the VTTM Appeal Responses included as Exhibit D.1 of the VTTM Appeal Report.

Second-Level Appeal Point No. 2-3

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

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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 [sic] includes an overly –broad [sic] definition of permitted uses that also fails to disclose the actual project, and thus the actual impacts.

Second-Level Appeal Response No. 2-3

This comment is substantively similar to Second-Level Appeal Point No. 1-5. Refer to Second-Level Appeal Response No. 1-5, above.

Refer to Appeal Response No. 2-34 of the VTTM Appeal Responses regarding the draft Development Agreement ordinance. As discussed therein, the provisions of the Development Agreement are contractual matters between the City of Los Angeles and the Applicant and do not constitute environmental impacts under CEQA. Accordingly, the Development Agreement ordinance was not required to be included as part of the EIR.¹⁹ As

¹⁹ See, e.g., *Native Sun/Lyon Communities v. City of Escondido* (1993) 15 Cal.App.4th 892, in which the court concluded that an EIR was sufficient where the proposed development agreement was referenced in the project description but the contents of the agreement were not discussed in the EIR, because the reference (Footnote continued on next page)

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stated in the responses to comments in the Final EIR, a draft Development Agreement will be made publicly available on the Department of City Planning's website prior to the City Planning Commission hearing on the Project entitlements, including, among others, the Development Agreement. The draft Development Agreement was attached as Exhibit B to the City Staff Report for Case No. CPC-2021-4090-DA, which was published on the Department of City Planning's website on or around September 4, 2024, over a week before the September 12, 2024, hearing.

Refer to Appeal Response No. 2-13 of the VTTM Appeal Responses within the VTTM Appeal Report regarding the proposed general office use.

Refer to Second-Level Appeal Response No. 3-9, below, regarding the proposed land use exchange program.

Second-Level Appeal Point No. 2-4

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.

Second-Level Appeal Response No. 2-4

This comment is similar to comments made by the Appellant in their appeal to the City Planning Commission, which have already been addressed in the VTTM Appeal Responses. Refer to Appeal Response No. 4-25 in the VTTM Appeal Responses. As stated therein, a specific plan, or any other land use or zoning ordinance, regulating allowable uses commonly contain ministerial, or "by-right," provisions which allow for changes of use without discretionary review. Any future ministerial review has not circumvented the CEQA review

in the project description "alerted persons interested in [the agreement] to its relevance in the decisionmaking process." Id. at p. 910.

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process because the list of allowable uses in the TVC Zone has already been fully analyzed in the EIR and the Appellant has provided no evidence to the contrary. Further, specific plans often include tailored procedural requirements that differ from the LAMC requirements. Nevertheless, the Draft Specific Plan would incorporate nearly all of the procedural requirements from the LAMC, except that any appeal would be decided by the City Planning Commission instead of the Area Planning Commission. The Appellant has provided no evidence that this is contrary to CEQA or any other law.

Also refer to Appeal Response Nos. 2-5 and 2-6 of the VTTM Appeal Responses regarding the purpose of a specific plan, and that it is typical for a specific plan to supersede certain zoning code provisions. The Project would comply with all existing applicable health code regulations, which would not be superseded by the proposed Specific Plan, contrary to the Appellant's assertion.

Second-Level Appeal Point No. 2-5

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.

Second-Level Appeal Response No. 2-5

This comment is identical to a portion of Second-Level Appeal Point No. 1-5, above, and is also repetitive of the Appellant's prior comments provided in Letter No. 9 of the Final EIR and in their appeal to the City Planning Commission. Refer to Second-Level Appeal Response No. 1-5, above.

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Second-Level Appeal Point No. 2-6

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.

Second-Level Appeal Response No. 2-6

This comment is identical to Second-Level Appeal Point No. 1-8. Refer to Second-Level Appeal Response No. 1-8, above.

Second-Level Appeal Point No. 2-7

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.



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Second-Level Appeal Response No. 2-7

This comment is identical to the Appellant's previous comments in its appeal justification and is also substantively similar to Second-Level Appeal Point No. 1-9. Refer to Second-Level Appeal Response No. 1-9, above, and Appeal Response Nos. 4-11 and 4-12 of the VTTM Appeal Responses.

This comment references *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 and *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 in regard to its claims that the Project improperly relies upon PDFs to mitigate impacts and that mitigation measures cannot be used as a device to avoid disclosing project impacts. However, the comment does not provide any specifics or evidence to support its claims. As discussed in the responses referenced above, the proposed PDFs are not mitigation measures and were not used as a device to avoid disclosing Project impacts.

Second-Level Appeal Point No. 2-8

IV. The EIR Fails to Adequately Analyze of [sic] 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.) [sic] 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.

Second-Level Appeal Response No. 2-8

This comment is substantively similar to the Appellant's previous comment in its appeal justification. Refer to Appeal Response No. 4-13 of the VTTM Appeal Responses, as well as Second-Level Appeal Response No. 1-10, above.

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With respect to *Sierra Club v. County of Fresno*, the Appellant is referred to Section IV.A, Air Quality, of the Draft EIR, pages IV.A-80 through -82, which directly addresses this case. Also refer to Attachment B regarding health effects.

Second-Level Appeal Point No. 2-9

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.

Second-Level Appeal Response No. 2-9

This comment is nearly identical to the Appellant's previous comment (Appeal Point No. 4-14 in the VTTM Appeal Responses) and substantively similar to Second-Level Appeal Point No. 1-7. Refer to Appeal Response No. 4-14 of the VTTM Appeal Responses, and Second-Level Appeal Response No. 1-7, above.

Second-Level Appeal Point No. 2-10

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.

Second-Level Appeal Response No. 2-10

This comment is substantively similar to Second-Level Appeal Point No. 1-11. Refer to Second-Level Appeal Response No. 1-11, above.

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Second-Level Appeal Point No. 2-11

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.

Second-Level Appeal Response No. 2-11

This comment is identical to comments made by the Appellant in their appeal to the City Planning Commission, which are in turn duplicative of comments on the Draft EIR. Refer to Appeal Response Nos. 4-23 through 4-25 in the VTTM Appeal Responses. As discussed therein, the Specific Plan's definition of floor area is based on the LAMC while accounting for the studio use; the existing variations in grade height within the Project Site were fully accounted for in the EIR; and, in the event of a change in use, the Specific Plan would incorporate nearly all of the procedural requirements from the LAMC, except that any appeal would be decided by the City Planning Commission instead of the Area Planning Commission.

Second-Level Appeal Point No. 2-12

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.

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- 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.

Second-Level Appeal Response No. 2-12

This comment is identical to Second-Level Appeal Point No. 1-6. Refer to Second-Level Appeal Response No. 1-6, above.

Second-Level Appeal Point No. 2-13

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.)



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Second-Level Appeal Response No. 2-13

This comment is substantively similar to the Appellant's previous comments as well as to Second-Level Appeal Point No. 1-12. Refer to Appeal Response Nos. 4-26 to 4-28 of the VTTM Appeal Responses, and Second-Level Appeal Response No. 1-12, above.

Second-Level Appeal Point No. 2-14

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, 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 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 support's [sic] 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.

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Second-Level Appeal Response No. 2-14

This comment is duplicative of the Appellant's previous comment (CPC Comment No. 7-5 in the Response to Comments Submitted to CPC Memorandum), which was addressed in Response to CPC Comment No. 7-5. As stated therein, refer to Section XII, Statement of Overriding Considerations, of the Findings of Fact for the Project included in the DAA and CPC LODs. In accordance with CEQA Guidelines Section 15093(a), the benefits of the Project include economic, social, technological and other benefits at a local, regional, and statewide level. The Statement of Overriding Consideration includes a detailed list of specific benefits of the Project that (i) outweigh the adverse environmental impacts of the Project, and (ii) justify adoption of the Project and certification of the completed EIR.

Contrary to the Appellant's assertion, the Statement of Overriding Considerations is supported by substantial evidence; refer to Appeal Response No. 1-15 of the VTTM Appeal Responses regarding the materials that were incorporated into the DAA LOD by reference, which were similarly incorporated into the CPC LOD by reference. The economic benefits are supported by economic studies prepared by the Los Angeles Economic Development Corporation dated June 2021 and April 2024 which analyzed the economic effects of the Project. These studies are a part of the administrative record and referenced in the Statement of Overriding Considerations on page 106 of the DAA LOD.

The flawed statement of overriding considerations for the project in *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683 (Woodward Park) is distinguishable. In that case, the statement of overriding considerations was "dependent on assumptions contradicted by the EIR."²⁰ The statement of overriding considerations engaged in a serious misrepresentation, claiming that the proposed project would have economic benefits superior to those of the three alternatives considered in the EIR because those alternatives "generally propose no development or development to a lesser degree."²¹ However, the three alternatives in the EIR were in fact as large as or larger than the proposed project, and the record contained no reason to think their economic benefits would be

²⁰ Woodward Park, 150 Cal.App.4th at 720.

²¹ Id. at 719.

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smaller. The court explained that “[although] the statement was not required to contain a quantitative fiscal analysis of the economic costs and benefits of the project, it still must contain a weighing and balancing analysis not dependent on assumptions contradicted by the EIR.”²²

With respect to the Wilshire Community Plan and Mobility Plan, this comment repeats comments made by the Appellant in their appeal justification. Refer to Appeal Response No. 4-33 of the VTTM Appeal Responses. As stated therein, Section IV.H, Land Use and Planning, and Appendix I of the Draft EIR provides a detailed analysis of the Project’s consistency with adopted plans and regulations applicable to the Project, including the Mobility Plan 2035 and the Wilshire Community Plan. The analysis demonstrates that the Project would not conflict with either of these plans. The Erratum, which evaluates the refinements to the Project, confirms this conclusion; refer to Section 2.2.8 therein.

Second-Level Appeal Point No. 2-15

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.

Second-Level Appeal Response No. 2-15

This comment is identical to Second-Level Appeal Point No. 1-13. Refer to Second-Level Appeal Response No. 1-13, above.

²² Id.



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Second-Level Appeal Point No. 2-16

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.

Second-Level Appeal Response No. 2-16

This comment is nearly identical to Second-Level Appeal Point No. 1-14. Refer to Second-Level Appeal Response No. 1-14, above.

Second-Level Appeal Point No. 2-17

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.

Second-Level Appeal Response No. 2-17

This comment is identical to Appeal Point No. 4-30, which was addressed in the VTTM Appeal Responses. Refer to Appeal Response No. 4-30 therein. As stated in Appeal Response No. 4-30, the helipad has been a permitted use on the Project Site since 1951; the helipad has been included in all Project plans, materials, and environmental analyses;

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and environmental impacts from the helipad were fully analyzed in the EIR and Erratum, which concluded that impacts related to the helipad would be less than significant.

Second-Level Appeal Point No. 2-18

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 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

Second-Level Appeal Response No. 2-18

This comment concludes the letter. Refer to Second-Level Appeal Response Nos. 2-1 through 2-19, above.

As noted above in Second-Level Appeal Response No. 2-4, the City has already provided responses to these letters.



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Second-Level Appeal Comment Letter No. 3 (Holland & Knight LLP, October 14, 2024)

Andrew Starrels
obo A.F. Gilmore
Holland & Knight LLP
1901 Avenue of the Stars, Ste. 1200
Los Angeles, CA 90067-6013

Second-Level Appeal Point No. 3-1

THE APPROVAL OF THE VESTING TENTATIVE TRACT MAP, AND THE APPROVAL OF THE TVC 2050 PROJECT ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MONITORING ARE LEGALLY DEFICIENT AND THEREFORE INVALID.

Reference is hereby made to the A.F. Gilmore Company's (the "Appellant") other submissions to the administrative record for the Television City 2050 Redevelopment Project (the "Project"), and the submissions by other appellants and the voluminous public comment supporting those claims, which are hereby incorporated herein by this reference.

In addition to and as supplement to the evidence already contained in the administrative record, the Appellant submits the following supporting reasons that the Los Angeles (the "City") Planning Commission's approval of vesting tentative tract map VTT-83387-1A (the "Tentative Map") is deficient and invalid, and that the approval of such matters violates the California Environmental Quality Act ("CEQA"):

1. THE TENTATIVE MAP APPROVAL IS DEFICIENT BECAUSE THE REQUISITE FINDINGS CANNOT LAWFULLY BE MADE.

The requirements of the Subdivision Map Act (Government Code Sections 66410 through 66499.41)¹ dictate specific factual findings that must be made by a legislative body approving a tentative subdivision map (Gov. Code Section 66474). The administrative record reveals that the requisite facts necessary to support the required findings do not exist.

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¹ See also Gov. Code §§ 66499.50 through 66499.58, which regulate municipal approvals of subdivisions but are not formal components of the Subdivision Map Act.

Second-Level Appeal Response No. 3-1

Refer to the City's VTTM Topical Appeal Response: Adequacy of VTTM and VTTM Process (VTTM Topical Response) included on pages A-2 to A-10 of the VTTM Appeal Report, as well as the City's responses to the Appellant's appeal justification (Appellant No. 2) included in Exhibit D.1 of the VTTM Appeal Report. For the reasons demonstrated therein, contrary to the assertions made by the Appellant, the Project's VTTM was appropriately approved in compliance with all applicable provisions of the Subdivision Map Act and Los Angeles Municipal Code (LAMC). No evidence to the contrary has been provided relative to the VTTM findings and approval included in the DAA LOD dated May 28, 2024. Specific issues raised by the Appellant about the VTTM are addressed in Second-Level Appeal Response Nos. 3-2 through 3-12, below.

Also, while the Appellant cites to California Government Code Sections 66499.50 through 66499.58, that statute only applies to "official maps" of towns, cities, and subdivisions (refer to Section 66499.52) and therefore is not applicable to a private landowner's application to subdivide its land under the Subdivision Map Act.

Second-Level Appeal Point No. 3-2

A. The Tentative Map is not consistent with applicable General and Specific Plans.

The record does not support the required factual foundation for the findings of consistency mandated by the Subdivision Map Act and codified in Section 13B.7.3 of Chapter 1A of the Los Angeles Municipal Code (the "LAMC"). The Advisory Agency found, as required by the Subdivision Map Act, that the proposed subdivision was consistent with applicable General and Specific Plans. This finding, however, is not supported by the factual evidence in the administrative record. The consistency finding presumes that the changes to the General and Specific Plans proposed by Television City Studios, LLC (the "Applicant") in its submission for approval to the City Council were in effect at the time of the Advisory Agency's consideration. This prospective "wishful thinking" is expressly prohibited by Section 66474.2(c) of the Subdivision Map Act, which prohibits the use of changes to plan documents



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sought by an applicant unless they have been adopted. Section 66474.2(a) of the Subdivision Map Act requires an approving agency to only apply those ordinances, standards and policies that are in effect as of its determination as support for the required consistency findings. As such, the findings of consistency made by the Advisory Agency and confirmed by the Planning Commission are unsupportable and cannot be sustained.

Even considered together with the Applicant's requested entitlements, the record does not support the required consistency findings that are necessary to approve the Tentative Map. The massive redevelopment contemplated by the Applicant's TVC 2050 Specific Plan (the "Specific Plan"), Zone Change, Height District and General Plan Amendment seek to significantly deviate from the present vision for low-lying neighborhood serving commercial uses visualized by the General and Specific Plans for the area. The current zoning for the Project site limits building floor area ratios for the area to 1.5:1, and the Applicant's proposed development plan exceeds that limitation. Moreover, for the reasons contained within the administrative record and our and others' appeal documents, the Applicant's proposal undercounts the floor area by excluding the significant areas allocated to "base camp" and other studio supporting activities that have conveniently been located outside the enclosed building areas. Additionally, the contemplated building footprint for the redeveloped Television City site deviates from the one-to-two-story structures along Mixed-Use Boulevards that are contemplated by the Wilshire Community Plan and the Framework Element of the City's General Plan, in favor of much taller structures that would be allowable in a "Regional Center" development. The administrative record does not contain sufficient evidence to support such a deviation and change, and the Planning Commission's review of the Advisory Agency's finding of consistency related to such matters revealed no deliberation or factual consideration of the reasons for finding consistency amidst such fundamental inconsistencies.

Second-Level Appeal Response No. 3-2

This comment is duplicative of the Appellant's comments received as part of the appeals to the City Planning Commission, which have already been addressed by the City. Refer to Appeal Response Nos. 2-1 through 2-4 and 2-14 in the VTTM Appeal Responses. As discussed therein, the Deputy Advisory Agency found that the proposed VTTM and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110-112 of the DAA LOD. The City Planning

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Commission also made the same findings on appeal; refer to pages F-90 to F-92 of the CPC LOD. The Appellant does not provide any evidence of inconsistency and in fact does not identify any specific objective or policy that the subdivision would conflict with. The Deputy Advisory Agency approved the VTTM contingent upon the approval of the requested General Plan Amendment, Vesting Zone Change and Height District Change, Code Amendment, Specific Plan and Sign District under related Case No. CPC-2021-4089-AD-GPA-ZC-HC-SP-SN per Condition of Approval No. 50, on page 10 of the CPC LOD. LAMC Section 17.15 D.1 (now Section 13B.7.3 I.5 of Chapter 1A) states, “Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, the inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency.” In compliance with the LAMC, the Advisory Agency included Condition of Approval No. 10.J, requiring the subdivider to obtain a Zone Change to the TVC Zone prior to clearing of the conditions and recording of the final map, as well as Condition of Approval No. 10.N, requiring compliance with the other entitlement approvals. Condition of Approval No. 50 further requires that a tract modification be submitted in the event CPC-2021-4089-AD-GPA-ZC-HC-SP-SN is not approved, at which point the Deputy Advisory Agency would make new requisite plan consistency findings, as necessary. This is consistent with LAMC Section 17.05 (C), Conformance to General Plan, which states that “[e]ach Tentative Map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change or shall be subject to a condition requiring compliance with such zoning prior to the recordation of the final map”.

Refer also to the VTTM Topical Response. As discussed therein, the Deputy Advisory Agency’s approval complied with the Subdivision Map Act, including Government Code Section 66474. Further, this comment mischaracterizes Section 66474.2 of the California Government Code, which governs whether an approving agency must apply existing versus proposed development regulations when making a determination on a tentative map. Specifically, Section 66474.2(a) states: “***Except as otherwise provided in subdivision (b) or (c)***, in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code” (emphasis added). Section 66474.2(c) states: “If the subdivision applicant requests changes in applicable ordinances, policies or standards in

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connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply." In other words, state law requires that any proposed land use ordinance or other development regulations adopted in conjunction with a project be applicable to the future development occurring within the boundaries of the subdivision. In this instance, development of the Project occurring within the boundaries of the subdivision will be subject to the regulations of the proposed land use ordinances and resolutions. The Deputy Advisory Agency appropriately considered the proposed development regulations in making its determination, and appropriately conditioned its approval of the VTTM upon the approval of the other proposed entitlements, as discussed above.

In accordance with LAMC Section 13A.2.8(E)(1), the City Planning Commission reviewed and considered the appeals of the Deputy Advisory Agency's decision de novo (considering the whole of the project with no deference given to the decision of the initial decision-maker) at the September 12, 2024, hearing. At the hearing, which lasted approximately 5.5 hours, the City Planning Commission deliberated and considered all of the facts and evidence in the record, as well as the testimony and all public comments made during the hearing, contrary to the Appellant's assertion. As stated on pages 1 to 2 of the CPC LOD dated October 3, 2024, the City Planning Commission reviewed and considered the information contained within the EIR, including the Draft EIR, Final EIR, and Erratum, as well as the whole administrative record, which included, among many other things, all appeal justifications and other comment letters as well as the City's responses. Based on the whole of the record, the City Planning Commission unanimously voted to deny all appeals and sustain the Deputy Advisory Agency's determination.

Second-Level Appeal Point No. 3-3

- B. The Design and Improvements contemplated by the proposed subdivision are not consistent with applicable General and Specific Plans.

Like the subdivision itself, the proposed design and improvements contained within the development plan for the Television City site are not consistent with the applicable General and Specific Plans. For the reasons set forth above and elsewhere in the administrative record, the Advisory Agency's approval of the Tentative Map impermissibly presumed the amendments to planning and zoning regimes sought by the Applicant itself—rather than

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finding that the proposed design and improvements were consistent with the planning and zoning regimes that were in effect on the date of the Tentative Map approval. The redeveloped Television City site is not consistent with the planning and zoning requirements that apply to the C2-1-O and C1.5-2D-O zones presently applicable to the Project site.

The Applicant, and Los Angeles City Planning Department Planning staff (“Planning staff”), appear to confidently assume that a future City Council approval of the requested legislative changes to the planning and zoning framework that presently applies to the Project site—consisting of monumental changes to the General Plan, zoning ordinance, height limitations and development requirements applicable to the site—will remedy the defects in the Advisory Agency’s and the Planning Commission’s actions. For the reasons set forth herein and elsewhere in the administrative record, neither the Subdivision Map Act, the LAMC nor CEQA permit an agency to simply “go through the motions,” to be subsequently saved by a curative legislative act. Applicable law does not permit an advisory agency or delegated authority to so abdicate its responsibilities, and instead insists upon a faithful deliberation upon the issues presented by a request for appropriate findings. Moreover, as further explained below, such shortcutting by an advisory or delegated body violates CEQA and taints the entire environmental impact analysis for the Television City redevelopment project and exposes the City to CEQA liability.

Second-Level Appeal Response No. 3-3

This comment is duplicative of comments received as part of the appeals to the City Planning Commission, which the City has already addressed. Refer to Appeal Response Nos. 1-11 and 2-1 in the VTTM Appeal Responses, as well as Second-Level Appeal Response No. 3-2, above, regarding how the Deputy Advisory Agency’s approval of the VTTM and certification of the EIR complied with the Subdivision Map Act, LAMC and CEQA. Notably, requesting a General Plan Amendment and/or other legislative actions in tandem with a VTTM does not by virtue cause that VTTM to be in conflict with the General Plan. Such interpretation ignores decades of City precedent related to General Plan Amendments for revisions to land use designations and other legislative approvals granted in conjunction with subdivision approvals. Examples from across the City of Los Angeles over the past twenty years include City Planning Case No. CPC-2015-896-GPA-VZC-HD-MCUP-ZV-DB-SPR granted in conjunction with VTT-74131, City Planning Case No. CPC-2013-2567-GPA-VZC-HD-CU-MCUP-CUX-ZV-SPR granted in conjunction with VTT-72298, City Planning

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Case No. CPC-2008-4604-GPA-ZC-HD-CUB-DB-SPR granted in conjunction with VTT-70805, and City Planning Case No. CPC-2005-1138-GPA-ZC-SPR-CDP-ZV-ZAA granted in conjunction with TT-62205. Further, the Project's requested entitlements (legislative actions combined with subdivision approvals) are commonly sought by development projects throughout the City, including the examples above, and do not constitute "monumental" changes as the Appellant claims.

The Deputy Advisory Agency was the decision-maker for the VTTM, which is one of the Project's multiple approvals, and therefore the Deputy Advisory Agency was authorized and required to review and consider the EIR. The LAMC delegates to the Deputy Advisory Agency the authority to approve the VTTM, and inherent in that authority was the requirement and authority to comply with CEQA. The VTTM is a discretionary approval and cannot be approved without CEQA compliance. Further, since the Deputy Advisory Agency is a non-elected decision-maker, the LAMC allows for the VTTM and CEQA approval to be appealed ultimately to the City Council, the elected decision-maker. (See LAMC Section 13B.11.1(D)(2), above.) The Deputy Advisory Agency's action upon the VTTM and EIR complied with the LAMC and CEQA, contrary to the Appellant's assertions. The remaining entitlements, including, among others, the Draft Specific Plan, was considered by the City Planning Commission on September 12, 2024, and will be considered by the City Council at a later date, also consistent with the LAMC and CEQA.

Second-Level Appeal Point No. 3-4

- C. The site [and its surrounding land uses] is not physically suitable for the proposed type and density of development.

Even as recently reduced by modest amounts, the Applicant's development vision for the Project site contemplates a massive intensification—by over 1,000,000 square feet—of the building and improvements to the site. The existing development pattern, centered around the Television City historic resource, is marked by one-to-two-story commercial buildings focused upon studio production uses, ancillary supportive uses and a five-story main studio building used exclusively for television and media production. While some primary buildings on the site reach three stories, the predominance of ancillary buildings remains one-story in height. The redeveloped Television City project abandons that scale, injecting high-rise and dense uses into the campus, and bringing intensive uses out to the neighboring boulevards,

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when development intensity was once set back from the surrounding streets. The intensity of development is even more pronounced because the development scheme seeks to exclude from floor area ratio calculations the floor areas occupied by “base camp” activities—totaling hundreds of thousands of square feet. The pervasive effect of the “Land Use Exchange” contained within the Applicant’s proposed Specific Plan threatens to exacerbate this intensification and amplify the unsuitability the proposed development poses to the Project site. The Land Use Exchange threatens to bring as much as one-half million square feet of “general office” uses—unrelated to media production—to the Project site, contained within high rise structures that entirely reshape the original campus, categorically change the campus and harm the surrounding community.

The effect of the redevelopment plan, potentially expanded by operation of the Land Use Exchange, portends a development intensity and character change that is unprecedented in the community and is inconsistent with the development site. Despite the Applicant’s stated purpose to preserve and rehabilitate the 1952 Television City facilities, much of the original studio campus will be demolished, with only the facades of structures retained. Only a small fraction of the overall development (exceeding 1,500,000 square feet) will constitute retained CBS facilities. Building heights substantially exceeding the current development pattern that would be permitted along Beverly and Fairfax Boulevards, with even taller structures permitted at the center of the Project site.

Second-Level Appeal Response No. 3-4

This comment is duplicative of comments received as part of the previous appeals to the City Planning Commission, which have already been addressed by the City. Refer to Appeal Response Nos. 1-12, 2-3, 2-4, 2-13, 2-14, 2-15, and 2-22 in the VTTM Appeal Responses.

First, the statement that the Project would involve a net increase in development of over 1,000,000 square feet is inaccurate. As modified by the City Planning Commission, the Project would develop a net increase of 942,320 square feet.

With respect to the remainder of the comment, as discussed in Appeal Response No. 1-12 in the VTTM Appeal Responses, the DAA LOD included a detailed discussion of

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the findings discussed in this comment on pages 112-116, and the Deputy Advisory Agency determined that the Project Site is physically suitable for the type and proposed density of development based on substantial evidence. The City Planning Commission also made the same findings on appeal; refer to pages F-92 to F-95 of the CPC LOD. An FAR of 1.5:1 is currently permitted on the Project Site under existing zoning, and the Project proposed a minor, approximately seven-percent increase for an FAR of approximately 1.61:1. The Project floor area was further reduced by the City Planning Commission at the September 12, 2024, hearing, and this reduced Project would have an FAR of approximately 1.57:1, which is less than a five-percent increase compared to existing conditions. As stated on pages 115-116 of the DAA LOD and pages F-94 to F-95 of the CPC LOD, the Project's floor area, density, and massing are appropriately scaled and situated given the existing uses in the surrounding area. The Project Site is a relatively flat infill lot in a developed urban area with adequate infrastructure, and the area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed development. The EIR and Erratum, which are incorporated in the DAA and CPC LODs by reference as part of the CEQA findings, also include substantial evidence demonstrating that the Project is consistent with the applicable land use and density provisions of the General Plan and Wilshire Community Plan (see, e.g., Draft EIR Appendix I, Land Use Plans Consistency Analysis Tables; Erratum pages 55–59).

Further, the potential growth-inducing impacts of the Project were analyzed in the EIR in accordance with CEQA Guidelines Section 15126.2(e). Refer to pages VI-14 to VI-17 in Section VI, Other CEQA Considerations, of the Draft EIR. The Draft EIR concluded that the direct and indirect growth-inducing impacts would be less than significant. The Final EIR references the Draft EIR's growth-inducing impact analysis in Response to Comment No. 48-2. In addition, the Erratum analyzed the growth-inducing impacts associated with the Modified Project on page 76 and similarly concluded that impacts would be less than significant. Further, the CEQA findings in the DAA LOD discuss growth-inducing impacts on pages 102-104 and conclude that impacts would be less than significant.

As discussed in Appeal Response Nos. 2-3, 2-4, 2-13, and 2-22 in the VTTM Appeal Responses, the height and scale of the proposed buildings would be compatible with existing buildings in the Project Site vicinity. As discussed above, an FAR of 1.5:1 is currently permitted on the Project Site under existing zoning, and the Project as reduced by the City

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Planning Commission is proposing less than a five-percent increase for an FAR of approximately 1.57:1. Located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses with permitted FARs ranging from 3:1 to 6:1 for individual parcels (1.5:1 sitewide). The Broadcast Center Apartments has an FAR of approximately 2:1. Further, commercially zoned properties to the north and west of the Project Site are permitted an FAR of 3:1. In addition, although unlimited height and minimal to no setbacks are currently permitted under existing zoning, the proposed Specific Plan would impose maximum height limits throughout the entire Project Site as well as substantial setback and stepback requirements along all Project Site boundaries. Further, the proposed height limits, setback and stepback requirements, and Project Parameters (Project Design Feature CUL-PDF-1), which set forth maximum permitted development footprint and building heights for new construction adjacent to the Primary Studio Complex, would protect the HCM while also concentrating building mass and height toward the center of the Project Site.

Refer to Appeal Response No. 2-14 in the VTTM Appeal Responses regarding the definition of floor area and basecamp uses.

As stated throughout the EIR, including the Draft EIR, Final EIR, and Erratum, the purpose of the Project is to maintain Television City as a studio use and to modernize and enhance production facilities within the Project Site. An operationally feasible balance of studio and studio-related uses is required for a successful modern studio. As discussed in the Final EIR, the existing studio currently includes substantially more production support floor area than is needed to support the studio, with very little sound stage area, and this imbalance of studio uses has resulted in an inefficient and underutilized studio campus. The optimal balance of studio and studio-related uses has changed over time and will continue to change as the needs of the entertainment industry continue to evolve. Accordingly, the Project is proposing a limited land use exchange program, which is a common element that has been included in numerous approved specific plans throughout the City. Refer to Second-Level Appeal Response No. 3-7, below, regarding the proposed land use exchange program, which would only allow for limited increases in the floor area of sound stage and/or production support floor area in exchange for decreases in the floor area of other permitted uses. The land use exchange program would not permit increases in the total permitted floor area or general office floor area, contrary to the Appellant's assertion.

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Refer to Appeal Response No. 2-15 of the VTTM Appeal Responses regarding the City's comprehensive evaluation of the Project's potential impacts to the Primary Studio Complex, which were determined to be less than significant. As discussed therein, the ratio of existing square footage to be retained is not a data point that determines whether the Project would result in significant impacts to the Primary Studio Complex. Rather, refer to the comprehensive analysis provided in Section IV.B, Cultural Resources, of the Draft EIR, and Section 2.2.2, Cultural Resources, of the Erratum. The amount of the original façade of the Primary Studio Complex that would be retained and rehabilitated under the Project was one of many factors that were considered in the historic analysis.²³

As discussed in the Erratum and the findings adopted in the DAA LOD (page 86), which incorporate the Erratum by reference, two existing medium-format sound stages located on the second level of the HCM that were initially proposed to be demolished in the Original Project would be retained in the Modified Project, thereby increasing the floor area being retained within the HCM and reducing the impacts associated with such demolition. In total, the Modified Project would retain six existing sound stages within the Primary Studio Complex. 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.

Further, retention and development of sound stages is directly aligned with the studio objectives of the Project and the current needs of the entertainment industry. Specifically, as discussed on page IV.K-77 of Section IV.K, Transportation, of the Draft EIR and in Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR, a balance of sound stages and production support uses are necessary for a functioning studio campus and in order to meet the Project objectives set forth in Section II, Project Description, of the

²³ Refer to pages IV.B-45 to IV.B-49 in Section IV.B, Cultural Resources, of the Draft EIR and pages 59-63 of the Historical Resources Technical Report (Appendix C.1 of the Draft EIR), and pages 36-38 of the Erratum and the HRG Technical Memorandum (Appendix B of the Erratum) regarding the retained and rehabilitated original building façade.

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Draft EIR. Also refer to Response to Comment Nos. 9-13 and 26-16 of the Final EIR regarding the mix of studio uses.

Second-Level Appeal Point No. 3-5

The reimagined Television City would also be heavily dependent on truck traffic, and would greatly increase the number of employees and visitors to the Project site, inundating the road and transit infrastructure that serves the site, and burdening neighboring residential communities and their streets. The Project application contains a “mobility hub” and supposed traffic calming and trip reduction measures, but the impact of this magnitude of development intensity on the Project site will be felt significantly on the surrounding community and cannot be entirely alleviated. The burdens and hardships to be caused by this increased development intensity upon the surrounding community are not adequately analyzed for CEQA purposes, as described below, and underscore the inapplicability of this type of intensive development to the Project site.

Second-Level Appeal Response No. 3-5

This comment is duplicative of comments received on the Draft EIR, which were addressed in the Final EIR, and the prior appeals to the City Planning Commission, which were addressed in the VTTM Appeal Responses.

Also refer to Appeal Response Nos. 2-17 and 2-18 in the VTTM Appeal Responses. As discussed therein, operation of the Project would not be heavily truck dependent, contrary to the Appellant’s assertion. The Project’s environmental impacts related to truck trips were evaluated in the EIR, including the air quality, energy (fuel), greenhouse gas emissions, noise, and transportation analyses in Section IV of the Draft EIR and Section 2.2 of the Erratum in accordance with CEQA (please note that “burdens and hardships” are not environmental impacts under CEQA).

The Project would create new studio jobs at the Project Site, consistent with the Project’s underlying purpose to modernize and expand the studio to ensure it remains successful for decades to come. The EIR, including the Erratum, includes extensive empirical data and other information demonstrating that the vast majority of Project trips are

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employee trips. Topical Response No. 10, Trip Generation, of the Final EIR provides details regarding the numbers of other types of trips, including visitors (subsection B) and trucks (subsection E). Also refer to Response to Comment Nos. 9-32 and 106-2 of the Final EIR and Appeal Response No. 2-29 of the VTTM Appeal Responses regarding Project trips and the number of employees and visitors. Growth-inducing impacts were analyzed in Section VI, Other CEQA Considerations, of the Draft EIR and page 76 of the Erratum. As discussed therein, direct and indirect growth-inducing impacts would be less than significant. With the reduction in size, the Modified Project would generate approximately 4,626 net new employees, which is a reduction of over approximately 1,000 net new employees compared to the Original Project (see page 69 of the Erratum).

The EIR concluded that the Project's transportation impacts would be less than significant during both construction and operation. Refer to Section IV.K, Transportation, of the Draft EIR and Section 2.2.11, Transportation, of the Erratum. As discussed throughout the responses to comments in the Final EIR and VTTM Appeal Responses, traffic and congestion are not CEQA transportation impacts pursuant to SB 743.

With respect to the efficacy of the Mobility Hub, refer to Topical Response No. 7, Mobility Hub, and Topical Response No. 11, Transportation Demand Management, of the Final EIR.

Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR regarding the non-CEQA analysis of cut-through trips in the Transportation Assessment.

Second-Level Appeal Point No. 3-6

The Project site's inappropriateness for the type and density of development proposed for it in the Television City redevelopment plan is further underscored by the planning and regulatory violations that are triggered by the Project's entitlement process. First, the Specific Plan violates the provisions of Government Code §66412.3, which was enacted by the Legislature to prevent municipalities from imposing greater regulatory impediments to housing construction on sites identified as appropriate for housing on the inventory of housing opportunity site required in the municipality's Housing Element.² The Project site

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appears on the City's inventory, as appropriate for up to 216 residential units. Under current zoning, those units would be available by-right without discretionary process pursuant to many City housing programs. Under the Specific Plan's vision for the Project site, however, a shift to housing land uses would require a discretionary approval process, and removing housing as an allowable, by-right use under the Specific Plan imposes greater regulatory hurdles to providing housing on a site identified by the Housing Element as conducive to housing than were previously in place. The imposition of additional roadblocks to housing construction contemplated by a housing inventory is precisely the type of municipal action that Section 66412.3 was enacted to prevent.

² See City of Los Angeles Housing Element (2021–2029), Appendix 4.1, Rows 193172 and 193173.

Second-Level Appeal Response No. 3-6

This comment is duplicative of comments already addressed by the City. Refer to Second-Level Appeal Response No. 3-2, above, regarding how the Deputy Advisory Agency's approval of the VTTM complied with the Subdivision Map Act. With respect to housing capacity and the Housing Element, refer to Response to CPC Comment No. 6-3 in the Response to Comments Submitted to CPC Memorandum; Appeal Response Nos. 6-4 and 6-17 in the VTTM Appeal Responses; and Response to Comment Nos. 16-2, 16-34, and 16-53 of the Final EIR. As stated therein, the Project does not involve a change in the number of residential dwelling units permissible under the Project Site's existing zone classifications.

Further, the Appellant's claim that a development proposal of 216 residential dwelling units could be constructed by-right is incorrect. Rather, any development proposal containing 50 or greater residential dwelling units (or certain development proposals greater than 50,000 square feet in floor area) would be subject to a discretionary review process pursuant to Section 16.05 of the LAMC under the existing zone classifications, and the existing zoning regulations would continue to apply for any future residential development, whether by-right or discretionary.

Additionally, the Appellant misinterprets the data contained in the Housing Element's Inventory of Sites (Appendix 4.1 of the Housing Element). As discussed in the Housing Element, the Housing Element "identifies the City's inventory of land suitable for residential

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development without the need for any *legislative action* by the City (in accordance with CA Government Code §65583.2)” (page 146, emphasis added). Two of the Project Site parcels are included in the Inventory of Sites, and the density is listed as 108 residential dwelling units per acre. This is merely listing the existing applicable density ratio under the LAMC (i.e., 1 unit per 400 square feet, which equals 108 units per acre), which would not change with the Project. Therefore, no change to the City’s potential housing capacity will result from approval or construction of the Project.

Government Code Section 66412.3 is discussed in Appeal Response No. 2-29 of the VTTM Appeal Responses. As discussed therein, Section 66412.3 requires the Advisory Agency to “consider the effect of ordinances and actions adopted pursuant to [the Subdivision Map Act] on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.” It should be noted that the approved VTTM governs the division of land and not land use regulations, and, therefore, the VTTM does not have any effect on regional housing needs. As discussed throughout the responses to comments in the Final EIR, which was considered by the Deputy Advisory Agency and incorporated in the DAA LOD dated May 28, 2024, no change to the City’s potential housing capacity will result from approval or construction of the Project. Under the proposed Specific Plan, which was also considered by the Deputy Advisory Agency and incorporated in the DAA LOD, any future residential development would be reviewed and approved pursuant to the existing zoning regulations and procedures in effect prior to the adoption of the Specific Plan, whether by-right or discretionary. Notably, Government Code Section 66412.3 required only that the Deputy Advisory Agency “consider” the balance between housing needs and public service needs and fiscal and environmental resources, and not that it make findings. The Deputy Advisory Agency sufficiently considered and balanced these issues, and the Appellant provides no evidence to the contrary.

Second-Level Appeal Point No. 3-7

Moreover, the imposition of a new framework for development of the Project site into an area that is subject to the out-of-date Wilshire Community Plan exacerbates the impact of the failure to update the Community Plan itself. The Project’s Specific Plan addresses only the Project site. The City’s obligation to regulate land uses in conformity with a comprehensive plan requires the reliance upon the 35 Community Plans that make up the General Plan’s

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Land Use Element.³ The approval of site-specific planning documents such as the TVC 2050 Specific Plan impede that obligation, and the requisite findings of general and community plan conformance cannot be made in the face of the outdated Wilshire Community Plan.

³ See <https://planning.lacity.gov/plans-policies/community-plans> (“The Community Plans establish neighborhood-specific goals and implementation strategies to achieve the broad objectives laid out in the City’s General Plan.”).

Second-Level Appeal Response No. 3-7

This comment is duplicative of both the Appellant’s comments on the Draft EIR and prior appeal justification, which the City already addressed in the Final EIR and VTTM Appeal Responses. Refer to Topical Response No. 6, Wilshire Community Plan Update, and Response to Comment No. 28-20 of the Final EIR, and Appeal Response No. 2-28 in the VTTM Appeal Responses. As discussed therein, both CEQA and the Subdivision Map Act require an evaluation of a project’s consistency with existing adopted land use plans, and that evaluation is not affected by possible changes to an existing land use plan that may be adopted in the future. In accordance with CEQA Guidelines Section 15125, the EIR properly relied on information that is currently available to establish baseline conditions and, as such, used information from the existing Wilshire Community Plan, satisfying the requirement under CEQA Guidelines Section 15125(d) that an EIR “discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” Further, the Subdivision Map Act (Section 66473.5) states that a local agency shall not approve a tentative map “unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan ... or any specific plan[.]” and further specifies that “[a] proposed subdivision shall be consistent with a general plan or a specific plan **only if the local agency has officially adopted such a plan** and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan” (emphasis added). The Deputy Advisory Agency complied with this requirement and found that the proposed map and the design and improvement of the subdivision are consistent with applicable plans, including the existing adopted Wilshire Community Plan, as discussed in detail on pages 110–112 of the DAA LOD. The City Planning Commission also made the same findings on appeal; refer to pages F-90 to F-92 of the CPC LOD.

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Second-Level Appeal Point No. 3-8

- D. The proposed development and design of the subdivision are likely to cause serious public health problems.

The voluminous evidence contained in the administrative record, comprising vast amounts of public comment and technical information, evidences the potential health problems threatened by the proposed redevelopment of Television City. The transportation analyses produced by independent analyses and the assessments made by LADOT confirm that the increased cut-through traffic through surrounding residential streets generated by the intensified Television City project will bring increased noise, disruption and the risk of physical injury or death to surrounding residents. The LADOT analyses conceded that cut-through traffic generated by increased development on the Project site will impact surrounding residential streets, cannot be entirely mitigated by calming measures, and may in fact be understated, even before the increased potential impacts of the Land Use Exchange contained within the proposed Specific Plan are taken into account. The potential public health risks posed by the increased development intensity have not been adequately evaluated and therefore necessitate that the Tentative Map be disapproved.

Second-Level Appeal Response No. 3-8

This comment is duplicative of the Appellant's comments in its previous appeal to the City Planning Commission. Refer to Appeal Response Nos. 2-20 and 2-24 through 2-27 of the VTTM Appeal Responses. As discussed therein, the Appellant appears to conflate the Project analyzed in the EIR with the VTTM finding. The required finding under Government Code Section 66474(f) is whether "*the design of the subdivision or type of improvements is likely to cause serious public health problems*" (emphasis added). "Design" and "improvement" are specifically defined in the Government Code.²⁴ As discussed on pages

²⁴ "Design" is defined under Government Code Section 66418 as "(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) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required (Footnote continued on next page)"

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116 to 118 of the DAA LOD and pages F-96 to F-98 of the CPC LOD, the design of the subdivision and types of improvements are not likely to cause serious public health problems, and the Appellant does not provide any evidence to the contrary.

Also refer to Appeal Response No. 1-14 of the VTTM Appeal Responses regarding the EIR's analysis of health risk impacts, which were determined to be less than significant.

The non-CEQA cut-through analysis described in the Transportation Assessment (Appendix M.1 of the Draft EIR) did not conclude or concede that residential streets would, in fact, be affected by cut-through traffic, contrary to the Appellant's assertion. The methodology used in the analysis is consistent with the procedures outlined in LADOT's Transportation Assessment Guidelines to identify local streets that **could potentially** be affected by cut-through trips. The Draft EIR and Erratum concluded that the Project would have less than significant transportation impacts under CEQA, and no transportation mitigation measures are required. Nevertheless, the Project's transportation improvement program includes a Neighborhood Traffic Management Plan as a non-CEQA measure to minimize potential cut-through trips on streets surrounding the Project Site.

The land use exchange program would not result in greater potential cut-through trips than what was analyzed in the Draft EIR. As stated in Second-Level Appeal Response No. 3-4 above, the land use exchange program only allows limited increases in sound stage and/or production support floor area in exchange for equivalent reductions in other permitted land uses, such as production and/or general office floor area. Based on the LADOT-approved daily trip generation rates included in Table IV.K-4 of the Draft EIR, production office, general office and retail have the greatest trip generation rates (i.e., they generate the greatest trips per square foot), whereas sound stage and production support have lower trip

pursuant to Section 66473.5." "Improvement" is defined under Government Code Section 66419 as "any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof" and "any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan."

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generation rates. The only scenario under the land use exchange program that could increase daily trips would involve exchanging production support floor area for an increase in sound stage floor area (as sound stage has a slightly higher trip generation rate), but given that the land use exchange program limits increases in sound stage floor area to a maximum of 450,000 square feet, the potential increase in trips would be minimal. Further, the daily trip generation for the Modified Project as further reduced by the City Planning Commission, including under any scenario involving a land use exchange, would be substantially below the number of daily trips analyzed in the Draft EIR due to the reductions in maximum floor area and, particularly, the reduction in the maximum amount of general office space permitted at the Project Site. Thus, the potential for cut-through trips would be well below what was analyzed in the Draft EIR.

With regard to noise, the Project's noise impacts, including vehicle-related noise, were fully evaluated in Section IV.I, Noise, of the Draft EIR and Section 2.2.9 of the Erratum, which were incorporated into the DAA LOD by reference. As discussed therein, the Project would have less than significant noise impacts during operation.

Second-Level Appeal Point No. 3-9

2. THE APPROVAL AND CERTIFICATION OF THE TVC 2050 PROJECT EIR, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION MEASURES ARE LEGALLY IMPERMISSIBLE UNDER CEQA

- A. The Project Description is fatally flawed because it fails to describe a sufficiently specific and finite proposed development for which potential environmental impacts may be analyzed, as required by CEQA.

CEQA requires disclosure and analysis of the environmental impacts posed by a proposed development. To accomplish those objectives, the Environmental Impact Report ("EIR") [sic] for a proposed project must contain a project description meeting specific requisite requirements to disclose the location and boundaries of a project; the objectives sought to be obtained; a general description of the project's technical, economic and environmental characteristics and a statement of the intended uses of the EIR.⁴ In order to withstand CEQA challenge, an EIR's project description must be accurate, stable and finite.⁵ The details of an EIR's project description are essential to lawful compliance with CEQA so that

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government agency decision-makers have a full and accurate sense of the environmental impacts posed by a project they are evaluating, and so that members of the public may knowledgeably and effectively participate in the evaluation and approval process.⁶ As in the Hollywood Millenium [sic] case, the Project's EIR describes an "envelope" of possibilities that might entail one or more of any potential land uses, of varying intensities, and the EIR's impact analysis attempts to address maximum levels of various environmental impacts.⁷ This manner of illusory description is antithetical to proper environmental analysis and is legally insufficient under CEQA.

The flaws in the Television City project description are further exacerbated by the "Land Use Exchange" contained within the proposed TVC 2050 Specific Plan. Although such exchanges have been implemented in specific plans elsewhere in the City, the Land Use Exchange proposed in the TVC 2050 Specific Plan provides nearly limitless optionality to a Developer who seeks not to be committed to any particular course of development. As such, the TVC 2050 Specific Plan's Land Use Exchange closely resembles the land use equivalency program ("LUEP") [sic], encompassing various potential development scenarios, that the Second District Court of Appeal found violated CEQA in connection with the Hollywood Millenium [sic] project. Like the Hollywood Millenium [sic] LUEP, the Land Use Exchange contained in the TVC 2050 Specific Plan allows the Applicant to transfer or change uses within the Project and permits the Planning Director to approve change requests based on the maximum impact thresholds analyzed in the Project's EIR. The LUEP in Hollywood Millenium [sic] afforded no additional environmental review to ensure that changes to the project remained within the analyzed impact levels in the EIR, and "fail[ed] to ensure that the finally designated Project will not be approved without all necessary mitigations of environmental harm."⁸

⁴ Cal. Code Regs., tit. 14, § 15124.

⁵ *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193 ("An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.").

⁶ See *Stopthemillenniumhollywood.com* [sic] v. *City of Los Angeles* (2019) 39 Cal. App. 5th 1.

⁷ *Id.* at 18 ("These concepts and development scenarios—none of which may ultimately be constructed—do not meet the requirement of a stable or finite proposed project."); see also *Burbank–Glendale–Pasadena Airport Authority v. Hensler* (1991) 233 Cal. App. 3d 577, 592 ("[T]he defined project and not some different project must be the [EIR]'s bona fide subject").

⁸ *Stopthehollywoodmillenium.com* [sic], *supra*, at p. 18.

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Second-Level Appeal Response No. 3-9

The comments regarding the Project Description and the Millennium case are repetitive of the Appellant's previous comments on the Draft EIR and in its prior appeal justification, which have already been addressed by the City. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 9-13 of the Final EIR and Appeal Response No. 2-32 of the VTTM Appeal Responses, as well as Second-Level Appeal Response No. 1-5, above. Refer also to Response to CPC Comment Nos. 5-8, 5-22, through 5-24, and 8-6 of the Response to Comments Submitted to CPC Memorandum for a discussion of Millennium and Response to CPC Comment Nos. 1-6, 5-18, 5-22, 5-23, 7-2, 8-7, and 8-12 of the Response to Comments Submitted to CPC Memorandum for a discussion of the proposed land use exchange.

The project description in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 (Inyo), which the court determined was not accurate, stable and finite, is distinguishable here. In Inyo, the city had been ordered to prepare an EIR for a project involving pumping of groundwater for export from the Owens Valley via two above-ground aqueducts, but the EIR as prepared had a much narrower description of the project as involving only the relatively small increase in pumping of water for unanticipated uses in Inyo and Mono Counties.²⁵ Moreover, throughout the EIR process, the project description varied, with the result that the "small-scale groundwater project described at the outset was dwarfed by the 'recommended project' ultimately endorsed" that dealt with "important, large-scale phases of the city aqueduct management program."²⁶ The court concluded the agency's selection of a "narrow project as the launching pad for a vastly wider proposal frustrated CEQA's public information aims."²⁷ Here, there were no similar upward fluctuations in the project description during the EIR process, nor is the initial project description a misleadingly small fragment of the ultimately approved project. To the contrary, the Project in this case has only been reduced and limited from the start of the City process including, among others, breadth, intensity, permitted uses, operational restrictions and implementation procedures. As

²⁵ Inyo, 71 Cal.App.3d at 189, 195.

²⁶ Id. at 196–199.

²⁷ Id. at 199–200.

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discussed in Response to Comment No. 9-11 of the Final EIR, the Inyo case also states that project that is ultimately approved and built may deviate from the project description in the EIR, as the CEQA process “is not designed to freeze the ultimate proposal in the precise mold of the initial project,” and “new and unforeseen insights may emerge during [the environmental] investigation, evoking revision of the original proposal.”²⁸

Burbank-Glendale-Pasadena Airport Authority v. Hensler (1991) 233 Cal.App.3d 577 is similarly not applicable here. In that case, an airport authority that wished to undertake extension of a taxiway and that filed an eminent domain proceeding against an adjacent property owner in order to proceed with the project violated California Code of Regulations Section 15004(b)(1) (compliance with CEQA required before acquisition of site for public project). A project that was the subject of an earlier negative declaration was a substantially different project than the one that was the basis for the authority’s resolution of necessity, and there was no evidence that the authority, in adopting the resolution, ever conducted a threshold initial study under CEQA or considered the issue of whether an additional environmental document needed to be prepared due to subsequent changes in the project.

Here, the Project Description has remained accurate, stable and finite, as the basic characteristics of the Project have remained the same throughout the CEQA process, and the refinements that were made in direct response to public feedback do not change the nature or stability of the Project Description or require recirculation. As discussed above, the CEQA process is not designed to freeze the ultimate proposal in the precise mold of the initial project. Also refer to Second-Level Appeal Response No. 1-3, above.

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the land use exchange program. The proposed land use exchange program is limited and fixed and was fully disclosed and analyzed in the EIR and

²⁸ East Sacramento Partnership for a Livable City v. City of Sacramento (2016) 5 Cal. App. 5th 281 (quoting County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193, 199). See also Southwest Regional Council of Carpenters v. City of Los Angeles (2022) 76 Cal.App.5th 1154, 1179-83 (where the approval of a revised project that was a variant of an alternative first included in the final EIR did not render the project description unstable, require recirculation, impede informed decision making, or prejudice the petitioners challenging the final EIR and project approval).

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Erratum. The Draft Specific Plan as modified by the City Planning Commission dated September 2024 as well as all previous drafts have consistently included a limited land use exchange program that would allow for an increase of sound stage or production support floor area for an equivalent decrease in the floor area of other permitted uses. Land use exchange programs are common elements that have been included in numerous adopted specific plans throughout Los Angeles (e.g., Paramount Pictures Specific Plan, Universal Studios Specific Plan, USC Specific Plan, Los Angeles Sports and Entertainment District Specific Plan, Los Angeles International Airport (LAX) Specific Plan and Playa Vista Specific Plan).²⁹ The Project's proposed land use exchange program is more limited than many of the programs found in other adopted specific plans. For example, the "land use equivalency program" under the Universal Studios Specific Plan permits increases in the floor area of any permitted land use, including studio, studio office, office, entertainment, entertainment retail, amphitheater, and hotel uses, based on the equivalency rates set forth in the specific plan,³⁰ whereas the Project's Draft Specific Plan land use exchange program would only allow for limited increases in the floor area of two studio uses—sound stage and production support (up to 450,000 square feet each). The program would not allow increases in production office, general office, or retail floor area, or in the total sitewide floor area limit. There are also approved specific plans with land use exchange programs that do not impose maximum

²⁹ Paramount Pictures Specific Plan, City of Los Angeles Ordinance No. 184539, accessed at <https://planning.lacity.gov/odocument/9eae5e02-0544-4bba-9d2d-96367165d695>; Universal Studios Specific Plan, Los Angeles County Ordinance No. 2013-0010, accessed at https://planning.lacounty.gov/wp-content/uploads/2022/10/Universal-Studios_specific-plan-approved-final_Ordinance.pdf; USC Specific Plan, City of Los Angeles Ordinance No. 182343, accessed at <https://planning.lacity.gov/odocument/63eaebbc-8804-486d-bfce-786657d47734>; Los Angeles Sports and Entertainment District Specific Plan, City of Los Angeles Ordinance No. 174224, as amended, accessed at https://planning.lacity.gov/odocument/b7beb61c-40c1-433d-bf9d-6f51e345bba3/Los_Angeles_Sports_and_Entertainment_District_Specific_Plan.pdf; LAX Specific Plan, City of Los Angeles Ordinance No. 176345, as amended, accessed at https://planning.lacity.gov/odocument/8c371dd7-15a2-4d05-a8ee-25a78a6362d4/13-0285_ord_182542.pdf; and Playa Vista Specific Plan, City of Los Angeles Ordinance Nos. 160,521 accessed at <https://planning.lacity.org/odocument/656d910b-91fd-42c9-a795-33b259fb86bc/Playa%20Vista%20Area%20B%20Specific%20Plan.pdf>, 160,522, accessed at <https://planning.lacity.org/odocument/58f371f3-51d2-4436-bcc4-cf5411e576ba/Playa%20Vista%20Area%20C%20Specific%20Plan.pdf>, and 160,523, accessed at https://planning.lacity.org/odocument/c90c4ac0-f690-4e15-abc1-e153a5cd6b07/Playa_Vista_Area_D_Specific_Plan.pdf.

³⁰ See Section 7 of the Universal Studios Specific Plan, Los Angeles County Ordinance No. 2013-0010, accessed at https://planning.lacounty.gov/wp-content/uploads/2022/10/Universal-Studios_specific-plan-approved-final_Ordinance.pdf

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square footage limitations, such as the USC Specific Plan (which is only limited by the trip generation estimates included in the EIR for that project),³¹ whereas the Project's Specific Plan imposes fixed square footage limitations under the land use exchange program, as discussed above. Even for individual building projects, courts have held that "where an [EIR] defines the overall parameters and 'footprint' for a specific project such as a mixed-use commercial and residential project, but also includes variants for that project proposing different percentages of the mix between the two uses, the description is stable and the inclusion of those variants does not render the description unstable."³² Further, given the constantly evolving demands of the entertainment industry, the limited flexibility in the mix of studio land uses that would be provided by the land use exchange program helps achieve the Project's studio purpose. Refer to Response to Comment No. 5-15 of the Final EIR regarding the Project's studio purpose.

In addition, the Draft Specific Plan includes a regulatory framework for implementation of the Project, including, among other things, mandatory review processes by the City for implementation of the proposed Project. Future changes that are substantially different than the Initial Development Plans, including a development involving a land use exchange, or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review. Although other approved specific plans in the City allow land use exchanges to be reviewed ministerially, such as the recently approved District NoHo Specific Plan,³³ the Project's Draft Specific Plan imposes greater procedural requirements by requiring a discretionary review for any proposal involving a land use exchange.

³¹ See Table 1 (footnote d) of the USC Specific Plan, accessed at <https://planning.lacity.gov/odocument/63eaebbc-8804-486d-bfce-786657d47734>

³² *Gooden v. County of Los Angeles* (No. B326446; Cal. Ct. App. Oct. 24, 2024) (citing *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, 1179 [so holding]; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332–336 [same].)

³³ See Section 5.2.E of the District NoHo Specific Plan, City of Los Angeles Ordinance No. 188144, accessed at https://planning.lacity.gov/odocument/78663e3f-1e0c-4fbd-97de-cdbb927357aa/SP_23-1264-S1_ord_188144_4-22-24.pdf

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Second-Level Appeal Point No. 3-10

- B. The CEQA documentation fails to adequately analyze the impacts of the proposed development contemplated by the approval of the TVC 2050 Project

The Project's EIR fails to adequately analyze, disclose and mitigate both direct and indirect significant environmental effects caused the Project. Impacts upon traffic, greenhouse gas emissions and air quality have not been adequately disclosed and assessed based on the EIR's insufficient analysis, because the full impact of the Project has been undervalued due to the Specific Plan's Land Use Exchange provision. The full buildout of any potentially exchanged uses provided for in the Specific Plan—for example, a conversion to 100% office and studio-supporting office—is reasonably foreseeable given the operative provisions of the Land Use Exchange, and these eventualities were not fully analyzed in the Project's EIR. Given the lessons learned from the Hollywood Millenium [sic] case, the complex technical possibilities that are possible as a result of the Land Use Exchange should be subjected to more exhaustive quantitative environmental analysis, looking at the reasonable foreseeability of each potential permutation of the Land Use Exchange itself.

Second-Level Appeal Response No. 3-10

This comment is duplicative of comments received on the Draft EIR. The Project's transportation, greenhouse gas, and air quality impacts were fully evaluated in the Draft EIR and Erratum; refer to Sections IV.A, Air Quality, IV.E, Greenhouse Gas Emissions, and IV.K, Transportation, of the Draft EIR, and Sections 2.2.1, Air Quality, 2.2.5, Greenhouse Gas Emissions, and 2.2.11, Transportation, of the Erratum. Refer to Second-Level Appeal Response No. 3-9, above, regarding the land use exchange program. The program would not allow increases in production office or general office, contrary to the Appellant's assertion. The EIR evaluated the maximum impact scenario that could occur under the Project's land use exchange program for each environmental topic. Refer to Appendix FEIR-3 of the Final EIR for a detailed discussion on the maximum impact scenarios evaluated in the EIR.

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Second-Level Appeal Point No. 3-11

C. The Statement of Overriding Considerations is not supported by sufficient factual circumstances in the record sufficient to comply with CEQA

The Statement of Overriding Considerations justifies the massive environmental and community impacts posed by the over-intensification of the Television City site with vague references to the Applicant's "risk-adjusted return on investment" as an identified objective of the Project. In other words, the Applicant seeks unfettered flexibility and optionality to change its development plans, and alter the environmental impacts threatened by the redevelopment of Television City, so that the Project will generate a profit. Return on investment is an arithmetic function of time and financial capital, impacted of course by market forces. CEQA, on the other hand, and the legal requirement for disclosure and analysis of the environmental impacts of proposed development, is not market-driven. CEQA does not require environmental analysis and disclosure *so long as the proposed project generates a profit*, and the impacts of a development upon the environment may not be altered or enhanced because the Applicant must generate a suitable return on its investment.

The administrative record contains voluminous public comment about the preservation of studio use, challenges facing the media and entertainment industry and the prospect of the loss of entertainment industry jobs from Southern California. But the record does not adequately tie those concerns to the Applicant's proposed project. There is little quantitative data in the record, and no causative link has been established between the industry's challenges and the need to redevelop the Project site. Moreover, neither the Specific Plan nor its Land Use Exchange specifically require the Applicant to preserve the Project site as a studio use. If the Project were to be approved, nothing in the corresponding Conditions of Approval, nor the Development Agreement as a whole, bind the Project site and its owners to the entertainment industry uses and skilled jobs that are being used to support the Statement of Overriding Considerations. This failing is virtually conceded in the FEIR's responses to public comments, which answer inquiries about the Applicant's obligation to deliver the rehabilitated studio facilities with permissive language of the Land Use Exchange.⁹ The preservation of studio uses are not specifically required—at any scale—by either the Statement of Overriding Considerations or the required Mitigation Measures.

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- ⁹ See, e.g., FEIR Section II. Responses to Comments at Topical Response B (“Specific details about potential future buildings are unknown at this time. ... The Specific Plan would only allow for development consistent with the parameters in the Draft EIR and would require future review by the City for conformance with the Certified EIR and the Specific Plan.”)

Second-Level Appeal Response No. 3-11

As demonstrated throughout the administrative record, the EIR and Statement of Overriding Considerations were prepared in accordance with CEQA and City policy. In accordance with CEQA Guidelines Section 15093(a), the benefits of the Project include economic, social, technological and other benefits at a local, regional, and statewide level. The Statement of Overriding Considerations includes a detailed list of specific benefits of the Project that (i) outweigh the adverse environmental impacts of the Project, and (ii) justify adoption of the Project and certification of the completed EIR. Contrary to the Appellant’s assertions, the Statement of Overriding Considerations is supported by substantial evidence; refer to Appeal Response No. 1-15 of the VTTM Appeal Responses regarding the materials that were incorporated into the DAA LOD by reference. In addition, economic impact studies prepared by the Los Angeles Economic Development Corporation dated June 2021 and April 2024 were submitted as part of the administrative record which provide supporting analysis on the economic effects of the Project. These studies are a part of the administrative record and referenced in the Statement of Considerations on page 106 of the DAA LOD.

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 5-6 of the Final EIR regarding the Project’s studio purpose. As discussed consistently throughout the 2021 entitlement application materials, 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum, the Project is a studio Project. The Project is intended to allow for the continuation and modernization of a working studio that is over 70 years old; there is no uncertainty that this site will remain a studio use, and all of the elements of the proposed Project are intended to support this overarching goal. Further, an operationally feasible balance of studio and studio-related uses is required for a successful modern studio. Refer to Topical Response No. 4, Appropriateness of Economic Objective, of the Final EIR for additional information.

As discussed in Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR, as confirmed by the Deloitte study attached to the Economic Considerations

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Memorandum, there is almost 100% occupancy of all sound stages in Los Angeles, underscoring the demand for studio space (refer to pages 5-6 of the Economic Considerations Memorandum).³⁴ A more recent study by Deloitte confirmed this conclusion, stating that “[b]ased on our analysis of the current supply and pipeline along with projected demand for film and episodic content needs, we anticipate little to no available soundstage space—with occupancy nearing 100% through 2025” (page 11).³⁵ The Deloitte study states that “demand for production space at soundstages is continuing to outpace supply in LA...through 2025” (page 3). The Deloitte study also found that, for all markets, “there is opportunity for continued investment in high-end, purpose-built facilities as modern, bespoke studios are in high demand and the preferred option of content producers” (page 3).

Refer to Response to Comment Nos. 9-13 and 26-16 of the Final EIR regarding the demands of the entertainment industry and mix of uses. As discussed in the findings in the DAA LOD (page 86), 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 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. 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, visual effects (VFX) rooms, and server rooms, for example, have all increased in demand on an equal or greater basis to sound stage area. The Project proposes 215,440 square feet of production support floor area, which would ensure that productions would not be required to lease space off-site and provide remote access and/or move materials back and forth via production vehicles, which would increase vehicle trips on public roadways and hinder their production operations.

³⁴ The Deloitte study can also be accessed via www2.deloitte.com/us/en/pages/technology-media-and-telecommunications/articles/studio-production-industry-trends.html.

³⁵ Deloitte, Have the winds changed? The evolution of the studio production landscape—a case study of four cities in the US and internationally, 2023. The study can be accessed via www2.deloitte.com/us/en/pages/technology-media-and-telecommunications/articles/studio-production-industry-trends.html.

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Further, as discussed in Appeal Response No. 4-25 of the VTTM Appeal Responses, notably, the Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively under the Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans would require a new discretionary approval by the City and CEQA compliance review.

Second-Level Appeal Point No. 3-12

- D. Mitigation Measures do not reflect consideration of the issues raised by Project appellants, and are not sufficiently detailed to evidence their ability to mitigate the environmental impacts posed by the TVC 2050 Project

The approved CEQA mitigation measures (the “Mitigation Measures”) proposed in connection with the Project are insufficient and ill-defined. Moreover, the Mitigation Monitoring and Reporting Program sets forth insufficient methods of enforcing the proposed Mitigation Measures. The Specific Plan imposes no monitoring or compliance review measures, for example, and does afford mechanisms for evaluating the impact of development of early phases or portions of the redeveloped Project site prior to the construction of future elements. Moreover, the Mitigation Measures contained within the Letter of Determination following the September 12 Planning Commission appeal hearing do not reflect the impacts and issues raised by the Appellants to the Advisory Agency’s determination. Nor do the Mitigation Measures incorporate all of the requested changes from the Councilmember made by her representative at the Planning Commission hearing, and to which the Applicant’s representative agreed. Most starkly absent from the Mitigation Measures are any methods of enforcing that occupants and users of the Project site are entertainment-industry-related, or that leasing priority with respect to the studio office and general office spaces within the Project shall be granted to studio-related uses. Nothing in the proposed Mitigation Measures or Conditions of Approval would prevent a user of the Project site from leasing the several hundred thousands of rentable square footage in the redevelopment to real estate companies, insurance companies, brokerages or other office users with no connection whatsoever to the entertainment or media industries, and with no



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positive impact on the skilled jobs that the Applicant's proposal allegedly wants to preserve. No priority among Project objectives is suggested anywhere in the administrative record, or the Specific Plan documentation. Therefore, when preservation of studio uses, entertainment-industry jobs, and office uses that are directly related to the production activities on the site generate an inferior risk-adjusted return on investment than, for example, the conversion through the Land Use Exchange to massive increase in general commercial office uses unrelated to media or production, enhancing the Applicant's return satisfies the Project's objective in one respect, but sacrifices the environment and the industry-related objectives in the name of greater profit.

Second-Level Appeal Response No. 3-12

This comment claims the Project's mitigation measures are insufficiently detailed and lack sufficient enforcement mechanisms but provides no examples. As such, a detailed response cannot be provided. Each of the Project's mitigation measures along with details related to timing and enforcement are included in Section IV, Mitigation Monitoring Program, of the Draft EIR. The Appellant appears to misunderstand the purpose of mitigation measures. Under CEQA, mitigation measures are imposed to address significant and unavoidable environmental impacts.

Further, contrary to the Appellant's claim, the Specific Plan does provide for monitoring and compliance review through its regulations. Upon submittal of construction documents for a Project (as defined by the Specific Plan) to the Department of Building and Safety, a clearance must be provided by the Department of City Planning prior to issuance of a permit. Granting the clearance will require the Department of City Planning to verify Project compliance with all development standards of the Specific Plan, including Section 4.3 of the Specific Plan containing the Environmental Standards in Appendix B. An additional example is Condition No. 10 in Appendix C of the Specific Plan, which requires payment of fees for the purposes of funding the City's Monitoring Verification and Inspection Program.

With respect to the claim that there was no priority among the Project objectives, there is no requirement in CEQA or other State law to do so and the Appellant has provided no evidence to the contrary.

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No previously unidentified impacts were identified by the Appellants, so no new or revised mitigation measures were warranted. As it relates to the changes to the Project requested by Councilwoman Katy Yaroslavsky's office, these modifications were included in the Draft Specific Plan Ordinance (September 2024), which was included in the CPC LOD dated October 3, 2024. Regarding the general office condition, Section 5.1.E of the Draft Specific Plan Ordinance (September 2024) requires that "All commercially reasonable efforts shall be used to prioritize/target tenants engaged primarily in media, entertainment, and/or technology-related businesses, including, but not limited to, writing, casting, production, software, special effects, editing, content, communication, multimedia, professional, service, administrative, documentation and technical support, or ancillary businesses to the foregoing in connection with marketing efforts for the General Office land uses space at the Project. Upon written request by the City, the property owner shall update the City of its efforts pertaining to the above commitment."

Refer to Topical Response No. 4, Appropriateness of Economic Objective, Topical Response No. 16, Project Alternatives Analysis, and Response to Comment No. 35-168 of the Final EIR regarding the Project objectives. As discussed therein, the requirement to identify project objectives is set forth in CEQA Guidelines Section 15124(b), which provides that an EIR shall contain "[a] statement of the objectives sought by the proposed project," including "the underlying purpose of the project," but does not impose any substantive limitations on those objectives. Thus, "CEQA does not restrict an agency's discretion to identify and pursue a particular project designed to meet a particular set of objectives."³⁶ Accordingly, the lead agency and Applicant have broad discretion regarding the selection of objectives. As set forth on page II-10 of Section II, Project Description, of the Draft EIR, the underlying purpose of the Project "is to maintain Television City as a studio use and to modernize and enhance production facilities to meet both the existing and unmet demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure and create a cohesive studio lot." All of the elements of the Project help achieve this underlying purpose, including the proposed general office floor area. As discussed in Appeal Response No. 2-13 of the VTTM Appeal Responses, general office is a core and necessary land use required by modern media tenants. Further, the

³⁶ *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 276–277.



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proposed land use exchange program would help achieve this purpose by allowing the Project to adapt to the future demands of the constantly evolving entertainment industry. Refer to Second-Level Appeal Response No. 3-9, above, regarding the land use exchange program, which would not allow for increases in office floor area, contrary to the Appellant's assertion.



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Second-Level Appeal Comment Letter No. 4 (Latham & Watkins LP, October 15, 2024)

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Second-Level Appeal Point No. 4-1

The Grove, LLC ("Appellant") appeals the City Planning Commission's October 3, 2024, decision approving the Vesting Tentative Tract Map ("VTTM") and related certification of the Environmental Impact Report ("EIR") for the TVC 2050 Project (Case Numbers VTT-83387 and ENV-2021-4091-EIR, together with the related Case Numbers CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; CPC-2021-4090-DA, the "Project"). This appeal is based on the reasons set forth herein and in prior submissions (incorporated herein) and additional evidence and arguments that will be presented at or ahead of the appeal hearing.

On September 12, 2024, the City Planning Commission considered appeals filed by Appellant and eight other appellants (the "Appeals") of the Advisory Agency's May 28, 2024, decision approving the VTTM and certifying the EIR. On October 3, 2024, the Planning Commission issued a Letter of Determination ("LOD"), approving the VTTM and adopting related findings, certifying the Project's EIR, and adopting Environmental Findings, a Statement of Overriding Considerations ("SOC"), a Mitigation Monitoring Program ("MMP"), and Conditions of Approval. The Planning Commission also denied the Appeals and sustained the Advisory Agency's May 28, 2024, decision. The Planning Commission erred in denying the Appeals and approving the VTTM because the approval process was inconsistent with the law, including CEQA, and the VTTM fails to comply with the requirements of the Subdivision Map Act and the Los Angeles Municipal Code ("LAMC").

Among a number of failures to comply with the law, the approved map was not made available to the public prior to the Advisory Agency hearing, was filed **after** the Advisory Agency's hearing and was **never circulated to the Subdivision Committee** as required by the LAMC. The approved map lacks the information required of vesting tentative tract maps

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by law. And, the approved map is inconsistent with the Project described in the recently published modified Specific Plan and the EIR.

The EIR fails to comply with CEQA, failing even to meet the most basic requirements for describing the Project. The EIR lacks crucial data, analyses, and mitigation measures that should have been included across all technical sections. Moreover, after the Final EIR was released, the Project applicant and the City continued to change the Project. On April 5, 2024, the City released hundreds of pages of new information for a modified Project, including a modified Specific Plan with several technical appendices, a draft Sign District, and an Erratum to the Final EIR with several technical appendices. The Final EIR, including the Erratum, and additional new information compound the fact that the EIR fails as an informational document by failing to provide a clear project description. *Stopthemillenniumhollywood.com* [sic] v. *City of Los Angeles* (2019) 39 Cal.App.5th 1, 13 (“Analyzing a ‘set of environmental impact limits,’ instead of analyzing the environmental impacts for a defined project, [is] not consistent with CEQA.”). The City’s response to the over six hundred comment letters on the Draft EIR was inadequate, often conclusory, and lacking any evidentiary support. The City failed to properly revise and recirculate the EIR as required under CEQA.

The City Planning Commission erred in approving the VTTM and denying the Appeals. Each violation of the law noted above requires the City to start the process over. Given these failures, the approval of the VTTM is invalid on its face as is the EIR’s certification.

Appellant is an interested person adversely affected by the Planning Commission’s decision. Appellant is the ground lessee of adjacent land and operates a business immediately adjacent to the Project. Appellant will be directly impacted by the Project.

A. The Planning Commission’s Decision Violates CEQA

We incorporate by reference our September 13, 2022, comments on the Draft EIR, Appellant’s May 14, 2024, letter to the Advisory Agency hearing, Appellant’s June 5, 2024, appeal and September 3 and 10, 2024, letters to the Planning Commission, and all opposition comments submitted or presented to the Advisory Agency and Planning Commission regarding the Project.

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Second-Level Appeal Response No. 4-1

This comment generally introduces the letter and summarizes the points made below. Refer to Second-Level Appeal Response Nos. 4-2 through 4-15, below for specific issues raised by the Appellant. As demonstrated therein, the Advisory Agency and City Planning Commission did not abuse their discretion. Rather, the approval of the VTTM, certification of the EIR and adoption of the CEQA Findings, SOC, and MMP were completed in accordance with the LAMC and State law. Refer also to the VTTM Topical Response regarding the adequacy and appropriateness of the VTTM approval and associated processes.

The Appellant's September 13, 2022, comments regarding the Draft EIR are fully responded to as part of the responses to Letter No. 26 within Section II, Responses to Comments, of the Final EIR (refer to pages II-496 through II-164). In addition, the Appellant's May 2024 written comments and other opposition comments that were submitted to the Deputy Advisory Agency and Hearing Officer were responded to by the Applicant as part of the May 2024 Response Memorandum and the Appellant's September 2024 letters were responded to as part of the Response to Comments Submitted to CPC Memorandum.

Second-Level Appeal Point No. 4-2

As discussed therein, the Project's EIR does not comply with CEQA. The Project, which has not been properly described, would have significant impacts on the surrounding community that are not disclosed and are not mitigated.

An EIR must inform the public of what the Project actually is, the Project's significant impacts, and the feasible mitigation measures or alternatives that avoid or reduce these impacts. The EIR falls short of those mandates, failing even to meet the most basic requirement of describing the Project. The EIR lacks crucial data, analyses, and mitigation measures that should have been included across all technical sections. These errors are compounded by the alleged approval of a map that is not consistent with the "project" the EIR assessed.



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Second-Level Appeal Response No. 4-2

This comment is nearly identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-2 in the VTTM Appeal Responses. As stated therein, the EIR was prepared by the Los Angeles Department of City Planning, as Lead Agency, in accordance with CEQA and the CEQA Guidelines. Responses to specific issues raised by the Appellant are addressed below. Note that the Draft EIR provides a description of the Project that fully complies with CEQA as discussed in detail in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR. In addition, the Draft EIR includes a comprehensive analysis of the potential impacts associated with the Project as well as feasible mitigation measures to reduce the significant impacts of the Project. In addition, this comment provides no substantial evidence to support the claim that the map is not consistent with the Project the EIR assessed. Further, the Updated VTTM is consistent with the Project as described in the Erratum, dated April 5, 2024, as it reflects building footprint modifications per Project refinements submitted by the Applicant on February 23, 2024.

Second-Level Appeal Point No. 4-3

Moreover, after the Final EIR was released, the Project applicant and the City continued to change the Project. On April 5, 2024, the City released hundreds of pages of new information for a modified Project, including a modified Specific Plan with several technical appendices, a draft Sign District, and an Erratum to the Final EIR with several technical appendices. The Final EIR, including the Erratum, and additional new information compound the fact that the EIR fails as an informational document by failing to provide a clear project description. *Stopthemillenniumhollywood.com* [sic] v. *City of Los Angeles* (2019) 39 Cal.App.5th 1, 13 (“Analyzing a ‘set of environmental impact limits,’ instead of analyzing the environmental impacts for a defined project, [is] not consistent with CEQA.”).

Second-Level Appeal Response No. 4-3

This comment is nearly identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-3 in the VTTM Appeal Responses. As stated therein, in response to comments submitted during and after the Draft EIR public comment period and following the publication for the Final EIR, refinements to the

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Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was published in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. As the associated Specific Plan and Sign District, and required appendices, reflect the scope of development analyzed in the EIR, updates were made by the City to incorporate the Project's refinements consistent with City practice. Additionally, it should be noted that the previous iterations of the Specific Plan and Sign District were consistently referred to as drafts, implying that further modifications would occur. Notwithstanding, the Project Description has remained accurate, stable and finite, as the basic characteristics of the Project have remained the same throughout the CEQA process, and the refinements that were made in direct response to public feedback do not change the stability of the Project Description or require recirculation. As discussed in Second-Level Appeal Response No. 1-3, above, the CEQA process is not designed to freeze the ultimate proposal in the precise mold of the initial project.

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR (pages II-71 to II-75); Response to Comment No. 9-13 of the Final EIR; and Response to CPC Comment Nos. 5-8, 5-22 through 5-24, and 8-6 of the Response to Comments Submitted to CPC Memorandum regarding how the Project Description is distinguishable in all material respects from the project description at issue in the *Millennium* case.

Second-Level Appeal Point No. 4-4

The City's response to the over six hundred comment letters on the Draft EIR was inadequate, often conclusory, and lacking any evidentiary support.

Second-Level Appeal Response No. 4-4

This comment is identical to a comment made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-4 in the VTTM Appeal Responses. As stated therein, Section II, Responses to Comments, of the Final EIR, which is nearly 3,000 pages, provides detailed responses to issues raised in the 608 public



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comment letters received during the Draft EIR review period. The comment does not provide any specific evidence to support the claim that the Final EIR is inadequate, conclusory, and lacking evidentiary support, so no further response can be provided.

Second-Level Appeal Point No. 4-5

The City failed to properly revise and recirculate the EIR as required under CEQA.

Second-Level Appeal Response No. 4-5

This comment is identical to a comment made by the Appellant in their appeal to the City Planning Commission, which are repetitive of the Appellant's previous comments on the Draft EIR. Refer to Appeal Response No. 1-5 in the VTTM Appeal Responses. As discussed therein, and in Response to Comment No. 9-4 of the Final EIR, the Draft EIR was completed in full compliance with CEQA and recirculation of the Draft EIR is not warranted.

Second-Level Appeal Point No. 4-6

For all these reasons, the Planning Commission abused its discretion and violated CEQA in certifying the Final EIR, adopting the Environmental Findings, SOC, and MMP, and denying the Appeals.

Second-Level Appeal Response No. 4-6

This comment is duplicative of comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-6 in the VTTM Appeal Responses. As stated therein, the Appellant has provided no substantial evidence to support the claim that the Advisory Agency or City Planning Commission abused their discretion.

Second-Level Appeal point No. 4-7

B. The Approved Map was Filed *After* the Advisory Agency's May 15 Public Hearing

The approved VTTM was filed two days after the Advisory Agency's hearing and is substantially different from the map attached to and analyzed in the Advisory Agency's staff



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report, different from the map made available to the public and different from the map considered at its hearing. This was [sic] error.

The approved VTTM was never circulated to the Subdivision Committee. Approving a map that was never circulated to the Subdivision Committee, never made available to the public, and different from the version that was the subject of the Advisory Agency's staff report and hearing violates the LAMC, which requires the Advisory Agency to submit the map to be approved to the Subdivision Committee and to consider the map at a public meeting. LAMC § 17.03.B.

This "approved" map is inconsistent with the project described in the EIR. The City must start again and circulate to the Subdivision Committee and public [sic] a new map consistent with the requirements of the Subdivision Map Act, the LAMC, and the Project as described in the EIR, and hold a new Advisory Agency hearing. The Planning Commission's decision approving the VTTM and denying the Appeals was [sic] error.

Second-Level Appeal Response No. 4-7

This comment is duplicative of comments made by the Appellant in their appeal to the City Planning Commission. Refer to the VTTM Topical Response and Appeal Response No. 1-7 in the VTTM Appeal Responses. As discussed therein, the Project's Original VTTM and Updated VTTM complied with all applicable regulations of the LAMC. The Updated VTTM was submitted to and made a part of the public record on March 27, 2024, prior to the May 15, 2024, public hearing, and the minor revisions to an interior lot line in the Updated VTTM were not material, and thus did not require recirculation to the Subdivision Committee. The Appellant fails to provide evidence to demonstrate how the Original VTTM and Updated VTTM are materially different in any regard that would otherwise require recirculation to the Subdivision Committee.

As stated on page A-3 of the VTTM Appeal Report, following the publication of the Final EIR in November 2023, refinements were made to the Project in response to feedback from the community. On February 23, 2024, a Project Refinements Letter and associated Modified Project plans were submitted to City Planning and incorporated into the public record for the Project (the Modified Project plans were made publicly available on April 5,

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2024, and were referenced in the Appellant's May 14, 2024, comment letter). These refinements reduced the size of the Project, including by decreasing the proposed floor area, height, and massing of the Project, among other refinements (referred to as the "Modified Project"). Materials reflecting these refinements were submitted to the Department of City Planning on March 27, 2024 (prior to the May 15, 2024, public hearing), including an updated draft VTTM dated March 25, 2024, with updated building footprints to reflect the Modified Project plans. Given that the Modified Project resulted in minor rearrangements of building footprints (i.e., minor, isolated instances of building footprints overlapping two internal lot lines), an updated VTTM with minor adjustments to the proposed interior lot lines was provided by the Applicant to reflect the changes (the "Updated VTTM"). Refer to Figure 1 in the VTTM Topical Response.

The staff report for the May 15, 2024, hearing (Staff Report) discussed the Modified Project and the refinements made, and incorporated all Project plans, including the Modified Project plans included in the Erratum, by reference. The architectural plans for the Modified Project include a number of sheets such as a site plan, floor plan, elevations, and renderings, all of which provide details regarding the proposed buildings' envelopes, size, floor area, heights, and identified locations of accessory improvements including vehicular driveways, landscaped areas, fences, and walls. The Modified Project and associated plans with building outlines were discussed in detail in the Staff Report.

The actions that were considered by the Deputy Advisory Agency at the May 15, 2024, hearing included, among other things, a proposed VTTM for the merger and re-subdivision of four parcels into three lots pursuant to LAMC Section 17.15. The subject matter of the hearing was consistent with the description in the Hearing Notice and staff report, and a minor non-material update to a tentative map does not affect the subject of the hearing. In fact, it is commonplace for modifications to be made to a proposed entitlement before, during and/or after a hearing, such as modifications to the waivers and dedications or conditions of approval, which occurred in this case. For example, during the hearing, Quyen Phan, the Subdivision Committee representative, requested that a condition (not included in the City Staff Report for Case No. VTT-83387-1A) be added requiring that all existing easements or drainage sanitary sewers be shown on the final map. Importantly, the Updated VTTM is not the final map, and the version of the map that was attached to the DAA LOD is not final, as

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any version of the map would need to be updated in the final map to comply with the approved conditions and other approved entitlements.

During the May 15, 2024, hearing, which the Appellant attended, the Applicant confirmed on the record that they had submitted an updated VTTM (the Updated VTTM) to City Planning, which was limited to minor adjustments to interior lot lines to reflect the Modified Project plans and thus did not require recirculation to the full Subdivision Committee. Specifically, Jonathan Lonner on behalf of the Applicant stated during the hearing that the Updated VTTM “was submitted to City Planning showing the updated outlines of the Modified Project. However, as those do not impact the geometries or external lot lines of the vesting tentative tract map, it did not require updating or recirculation” and further explained that “as referenced in the Staff Report, specifically Condition 7 of the Bureau of Engineering specific conditions, a revised tract map must be submitted to the Planning Department and Public Works prior to the submittal of the final map for re-review.”³⁷ Subsequently at the public hearing, the Deputy Advisory Agency asked members of the Subdivision Committee and the Hearing Officer if they had any outstanding comments or questions on the tract map. In response, Subdivision Committee representative Quyen Phan stated that with the additional condition requested (discussed above), that concludes their comment on the tract map, and the Hearing Officer stated that City Planning had no further questions or clarifications on the tract map. During the 13 days following the May 15, 2024, hearing and prior to the Deputy Advisory Agency’s determination on May 28, 2024, no comments were received from the public regarding the Updated VTTM that was discussed during the hearing.

The Deputy Advisory Agency’s determination dated May 28, 2024, which included the Updated VTTM, was not a final decision; rather, this decision is appealable to the City Planning Commission and also further appealable to the City Council, which would each consider the tract map de novo (considering the whole of the project with no deference given to the decision of the initial decision-maker). The public is provided 10 days to appeal under the LAMC; as stated in bold on the first page of the DAA LOD, the last day to file an appeal

³⁷ Jonathan Lonner is a Principal of Burns & Bouchard, an expert on entitlement and tract map applications since 1999. Refer to the Burns & Bouchard, Inc. expert memorandum included in Appendix FEIR-22 (Expert Memos) of the Final EIR for additional details regarding Jonathan Lonner’s qualifications.

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was June 7, 2024. Nine appeals were received, which were considered by the City Planning Commission on September 12, 2024. By the time of the September 12, 2024, hearing, the DAA LOD, which included the Updated VTTM, had been available for over 15 weeks. Further, as discussed in Appeal Response No. 1-1 of the VTTM Appeal Responses, each appellate body decision is de novo, with no deference given to the initial decision maker, and must be based on the record before the initial decision maker as well as any other evidence or testimony presented at or before the appellate body's hearing (LAMC Section 13A.2.8(E)(1)). Based on the whole of the record, the City Planning Commission unanimously voted to deny all of the appeals and sustain the decision of the Deputy Advisory Agency dated May 28, 2024; refer to the City Planning Commission Letter of Determination for Case No. VTT-83387-1A dated October 3, 2024 (the CPC LOD). As stated in the CPC LOD, the City Planning Commission's decision is further appealable to the City Council, and the last day to file an appeal was October 15, 2024. Six appeals were filed, including from the Appellant, which will be considered by the City Council de novo at a future public hearing.

Second-Level Appeal Point No. 4-8

C. The "Approved" Map Lacks the Details a Vesting Tentative Tract Map Requires

LAMC Sections 17.06 and 17.15 detail what must be included in a VTTM. This detail is lacking from both the original map attached to the Advisory Agency hearing staff report and the "approved" map.

By way of example only, the "approved" map is missing the grading, cut/fill and import/export quantities, building envelopes showing height, size, number of units, and location of buildings, driveways, and perimeter walls and fences. Because the "approved" map lacks the information required to file and process the map, it cannot acquire vesting rights back to Applicant's initial filing in 2021 even if these deficiencies are corrected.

These failings also violate the Subdivision Map Act, which requires more specific information to be included on VTTMs compared to tentative maps. Gov. Code § 66498.8(d); see also Gov. Code § 66452(b).



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Second-Level Appeal Response No. 4-8

This comment is identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to the VTTM Topical Response and Appeal Response No. 1-8 in the VTTM Appeal Responses. As discussed therein, the VTTM included all of the information required by the LAMC and the City. The Project was not required to submit a plan of building envelope showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls per Section 17.15 B.1 (b) of the LAMC in conjunction with its application for a VTTM. The final sentence of Section 17.15 B.1 (b) of the LAMC applies to vesting tentative maps that require design review, which is not applicable to the Project. The Project Site is not located in a Hillside Area, the Mulholland Scenic Parkway, or within a Community Plan, Specific Plan, or other overlay that requires design review. Nevertheless, the Project provided architectural plans in conjunction with its entitlement application that contained all the information related to the height, size, density, and locations of buildings, driveways, and fences and walls, in addition to iterations reflecting updates to the Project's design, including but not limited to the Modified Project. Notably, LAMC Section 17.15 B.1 (b) requires this information to be shown in a "plan of building envelope," which refers to a set of architectural plans, not information that is required to be displayed on a VTTM. On May 13, 2021, the Applicant filed the entitlement applications, including the VTTM, with the City Planning Department, which was deemed complete by the City on June 3, 2021.

Second-Level Appeal Point No. 4-9

D. The Planning Commission's Decision Violates the Subdivision Map Act

The Subdivision Map Act requires a public agency considering approval of a map to make certain findings. A map must be denied if (i) the map, or the design or improvement of the proposed subdivision is inconsistent with the applicable general and specific plans, (ii) the site is not physically suitable for the type or proposed density of development, (iii) the design of the subdivision or type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (iv) the design of the subdivision or type of improvements is likely to cause serious public health problems, or (v) the design of the subdivision or type of improvements will conflict with certain public access easements. Gov. Code § 66474.



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Second-Level Appeal Response No. 4-9

This comment is nearly identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-9 in the VTTM Appeal Responses. As stated therein and as demonstrated by the responses below, the Project fully complies with the Subdivision Map Act and the City has not abused its discretion in approving the VTTM. Refer to the VTTM Topical Response regarding the adequacy and appropriateness of the VTTM approval and associated processes. Findings required by the Subdivision Map Act are included on pages 110 to 119 of the DAA LOD and pages F-90 to F-99 of the CPC LOD.

Second-Level Appeal Point No. 4-10

Overall, the Planning Commission's findings are inconsistent with the information in the EIR. For that reason alone, the Advisory Agency abused its discretion. The Project studied in the EIR is a different project from what is proposed in the VTTM.

Second-Level Appeal Response No. 4-10

This comment is duplicative of comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-10 in the VTTM Appeal Responses. As stated therein, following the publication of the Final EIR, the Project was modified in response to public comment. These changes are detailed and analyzed in Erratum No. 1 to the Environmental Impact Report for the Project which was made available on the City's website in April 2024 well in advance of the May 15, 2024, hearing. The Erratum demonstrates that no new impacts or a substantial increase in significant impacts already identified in the Draft EIR would occur as a result of the modifications to the Project which lessen the development scope of the Project. Further, as discussed in Appeal Response Nos. 1-11 and 1-15 of the VTTM Appeal Responses, the Deputy Advisory Agency's findings were made in accordance with Government Code Section 66474.

The plans for the Modified Project were provided to the Department of City Planning on March 27, 2024, which included an updated VTTM (Updated VTTM). Refer to the VTTM Topical Response for details regarding Project compliance with the processes and procedures applicable to VTTMs set forth in the LAMC and regarding consistencies between

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the Original VTTM and Updated VTTM. The Updated VTTM was the basis for discussion with members of the Subdivision Committee prior to the hearing, during the hearing, and during the advisement period identified by the Deputy Advisory Agency following the hearing. The Updated VTTM is included within the CPC LOD and is consistent with the Modified Project and the Erratum.

Second-Level Appeal Point No. 4-11

As to the specific findings, *first*, the VTTM is inconsistent with the applicable General and Specific Plans and would conflict with the objectives and policies of the General Plan. (Gov. Code § 66473.5; LAMC § 17.05.C). The TVC 2050 Specific Plan is still in draft form, and it would be impossible for the Advisory Agency to determine that the VTTM is consistent with what may ultimately be in the Specific Plan in order to make the required findings. The VTTM conditions relative to approval of the Specific Plan do not specify a version of the Specific Plan that must be approved. Unlike finding consistency with a proposed established zone, the Planning Commission did not have a basis to confirm consistency with an unspecified Specific Plan. It's a moving target. Further, the map is inconsistent with the current draft Specific Plan. And as discussed in previous comments, the City has failed to analyze in the EIR the potential impacts from the proposed General Plan Amendment to the Wilshire Community Plan, and the Planning Commission failed to address potential consequences to adjacent properties from changing these land use designations. For this and other reasons, the Advisory Agency's finding regarding General Plan consistency is unsupported by the evidence in the record.

Second-Level Appeal Response No. 4-11

This comment is nearly identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-11 in the VTTM Appeal Responses. As stated therein, the Deputy Advisory Agency found that the proposed vesting tentative tract map and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110-112 of the DAA LOD. The City Planning Commission also made the same findings on appeal; refer to pages F-90 to F-92 of the CPC LOD. The Appellant does not provide any evidence of inconsistency and in fact does not identify any specific objective or policy that the subdivision would conflict with. The Deputy Advisory Agency approved the VTTM contingent upon the approval of the

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requested General Plan Amendment, Vesting Zone Change, Specific Plan and Sign District under related Case No. CPC-2021-4089-AD-GPA-ZC-HC-SP-SN per Condition of Approval No. 50, on page 10 of the DAA LOD. LAMC Section 17.15 D.1 (now Section 13B.7.3 I.5 of Chapter 1A) states, “Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, the inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency.” In compliance with the LAMC, the Advisory Agency included Condition of Approval No. 10.J, requiring the subdivider to obtain a Zone Change to the TVC Zone prior to clearing of the conditions and recording of the final map, as well as Condition of Approval No. 10.N, requiring compliance with the other entitlement approvals. Condition of Approval No. 50 further requires that a tract modification be submitted in the event CPC-2021-4089-AD-GPA-ZC-HC-SP-SN is not approved, at which point the Deputy Advisory Agency would make new requisite plan consistency findings, as necessary. This is consistent with LAMC Section 17.05 (C), Conformance to General Plan, which states that “[e]ach Tentative Map shall be designed in compliance with the zoning applying to the property or approved by the City Council for change or shall be subject to a condition requiring compliance with such zoning prior to the recordation of the final map.”

Further, the Appellant has provided no evidence of inconsistency between the VTTM and any versions of the draft Specific Plan ordinance. In addition, it should be noted that there is currently no applicable specific plan for the Project Site. The CEQA land use impacts associated with the proposed General Plan Amendment were analyzed in Section IV.H, Land Use and Planning, of the Draft EIR and Section 2.2.8.2 of the Erratum, which is discussed on pages 35 to 36 of the DAA LOD and pages F-18 to F-19 of the CPC LOD. As stated therein, impacts related to conflicts with applicable plans, policies and regulations would be less than significant. As discussed in the Erratum, the majority of the Project Site (approximately 60%) is currently designated Community Commercial, and the proposed General Plan Amendment would change the land use designations of the remainder of the Project Site to a unified Community Commercial designation. The Project proposed an FAR of approximately 1.61:1, which represents an approximately seven-percent increase from the existing 1.5:1 FAR. The Project floor area was further reduced by the City Planning Commission at the September 12, 2024, hearing, and this reduced Project would have an FAR of approximately 1.57:1, which is less than a five-percent increase compared to existing

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conditions. Generally, parcels designated Community Commercial are developed with FARs ranging from 1.5:1 to 3:1.³⁸ The proposed FAR is consistent with and on the lower end of the general FAR range for properties designated as Community Commercial. Notably, located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial. As documented in the EIR and both the DAA and CPC LODs, the potential impacts to adjacent properties related to the General Plan Amendment have been thoroughly analyzed.

Second-Level Appeal Point No. 4-12

Second, the site is not physically suitable for the type or proposed density of development, and the Planning Commission's finding is unsupported by the evidence in the record. As discussed in previous comments, the proposed General Plan Amendment and adoption of the TVC 2050 Specific Plan would increase the density of the Project Site, increase the FAR, and lead to growth inducing impacts not studied in the EIR. The EIR failed to analyze the actual Project, which is still undefined, and instead studied an undefined envelope of impacts that the Project might include. Further, the basic information required by the Subdivision Map Act to even evaluate the type and density of development proposed is lacking. Based on the information in the record, it was impossible for the Planning Commission to find that the site is physically suitable for the type or proposed density of development.

Second-Level Appeal Response No. 4-12

This comment is nearly identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-12 in the VTTM Appeal Responses. As stated therein, the Deputy Advisory Agency determined that the Project Site is physically suitable for the type and proposed density of development based on substantial evidence and the findings provided on pages 112-116 of the DAA LOD. The City Planning Commission also made the same findings on appeal; refer to pages F-92 to F-95 of the CPC LOD. As discussed above, an FAR of 1.5:1 is currently permitted on the Project Site under existing zoning, and the Project proposed an approximate seven-percent increase for an

³⁸ General Plan Framework Element, Chapter 3—Land Use.

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FAR of 1.61:1. The Project floor area was further reduced by the City Planning Commission at the September 12, 2024, hearing, and this reduced Project would have an FAR of approximately 1.57:1, which is less than a five-percent increase compared to existing conditions. As stated on pages 115-116 of the DAA LOD and pages F-94 to F-95 of the CPC LOD, the Project's floor area, density, and massing are appropriately scaled and situated given the existing uses in the surrounding area. The Project Site is a relatively flat infill lot in a developed urban area with adequate infrastructure, and the area is easily accessible via improved streets and highways. Therefore, the Project Site is physically suitable for the proposed development. The EIR and Erratum, which are incorporated in the DAA and CPC LODs by reference as part of the CEQA findings, also include substantial evidence demonstrating that the Project is consistent with the applicable land use and density provisions of the General Plan and Wilshire Community Plan (see, e.g., Draft EIR Appendix I, Land Use Plans Consistency Analysis Tables; Erratum pages 55–59).

The potential growth-inducing impacts of the Project were analyzed in the EIR in accordance with CEQA Guidelines Section 15126.2(e). Refer to pages VI-14 to VI-17 in Section VI, Other CEQA Considerations, of the Draft EIR. The Draft EIR concluded that the direct and indirect growth-inducing impacts would be less than significant. The Final EIR references the Draft EIR's growth-inducing impact analysis in Response to Comment No. 48-2. In addition, the Erratum analyzed the growth-inducing impacts associated with the Modified Project on page 76 and similarly concluded that impacts would be less than significant. Further, the CEQA findings in the DAA LOD (pages 102-104) and CPC LOD (pages F-82 to F-83) discuss growth-inducing impacts and conclude that impacts would be less than significant.

The comment regarding the Project Description is similar to the Appellant's prior comments, which were addressed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 26-11 of the Final EIR. The EIR described and analyzed the proposed studio specific plan project in accordance with CEQA, and the Appellant provides no evidence to the contrary. Notably, although CEQA Guidelines Section 15146(b) states that "[a]n EIR on a project such as the adoption or amendment of a zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow," the EIR

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went above and beyond this requirement by describing and analyzing a specific development plan (the Conceptual Site Plan [i.e., Initial Development Plans]), in addition to the secondary effects of the proposed land use and zoning ordinances (e.g., the effects of the proposed land use exchange program under the draft Specific Plan ordinance). The proposed Specific Plan goes further and commits the Project to this specific development plan (i.e., the Initial Development Plans) and requires discretionary entitlement review and further CEQA analysis for any materially different plan, as is reflected in all of the draft Specific Plan ordinances published by the City.

Second-Level Appeal Point No. 4-13

Third, the Planning Commission was required to approve the Appeals and deny the VTTM because the EIR for the Project is deficient and fails to address numerous significant environmental impacts that would result from the Project, which is also not clearly defined in the EIR. The record evidence does not provide support for a finding under the Subdivision Map Act that the Project would not cause substantial environmental damage, or for the exemption from such a finding under Government Code Section 66474.01. Therefore, the design of the subdivision and improvements is likely to cause substantial environmental damage and the Planning Commission's finding is unsupported by the evidence in the record.

Second-Level Appeal Response No. 4-13

This comment is nearly identical to comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-13 in the VTTM Appeal Responses. As discussed therein and in Second-Level Appeal Response Nos. 4-2 through 4-4 above, the Final EIR is not deficient and the EIR provides a comprehensive evaluation of Project impacts along with mitigation measures to reduce the potentially significant impacts. Also refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding how Section II, Project Description, of the Draft EIR provides a clearly defined Project description consistent with CEQA requirements. On pages 2 through 31, the Erratum includes a detailed description of the refinements made to the Project in response to public comments.

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The City Planning Commission and Deputy Advisory Agency's findings did not rely on an exemption under Government Code Section 66474.01, contrary to the Appellant's assertion. The City Planning Commission and Deputy Advisory Agency found that the design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, which is discussed in the findings on page 116 of the DAA LOD and page F-96 of the CPC LOD. This finding is supported by substantial evidence in the EIR and Erratum, which the DAA and CPC LODs incorporate by reference (see page 20 of the DAA LOD and pages F-3 to F-4 of the CPC LOD). As discussed on pages VI-22 to VI-24 in Section VI, Other CEQA Considerations, of the Draft EIR, and on page 76 of the Erratum, the Project's impacts on biological resources would be less than significant. This is consistent with the case referenced in this comment, in which the court found that "[f]indings are required to state only ultimate rather than evidentiary facts" and "great specificity is not required. It is enough if the findings form an analytical bridge between the evidence and the agency's decision."³⁹ It should be noted that the Appellant has failed to provide any evidence of environmental damage, substantial or otherwise.

Thus, the City Planning Commission's decision to deny the appeals and sustain the Deputy Advisory Agency's approval was supported by substantial evidence.

Second-Level Appeal Point No. 4-14

Fourth, the Planning Commission was required to approve the Appeals and deny the VTTM because the design of the subdivision or type of improvements are likely to cause serious public health problems as discussed in previous comments.

Second-Level Appeal Response No. 4-14

This comment is duplicative of comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-14 in the VTTM Appeal Responses. As discussed therein, this comment provides no evidence to support the claim

³⁹ *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1356, 1362.



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that the Project is likely to cause public health problems. As such, no further response is warranted. Nonetheless, in response to public comments, a detailed quantitative health risk assessment was prepared for informational purposes and was included as Appendix FEIR-10 of the Final EIR. The health risk assessment demonstrates that the Draft EIR correctly determined that health risk impacts associated with construction and operation of the Project would be less than significant.

Refer also to Second-Level Appeal Response No. 3-8 above.

Thus, the City Planning Commission's decision to deny the appeals and sustain the Deputy Advisory Agency's approval was supported by substantial evidence.

Second-Level Appeal Point No. 4-15

Fifth, the Planning Commission was required to approve the Appeals and deny the VTMM because there is no support for a finding that the design of the subdivision or type of improvements will not conflict with certain public access easements.

In addition, the Planning Commission's finding that the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1 is unsupported. Examples of passive or natural heating opportunities in subdivision design are described in Government Code Section 66473.1, including design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure, and to permit orientation of a structure to take advantage of shade or prevailing breezes. There was no evidence in the record to support this finding.

For the foregoing reasons, the Appellant respectfully requests that the City set a hearing on this appeal and that the City Council grant the appeal and vacate the approval of the VTMM and related certification of the EIR.

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Second-Level Appeal Response No. 4-15

This comment is duplicative of comments made by the Appellant in their appeal to the City Planning Commission. Refer to Appeal Response No. 1-15 in the VTTM Appeal Responses. As stated therein, the Appellant's claim that the City's finding is unsupported by evidence in the record is incorrect. As stated on pages 20 to 21 of the DAA LOD and pages F-3 to F-4 of the CPC LOD, the following materials, among others, were incorporated by reference and made part of the record supporting the determinations:

- 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).

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As discussed on pages 118-119 of the DAA LOD and pages F-98 to F-99 of the CPC LOD, 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.

The Deputy Advisory Agency found that the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1; refer to pages 118-119 of the DAA LOD. The City Planning Commission also made the same findings on appeal; refer to pages F-98 to F-99 of the CPC LOD. As discussed in the EIR and Erratum, the Project has committed to develop in accordance with LEED Gold or equivalent standards. These standards include guidance and requirements for elements such as site design and passive or natural heating and cooling. Government Code Section 66473.1(b) provides examples of passive or natural heating and cooling opportunities in the subdivision design, including the design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes. As illustrated in the EIR, Erratum and Project plans, all of which are incorporated by reference in the DAA and CPC LODs, the Project includes elements such as east-west orientation of the mixed-use media buildings located along the western edge of the Project Site fronting Fairfax Avenue and the northeastern portion of the Project Site front Beverly Boulevard, provides ample distance, ranging from 30 feet to 60 feet between these buildings and the next adjacent building with the integration of pedestrian promenades that promote walkability, access to natural light, and utilization of prevailing cross-breezes, and allocates a significant portion of the Project Site to bolster a reduction of the heat-island effect through limitation of paved asphalt parking areas combined with the introduction of landscape canopies that provide shade and improved thermal comfort for individuals. As discussed in the EIR and Erratum, 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 charging infrastructure; a TDM Program; the

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proposed Mobility Hub; use of daylighting where feasible; energy-efficient lighting; and permeable paving where appropriate. The LEED standards and other design elements listed above are well beyond the requirements associated with the filing and approval of a VTTM.

Further, in accordance with Government Code Section 66473.1(c), the Deputy Advisory Agency and City Planning Commission considered the local climate, contours and configuration of the lots to be subdivided. This information is included in the Preliminary Solar Feasibility Report (i.e., Preliminary Solar Access Report) dated March 12, 2021, which was submitted as part of the VTTM entitlement application and made part of the record in 2021. This is consistent with Condition of Approval No. 49.b, which requires that a solar access report be submitted to the satisfaction of the Advisory Agency prior to the issuance of a grading permit. Additionally, as stated in Response to Comment No. 26-E.1-38 of the Final EIR, and as committed to by the Project through Project Design Feature GHG-PDF-2, the Project will incorporate, at a minimum, 2 million kilowatt-hours of annual photovoltaic generation capacity, which would reduce the Project's electrical demand.

Regarding the Project definition, refer to Second-Level Appeal Response Nos. 4-2 to 4-4, above.

Regarding the VTTM, refer to the VTTM Topical Response regarding the VTTM compliance with all applicable processes and procedures of the LAMC. For additional information, refer to Second-Level Appeal Response No. 4-10 above regarding the version of the VTTM made a part of the public record and considered by the Deputy Advisory Agency at the May 15, 2024, public hearing.

Thus, the City Planning Commission's decision to deny the appeals and sustain the Deputy Advisory Agency's approval was supported by substantial evidence.



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Second-Level Appeal Comment Letter No. 5 (Sheppard, Mullin, Richter & Hampton LLP, September 10, 2024)

Lauren K. Chang
obo Mayer Beverly Park LP
Sheppard Mullin Richter & Hampton LLP
333 S. Hope St., Fl. 43
Los Angeles, CA 90071-1422

Second-Level Appeal Point No. 5-1

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp., which owns and operates the Broadcast Center Apartments ("Broadcast Center") at 7660 Beverly Boulevard ("BC Site"), located adjacent to the site of the TVC 2050 Project (the "Project") as currently proposed by Television City Studios, LLC, which we understand is controlled by Hackman Capital Partners ("Hackman").

This letter provides further support for our client's appeal of the Advisory Agency's approval of Vesting Tentative Tract Map No. 83387 ("VTTM") for the Project that covers an approximately 25-acre site located at 7716–7860 Beverly Boulevard (the "Project Site") in the City of Los Angeles (the "City").

We relatedly submitted a September 3, 2024 letter to you ("September 3 Letter") with respect to unlawful aspects of the Final Environmental Impact Report ("FEIR") and Erratum No. 1 ("Erratum") prepared for the Project that supported the Advisory Agency's approval of the VTTM.

As a reminder, the BC Site is adjacent to the Project Site at both its western and southern boundaries. It also borders Beverly Boulevard to the north and The Grove Drive to the east. Broadcast Center affiliates also own nearby Palazzo West, Palazzo East and Villas at Park La Brea, which collectively provide, including the approximately 500 Broadcast Center residents, housing for more than 3,000 residents who live in close proximity to the Project Site and would be significantly impacted by the Project.

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One of our client's primary concerns, as neighboring property owners with a significant number of residents who will be affected by the Project, is that they were not provided adequate notice or given an opportunity to be heard at the public hearing regarding the VTTM that was approved by the Advisory Agency. The VTTM that was approved by the Advisory Agency was not the VTTM that was available to the public for review and considered at the public hearing. In addition, Broadcast Center continues to have no idea what Hackman might actually develop on the Project Site. This concern extends to the VTTM for the Project, which provides limited details and was approved despite substantive informational gaps and clear procedural errors.

As noted in our appeal justification letter and in the eight other appeals regarding the VTTM (collectively, the "Appeals"),¹ the Advisory Agency's approval of the VTTM was unlawful for several reasons.

¹ We hereby incorporate by reference the eight other appeals of the Advisory Agency's approval of the VTTM and certification of the FEIR.

Second-Level Appeal Response No. 5-1

This letter is identical to CPC Comment Letter No. 9 in the Response to Comments Submitted to CPC Memorandum. Nevertheless, in the interest of disclosure, those responses are provided again below.

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. With respect to the appeal filed by the Appellant, refer to Appeal Response Nos. 3-1 through 3-3 of the VTTM Appeal Responses. Refer to Response to CPC Comment Nos. 5-1 through 5-32 in the Response to Comments Submitted to CPC Memorandum for responses to the Appellant's September 3, 2024, letter. New comments raised by the Appellant related to the VTTM approval are addressed in Second-Level Appeal Response Nos. 5-2 through 5-11 below.

Second-Level Appeal Point No. 5-2

First, the Department of City Planning ("Planning") and Advisory Agency did not follow the required procedures for a vesting tentative tract map approval. For example, Planning

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admits (without justification) to circulating an outdated version of the VTTM, dated March 26, 2021 (the “2021 VTTM”), to the City departments making up the “Subdivision Committee” (the “Subdivision Committee”), despite having received from Hackman a copy of a revised VTTM one day prior to the circulation of the 2021 VTTM to the Subdivision Committee (“March 2024 VTTM”). Why would Planning circulate an older version of the map to the Subdivision Committee if a new version reflecting modifications to the Project was available? Worse still, only the 2021 VTTM was made available to the public and considered in the staff report prepared by Planning for the public hearing on the proposed VTTM on May 15, 2024. The Advisory Agency then approved the March 2024 VTTM,² which had not been made available to the public prior to the public hearing, in the Letter of Determination dated May 28, 2024 (the “VTTM Determination”). Also, the March 2024 VTTM attached to the VTTM Determination was stamped “Submitted for Filing” on May 17, 2024, two days after the May 15, 2024 public hearing occurred.

Second, the March 2024 VTTM does not contain the necessary information required for a **vesting** tentative tract map by the Los Angeles Municipal Code (“LAMC”) Sections 17.06 B and 17.15 B(1)(b).

Third, the Advisory Agency’s findings that the March 2024 VTTM is consistent with the General Plan cannot be made and violate the California Subdivision Map Act (California Government Code § 66410 *et seq.*, the “Map Act”).

These issues are discussed in more detail below. Based on these concerns, our client respectfully requests that the City Planning Commission (“CPC”) grant the Appeals and take the following actions at the September 12, 2024 public hearing for the Project:

1. Reject the Advisory Agency’s approval of the March 2024 VTTM, pursuant to LAMC Sections 17.54 A and 13 B.7.3(G).
2. Require Hackman to correct the March 2024 VTTM to include the missing information mandated by LAMC Sections 17.06 B and 17.15 B(1)(b).

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3. Require Planning to circulate a corrected version of the March 2024 VTTM for review and consideration by the Subdivision Committee as necessitated by LAMC Sections 17.03 B and 17.04 B.
4. Require the Advisory Agency to hold a new public hearing to consider the corrected version of the March 2024 VTTM.

² For purposes of this letter, we are assuming that the March 2024 VTTM provided to the City by Hackman on March 27, 2024 is the same as the VTTM that the City ultimately approved, which was stamp dated May 17, 2024 two days after the public hearing occurred. We are basing this assumption on statements from Planning on pages A-3 to A-4 of “Appeal Report” for the CPC (the “Appeal Report”). We do not have a copy of the March 2024 VTTM that Hackman transmitted to the City.

Second-Level Appeal Response No. 5-2

This introductory comment outlines the comments in the remainder of the letter. Refer to Second-Level Appeal Response Nos. 5-3 through 5-8 below for a discussion of VTTM procedural requirements; Second-Level Appeal Response No. 5-9 below for a discussion of the information included in the VTTM; and Second-Level Appeal Response No. 5-10 below for a discussion of the VTTM’s consistency with the General Plan. As demonstrated therein, the comments do not raise procedural or substantive concerns to justify the appeal or warrant reconsideration or recirculation of the tract map and EIR.

Second-Level Appeal Point No. 5-3

I. The Advisory Agency Failed to Follow the Procedural Requirements of the LAMC and Unlawfully Approved the March 2024 VTTM.

This is very straightforward. The March 2024 VTTM was not available to the public or the Subdivision Committee prior to the Advisory Agency’s approval, which is in direct conflict with the processes and procedures required by the LAMC and state law. As such, the approval of the March 2024 VTTM is void.

To start with, LAMC Section 17.03 B states that “[e]very Tentative Map shall be considered by the Advisory Agency at a public meeting.” This requirement was not met. The Advisory Agency approved a map that was stamp-dated two days after the hearing occurred. So the



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March 2024 VTTM was not considered by the Advisory Agency at a public meeting. Only the 2021 VTTM was considered by the Advisory Agency and available for public comment at and prior to the May 15, 2024 public hearing. Only the 2021 VTTM was contemplated in the Staff Report prior to the public hearing. The March 2024 VTTM was not mentioned in the Staff Report at all, despite Planning's statement that it received the March 2024 VTTM prior to the public hearing, prior to circulation of the 2021 VTTM to the Subdivision Committee and prior to release of the Staff Report.

Second-Level Appeal Response No. 5-3

This comment is similar to previous comments that were already addressed in the VTTM Appeal Responses. Refer to the VTTM Topical Response and Appeal Response Nos. 1-7 and 3-3 in the VTTM Appeal Responses as well as Response to CPC Comment Nos. 3-2 and 3-3 in the Response to Comments Submitted to CPC Memorandum. As stated therein, the Project's Original VTTM and Updated VTTM complied with all applicable regulations of the LAMC because they are substantially identical in that they both demonstrate compliance with the technical requirements of the LAMC.

As stated on page A-3 of the VTTM Appeal Report, following the publication of the Final EIR in November 2023, refinements were made to the Project in response to feedback from the community. On February 23, 2024, a Project Refinements Letter and associated Modified Project plans were submitted to City Planning and incorporated into the public record for the Project. These refinements reduced the size of the Project, including by decreasing the proposed floor area, height, and massing of the Project, among other refinements (referred to as the "Modified Project"). Materials reflecting these refinements were submitted to the Department of City Planning on March 27, 2024 (prior to the May 15, 2024, public hearing), including an updated draft VTTM dated March 25, 2024, with updated building footprints to reflect the Modified Project plans. Given that the Modified Project resulted in minor rearrangements of building footprints (i.e., minor, isolated instances of building footprints overlapping two internal lot lines), an updated VTTM with adjustments to the proposed interior lot lines was provided by the Applicant to reflect the changes. Specifically, the Original VTTM proposed a rectangular Ground Lot 1 totaling 184,078 square feet in land area, measuring approximately 152 feet from the northern lot line to the southern lot line and approximately 1,212 feet from the eastern lot line to the western lot line. The Updated VTTM adjusted the westernmost 285.1 feet of Ground Lot 1's southern lot line by

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41.5 feet to the south (an approximately 5.6% adjustment) and the easternmost 316.6 feet of Ground Lot 1's southern lot line by 41.2 feet to the south (an approximately 5.6% adjustment). The inner 610.3 feet of Ground Lot 1's southern lot line remained unchanged from the Original VTTM (a 0% adjustment). Overall, these slight adjustments result in an irregularly shaped Ground Lot 1 totaling 209,238 square feet of land area in the Updated VTTM.

The staff report for the Hearing (Staff Report) discussed the Modified Project and the refinements made, and incorporated all Project plans, including the Modified Project plans included in the Erratum, by reference. The architectural plans for the Modified Project include a number of sheets such as a site plan, floor plan, elevations, and renderings, all of which provide details regarding the proposed buildings' envelopes, size, floor area, heights, and identified locations of accessory improvements including vehicular driveways, landscaped areas, fences, and walls. The Modified Project and associated plans with building outlines were discussed in detail in the Staff Report.

During the Hearing, the Applicant confirmed on the record that they had submitted an updated VTTM (the Updated VTTM) to City Planning, which was limited to minor adjustments to interior lot lines to reflect the Modified Project plans. The minor adjustments to interior lot lines in the Updated VTTM were not material and thus did not require recirculation to the full Subdivision Committee. Additional revisions to the VTTM were discussed with Bureau of Engineering—Permit Case Management Division (a member of the Subdivision Committee) regarding withdrawal of the merger along Fairfax Avenue, and confirmation of the modified dedication and improvement along The Grove Drive. Components of these items were updated in a written transmittal from Bureau of Engineering on May 10, 2024, with the final Conditions of Approval removing the Fairfax Avenue request and identifying a modified dedication and improvement standard along The Grove Drive. Irrespective of whether City Planning stamped the Original VTTM or the Updated VTTM, the Conditions of Approval require that a future VTTM be submitted to City Planning to confirm all elements of the approval and the map are correctly incorporated. The Appellant fails to provide evidence to demonstrate how the Original VTTM and Updated VTTM are materially different in any regard that would otherwise require recirculation to the Subdivision Committee.



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The actions that were considered by the Deputy Advisory Agency at the May 15, 2024, hearing included, among other things, a proposed VTTM for the merger and re-subdivision of four parcels into three lots pursuant to LAMC Section 17.15. The subject matter of the hearing was consistent with the description in the Hearing Notice and staff report, and a minor non-material update to a tentative map does not affect the subject of the hearing. In fact, it is commonplace for modifications to be made to a proposed entitlement before, during and/or after a hearing, such as modifications to the waivers and dedications or conditions of approval, which occurred in this case. For example, during the hearing, Quyen Phan, the Subdivision Committee representative, requested that a condition be added requiring that all existing easements or drainage sanitary sewers be shown on the final map. Importantly, the Updated VTTM is not the final map, and the version of the map that was attached to the DAA LOD is not final, as any version of the map would need to be updated in the final map to comply with the approved conditions and other approved entitlements.

The Deputy Advisory Agency's determination dated May 28, 2024, which included the Updated VTTM, was not a final decision; rather, this decision is appealable to the City Planning Commission and also further appealable to the City Council, which would each consider the tract map de novo (considering the whole of the project with no deference given to the decision of the initial decision-maker). The public is provided 10 days to appeal under the LAMC; as stated in bold on the first page of the DAA LOD, the last day to file an appeal was June 7, 2024. Nine appeals were received, including from the Appellant, which were considered by the City Planning Commission on September 12, 2024. By the time of the September 12, 2024, hearing, the DAA LOD, which included the Updated VTTM, had been available for over 15 weeks. Further, as discussed in Appeal Response No. 1-1 of the VTTM Appeal Responses, each appellate body decision is de novo, with no deference given to the initial decision maker, and must be based on the record before the initial decision maker as well as any other evidence or testimony presented at or before the appellate body's hearing (LAMC Section 13A.2.8(E)(1)). Based on the whole of the record, the City Planning Commission unanimously voted to deny all of the appeals and sustain the decision of the Deputy Advisory Agency dated May 28, 2024; refer to the City Planning Commission Letter of Determination for Case No. VTT-83387-1A dated October 3, 2024 (i.e., the CPC LOD). As stated in the CPC LOD, the City Planning Commission's decision is further appealable to the City Council, and the last day to file an appeal was October 15, 2024. Six appeals were filed, including from the Appellant, which will be considered by the City Council de novo at a future public hearing.



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Second-Level Appeal Point No. 5-4

The Advisory Agency's comments at the hearing and Hackman's acknowledgement at the hearing that the 2021 VTTM would be revised, without the public having access to the March 2024 VTTM, is insufficient to meet the public hearing requirement under the LAMC. The City even admitted that the 2021 VTTM was the subject of discussion during the public hearing and the March 2024 VTTM was not reviewed until the "advisement period following the hearing."³ See Appeal Response No. 1-10 on page 10 of Exhibit D.1 to the Appeal Report.

³ The City does not specify who or what department(s) reviewed the March 2024 VTTM during the advisement period. Did the Subdivision Committee review the March 2024 VTTM prior to approval?

Second-Level Appeal Response No. 5-4

The Deputy Advisory Agency considered the proposed 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 at the May 15, 2024, public hearing in accordance with all applicable regulations, including the LAMC and Subdivision Map Act. As stated in Appeal Response No. 1-10 of the VTTM Appeal Responses, the plans for the Modified Project were provided to the Department of City Planning on March 27, 2024, which included an updated VTTM (Updated VTTM). These plans were available to the public prior to the May 15, 2024, public hearing and referenced by this Appellant in its May 14, 2024, comment letter. Refer to the VTTM Topical Response for details regarding compliance with the processes and procedures applicable to VTTMs set forth in the LAMC and regarding consistencies between the Original VTTM and Updated VTTM. As shown therein, there is no material difference between the Original VTTM and Updated VTTM other than minor interior lot line adjustments to reflect the Modified Project plans, which were explained by the City and the Applicant at the May 15, 2024, public hearing.

Given there was no material difference, the Department of City Planning determined that additional circulation to the members of the Subdivision Committee was not required. Further, there is no provision in the LAMC that requires additional circulation as it is common for minor changes to be made to a map subsequent to its initial submittal and prior to final approval. The LAMC expressly acknowledges and allows for these types of revisions to the map and/or its conditions up until the closure of the public comment period. In this case, the

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public process was extended for a week (to the close of business on May 22, 2024) by the Deputy Advisory Agency to allow for additional time for the submittal of documentation by the Applicant, City departments and/or interested parties. During this time, no comments were received from the public regarding the Updated VTTM that was discussed during the hearing. Four examples of the City's standard process include the following:

- (1) Prior to the Deputy Advisory Agency Hearing, the Applicant met with the Bureau of Engineering, Department of City Planning, and LADOT on April 25, May 2, May 3, May 10, May 14, May 17, May 20, and May 22, 2024, with regard to the Updated VTTM and clarification of various suggested conditions of approval. The Applicant transmitted written correspondence to the Bureau of Engineering on May 6, 2024, clarifying the Applicant's request (specifically the withdrawal of the requested merger along Fairfax Avenue). The result of this correspondence was a revised report submitted to Department of City Planning by the Bureau of Engineering on May 10, 2024, which is referenced on page 6 of the [City's staff report for the Deputy Advisory Agency Hearing].
- (2) During the May 15, 2024, hearing, Jonathan Lonner on behalf of the Applicant stated that the Updated VTTM "was submitted to City Planning showing the updated outlines of the Modified Project. However, as those do not impact the geometries or external lot lines of the vesting tentative tract map, it did not require updating or recirculation" and further explained that "as referenced in the Staff Report, specifically Condition 7 of the Bureau of Engineering specific conditions, a revised tract map must be submitted to the Planning Department and Public Works prior to the submittal of the final map for re-review."⁴⁰ Subsequently at the public hearing, the Deputy Advisory Agency asked members of the Subdivision Committee and the Hearing Officer if they had any outstanding comments or questions on the tract map. In response, Subdivision Committee representative Quyen Phan stated that with the additional condition requested (see no. (3) below),

⁴⁰ Jonathan Lonner is a Principal of Burns & Bouchard, an expert on entitlement and tract map applications since 1999. Refer to the Burns & Bouchard, Inc. expert memorandum included in Appendix FEIR-22 (Expert Memos) of the Final EIR for additional details regarding Jonathan Lonner's qualifications.

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that concludes their comment on the tract map, and the Hearing Officer stated that City Planning had no further questions or clarifications on the tract map.

- (3) During the Deputy Advisory Agency Hearing, after on-going discussion with the Applicant, Bureau of Engineering Subdivision Committee representative Quyen Phan asked that an additional condition (not included in the City Staff Report for Case No. VTT-83387-1A) be added to the ultimate Letter of Determination for the tract map. The result of this was the agreement by the Applicant that they had no objections to the condition being added to the VTTM Letter of Determination.
- (4) Subsequent to the Deputy Advisory Agency Hearing, but within the advisement period, the Applicant met with Department of City Planning on May 17, 2024, to discuss the Updated VTTM and elements of the dedication and improvement conditions along The Grove Drive. This meeting again allowed for clarification of the Applicant's request so that the Deputy Advisory Agency could coordinate with LADOT and Bureau of Engineering on appropriate conditions of approval. The result of this meeting was denial of the Applicant's requested dedication via easement, and confirmation of the Applicant's original requested modified sidewalk improvement width.

As the City has clarified, the Updated VTTM was the basis for discussion with members of the Subdivision Committee prior to the hearing, during the hearing and during the advisement period identified by the Deputy Advisory Agency following the hearing. As discussed above, neither the Subdivision Committee nor City Planning had questions or comments in response to the discussion of the Updated VTTM during the hearing. The Updated VTTM is included within the CPC LOD and is consistent with the Modified Project and the Erratum. Additionally, as stated previously, the Conditions of Approval require a future VTTM be submitted to City Planning to confirm all elements of the final approvals and the map are incorporated. Also refer to Response to CPC Comment Nos. 3-3 and 9-3 of the Response to Comments Submitted to CPC Memorandum.

Second-Level Appeal Point No. 5-5

Next, LAMC Section 17.03 B requires that the Advisory Agency "shall not act on a tentative map until 39 days has elapsed from the filing of the map, unless reports have been received



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from each member of the Subdivision Committee.”⁴ This requirement was not met. The March 2024 VTTM was never sent to the Subdivision Committee. Only the 2021 VTTM was circulated to the Subdivision Committee, even though Planning had an opportunity to circulate the March 2024 VTTM. As Planning acknowledged, Hackman provided the City with the March 2024 VTTM, dated March 25, 2024, on March 27, 2024, one day prior to Planning circulating the 2021 VTTM to the Subdivision Committee on March 28, 2024. Planning failed to circulate the March 2024 VTTM to the Subdivision Committee for their consideration.

Relatedly, LAMC Section 17.04 also requires the Subdivision Committee to “meet with the Advisory Agency and to make recommendations upon all Tentative Maps ... and such other matters as are presented to the Advisory Agency.” This requirement also was not satisfied. The March 2024 VTTM was not sent to the Subdivision Committee prior to the public hearing, even though the City apparently had a copy of this map, which reflected the updated project scope.

⁴ See also LAMC § 17.06 A.1.

Second-Level Appeal Response No. 5-5

Contrary to the Appellant’s claims, all requirements regarding circulation of the VTTM to the Subdivision Committee occurred. Refer to the VTTM Topical Response in the VTTM Appeal Report regarding how the VTTM satisfied all circulation requirements and timelines required by the LAMC and the Subdivision Map Act.

Refer to Second-Level Appeal Response Nos. 5-4 and 5-6 regarding compliance with LAMC requirements pertaining to VTTM circulation and review by the Subdivision Committee.

Second-Level Appeal Point No. 5-6

Planning also acknowledged that the March 2024 VTTM was never circulated to the Subdivision Committee (see Appeal Report on pages A-8 to A-9). Planning argues that the March 2024 VTTM did not require recirculation to the Subdivision Committee because (1) the



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differences between the March 2024 VTTM and 2021 VTTM are not material in nature regarding the “technical requirements of LAMC Sections 17.06 B and C” and (2) these minor changes do not rise to the level of a “Revised Tentative Map” under LAMC Section 17.02.

These statements, however, are not supported by the evidence. First, the March 2024 VTTM included entirely new building envelopes, approximate locations of buildings and driveway locations. As discussed in more detail below, these relate to informational requirements in the LAMC Section 17.15 B(1)(b) for vesting tentative tract maps. The City ignores the substantive differences between the two maps with respect to LAMC Section 17.15 B(1)(b) by focusing solely on LAMC Section 17.06. Second, the March 2024 VTTM, included as part of the VTTM Determination, is stamped as a “Revised Tentative Map,” which implies that it was in fact a revised map. How can the City now state that it does **not** constitute a revised tentative map?

Second-Level Appeal Response No. 5-6

As the City has already explained in the VTTM Topical Response, since the Original VTTM and Updated VTTM contain no material change with respect to code requirements, and the associated merger and re-subdivision remained consistent across both maps, the Updated VTTM does not constitute a “Revised Tentative Map,” which is defined by Section 17.02 of the LAMC as “[a] map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved or a modification of the boundary of the property.” The Updated VTTM does not meet this definition as no tentative map was previously approved and there was no modification of the boundary of the property. There is no provision in the LAMC that requires additional circulation as it is common for minor changes to be made to a map subsequent to its initial submittal and prior to final approval. Even in the case of modifications to an approved tentative map, no public circulation or additional public hearing is required. As stated in the Los Angeles Bureau of Engineering’s technical guidance on tentative subdivisions, after an initial action on a tentative map, any of the conditions may be modified if approved by the Advisory Agency, and the reasons for the modification can vary from hardship to a change in circumstance. Therefore, recirculation of the Updated VTTM to the Subdivision Committee was not required because it was determined that no changes to Subdivision Committee reports or recommendations would occur as a result of minor refinements to the VTTM.



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Further, all reports from the Subdivision Committee were publicly available prior to the Deputy Advisory Agency hearing.

Refer to the VTTM Topical Response in the VTTM Appeal Report, as well as Response to CPC Comment No. 3-4 of the Response to Comments Submitted to CPC Memorandum regarding how the VTTM included all of the information required by the LAMC. The Appellant continues to rely on a faulty interpretation of Section 17.15 B.1 (b) of the LAMC that was addressed on page A-10 of the VTTM Appeal Report, specifically regarding which details must be displayed on a map. Moreover, a clerical tool such as a stamp does not imply the City has made a formal code interpretation. The Appellant should also refer to the VTTM Topical Response for a full analysis regarding the Project's compliance with all applicable regulations of the LAMC.

Second-Level Appeal Point No. 5-7

We emailed Planning on May 8, 2024, prior to the public hearing on May 15, 2024, to confirm if the 2021 VTTM would be considered by the Advisory Agency, or if the 2021 VTTM had been, or was going to be, revised for consistency with the Project, as modified in April 2024. Planning provided an email response on May 9, 2024 that the hearing would be held on the 2021 VTTM "as it is the map that was circulated to the various departments."

Why did the City not provide the public (and the Subdivision Committee) with the VTTM it intended to approve prior to the public hearing, especially if the City received a copy of the updated map from Hackman on March 27, 2024? This email exchange with Planning directly contradicts Appeal Response No. 3-3 on page 52 of Exhibit D.1 to the Appeal Report, prepared by Eystone Environmental, which states that the revised VTTM "was made part of the public record and considered by the Deputy Advisory Agency at the May 15, 2024, public hearing." This is false. The City cannot now state that the March 2024 VTTM was incorporated into the public record for consideration by the Advisory Agency at the public hearing. Appeal Response No. 3-3 also contradicts the statement in Appeal Response No. 1-10 that the 2021 VTTM was the "basis for discussion with members of the Subdivision Committee during the hearing" and that the March 2024 VTTM was "reviewed during the advisement period following the hearing." If the City cannot coherently articulate which



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version of the VTTM was considered at the May 15, 2024 public hearing, then how could the public have any idea?

Second-Level Appeal Response No. 5-7

Refer to Second-Level Appeal Response Nos. 5-4 and 5-6 above regarding the Subdivision Committee's review and circulation of the Original VTTM and the Updated VTTM. The Appellant appears to be conflating the designee of the Director of Planning acting in his or her capacity of the Advisory Agency pursuant to Section 553 of the City Charter with the Subdivision Committee established pursuant to Section 17.04 of the LAMC (now known as Section 13B.7.1 C.1 of Chapter 1A of the LAMC). These are two separate entities. There is no contradiction or error in simultaneously identifying that the Subdivision Committee reviewed and prepared reports for the Deputy Advisory Agency in response to the circulation of the Original VTTM and that the designee of the Director of Planning in his or her capacity of the Advisory Agency would consider approval of the Updated VTTM at the public hearing. Refer to Second-Level Appeal Response No. 5-6 above for analysis regarding the Updated VTTM, which does not constitute a Revised Tentative Map and did not need to be recirculated to the Subdivision Committee prior to the action of the Deputy Advisory Agency.

Further, after the Deputy Advisory Agency's approval of the VTTM was appealed to the City Planning Commission, the City Planning Commission then denied the appeals and approved the very same Updated VTTM approved by the Deputy Advisory Agency. During the appeal and public noticing process leading up to the City Planning Commission hearing, there has been no ambiguity over which map the City Planning Commission would consider.

Second-Level Appeal Point No. 5-8

These errors not only violate the City's own processes and procedures, but also the procedural requirements of the Map Act. Both the subdivider and neighboring owners must be given notice and an opportunity to be heard on a tentative map application as a matter of statutory right under California Government Code section 66451.3. In addition, as a matter of procedural due process, the neighboring owners, including Broadcast Center, must have an opportunity to see the map the City intends to approve prior to its approval. Here, the public did not lay eyes on the March 2024 VTTM until May 28, 2024, when the VTTM



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Determination was issued. And, as stated previously, the March 2024 VTTM approved in that VTTM Determination was date-stamped two days after the public hearing occurred.

For these reasons alone, the Advisory Agency's approval of the March 2024 VTTM was unlawful. Additional reasons follow.

Second-Level Appeal Response No. 5-8

Refer to Response to CPC Comment No. 3-3 in the Response to Comments Submitted to CPC Memorandum and Second-Level Appeal Response Nos. 5-3 through 5-7 above. As discussed therein, the Deputy Advisory Agency met all required public noticing and review requirements set forth by the LAMC and Subdivision Map Act. This includes the notice requirements under Government Code Section 66451.3.

Additionally, it should be noted that technical clarifications or refinements do not automatically trigger new or lengthened public review processes. This can occur in many forms, including the VTTM refinements occurring to reflect the Modified Project analyzed in the Erratum. Other examples include instances when Letters of Determination issued by the Deputy Advisory Agency include Conditions of Approval requiring technical revisions for tentative maps that must be submitted to a respective agency for review prior to clearance of said condition in the Bureau of Engineering's Map Status Tracking System. These changes to a tentative map are a prerequisite to approval and recording of a Final Map but would not trigger new public review processes. Following the finalization of the tentative map, the public again has an opportunity to review the Final Map at a public hearing held by the City Council prior to approval and recording of the Final Map. Refer to Second-Level Appeal Response No. 5-6 above for additional information regarding compliance with all applicable circulation requirements to the Subdivision Committee and clerical stamping of VTTM versions.

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Second-Level Appeal Point No. 5-9

II. The March 2024 VTTM Does Not Include All of the Information Required By the LAMC for a Vesting Tentative Tract Map.

The March 2024 VTTM does not contain all of the information required by the LAMC for a vesting tentative tract map. In particular, LAMC Section 17.15 B(1) contains additional requirements for vesting tentative tract map that do not apply to non-vesting tentative tract maps, including that “[t]he plan of building envelope shall be submitted, showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls.” The March 2024 VTTM approved for the Project does not include this information.

In response, Planning claims on page A-10 of the Appeal Report that these requirements are not required to be shown on the map itself and could be provided as part of the entitlement plans submitted for the planning application. Planning further states that the architectural plans submitted by Hackman are sufficient to meet this requirement.

This is unpersuasive for several reasons. First of all, it is unclear what plans Planning refers to. The entitlement plans that Hackman submitted with the 2021 VTTM were submitted in June 2021 (“Application Plans”). Are these the “architectural plans” that Planning relies on? Or is Planning referring to the “Modified Initial Development Plans” attached as Appendix A to the Erratum?

Second, LAMC Section 17.15 B(1)(b) does not state that its informational requirements can be met by entitlement plans submitted concurrently with a project application. The City’s own form (CP-6110 [7.25.2024]), which lists the “Technical Map Requirements” for vesting tentative tract maps, requires applicants to include the building envelope information on the map itself. To quote the form: “In addition to the information requested for the Tentative Map, a Vesting Tentative Map requires the following information: ... Building envelope showing height, size, number of units, location of buildings, driveways, and exterior garden walls.”

Third, as stated in our September 3 Letter, both the Application Plans and the Modified Initial Developments Plans are entirely “conceptual” and “illustrative” in nature. These architectural

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plans are not fixed and just “illustrate one possible development scenario.” As an example, based on the elevations on Sheet A2 of the Modified Initial Development Plans (Site Elevation—East [The Grove Drive]), the height of each illustrative soundstage is approximately **70 feet** and the height of the illustrative office building is approximately **104 feet**. But these illustrative buildings are located in Height Subarea B, which has a base height limit of 88 feet, but allows a maximum height of **145 feet** in 40% of Subarea B. This cannot possibly meet the requirements of LAMC Section 17.15 B(1)(b), which requires the vesting tentative tract map to show the **actual** building heights. Hackman cannot provide illustrative improvements to comply with LAMC Section 17.15 B(1)(b). Rather, it must provide a VTTM that includes specific, fixed improvements. Hackman’s failure to include any improvements on the March 2024 VTTM, and the absence of an accurate, stable and finite Project, violates LAMC Section 17.15 B(1)(b) and leaves the public, including Broadcast Center, without any idea of the project to which the March 2024 VTTM relates.

Furthermore, the depiction of the Project in the March 2024 VTTM is inconsistent with the Project described in the FEIR, the Erratum and the proposed Specific Plan. Notably absent from the March 2024 VTTM are the multiple new driveways conceptually proposed on Fairfax Avenue, Beverly Boulevard and The Grove Drive and conceptually depicted in the “Conceptual Site Plan” in Figure 1 of the Erratum. The March 2024 VTTM only shows one driveway off of Beverly Boulevard. The March 2024 VTTM also does not show the private streets proposed on the Project Site, including the two new onsite project streets that would border the southern and western boundaries of the BC Site. This critical information is required by LAMC Section 17.06 B.14. How could the Subdivision Committee and Advisory Agency properly consider the Project’s impacts on Broadcast Center and the surrounding areas and assess consistency with the Mobility Element without this information in the VTTM? In fact, it could not.

Second-Level Appeal Response No. 5-9

Refer to the VTTM Topical Response and Appeal Response Nos. 1-8 and 3-3 in the VTTM Appeal Responses regarding the information required to be included in the VTTM. Notwithstanding, as stated on page A-10 of the VTTM Appeal Report, “[t]he Project provided architectural plans in conjunction with its entitlement application that contained all the information related to the height, size, density, and locations of buildings, driveways, and fences and walls, in addition to iterations reflecting updates to the Project’s design, including



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but not limited to the Modified Project.” In other words, both the entitlement application plans and all subsequent updated plans included this information, including specific fixed building height measurements and proposed driveways. Refer to Response to CPC Comment No. 5-14 of the Response to Comments Submitted to CPC Memorandum for detailed information regarding the sequence of plans submitted to the City and incorporated into the record and the information contained therein. It is unclear where the Appellant’s confusion arises regarding the sequence of Project plans that have been utilized in conjunction with the VTTM application. On May 13, 2021, the Applicant filed the VTTM with the City Planning Department, which was deemed complete by the City on June 3, 2021.

The Appellant also ignores page A-2 of the VTTM Appeal Report, which identifies the function and purpose of the subdivision process. In part, the City’s response states that “the Project is not granted rights to develop a specific buildings or structures through the approval of the VTTM. Rather, the Project must seek approval of all applicable and associated entitlements and permits, primarily through the Department of City Planning and the LADBS, to secure the rights to develop the Project Site and the subdivision on which it is situated.” Thorough and complete analysis of the buildings and structures that may be built out on the Project Site as authorized not by the VTTM but instead by the various land use ordinances (Specific Plan, Sign District, Zone Change, etc.) was provided in the EIR and Erratum certified by the Deputy Advisory Agency in conjunction with their approval of the VTTM.

The Appellant cites text within forms issued by the Department of City Planning that are not applicable to the Project. The Project was filed and deemed complete on June 3, 2021, prior to the effective date of the Processes and Procedures Ordinance (PPO). Form No. CP-6110 was updated in response to implementation of the PPO, and a subsequent revised version was published to the City Planning Department’s website on July 25, 2024. The Appellant refers to that version of Form No. CP-6110. However, the Project submitted a City Planning Application on May 13, 2021, which was deemed complete by the Department of City Planning on June 3, 2021, both milestones occurring prior to the effective date of the PPO on January 22, 2024. The Project is fully compliant with all applicable forms and policies, including the prior iteration of Form No. CP-6110 that is applicable to the Project, which states “Vesting requires the following information: (a) building envelope showing height, size, number of units, location of buildings, driveways, and exterior garden walls.” The City has consistently interpreted this applicable version of CP-6110 to not require

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that this information be displayed on the VTTM itself, rather only that the information needs to be provided such as in the architectural plans submitted with the Project application. Further, it should be noted that forms are generally intended to assist with staff implementation of the LAMC and are not intended to provide superseding interpretations of the text of the LAMC.

Finally, VTTM compliance with all applicable requirements of the LAMC was discussed in detail on pages A-6 through A-8 of the VTTM Appeal Report. Refer to Response to CPC Comment Nos. 5-7, 5-9, 5-14, and 5-18 in the Response to Comments Submitted to CPC Memorandum regarding the Project plans and accurate, finite, and stable Project Description. Refer to Appeal Response No. 4-22 in the VTTM Appeal Report regarding building height adjacent to Broadcast Center Apartments.

The comment that the Updated VTTM is inconsistent with the Final EIR, Erratum, and Draft Specific Plan is incorrect. Refer to Appeal Response Nos. 1-10 and 1-11 of the VTTM Appeal Report.

The comment that the Project contains private streets is incorrect. Refer to Response to Comment No. 35-5 of the Final EIR.

The environmental impacts of the Project, including potential impacts to Broadcast Center Apartments, were fully analyzed in the EIR and Erratum in accordance with CEQA. The EIR and Erratum were incorporated into and formed the basis of the Deputy Advisory Agency's approval in the DAA LOD.

Refer to Response to CPC Comment No. 3-9 of the Response to Comments Submitted to CPC Memorandum regarding the Project's consistency with the Mobility Plan.

Second-Level Appeal Point No. 5-10

III. The March 2024 VTTM Violates Requirements in the Map Act.

As stated in our appeal justification letter, the Advisory Agency's findings that the March 2024 VTTM is consistent with the City's General Plan are unsupported, inaccurate and unlawful.

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Section 66474 of the California Government Code (a provision of the Map Act) requires the City to deny a vesting tentative tract map request if “the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.” LAMC Section 17.05 C includes a consistent requirement that “[e]ach Tentative Map shall substantially conform to all other elements of the General Plan.”

The City’s response that the appellant “does not provide any evidence of inconsistency and in fact does not identify any specific objective or policy with which the subdivision would conflict” is not a good-faith, reasoned response. There is no question that the current land use designations for the Project Site in the Wilshire Community Plan do not permit the Project as proposed, which is why multiple general plan amendments are required for the Project. Specifically, the Project requires general plan amendments to: (1) change the land use designations of the Project Site from Community Commercial, Limited Commercial, and Neighborhood Commercial to Community Commercial, (2) 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, and (3) add a footnote establishing the “TVC Zone” as a corresponding zone to the Community Commercial land use designation.

The conditions of approval highlighted by the City in Appeal Response No. 1-11 on page 11 of Exhibit D.1 to the Appeal Report do not cure this violation. The City claims that Condition of Approval Nos. 50, 10.N and 10.J are evidence that the City “approved the VTTM contingent upon approval of the General Plan Amendment ...” This is not accurate. In fact, none of these conditions relate to the General Plan at all. There is simply no evidence whatsoever to support the City’s finding that the March 2024 VTTM, as approved, is consistent with the City’s General Plan. This violates both the Map Act and LAMC requirements.

In addition, the March 2024 VTTM omits a note that the subdivision is inconsistent with the existing zoning. This violates California Government Code section 66498.3(a) (a provision of the Map Act), which mandates that “[w]henver the subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map.”

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Second-Level Appeal Response No. 5-10

In response to public comments, including from the Appellant, the proposed land use designation under the General Plan Amendment was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the Project Site. The potential impacts related to land use and planning under the Modified Project are evaluated on pages 54 through 59 of the Erratum, which concluded that, like the Original Project, the potential impacts would be less than significant, and the Modified Project would not result in a new significant impact or substantially increase the severity of a previously identified impact presented in the EIR. As discussed in the responses to comments in the Final EIR, the Project Site's general plan land use designation does not provide specific development standards such as permitted uses or floor area; rather, the Project Site is subject to the development standards set forth by its zone and height district designations.

As stated in the VTTM Appeal Responses, the Appellant has provided no specific General Plan objective or policy that the Project is in conflict with. The Appellant should also note that requesting a General Plan Amendment to change land use designations applicable to the Project Site in tandem with a VTTM does not by virtue cause that VTTM to be in conflict with the General Plan. Such interpretation ignores decades of City precedent related to General Plan Amendments for revisions to land use designations granted in conjunction with VTTM approvals. Both the Deputy Advisory Agency and the City Planning Commission made findings in the affirmative that the VTTM is consistent with the General Plan and enumerated various goals, objectives, and policies contained within the Plan that the VTTM furthers. See pages 110 through 112 of the DAA LOD and pages F-90 through F-92 of the CPC LOD.

Condition of Approval No. 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"), Condition of Approval No. 10.N ("Provide a copy of CPC cases CPC-2021-4090-DA, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN ... Show compliance with all the conditions/ requirements of the CPC cases as applicable), and Condition of Approval No. 10.J ("Obtain Zone Change to change the zone to the proposed TVC Zone and show compliance with zoning conditions



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prior to obtaining Zoning clearance”) of the VTTM collectively provide compliance with the Subdivision Map Act. Final City Council action to approve the requested General Plan Amendment must be provided to clear the conditions of the VTTM, a prerequisite to recording the Final Map. If City Council approval of the General Plan Amendment does not occur, the Applicant would have to seek a Map Modification to revise or remove some or all of the Conditions of Approval should the Applicant continue to seek recordation of a new Final Map applicable to the Project Site.

The Project involves a Zone Change from various zone classifications to a unified TVC Zone, and assigns the TVC Zone to an unincorporated area to be annexed by the City of Los Angeles. Accordingly, the approved VTTM identifies both the existing zone classifications and the proposed TVC Zone in conformance with the requirements of both the LAMC and the Subdivision Map Act.

Second-Level Appeal Point No. 5-11

For all of these many reasons, we respectfully request on behalf of our client that the CPC grant all of the Appeals and take the actions specified in the introduction of this letter. We also request that the CPC direct Planning to revise and recirculate the Draft Environmental Impact Report for the Project to address the numerous and unresolved deficiencies identified in the hundreds of comment letters submitted by our clients and other members of the public.

Second-Level Appeal Response No. 5-11

Refer to Second-Level Appeal Response Nos. 5-1 through 5-10 above. As demonstrated therein, none of the comments that have been received justify granting of the appeals or constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5.



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Second-Level Appeal Comment Letter No. 6 (Neighbors for Responsible TVC Development, October 15, 2024)

Danielle Peters
Neighbors for Responsible TVC Development
6531 Fifth St.
Los Angeles, CA 90048-4711

Second-Level Appeal Point No. 6-1

On behalf of Neighbors for Responsible TVC Development (NFRTD), we hereby submit this summary of the reasons for our appeal of the City Planning Commission's approval of the TVC 2050 Specific Plan, specifically Vesting Tentative Tract No. 83387 (CPC-2021-4089-AD-GPA-ZC-HD-SP-SN), the Advisory Agency's issuance of which was upheld by the City Planning Commission on September 12, 2024.

Although not appealable pursuant to the Letters of Determination, NFRTD continues to contest the City Planning Commission's approval of the Development Agreement (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. The Letters of Determination state that these Project approvals are final and no longer appealable.

We further appeal the City's certification of the environmental impact report and its adoption of a statement of overriding considerations, mitigation and monitoring program and findings under the California Environmental Quality Act ("CEQA"), as the City's approval of the Development Agreement, annexation, General Plan Amendment, inclusion of the 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 are final and no longer appealable. (See, ENV-2021-4091-EIR.)

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A. About Neighbors for Responsible TVC Development

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 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. While the Project Applicant and City announced new alleged community benefit payments at the City Planning Commission hearing, it remains unclear whether these payments will actually benefit the community as the City and Applicant claim.

B. NRTVC’s [sic] Continued Concerns Regarding Project

The TVC 2050 Project would enact the TVC 2050 Specific Plan aimed at 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 entitlements, including:

- Annexation of a portion of the Project Site located within unincorporated Los Angeles County;
- General Plan Amendment to change the 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;



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- Approval of the TVC 2050 Specific Plan; and
- Establishment of the "SN" Sign District.

Second-Level Appeal Response No. 6-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the Appellant are addressed in Second-Level Appeal Response Nos. 6-2 through 6-16 below.

Second-Level Appeal Point No. 6-2

Neighbors for Responsible TVC Development appreciates the goal of modernizing Television City's production facilities but asserts that the ***City's administrative 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.

Second-Level Appeal Response No. 6-2

With the exception of the Appellant name, this comment is identical to Second-Level Appeal Point No. 1-2. Refer to Second-Level Appeal Response No. 1-2, above.

Second-Level Appeal Point No. 6-3

Further changes have been made to the Project since the release of the final EIR.

Second-Level Appeal Response No. 6-3

This comment is identical to Second-Level Appeal Point No. 1-3. Refer to Second-Level Appeal Response No. 1-3, above.

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Second-Level Appeal Point No. 6-4

Neighbors for Responsible TVC Development detailed its objections to the Project and to the City's CEQA process in its appeal dated June 5, 2024 (**Attachment 1**), as well as our prior letters to the Planning Department dated February 14, 2023 (**Attachment 2**), July 5, 2023 (**Attachment 3**), and August 10, 2023 (**Attachment 4**), as well as our letter to the City Attorney dated March 6, 2023 (**Attachment 5**). In this appeal, NFRTD also relies upon and incorporates by reference the previous appeals and detailed comment letters submitted by Beverly Wilshire Homes Association, The Grove LLC, Save Beverly Fairfax, Mayer Beverly Park LP, A.F. Gilmore, Miracle Mile Residents Association, Fix the City, and Park La Brea Impacted Residents Group.

Second-Level Appeal Response No. 6-4

The City has provided responses to each of the letters submitted by the Appellant. Refer to the responses to Appellant No. 7 of the VTTM Appeal Responses included as Exhibit D.1 of the VTTM Appeal Report which addressed the June 5, 2024, letter. The remaining letters cited by the Appellant dated February 14, 2024; August 10, 2023; July 25, 2023; and March 6, 2023, are addressed in Exhibit D.2 of the VTTM Appeal Report. Please note that the comment appears to state incorrectly the dates of two letters (Attachments 2 and 3). The dates cited in this response are the correct dates of the two letters.

With respect to the letters submitted by other appellants, refer to the VTTM Appeal Responses.

Second-Level Appeal Point No. 6-5

C. 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

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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.

Second-Level Appeal Response No. 6-5

This comment is substantively similar to Second-Level Appeal Point No. 1-5. Refer to Second-Level Appeal Response No. 1-5, above.

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Second-Level Appeal Point No. 6-6

D. 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

Second-Level Appeal Response No. 6-6

With the exception of the final bullet point, this comment is identical to Second-Level Appeal Point No. 1-6. Refer to Second-Level Appeal Response No. 1-6, above.

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With respect to the last bullet point, this comment repeats issues which were addressed in the Final EIR and the VTTM Appeal Responses. The Project's impacts related to public services were fully evaluated in the EIR and Erratum, and were determined to be less than significant. Refer to Section IV.J of the Draft EIR and Section 2.2.10 of the Erratum. Also refer to Section D, Emergency Access, of Topical Response No. 12, Safety and Congestion, of the Final EIR for a discussion of emergency access and vehicle response times. As discussed therein, both the Los Angeles Fire Department and Los Angeles Police Department have reviewed the Project as part of the CEQA process and concluded that there would be adequate public services to serve the Project; refer to Appendix K and Appendix L of the Draft EIR. Thus, the Appellant's assertion that the EIR conceded that the Fire Department would be unable to service the Project is incorrect.

Second-Level Appeal Point No. 6-7

E. 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.

Second-Level Appeal Response No. 6-7

This comment is identical to Second-Level Appeal Point No. 1-8. Refer to Second-Level Appeal Response No. 1-8, above.

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Second-Level Appeal Point No. 6-8

F. PDFs 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).

Second-Level Appeal Response No. 6-8

This comment is substantively similar to Second-Level Appeal Point No. 1-9. Refer to Second-Level Appeal Response No. 1-9, above.

The Deputy Advisory Agency's findings and approval complied with CEQA Guidelines Section 15091(d), which states:

When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

As discussed in Second-Level Appeal Response No. 1-9, above, all of the mitigation measures and PDFs are included in the MMP, and the MMP provides details of the enforcement and monitoring agencies, timing, and action indicating compliance. The MMP is fully enforceable; refer to the Department of City Planning's environmental conditions of approval (Condition of Approval Nos. 53 to 55 in the DAA and CPC LODs).



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Second-Level Appeal Point No. 6-9

G. 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.

Second-Level Appeal Response No. 6-9

With the exception of the Appellant name, this comment is identical to Second-Level Appeal Point No. 1-10. Refer to Second-Level Appeal Response No. 1-10, above.

Second-Level Appeal Point No. 6-10

H. 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.

Second-Level Appeal Response No. 6-10

This comment is identical to Second-Level Appeal Point No. 1-11. Refer to Second-Level Appeal Response No. 1-11, above.

Second-Level Appeal Point No. 6-11

I. 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]

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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.

Second-Level Appeal Response No. 6-11

This comment is identical to Second-Level Appeal Point No. 1-12. Refer to Second-Level Appeal Response No. 1-12, above.

Second-Level Appeal Point No. 6-12

J. 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.

Second-Level Appeal Response No. 6-12

With the exception of the Appellant name, this comment is identical to Second-Level Appeal Point No. 1-13. Refer to Second-Level Appeal Response No. 1-13, above.

Second-Level Appeal Point No. 6-13

K. 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

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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.

Second-Level Appeal Response No. 6-13

With the exception of the Appellant name, this comment is identical to Second-Level Appeal Point No. 1-14. Refer to Second-Level Appeal Response No. 1-14, above

Second-Level Appeal Point No. 6-14

L. 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.



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Second-Level Appeal Response No. 6-14

Refer to Second-Level Appeal Response No. 1-2 above regarding the availability of the draft Specific Plan and Sign District ordinances. The draft Specific Plan and Sign District ordinances for the Modified Project were made publicly available on April 5, 2024, over five months prior to the September 12, 2024, City Planning Commission hearing on those entitlements, which substantially exceeds City and State requirements. The City distributed a courtesy notice of availability of these ordinances on April 5, 2024, which was sent to the Appellant. In accordance with City policy, the City published a Notice of Public Hearing on August 19, 2024, for the City Planning Commission hearing to be held on September 12, 2024, which described the Project and the requested actions, including, among others, a Specific Plan and Sign District. The hearing notice was sent to all owners and occupants within a 500-foot radius of the Project Site, as well as all interested parties, including the Appellant, the 607 other individuals and organizations that submitted comment letters on the Draft EIR, and the 72 individuals and entities who submitted comment letters during the NOP/Initial Study public comment period. The Appellant was afforded numerous opportunities to be heard before the Deputy Advisory Agency and City Planning Commission, and the Appellant participated in the proceedings by presenting both oral and written testimony. At no time during the proceedings was the Appellant denied the opportunity to address the City.

As discussed in Final EIR and the City's Appeal Responses, the physical environmental impacts associated with the proposed Specific Plan and Sign District ordinances were fully disclosed and analyzed in the EIR and Erratum. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment Nos. 5-3, 5-10 and 26-129 of the Final EIR and Appeal Response Nos. 4-10 and 4-29 of the VTTM Appeal Responses. Further, the Project has only been reduced and limited from the start of the City process including, among others, breadth, intensity, permitted uses, operational restrictions and implementation procedures. Each draft of the Specific Plan and Sign District ordinances is consistent with the Project Description in the Draft EIR other than the even more limited and restricted regulations that have been incorporated. The Appellant has provided no evidence of inconsistency between (1) the description and analyses of the draft Specific Plan and Sign District ordinances in the Draft EIR, Final EIR and Erratum and (2) any versions of the draft Specific Plan and Sign District ordinances released by the City.

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The comments related to the Appellant's Public Records Act request are duplicative of comments made in their earlier appeal to the City Planning Commission. Refer to Appeal Response No. 7-13 in the VTTM Appeal Responses.

Contrary to the Appellant's assertions, the City has complied with all applicable notice requirements, as well as the Brown Act (Government Code Sections 54950 et seq.). The Brown Act pertains to local government meetings and the timing of agendas and notices for those meetings. The Brown Act requires a legislative body to post an agenda at least 72 hours (three days) before that contains "a brief general description of each item of business to be transacted or discussed at the meeting," and further specifies that "[a] brief general description of an item generally need not exceed 20 words" (Government Code Section 54954.2(a)(1)). The City posted the agenda for the September 12, 2024, City Planning Commission hearing on or around September 4, 2024, which was eight days prior to the hearing and exceeded the Brown Act's three-day minimum requirement. The agenda included a description of the items (Item Nos. 9, 10, and 11) on pages 8 through 11, which linked to three staff reports with more detailed information that totaled over 1,500 pages and included drafts of the Specific Plan and Sign District ordinances. Thus, the City's notice discussed above as well as the agenda complied with and exceeded the Brown Act requirements, and this comment provides no evidence to the contrary.

Second-Level Appeal Point No. 6-15

M. 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. (Attachments 7, 8, and 9.)

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



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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.

Second-Level Appeal Response No. 6-15

This comment is repetitive of the Appellant's prior comments and substantively similar to Second-Level Appeal Point No. 2-19. Refer to Second-Level Appeal Response No. 2-19, above, as well as Appeal Response Nos. 4-30 and 7-11 in the VTTM Appeal Responses.

Second-Level Appeal Point No. 6-16

Conclusion

Neighbors for Responsible TVC Development urges the Committee and Council to grant its appeal of the City Planning Commission approvals for this Project. NFRTD reserves the right to supplement this appeal justification prior to the Planning and Land Use Management Committee's hearing of this matter.

Attachments

Attachment 1: Appeal to Project dated June 5, 2024

Attachment 2: Letter dated February 14, 2023, from NRVTC [sic] to Paul Caporaso

Attachment 3: Letter dated July 5, 2023, from Danielle Peters and Shelley Wagers to Paul Caporaso

Attachment 4: Letter dated August 10, 2023, from Danielle Peters and Shelley Wagers to Paul Caporaso

Attachment 5: Letter dated March 6, 2023, from Danielle Peters and Shelley Wagers to Haydee Feldstein-Soto

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Attachment 6: Email dated September 26, 2023, from Nicole Kuklok-Waldman to Paul Caporaso, Mindy Nguyen, and Milena Zazadien [sic]

Attachment 7: Approved Plans found in City files showing no helipad

Attachment 8: Approved Plans found in City files showing no helipad

Attachment 9: Memorandum dated October 10, 2019, from Heliport Consultants

Second-Level Appeal Response No. 6-16

This comment concludes the letter. Refer to Second-Level Appeal Response Nos. 6-1 through 6-15, above.

The listed attachments were not included as part of the appeal justification. However, as noted above in Second-Level Appeal Response No. 6-4, the City has already provided responses to the letters included as Attachments 1 through 5. Attachment 6 was addressed as Appeal Response No. 7-13 in the VTTM Appeal Responses. Attachments 7 through 9 were not provided by the Appellant and, as such, no response can be provided. Nevertheless, refer to Second-Level Appeal Response No. 2-19, above, for a discussion of the helipad.

Attachments

Attachment A

TVC 2050 HRA Protocol for SCAQMD Review

From: [Lisa Trifiletti](#)
To: [Lisa Trifiletti](#)
Subject: TVC 2050 HRA Protocol for SCAQMD Review
Date: Friday, November 8, 2024 11:47:39 AM

From: Sam Wang <swang1@aqmd.gov>
Date: May 5, 2023 at 2:46:45 PM PDT
Subject: RE: TVC 2050 HRA Protocol for SCAQMD Review

Hi Lisa and Mark,

Thank you for addressing our concerns regarding the health risk impacts from stationary sources and diesel trucks in relation to your TVC-2050 project. Following today's meeting, we have no further questions or concerns. Please keep us informed about any project updates, including the release of the FEIR or any future developments that may need our assistance.

Have a good weekend,
Sam

Sam Wang
Program Supervisor, CEQA IGR
Planning, Rule Development & Implementation
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
(909) 396-2649
swang1@aqmd.gov

From: Michael Krause <MKrause@aqmd.gov>
Sent: Wednesday, April 26, 2023 1:49 PM
To: Mark Hagmann <m.hagmann@eyestoneeair.com>; Michael Morris <mmorris@aqmd.gov>; Sam Wang <swang1@aqmd.gov>
Cc: Lisa Trifiletti <lisa@trifiletticonsulting.com>; Stephanie Eyestone Jones <s.eyestone@eyestoneeair.com>; Everest Yan <e.yan@eyestoneeair.com>; pehrsonjr@cdmsmith.com
Subject: RE: TVC 2050 HRA Protocol for SCAQMD Review

Thanks Mark! I'm not sure we'll be able to fully review the document in time for our meeting tomorrow, but we'll take a look, and maybe you'll be able to walk thru the highlight/key areas. Thx, Mike

From: Mark Hagmann <m.hagmann@eyestoneeir.com>
Sent: Wednesday, April 26, 2023 1:46 PM
To: Michael Morris <mmorris@aqmd.gov>; Michael Krause <MKrause@aqmd.gov>;
Sam Wang <swang1@aqmd.gov>
Cc: Lisa Trifiletti <lisa@trifiletticonsulting.com>; Stephanie Eyestone Jones
<s.eyestone@eyestoneeir.com>; Everest Yan <e.yan@eyestoneeir.com>;
pehrsonjr@cdmsmith.com
Subject: TVC 2050 HRA Protocol for SCAQMD Review

Please see the attached HRA protocol for your review and discussion. I look forward to our scheduled meeting tomorrow afternoon. If you do have any questions regarding the protocol before then, please do not hesitate to contact me.

Mark Hagmann, P.E.

Director of Air Quality



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Attachment B

Quantitative Analysis of Health Effects



MEMORANDUM

TO: Paul Caporaso, City of Los Angeles Department of City Planning
FROM: Everest Yan, Eystone Environmental
SUBJECT: TVC 2050 Project—Quantitative Analysis of Health Effects
DATE: November 26, 2024

Introduction

In 2022, a Draft Environmental Impact Report (EIR) for the TVC 2050 Project (Project) was circulated for public review. As part of the Draft EIR, a comprehensive air quality analysis was completed using South Coast Air Quality Management District (SCAQMD) methodologies and thresholds. The air quality analysis identified potentially significant and unavoidable impacts for regional nitrogen oxide (NO_x) emissions during construction of the Project, and regional NO_x and volatile organic compound (VOC) emissions during concurrent construction and operation of the Project. Although the EIR included a qualitative assessment of the health effects associated with the Project's regional NO_x and VOC emissions, this memorandum includes a quantitative health effects assessment using a model that has recently become available for informational purposes. However, as explained below, as with other regional models, the modeled results provided herein may be misleading because the margin of error in such modeling is large enough that, even if the modeled results report a given health effect, the model is sufficiently imprecise that the actual effect may differ from the reported results; that is, the modeled results suggest precision, when in fact available models cannot be that precise on a project level. In addition, there is a degree of uncertainty in the modeling results as there are limitations associated with the epidemiological studies used to estimate health effects.

Analysis of Health Effects in EIR and City's Air Quality and Health Effects Guidance Document

The Draft EIR included a comprehensive discussion of air quality and health effects to sensitive receptors. The qualitative health risk analysis presented on pages IV.A-68 through IV.A-73 of the Draft EIR demonstrated that with use of Tier 4 construction equipment, Project construction would result in toxic air contaminant (TAC) emissions below applicable SCAQMD impact thresholds, and the Project land uses would not constitute an operational land use identified by California Air Resources Board (CARB) or SCAQMD guidance that might be expected to result in substantial releases of TACs. In addition, the Draft EIR also

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demonstrated that localized air quality impacts would be less than significant (refer to pages IV.A-67 through IV.A-70 of the Draft EIR).

Nonetheless, in response to public comments on the Draft EIR, and for informational purposes, a quantitative health risk assessment (HRA) was prepared as part of the Final EIR (refer to Appendix FEIR-10), which assessed potential cancer risk, acute and chronic health impacts to nearby receptors associated with both construction and operation of the Project. The HRA was performed based on a protocol approved by the SCAQMD. Results of the quantitative HRA confirm that the Project would not result in exceedances of cancer, acute or chronic risk significance thresholds at nearby sensitive receptors and confirmed the findings of the Draft EIR.

The Draft EIR also discusses quantitative analysis connecting the Project's significant regional emissions to human health. As noted above, the Project would result in potentially significant and unavoidable impacts for regional NO_x emissions during construction, and regional NO_x and VOC emissions during concurrent construction and operations. These emissions are regional ozone (O₃) precursors.¹ Pages IV.A-80 to IV.A-82 in Section IV.A, Air Quality, of the Draft EIR provide a discussion of the connection between these potentially significant regional emissions and human health effects based on City guidance. As discussed therein, in 2019, the City prepared the Air Quality and Health Effects guidance document (Guidance Document) that addresses the potential for identifiable health impacts to result from air pollutants analyzed in City environmental documents prepared pursuant to CEQA.² This Guidance Document was prepared with the assistance of nine environmental consulting firms. This Guidance Document reviews air quality models, reviews how health effects are addressed in plans and regulatory standards, reviews the health effects of criteria pollutants and TACs, and discusses the ability to relate adverse air quality impacts and health effects. As discussed on page IV.A-91 of the Draft EIR, the Guidance Document explains that direct correlation of an individual project's emissions and anticipated health effects is not feasible, as no expert agency has approved a quantitative method to reliably and

¹ Ozone is a gas that is formed when VOCs and NO_x—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable.

² City of Los Angeles, Department of City Planning, Air Quality and Health Effects, October 2019, https://planning.lacity.gov/odocument/e1a00fbf-6134-4fa9-b6fd-54eee631effb/City_of_LA_-_Air_Quality_and_Health_Effects_and_Attachments.pdf, accessed November 15, 2024.

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meaningfully translate mass emission estimates of criteria pollutants to specific health effects for the scale of projects typically analyzed in City EIRs.³ As discussed in the City's Guidance Document, Health Impact Assessments (HIAs) for individual projects would not provide meaningful results due to the scope and geographic areas over which health impacts are typically assessed. As explained in the Draft EIR on pages IV.A-80 through IV.A-82 and in the Guidance Document, there are limitations associated with use of a regional-scale model for an individual project, including low resolution and spatial averaging that create uncertainty and the need for the model to accurately predict meteorology and topography. In particular, accurately depicting the concentration of O₃ at or near a project site is made difficult since most of the criteria pollutant emissions come from area-wide sources or mobile sources driving to, from and around a project site. Running the regional-scale photochemical grid model used for predicting O₃ attainment with the emissions from the Project (which equates to approximately four-tenths of one percent of the VOC and NO_x in the air basin) would not yield reliable information regarding a measurable increase in O₃ concentrations sufficient to accurately quantify the Project's O₃-related health impacts. In addition, any modeled increase in O₃ concentrations would not be useful for meaningful analysis, as the increase would be so comparatively small that it would be well within the error margins of such models.

Pages 10 through 13 of the Guidance Document review available air quality models and identify their general purposes as well as limitations in quantifying emissions and health effects. As summarized therein, although there are certain models available (e.g., models to quantify emissions, dispersion models to determine pollutant concentrations, and regional-scale models which estimate health impacts), these models are limited by a number of factors in determining health impacts of individual development and infrastructure projects as well as local plan-level projects. Specifically, in addition to the unsuitability of regional models in providing reliable results for individual projects, other general limitations of the currently available models include limitations on the ability of certain tools to model concentrations or the dispersion of pollutants for all types of sources, other models only addressing a partial

³ *In connection with the judicial proceedings culminating in issuance of the Friant Ranch decision, the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the SCAQMD filed amicus briefs attesting to the extreme difficulty of correlating an individual project's criteria air pollutant emissions to specific health impacts. Both the SJVAPCD and the SCAQMD have among the most sophisticated air quality modeling and health impact evaluation capabilities of the air districts in the State. While the information and arguments presented in those briefs was considered by the California Supreme Court, the Court noted that such information was not part of the administrative record associated with the County's decision to approve the Friant Ranch project. Accordingly, a summary of the key, relevant points of the SJVAPCD and SCAQMD briefs is provided in the City's Guidance Document, which was incorporated into the Draft EIR by reference.*

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and incomplete range of pollutants and secondary pollutants, and limitations on being able to correlate identified concentrations to related health effects. In particular, as discussed in the Guidance Document, air quality impacts for local projects are based on emissions for criteria pollutants while health effects are based on concentrations that consider factors such as meteorology, the presence of sunlight, geographical distribution of emissions, and other complex photochemical factors. Nonetheless, the City's Guidance Document acknowledges that air quality modeling and research on health effects advances over time and that the City will continue to seek the latest guidance from local air quality agencies and experts and refine its approach based on future information as it becomes available.

The Association of Environmental Professionals (AEP) has also highlighted similar limitations and associated uncertainties with the use of large-scale regional models to estimate health effects.⁴ The AEP has concluded that, "Given the margin of uncertainty at each step in the process (regional scale modeling, existing ambient air quality effects on health, population health conditions vulnerability, and marginal health effects of air pollution), the identification of marginal health effects due to individual projects using regional air quality modelling and tools such as BENMAP are likely to be within the level of uncertainty and thus defined as 'speculative' per CEQA."

United States Environmental Protection Agency Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool

The United States Environmental Protection Agency (USEPA) has developed the Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA Screening Tool) as a screening tool for state, local, and tribal government staff and others interested in the effects of air pollution to estimate the air quality and health benefits of different emissions scenarios.⁵ In 2024, the COBRA Screening Tool recently became available with a user-friendly interface. This tool estimates health effects associated with changes in emissions over large areas such as a County or Air Basin. The USEPA states that those who should use COBRA Screening Tool include but are not limited to "analysts looking to improve their understanding of the air, health, and related economic benefits of clean energy or other policies that reduce emissions" and "environmental agencies interested

⁴ Association of Environmental Professionals (AEP). *Environmental Monitor*, "We Can Model Regional Emissions, But Are the Results Meaningful for CEQA?" 2020.

⁵ EPA, *CO-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA)*, <https://cobra.epa.gov/>, accessed November 15, 2024.

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in reviewing many options to identify policies that maximize health and economic benefits.” Based on USEPA data, the COBRA Screening Tool has been used by approximately 150 publications as of April 24, 2024, primarily associated with the evaluation of large-scale programs, policies, or large areas of potential effect such as statewide efforts. The only environmental analysis that used the model was an Environmental Impact Statement for New York State’s procurement of offshore wind energy. This list of users demonstrates that the COBRA Screening Tool is designed as a preliminary screening tool for broad analyses, such as policies and programs undertaken by state governments, rather than a CEQA analysis for an individual project.⁶

Nonetheless, for informational purposes, Eystone has used this model to perform a screening level review of Project-related health effects to residents within Los Angeles County. However, neither the City nor the SCAQMD has promulgated use of this or any other model to estimate health effects from a development project. Therefore, this analysis is provided for informational purposes only.

As presented in the Draft EIR for the Project, criteria pollutant emissions were calculated using the CalEEMod model. Project annual construction emissions as well as concurrent construction and operational emissions from the Draft EIR were entered into the COBRA Screening Tool. Only pollutants where Project emissions exceed SCAQMD significance thresholds (i.e., regional emissions for NO_x and VOCs) were analyzed for health effects. Pollutants which remained below SCAQMD regional significance thresholds were assumed to have less than significant health effects and were therefore not analyzed in detail. As part of use of this screening tool, Eystone used the same general assumptions, such as on- and

⁶ *The City of Inglewood Basketball and Entertainment Center EIR analysis provided helpful context on using regional models for individual projects, as follows: “Generally, models that correlate criteria air pollutant concentrations with specific health effects focus on regulatory decision-making that will apply throughout an entire air basin or region. These models focus on the region-wide health effects of pollutants so that regulators can assess the costs and benefits of adopting a proposed regulation that applies to an entire category of air pollutant sources, rather than the health effects related to emissions from a specific proposed project or source. Because of the scale of these analyses, any one project is likely to have only very small incremental effects which may be difficult to differentiate from the effects of air pollutant concentrations in an entire air basin. ... For regional pollutants, it is difficult to trace a particular project’s criteria air pollutant emissions to a specific health effect. Moreover, the modeled results may be misleading because the margin of error in such modeling is large enough that, even if the modeled results report a given health effect, the model is sufficiently imprecise that the actual effect may differ from the reported results; that is, the modeled results suggest precision, when in fact available models cannot be that precise on a project level.” (City of Inglewood, 2019.)*

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off-road emission factors and architectural coating emission factors, among other assumptions, that were used for the air quality analysis in the Project's EIR.

Within the COBRA Screening Tool, the location of the Project must be selected to represent baseline population and ambient pollutant concentrations. The smallest unit of location (geographic scope) within the COBRA Screening Tool would be on a county level. This is a similar limitation as the models discussed above. For the assessment, Los Angeles County was selected to represent the Project area in terms of population exposure and existing emissions.

Using the COBRA Screening Tool, the estimated health effects attributed to Project construction included mortality (0.04 incidences per year) and respiratory-related emergency room visits (0.075 incidences per year). The other health endpoints included asthma-related hospital admissions, all cardiovascular-related hospital admissions (not including myocardial infarctions), and nonfatal acute myocardial infarction, which ranged from 0.001 to 0.0249 incidences per year. Health effects attributed to concurrent construction and operation of the Project ranged from 0.001 to 0.112 incidents per year.

Mortality values are based on a 20-year exposure duration, while non-mortality parameters (heart attack, respiratory, hospital admissions) are based on annual exposure. Therefore, the mortality incidence values presented are conservative, as the duration of construction activities is anticipated to be approximately 32 months.

Also note that for all the health endpoints (mortality, asthma, heart attacks, etc.), the total number of estimated health incidences resulting from Project construction is less than 0.0003 percent of the background health incidence within Los Angeles County.⁷ The "background health incidence" is the actual incidence of health effects of the local population in the absence of additional emissions from the Project.

In addition, for context, health impact results were compared to the health impact assessment for the California State University Dominguez Hills (CSUDH) 2018 Campus Master Plan EIR for the CSUDH Master Plan that accommodates growth from the current enrollment of approximately 11,000 full-time-equivalent students to the maximum enrollment

⁷ USEPA COBRA Future Input Files, www.epa.gov/cobra/cobra-future-input-files, accessed November 15, 2024.

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of 20,000 full-time equivalent students over a planning horizon extending to 2035.⁸ Results of the CSUDH health impact assessment indicated that the number of estimated health incidences resulting from project operations would be 0.0058 percent of the background health incidence. When taken into context, this analysis stated that the small increase in incidences and the very small percent of the number of background incidences indicate that these health effects are negligible in a developed, urban environment. The CSUDH Final EIR further underscored the uncertainty of these results due to limitations of the data inputs and the use of simplified conservative assumptions in the regional model and stated that the actual effects may be zero.⁹ Also, there is a degree of uncertainty in these results as there are limitations associated with the epidemiological studies used to estimate health effects. As the TVC 2050 Project's estimated health incidence is 0.0003 percent, the TVC 2050 Project's health incidence would represent approximately 1/17th of the calculated health incidents from the CSUDH project which were determined to be negligible and less than significant. As such, health incidents resulting from Project emissions would also be negligible and less than significant.

Conclusion

The air quality analysis in the EIR and Erratum was based on plans and regulations that are intended to protect human health. The analyses in the Draft EIR and Erratum demonstrate that impacts associated with localized emissions and TACs would be less than significant. In addition, the quantitative HRA prepared for informational purposes as part of the Final EIR confirmed that health risks to nearby sensitive receptors resulting from construction and operation of the Project would be less than significant. While there are state-wide and regional models that can be used to evaluate health risk from regional emissions from a project, there are complexities and limitations associated with using these large-scale models to correlate criteria air pollutant emissions from an individual project to specific health effects. In particular, the methods available to quantitatively evaluate health effects may not be appropriate given the comparatively small increases that are within the margins of error of such large-scale models. Nonetheless, USEPA's COBRA Screening Tool was utilized to estimate the health effects associated with the Project's regional No_x and VOC emissions and based on the screening tool, the health impacts of the Project would be negligible and less than significant. The City and SCAQMD have not yet established a methodology for

⁸ *California State University Dominguez Hills Final EIR. Appendix B.4 Air Quality Impacts analysis. July 2019.*

⁹ *CSUDH Campus Master Plan EIR, September 2019.*



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evaluating health impacts from the significant regional emissions associated with a development project. As such, the results provided herein are not meaningful.

EVEREST YAN, EIT

Principal Engineer, Air Quality

Everest Yan has over 21 years of technical and supervisory experience related to the preparation of air quality technical studies for toxic air contaminants, criteria pollutants, and greenhouse gases (GHG). He has extensive knowledge of the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) regulatory process and the rules and regulations established by the South Coast Air Quality Management District. He has prepared Air Quality Impact Assessments (AQIA) and Health Risk Assessments (HRAs) required under various State and federal environmental regulations, including NEPA and CEQA, AB2588, and EPA Superfund cleanup sites. He has also conducted GHG analyses consistent with State, regional and local guidance. Mr. Yan has extensive expertise with all applicable modeling tools including CalEEMod, EMFAC, AERMOD, HARP, LeadSpread, EMSOFT, ProUCL and Cal3QHC/CALINE4.

In addition to his CEQA experience, Mr. Yan has performed a number of HRAs for the Department of Toxic Substances Control related to cleanup of Superfund sites, including the Exide Technologies Residential Cleanup and the Santa Susana Field Laboratory. He also has experience landfill and quarry type projects including Gregory Canyon in San Diego and Liberty Quarry in Temecula.

EDUCATION

B.S., Chemical Engineering, University of Southern California, 2001

PROFESSIONAL EXPERIENCE

Gregory Canyon Landfill – San Diego
(EIR)
Burbank Airport Replacement Terminal
(HRA and EIR)
Carson Marketplace (HRA and EIR)
City of Diamond Bar General Plan
Update EIR
Culver Studios Master Plan (EIR)
DTSC/Ascon Landfill Remedial Action
Plan (HRA and EIR)
DTSC/Exide Technologies Residential
Cleanup (HRA and EIR)
DTSC/Santa Susana Field Laboratory
Cleanup (HRA and EIR)

Harvard Westlake (HRA)
Huntington Memorial Hospital Master
Plan (EIR)
Television City 2050 (EIR)
LADWP Permitting—Haynes/Harbor
Generation Stations (Permitting)
Lytle Creek Specific Plan (EIR)
Metro Purple Line Mitigation Monitoring
Program (MMRP)
Sunset Gower Studios (EIR)
Liberty Quarry - Temecula (EIR)
Westfield Promenade (HRA and EIR)

PROFESSIONAL AFFILIATIONS

Engineer in Training, State of California



MEMORANDUM

TO: Paul Caporaso
City of Los Angeles Department of City Planning

FROM: Eystone Environmental

SUBJECT: TVC 2050 Project—Response to Public Comments Submitted to City Planning Commission
ENV-2021-4091-EIR, VTT-83387,
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-2021-4090-DA

DATE: November 26, 2024

cc: Milena Zasadzien and Mindy Nguyen, Department of City Planning

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the TVC 2050 Project (Project). The Draft EIR was circulated for public review and comment from July 14, 2022, through September 13, 2022, an extended 60-day comment period, which exceeded the 45-day comment period required by CEQA. Following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was published in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. The Draft EIR, Final EIR and Erratum are collectively referred to herein as the EIR. Further, the EIR was prepared in accordance with CEQA and City policy.

The Advisory Agency issued a Letter of Determination (LOD) for Case No. VTT-83387 (DAA LOD) on May 28, 2024 certifying the EIR and approving the Vesting Tentative Tract Map (VTTM). Subsequently, nine appeals were filed. Responses to the appeals were included in the Department of City Planning Staff Report prepared for Case No. VTT-83387-1A (VTTM Appeal Report). The nine appeals were considered during the City Planning Commission hearing on September 12, 2024, and the City Planning Commission denied the appeals and sustained the Deputy Advisory Agency's decision in its Letter of Determination for Case No. VTT-83387-1A (CPC LOD), dated October 3, 2024.

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In advance of the September 12, 2024 Planning Commission hearing, the City received the following 13 letters:

- #1: Holland & Knight LLP on behalf of A.F. Gilmore Company (August 30, 2024)
- #2: Holland & Knight LLP on behalf of A.F. Gilmore Company (September 2, 2024)
- #3: Latham & Watkins LLP on behalf of The Grove, LLC (September 3, 2024)
- #4: Park La Brea Impacted Residents Group (undated)
- #5: Sheppard, Mullin, Richter & Hampton LLP on behalf of Mayer Beverly Park Limited Partnership (September 3, 2024)
- #6: Fix the City (September 12, 2024)
- #7: Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax (September 9, 2024)
- #8: Latham & Watkins LLP on behalf of The Grove, LLC (September 10, 2024)
- #9: Sheppard, Mullin, Richter & Hampton LLP on behalf of Mayer Beverly Park Limited Partnership (September 10, 2024)
- #10: Caledonia Hanson (August 2024)
- #11: Entertainment Union Coalition (September 9, 2024)
- #12: Form Letter to City Planning (undated)
- #13: Miracle Mile Residential Association (undated)

These letters raise issues that the City has already addressed in the Final EIR and/or in the Department of City Planning Appeal Report dated September 12, 2024 (VTTM Appeal Report). Responses to comments raised in these letters are nevertheless provided below.



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CPC Comment Letter No. 1 (Holland & Knight, August 30, 2024)

Andrew J. Starrels
Jennifer L. Hernandez
Holland & Knight LLP
1901 Avenue of the Stars, Suite 1200
Los Angeles, CA 90067

CPC Comment No. 1-1

Ladies and Gentlemen:

This office represents the A.F. Gilmore Company, an important part of Los Angeles' business community for over 150 years, and submits this supplemental information in support of the Gilmore company's appeal of the above-captioned determination by the City's Advisory Agency in anticipation of the September 12, 2024 public hearing that has been noticed by the City Planning Commission. This submission supplements the appeal submission submitted on behalf of the Gilmore company on June 5, 2024, which is intended to be incorporated herein by this reference, and together will all other submissions, appeals, and documentation submitted by the numerous other appellants, to be added to the administrative record for the subject action.

Response to CPC Comment No. 1-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Responses to specific issues raised by the commenter are addressed in Response to CPC Comment Nos. 1-2 through 1-18, below.

CPC Comment No. 1-2

A. The Tentative Map Approval Is Defective and Invalid. The Gilmore company's appeal documentation, and the entirety of the administrative record, reveal that the requirements for approval of the tentative map have not been satisfied, that required findings cannot permissibly be made, and that substantial evidence exists to support the claim that the Advisory Agency's approval of the map was legally impermissible.



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Response to CPC Comment No. 1-2

This comment makes a general statement about the adequacy of the Vesting Tentative Tract Map (VTTM) process. Refer to Topical Response: Adequacy of VTTM and VTTM Process of the Response to Appeal Comments (VTTM Topical Response) included on pages A-2 to A-10 of the VTTM Appeal Report. For the reasons demonstrated therein, contrary to the assertions made by the Commenters, including Commenter 2 on behalf of A.F. Gilmore, the Project's VTTM was appropriately approved in compliance with all applicable provisions of the Subdivision Map Act and Los Angeles Municipal Code (LAMC). No evidence to the contrary has been provided relative to the VTTM findings and approval included in the Letter of Determination (LOD) dated May 28, 2024. Specific issues raised by the commenter about the VTTM are addressed in Response to CPC Comment Nos. 1-3 through 1-9, below.

CPC Comment No. 1-3

1. The Findings made by the Advisory Agency are not supported by the evidence in the record and cannot support approval of the map. The proposed map, and the design and improvement of the subdivision it envisions, are not consistent with the applicable General and Specific Plans, because the Advisory Agency relied on the proposed amendments to the operative plan documents sought by the Applicant, rather than the existing standards that were in effect as of the local agency's determination.

Response to CPC Comment No. 1-3

This comment is repetitive of prior comments that have already been addressed Refer to Appeal Response Nos. 1-11 and 2-1 through 2-9 in the Appeal Points and Responses included in Exhibit D.1 of the VTTM Appeal Report (VTTM Appeal Responses). As stated therein, the Deputy Advisory Agency found that the proposed vesting tentative tract map and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110-112 of the LOD.

CPC Comment No. 1-4

Approval of an [sic] development request based upon prospective and presumed plan changes violates the provisions of Section 66474 of the Government Code, and renders the

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approval invalid. The development standards applicable to the Project site as of the Advisory's Agency's determination establish FAR limits and height restrictions that the proposed project markedly violates, and which characterize the development of other properties surrounding the Project site. While there may be justifications for exceeding those development standards, the applicable provisions of the Subdivision Map Act prohibit the approval of a map based upon findings that presume the changes to development standards and plan requirements than are in fact sought by the Applicant.

Response to CPC Comment No. 1-4

This comment is repetitive of the commenter's prior comments, which have already been addressed. Refer to the VTTM Topical Response and Appeal Response Nos. 2-1 to 2-5. As demonstrated therein, the Deputy Advisory Agency's approval complied with the Subdivision Map Act, including Government Code Section 66474, and the Deputy Advisory Agency's findings were supported by substantial evidence. Further, as discussed in Appeal Response No. 1-11, pages 110-116 of the LOD, and page A-33 of the Department of City Planning Recommendation Report for Case No. CPC-2021-4089 dated September 12, 2024 (Recommendation Report), the scale of the Project is consistent with the surrounding community and applicable general and specific plans.

CPC Comment No. 1-5

2. The Project site is not physically suited to the type and scale of development sought by the Applicant. The proposed Project constitutes a "regional center" that includes a hub of major studio, office, and commercial uses of indefinite and imprecise type and description injected into a small-scale neighborhood commercial area. The applicant seeks to transform an existing television studio operation that has existed under single ownership since 1952 by adding nearly 1,000,000 square feet of additional commercial and media space, which could consist of studio, production, support, or general office uses of indeterminate type, and could be operated by several different owners, tenants, licensees or transferees. In fact, the actual build-out of the Applicant's reinvention could evolve all at once or over decades, and could be virtually anything – the proposal suggests an opaque gray box of alternatives and imprecision while the actual final product could bring another Century City, Warner Center, Playa Vista or virtually anything else to an area already underserved by municipal

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infrastructure and facing economic, social and community challenges that the proposed Project offers little to address.

Response to CPC Comment No. 1-5

This comment is repetitive of prior comments which have already been fully addressed. Refer to Appeal Response Nos. 1-2, 1-12, 2-3, 2-4, 2-10, 2-13, and 4-3 of the VTTM Appeal Responses; Topical Response No. 1, Clearly Defined Project Description and Specific Plan, Topical Response No. 3, Permitted On-Site Uses, and Response to Comment Nos. 5-6 and 11-3 of the Final EIR; and Response to CPC Comment No. 1-4 above. As discussed therein, the Project is a studio project and is consistent with the proposed Community Commercial land use designation and surrounding community, and the Deputy Advisory Agency's finding that the Project Site is physically suitable for the type and density of development is supported by substantial evidence.

Refer to Response to Comment No. 9-24 of the Final EIR and page A-34 of the Recommendation Report regarding the development timeline.

Refer to Response to Comment Nos. 35-158 and 100-2 of the Final EIR regarding the adequacy of existing infrastructure to serve the Project.

CPC Comment No. 1-6

The proposed Project is opaque in both its design and its process. In addition to disclosing little of what actually might be built, the Applicant proposes an imprecise and vague process for how its development vision might change over time. In fact, while espousing the economic benefit of hypothetical, high-paying media industry jobs, the Applicant's proposal does not even commit to studio/media development at all. The "land use exchange" contemplated by the proposed Specific Plan, allows changes and potentially increases in the portions of the Project site that could be occupied by general office or other commercial uses, all of which could be accomplished by the Project owner on a ministerial basis with limited if any municipal discretion.

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Response to CPC Comment No. 1-6

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the land use exchange program. The proposed land use exchange program is limited and fixed and was fully disclosed and analyzed in the EIR and Erratum. The Draft Specific Plan as modified by the City Planning Commission dated September 2024 as well as all previous drafts have consistently included a limited land use exchange program that would allow for an increase of sound stage or production support floor area for an equivalent decrease in the floor area of other permitted uses. Land use exchange programs are common elements that have been included in numerous adopted specific plans throughout Los Angeles (e.g., Paramount Pictures Specific Plan, Universal Studios Specific Plan, USC Specific Plan, Los Angeles Sports and Entertainment District Specific Plan, Los Angeles International Airport (LAX) Specific Plan and Playa Vista Specific Plan). The Project's proposed land use exchange program is more limited than many of the programs found in other adopted specific plans. For example, the "land use equivalency program" under the Universal Studios Specific Plan permits increases in the floor area of any permitted land use, including studio, studio office, office, entertainment, entertainment retail, amphitheater, and hotel uses, based on the equivalency rates set forth in the specific plan,¹ whereas the Project's Draft Specific Plan land use exchange program would only allow for limited increases in the floor area of two studio uses – sound stage and production support (up to 450,000 square feet each). The program would not allow increases in production office, general office, or retail floor area, or in the total sitewide floor area limit. There are also approved specific plans with land use exchange programs that do not impose maximum square footage limitations, such as the USC Specific Plan (which is only limited by the trip generation estimates included in the EIR for that project),² whereas the Project's Specific Plan imposes fixed square footage limitations under the land use exchange program, as discussed above. Even for individual building projects, courts have held that "where an [EIR] defines the overall parameters and 'footprint' for a specific project such as a mixed-use commercial and residential project, but also includes variants for that project proposing

¹ See Section 7 of the Universal Studios Specific Plan, Los Angeles County Ordinance No. 2013-0010, https://planning.lacounty.gov/wp-content/uploads/2022/10/Universal-Studios_specific-plan-approved-final_Ordinance.pdf.

² See Table 1 (footnote d) of the USC Specific Plan, [https://planning.lacity.gov/EIR/USC/SpecificPlans/USC%20Specific%20Plan%20\(as%20approved%20by%20City%20Council\).pdf](https://planning.lacity.gov/EIR/USC/SpecificPlans/USC%20Specific%20Plan%20(as%20approved%20by%20City%20Council).pdf).

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different percentages of the mix between the two uses, the description is stable and the inclusion of those variants does not render the description unstable.”³ Further, given the constantly evolving demands of the entertainment industry, the limited flexibility in the mix of studio land uses that would be provided by the land use exchange program helps achieve the Project’s studio purpose. Refer to Response to Comment No. 5-15 of the Final EIR regarding the Project’s studio purpose.

In addition, the Draft Specific Plan includes a regulatory framework for implementation of the Project, including, among other things, mandatory review processes by the City for implementation of the proposed Project. Future changes that are substantially different than the Initial Development Plans, including a development involving a land use exchange, or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review. Although other approved specific plans in the City allow land use exchanges to be reviewed ministerially, such as the recently approved District NoHo Specific Plan,⁴ the Project’s Draft Specific Plan imposes greater procedural requirements by requiring a discretionary review for any proposal involving a land use exchange. The commenter is, therefore, incorrect that a land use exchange can be approved ministerially.

CPC Comment No. 1-7

The administrative record contains no evidence that this flexibility and limitless optionality is appropriate for the Project site or the surrounding community, or serves any public benefit beyond fulfilling what the Applicant’s submittal documents describe as its investment-backed expectations. The details of the Applicant’s contribution of public benefits, a statutory prerequisite for the Development Agreement it seeks, have also not been disclosed, but remain hidden behind a grey curtain of imprecision and opaqueness. The community has

³ *Gooden v. County of Los Angeles* (No. B326446; Cal. Ct. App. Oct. 24, 2024) (citing *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, 1179 [so holding]; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332–336 [same].)

⁴ See Section 5.2.E of the District NoHo Specific Plan, City of Los Angeles Ordinance No. 188144, https://planning.lacity.gov/odocument/78663e3f-1e0c-4fbd-97de-cdbb927357aa/SP_23-1264-S1_ord_188144_4-22-24.pdf.

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been afforded no visibility into what if any public benefits are proposed to be contributed by this relaxation of development approval requirements.

Response to CPC Comment No. 1-7

Refer to Appeal Response No. 2-34 of the VTTM Appeal Responses. As discussed therein, the provisions of the Development Agreement are contractual matters between the City of Los Angeles and the Applicant and do not constitute environmental impacts under CEQA. Accordingly, the Development Agreement ordinance was not required to be included as part of the EIR.⁵ As stated in the responses to comments in the Final EIR, a draft Development Agreement will be made publicly available on the Department of City Planning's website prior to the City Planning Commission hearing on the Project entitlements, including, among others, the Development Agreement. The draft Development Agreement was attached as Exhibit B to the Department of City Planning Recommendation Report for Case No. CPC-2021-4090-DA dated September 12, 2024 (DA Recommendation Report), which was published on the Department of City Planning's website on or around September 4, 2024, over a week before the September 12, 2024, hearing.

With respect to public benefits, refer to Section XII, Statement of Overriding Considerations, of the Findings of Fact for the Project. In accordance with CEQA Guidelines Section 15093(a), the benefits of the Project include economic, social, technological and other benefits at a local, regional, and statewide level. The Statement of Overriding Considerations includes a detailed list of specific benefits of the Project that (i) outweigh the adverse environmental impacts of the Project, and (ii) justify adoption of the Project and certification of the completed EIR.

Also refer to Topical Response No. 4, Appropriateness of Economic Objective, of the Final EIR.

⁵ See, e.g., *Native Sun/Lyon Communities v. City of Escondido* (1993) 15 Cal.App.4th 892, in which the court concluded that an EIR was sufficient where the proposed development agreement was referenced in the project description but the contents of the agreement were not discussed in the EIR, because the reference in the project description "alerted persons interested in [the agreement] to its relevance in the decisionmaking process." *Id.* at p. 910.

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CPC Comment No. 1-8

3. The design of the subdivision and the proposed improvements are likely to cause serious public health problems, as a result of traffic impacts upon the surrounding areas near the Project site. The evidence contained within the administrative record substantiates the traffic congestion, dangers of cut-through traffic and other health risks associated with the massive intensification of the operations and use of the Project site.

Response to CPC Comment No. 1-8

This comment is similar to the commenter's previous comments, which were addressed in Appeal Response Nos. 2-24 through 2-27 of the VTTM Appeal Responses. As discussed therein, the commenter appears to conflate the Project analyzed in the EIR with the VTTM finding. The required finding under Government Code Section 66474(f) is whether "*the design of the subdivision or type of improvements* is likely to cause serious public health problems" (emphasis added). "Design" and "improvement" are specifically defined in the Government Code.⁶ As discussed on pages 116 to 118 of the LOD, the design of the subdivision and types of improvements are not likely to cause serious public health problems, and the Commenter does not offer any evidence to the contrary. Also refer to Appeal Response No. 1-14 of the VTTM Appeal Responses regarding the EIR's analysis of health risk impacts, which were determined to be less than significant.

⁶ "Design" is defined under Government Code Section 66418 as "(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) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required pursuant to Section 66473.5." "Improvement" is defined under Government Code Section 66419 as "any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof" and "any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan."

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CPC Comment No. 1-9

4. The Advisory Agency's approval of the subdivision map curiously offers little insight into the proposed Project's effect upon the housing needs of the region, and as a result approval of the map fails to fulfill the requirements of the Subdivision Map Act set forth at Section 66412.3 of the Government Code. The project site is identified as a potential housing opportunity site in the City's Housing Element. The Project site's current zoning, and recent State housing laws, recognize the permissibility of use of the Project site for multifamily housing, and the Project site qualifies for Tier 3 incentives under the City's Transit Oriented Communities program. The proposed uses for the Project under the subdivision and the contemplated Specific Plan, however, do not contemplate housing as one of the potential uses in the land use exchange. The Specific Plan would change the treatment of medium and high density housing on the Project site from permissible by right, as it is under current zoning, to a use requiring discretionary approval. Accordingly, the future use of the Project site for housing should the Applicant's vision not be realized faces a more onerous hurdle than is currently in place, and as such, the approval of the subdivision, the Specific Plan and the improvements contemplated by the TVC 2050 plan violates Section 66300(b)(1) of the Government Code.

Response to CPC Comment No. 1-9

This comment is similar to previous comments that have already been addressed. Refer to Appeal Response Nos. 2-29, 6-3, and 6-4 of the VTTM Appeal Responses. As stated therein, Section 66412.3 of the California Government Code requires the Advisory Agency to consider the effect of its actions adopted pursuant to the Subdivision Map Act in the context of regional housing needs. In addition, the approved VTTM governs the division of land and not land use regulations, and, therefore, the VTTM does not have any effect on regional housing needs. Further, as identified in pages II-1234 through II-1235 of the Final EIR, incorporated in whole as a part of the CEQA Findings section of the LOD dated May 28, 2024, sufficient consideration to the regional housing needs was made by the Advisory Agency.

With respect to Government Code Section 66300(b)(1), the Draft Specific Plan as modified by the City Planning Commission dated September 2024 (specifically Section 5.1.E) does not prohibit the development of housing on the Project and would permit allow

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residential uses in accordance with the density and all other development standards in effect prior to the effective date of the Specific Plan, and as may be permitted pursuant to any applicable State or local law or regulation. The Project Site is currently in the C1.5 and C2 Zones, which permit multifamily residential density at a rate of one (1) dwelling unit per 400 square feet of lot area. The Draft Specific Plan, which also involves a Vesting Zone Change to the TVC Zone, also permits a residential density consistent with the C1.5 and C2 Zones. In accordance with Section 5.1.E of the Draft Specific Plan, any future residential development would be reviewed and approved pursuant to the existing zoning regulations and procedures in effect prior to the adoption of the Specific Plan, whether by-right or discretionary. Under the existing applicable zoning regulations, generally any residential development of 50 or more dwelling units or guest rooms requires a discretionary Project Review approval per LAMC Section 16.05(C)(b), unless an exemption applies. Consistent with existing zoning regulations, any future residential development proposal of less than 50 units that is not made discretionary under any other provision of the LAMC would continue to be permitted administratively and would not require a discretionary approval under the Specific Plan. Therefore, no change to the City's potential housing capacity will result from approval or construction of the Project and no offsetting action is required.

CPC Comment No. 1-10

B. The Advisory Agency's Approval of the TVC 2050 Project EIR, Statement of Overriding Considerations and Mitigation Monitoring Program violates CEQA. The evidence contained within the administrative record confirm [sic] that the Advisory Agency's approval fails to comply with the requirements of the California Environmental Quality Act. The EIR does not disclose an accurate, stable and determined Project Description. The EIR also does not analyze, disclose and mitigate significant environmental effects threatened by the proposed Project, including without limitation, damage to historic resources on the Project site and in the surrounding area, damage to surrounding communities and other environmental impacts posed by the Project, [sic]

Response to CPC Comment No. 1-10

As demonstrated throughout the administrative record, the EIR was prepared in accordance with CEQA and City policy. The commenter has provided no substantial evidence to the contrary. With respect to the specific issues raised by the commenter, refer

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to Response to CPC Comment Nos. 1-11 (Project Description), 1-12 (historical resources), and 1-13 (mitigation measures), below.

CPC Comment No. 1-11

1. The Project Description contained within the EIR reflects the Applicant's desire for limitless flexibility, allowing its development to evolve over time into anything – a giant studio, an monstrous office complex, or virtually any iteration of an amorphous plan camouflaged by a gray box of boundless permissions. Such endless alternative permissibility creates the antithesis of a clear and disclosive Project Description that CEQA requires.

Response to CPC Comment No. 1-11

This comment repeats the commenter's previous comments, which were fully responded to in the Final EIR and VTTM Appeal Report. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 26-5 of the Final EIR, as well as Appeal Response No. 2-32 in the VTTM Appeal Responses. As discussed therein, the Project Description is accurate, stable, and finite.

CPC Comment No. 1-12

2. The CEQA documentation concedes the historic status of the Television City studio building located on the Project site, as well as several historic resources located in close proximity to the site, including the Gilmore company's Gilmore Adobe and Original Farmers Market (LA HCM No. 543). The EIR, however, fails to adequately disclose and consider potential impacts from the Project upon both the Gilmore Adobe and the Original Farmers Market, during both construction and operation of the Project. The EIR fails to address the potential for damage to the Gilmore Adobe as a result of grading and vibration during Project construction. The EIR also defectively fails to disclose and adequately analyze potential impacts upon the structures and setting of the Gilmore Adobe and Original Farmer's Market as a result of the imposition of hundreds of thousands of additional square feet of contemporary commercial buildings, massive ingress and egress of trucks and motor vehicles, intensified use of the Project site, and the visual and physical impacts posed by the new development upon other structures and settings on the Gilmore property. The EIR summarily concludes that impacts upon the Gilmore historic resources will be insignificant

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as a result of the conclusory and incomplete assumption that no change to the Gilmore resources is proposed, and by the erroneous and unsupported conclusion that the 2002 construction of the Grove shopping center eliminated any historic significance of the Gilmore resource's setting. The EIR also provides minimal insight into the means by which the historic resources on the Project site will be preserved, whether only outside elements are to be retained, or how changes to various uses located and to be located on the Project site might impact those on-site resources.

Response to CPC Comment No. 1-12

This comment is similar to the commenter's previous comments that the City's environmental analysis of historical resources was inadequate, all of which are incorrect and not supported by substantial evidence. Refer to Section E, Impacts to Historical Resources in the Vicinity of the Project Site, of Topical Response No. 5, Historical Resources, of the Final EIR. As discussed therein, the EIR evaluated both direct and indirect impacts to historical resources in accordance with CEQA, and demonstrates that the Project would not physically alter any of the identified historical resources in the vicinity of the Project Site, including the Gilmore Adobe and The Original Farmers Market.⁷ Furthermore, no evidence of material alteration of any of the historical resources in the vicinity of the Project Site was identified by the commenter. Refer to Response to Comment Nos. 5-13, 26-47, and 28-31 of the Final EIR regarding historic impacts associated with vibration, new development, and trucks and access, as well as integrity of setting for The Original Farmers Market and Gilmore Adobe. As stated in the Historical Resources Technical Report for the Project, which was prepared by Historic Resources Group, integrity of setting for The Original Farmers Market and Gilmore Adobe have been substantially altered previously by the construction of The Grove shopping and entertainment center in 2002, and neither The Original Farmers Market nor the Gilmore Adobe retains integrity of setting (p. 88). The commenter claims that this statement, which was made by a historic expert, is erroneous, but fails to provide any evidence to support its claim.

Further, contrary to the commenter's assertion, the EIR adequately discussed and analyzed the proposed preservation and rehabilitation of the Primary Studio Complex. Refer

⁷ The Gilmore Adobe is sometimes referred to as the Ranch La Brea Adobe.

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to Section B, Historic Structure Report and the Future Preservation of the Primary Studio Complex, of Topical Response No. 5, Historical Resources, of the Final EIR.

CPC Comment No. 1-13

3. The Project's Mitigation Measures are vague and ill-defined, and the conditions of approval adopted by the Advisory Agency do not provide an enforceable and exhaustive mechanism by which the many significant impacts posed by the Project can be reduced or eliminated. These deficiencies are exacerbated by the inadequacy of the Project Description, because imprecise and changeable Project uses, without any firm commitment to a particular development pathway, could yield limitless potential impacts and are incapable of effective mitigation.

Response to CPC Comment No. 1-13

The comment regarding the Project's mitigation measures is repetitive of the commenter's previous comments, which, like this comment, did not include any examples or substantial evidence to support this claim. Refer to Appeal Response Nos. 2-41, 4-11 and 4-12 in the VTTM Appeal Responses. As stated therein, Section IV, Mitigation Monitoring Program, of the Final EIR, which was certified as part of the Deputy Advisory Agency's May 28, 2024, approval, includes each mitigation measure and Project Design Feature, along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. The Mitigation Monitoring Program (MMP) fully complies with CEQA. Implementation of the MMP would be required as part of the Conditions of Approval for the Project. Further, the commenter has provided no evidence to support their claim that Conditions of Approval are unenforceable.

With respect to the Project Description, refer to Response to CPC Comment No. 1-11 above.

CPC Comment No. 1-14

4. The Project's Statement of Overriding Considerations is also deficient for purposes of CEQA compliance, because it impermissibly relies on the Applicant's stated objectives for concluding that achieving those objectives alone is sufficient to override the significant

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environmental impacts of the Project. The administrative record does not provide evidence to support the need for nearly one million square feet of sound stage and production facilities given the current state of the media industry.

Response to CPC Comment No. 1-14

The comment regarding the Statement of Overriding Considerations was already addressed in the Technical Modifications to Staff Recommendation Report and/or Exhibits and Response to Additional Public Comments for Case Nos. VTT-83387-1A, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN and CPC-2021-4090-DA located at 7716-7860 Beverly Boulevard dated September 11, 2024 (Technical Modifications); refer to page 5 therein. As stated therein, economic impact studies prepared by the Los Angeles Economic Development Corporation dated June 2021 and April 2024 were submitted as part of the administrative record which provide supporting analysis on the economic effects of the Project.

CPC Comment No. 1-15

Moreover, if such need exists, the freedom with which the Applicant may utilize the land use exchange proposed in the Specific Plan to convert uses from studio and production to other uses (such as general office) means that the stated purpose of preserving the Project site as a production and studio facility might not be achieved, and the justification for the overriding consideration would be lost.

Response to CPC Comment No. 1-15

Refer to Response to CPC Comment No. 1-6, above, and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the land use exchange program. The proposed land use exchange program is limited and fixed and was fully disclosed and analyzed in the EIR and Erratum. Please note also that the commenter is incorrect that the land use exchange program would permit increases in general office.

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CPC Comment No. 1-16

Similarly, the Statement of Overriding Considerations justifies the Project's imposition of significant environmental impacts by relying on the Project's vision of increased media production within the City to reinforce its status as "the creative capital of the world," but the imprecise Project Description and non-commitment afforded by the land use exchange fails to ensure that those objectives will be achieved, rendering the Statement of Overriding Considerations inadequate.

Response to CPC Comment No. 1-16

Refer to Response to CPC Comment No. 1-6, above, and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the land use exchange program. The proposed land use exchange program is limited and fixed and was fully disclosed and analyzed in the EIR and Erratum.

CPC Comment No. 1-17

The Statement of Overriding Considerations is also deficient for its reliance upon the goals of the Wilshire Community Plan, which is (i) markedly out of date, and (ii) anticipates the provision of greater housing opportunities in transit-served areas, which the Project does not provide. Adoption of the Statement of Overriding Considerations also violates CEQA because the Project is not consistent with the applicable General and Specific Plans applicable to the Project site.

Response to CPC Comment No. 1-17

Refer to Topical Response No. 6, Wilshire Community Plan Update, and Response to Comment No. 28-20 of the Final EIR. As discussed therein, CEQA requires an evaluation of a project's consistency with existing land use plans, and that evaluation is not affected by possible changes to an existing land use plan that may be adopted in the future. In accordance with CEQA Guidelines Section 15125, the EIR properly relied on information that is currently available to establish baseline conditions and, as such, used information from the existing Wilshire Community Plan, satisfying the requirement under CEQA Guidelines Section 15125(d) that an EIR "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans."



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Further, the Project benefits listed in the Statement of Overriding Considerations (pages 104-107 of the LOD), which was adopted by the Deputy Advisory Agency in accordance with CEQA Guidelines Section 15093, are not dependent on the Community Plan, and the Statement of Overriding Considerations expressly states that each Project benefit provides a separate and independent ground for the City's decision to approve the Project despite the Project's temporary significant and unavoidable impacts during construction.

Refer to Response to CPC Comment No. 1-9 above for a discussion of housing and Response to CPC Comment No. 1-3 above for a discussion of consistency with applicable general and specific plans.

CPC Comment No. 1-18

For the foregoing reasons, and based upon the other evidence contained in the administrative record, we submit that the Gilmore company's appeal of the Advisory Agency's determination should be sustained, and the deficient CEQA documentation should be revised and recirculated. In addition, certain of the findings required for approval of the subdivision and the requisite CEQA documentation, as well as the proposed Specific Plan, Development Agreement, General Plan Amendment, Zone Change and Height District, cannot be lawfully made without significant modification to the proposed Project.

Response to CPC Comment No. 1-18

This comment concludes the letter. Refer to Response to CPC Comment Nos. 1-2 through 1-17, above for responses to the specific issues raised by the commenter.

Regarding recirculation, the Draft EIR was completed in full compliance with CEQA, and recirculation of the Draft EIR is not required. CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring "significant new information" that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse effect or feasible way to mitigate or avoid such an effect. The commenter fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines [Section 15088.5.



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CPC Comment Letter No. 2 (Holland & Knight, September 2, 2024)

Andrew J. Starrels
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Los Angeles, CA 90067

CPC Comment No. 2-1

We write on behalf of our client, the A.F. Gilmore Company to supplement our submittal in support of the Gilmore company's appeal of the above-captioned actions by the Advisory Agency, in anticipation of the appeal hearing to be heard by the Planning Commission on September 12, 2024.

Response to CPC Comment No. 2-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. With respect to the A.F. Gilmore Company's appeal, refer to Appeal Response Nos. 2-1 through 2-45 of the VTTM Appeal Responses.

CPC Comment No. 2-2

The recently published opinion of the California Court of Appeal in *Westside Los Angeles Neighbors Network v. City of Los Angeles* (August 19, 2024, BS320547) affirms the **limited** authority under CEQA of the Planning Commission or other delegated bodies to certify an environmental impact report for multi-component projects like the Westside Mobility Plan when other governmental bodies retain approval authority over other components of the project. In *Westside LA Neighbors*, the 2nd District Court of Appeal ruled that CEQA permitted the CPC to certify the EIR and approve the project, even though further discretionary action by the City Council was required to implement it (*ibid*, at p. 15). The Court of Appeal distinguished the circumstances surrounding the Westside Mobility Plan from the facts presented in another case, *Kleist v. City of Glendale* (1976), 56 Cal. App. 3d

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770 (City council was required to approve zone change as part of applicant's project, and delegated planning board's earlier certification of EIR was impermissible under CEQA).

The *Westside LA Neighbors* court distinguished *Kleist*, ruling that the approval of the Westside Mobility Plan and certification of its EIR was appropriately delegated to the Planning Commission, even when the City Council retained approval authority over certain **implementing** elements such as the program's "Fee Program Updates." In the *Kleist* case, by contrast, the principal elements of the project that yielded environmental impacts were yet to be decided, and required review by the City Council, which also was required under CEQA to certify the EIR. *Ibid*.

We respectfully submit that the circumstances of the TVC 2050 Project are more analogous to *Kleist* than to *West LA Neighbors*. Here, the City Council must approve, and has yet to act upon, a General Plan Update, a Zone Change and a Specific Plan in order to promulgate the Project. Much of the impact-generating details of TVC 2050 have yet to be finalized, were not disclosed publicly and have not been considered by the City as the lead agency. In fact, the Specific Plan itself has only been released in draft form, and is subject to further refinement and change. The only approval evaluated by the Advisory Agency in connection with TVC 2050 was the vesting tentative map, and that alone is not sufficient to fall under the *Westside LA Neighbors* case, and distinguish TVC 2050 from *Kleist*.

Response to CPC Comment No. 2-2

The City has already provided a response to this comment in the Technical Modifications; refer to page 5 therein. The Deputy Advisory Agency was the decision-maker for the VTTM, which is one of the Project's multiple approvals, and therefore the Deputy Advisory Agency was authorized and required to review and consider the EIR. The certification of the EIR by the Deputy Advisory Agency was consistent with CEQA, the LAMC and legal precedent.

In *Westside Los Angeles Network v. City of Los Angeles* (August 19, 2024, BS320547) (Westside), the court found that an entity authorized to adopt a portion of a multi-approval project was a "decision-making body" to whom the lead agency could delegate its authority to certify an EIR under Public Resources Code Section 21151 and CEQA Guidelines Section 15090(b). The court explained that while the CEQA Guidelines

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specifically mandate that the decision-making body of a public agency, such as the city council, cannot delegate certain functions, such as reviewing a final EIR or approving a negative declaration, those powers can be delegated to a non-elected city planning commission if their decision is appealable, which it was in Westside. This is consistent with LAMC Section 13B.11.1(D)(2), which states that “[a]ny entity authorized to decide a Project approval or appeal of an approval under this Article is the decision maker for purposes of compliance with CEQA. When a Project has more than one approval, the decision maker on the initial approval, or the appeal of the initial approval, determines the CEQA Clearance for the Project, subject to any available CEQA appeal to the City Council under Subsection F. (Appeals of CEQA Decisions) of this Section and all other requirements of CEQA and the CEQA Guidelines.”

In *Kleist v. City of Glendale* (1976) 56 Cal.App.3d 770 (Kleist), the court considered a different issue – specifically, whether a decision-making body could delegate its authority to an entity that was not a decision-making body for a project. The court in Kleist found that the separation of the approval function from the review and consideration of the environmental assessment is inconsistent with CEQA’s basic purpose of informing governmental decision makers about environmental issues. Unlike in Kleist, where the city council delegated its authority to an entity which was not a decision-making body, here, the Deputy Advisory Agency was the decision-maker for the VTTM, which is one of the Project’s multiple approvals, and therefore had authority to certify the EIR. The LAMC delegates to the Deputy Advisory Agency the authority to approve the VTTM, and inherent in that authority was the requirement and authority to comply with CEQA. The VTTM is a discretionary approval and cannot be approved without CEQA compliance. Further, since the Deputy Advisory Agency is a non-elected decision-maker, the LAMC allows for the VTTM and CEQA approval to be appealed ultimately to the City Council, the elected decision-maker. (See LAMC Section 13B.11.1(D)(2), above.)

The Deputy Advisory Agency acted upon the VTTM and EIR only in accordance with the LAMC and CEQA. The remaining entitlements, including, among others, the Draft Specific Plan, was considered by the City Planning Commission on September 12, 2024, and will be considered by the City Council at a later date, also consistent with the LAMC and CEQA.



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CPC Comment No. 2-3

Moreover, as we have explained in our other submissions and is revealed elsewhere in the administrative record, a permissible CEQA determination cannot be made when the Project itself has not been adequately described and disclosed, and is not sufficiently finalized to be considered and evaluated.

Response to CPC Comment No. 2-3

As discussed throughout the Final EIR responses to comments, the EIR provided sufficient details to fully evaluate the environmental impacts of the Project, and the commenter does not provide substantial evidence to the contrary.



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CPC Comment Letter No. 3 (Latham & Watkins LP, September 3, 2024)

Maria P. Hoyer
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Latham & Watkins LLP
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CPC Comment No. 3-1

On behalf of The Grove, LLC ("Appellant"), we respectfully request that the Planning Commission vacate the Advisory Agency's May 28, 2024 approval of Vesting Tentative Tract Map ("VTTM") No. 83387 and certification of the Environmental Impact Report for the TVC 2050 Project (the "Project").

As explained in Appellant's appeal and the other eight appeals of the Advisory Agency's approval (collectively, the "Appeals"), the Advisory Agency violated the City's required procedures and approved a map that does not comply with the law. The appeal must be granted and the map sent back to the Advisory Agency for further review.

The Advisory Agency ignored the City's procedures. The Advisory Agency hearing was on May 15. The Advisory Agency approved map, as reflected in the Letter of Determination, was filed on May 17, two days after the hearing. How could the Advisory Agency approve a map filed after the hearing, that is different than the one attached to the staff report, that was never made available to the public, and that was not considered at the hearing? It could not have. The Advisory Agency violated the Los Angeles Municipal Code ("LAMC") and state law. Among those violations, the Advisory Agency approved a map that was never circulated to the Subdivision Committee. This isn't just process for process' sake. The Subdivision Committee provides its expert opinions to the Advisory Agency. That never happened for the approved map. This cannot be cured by the Planning Commission's process. The Advisory Agency must start its process anew.¹

The Advisory Agency approved a map that lacks the information required for vesting tentative tract maps. The approved VTTM lacks the basic information the law requires for vesting tentative tract maps. Driveways and locations of perimeter walls and fences are

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missing, information regarding building heights and lot size is missing, and information regarding grading, cut/fill, and import/export quantities is missing. The LAMC requires this information on the map. It is not there. The appeal must be granted.

The map is inconsistent with the Project described in the EIR. The VTTM must be consistent with the Project analyzed in the EIR. It is not. The Advisory Agency approved VTTM shows three proposed ground lots, some building outlines, and just one driveway off of Beverly Boulevard, which is inconsistent with the Project studied in the EIR. The VTTM's approval must be set aside.

Given these failures, the approval of the VTTM is invalid on its face as is the Advisory Agency's certification of the EIR. The Planning Commission must grant the Appeals.

¹ Appellant incorporates by reference the other eight appeals of the Advisory Agency's approval of the Project, submitted by Save Beverly Fairfax, Beverly Wilshire Homes Association, A.F. Gilmore, Mayer Beverly Park Limited Partnership, Neighbors for Responsible TVC Development, Fix the City, Park La Brea Impacted Residents Group, Miracle Mile Residents Association. Appellant also incorporates by reference the numerous public comments on the Draft EIR and the separate letter from Appellant regarding the other Project actions before the Planning Commission.

Response to CPC Comment No. 3-1

This introductory comment, which sets up the Commenter's points in the remainder of the letter, is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to CPC Comment Nos. 3-2 and 3-3 below for a discussion of the tract map process, Response to CPC Comment No. 3-4 below for a discussion of the information contained in the tract map, and Response to CPC Comment Nos. 3-5 through 3-24 below for a discussion of consistency with the EIR.

CPC Comment No. 3-2

I. THE ADVISORY AGENCY ILLEGALLY APPROVED A MAP FILED AFTER THE ADVISORY AGENCY'S MAY 15 PUBLIC HEARING

The Advisory Agency approved a VTTM filed two days **after** the Advisory Agency's hearing that is substantially different from the map attached to and analyzed in the Advisory Agency's



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staff report, made available to the public and considered by the Subdivision Committee and at the hearing. This is legally indefensible. The Advisory Agency's action is void.

The Advisory Agency hearing staff report made available to the public attached a map dated March 26, 2021. See Attachment "A." The Advisory Agency met on May 15 to hold a hearing on the March 26, 2021 map. Yet the Advisory Agency approved a different VTTM that was filed after the hearing on May 17, 2024. See Attachment "B." The VTTM approved by the Advisory Agency was not made available to the public prior to the Advisory Agency hearing. This Advisory Agency approved map is different from the one attached to the staff report which was the subject of public comment and was considered at the public hearing.

Moreover, there is no indication that the Advisory Agency approved VTTM was ever circulated to the Subdivision Committee as required by LAMC Section 17.03B. Approving a map that was never circulated to the Subdivision Committee, never made available to the public, and different from the version that was the subject of the Advisory Agency's staff report and public hearing clearly violates the LAMC and is an abuse of discretion. The Advisory Agency shall not act on a tentative map until 39 days after the map is filed or reports have been received by all Subdivision Committee members. LAMC § 17.03. Every tentative map shall be considered by the Advisory Agency at a public meeting. *Ibid.* The Subdivision Committee is required to make recommendations upon all tentative maps. LAMC § 17.04. The Advisory Agency approved a map that was filed after the public hearing on a different map and only 11 days before issuance of the Letter of Determination, with no Subdivision Committee review or public meeting.

In addition, the Advisory Agency approved map is inconsistent with the Project described in the Final EIR and the latest version of the TVC 2050 Specific Plan. *Compare* Attachment "C" (project site plans from Draft EIR); *with* Attachment "D" (conceptual site plan from draft Specific Plan).

These errors cannot be cured by a Planning Commission hearing. The Advisory Agency must restart its review of the proposed VTTM, circulate the new VTTM to the Subdivision Committee, issue a new public report based on the new VTTM, and hold a new Advisory Agency hearing, all consistent with the requirements of the Subdivision Map Act, the LAMC, and the Final EIR.

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Response to CPC Comment No. 3-2

This comment is substantively similar to comments made by the Commenter in their appeal justification, which were responded to in detail in the VTTM Appeal Responses. Refer to Appeal Response Nos. 1-7 and 1-11 and refer to the VTTM Topical Response in the VTTM Appeal Report. As discussed therein, the VTTM and the Deputy Advisory Agency's approval complied with all applicable regulations and procedures. The Project's Original VTTM and Updated VTTM complied with all applicable regulations of the LAMC because they are substantially identical in that they both demonstrate compliance with the technical requirements of the LAMC, were submitted to and made a part of the public record on March 27, 2024, prior to the May 15, 2024, public hearing, and the minor revisions to an interior lot line in the Updated VTTM were not material and thus did not require recirculation to the Subdivision Committee. The Commenter fails to provide evidence to demonstrate how the Original VTTM and Updated VTTM are materially different in any regard that would otherwise require recirculation to the Subdivision Committee.

CPC Comment No. 3-3

These errors also violate the due process rights of affected property owners and occupants including our client, who were unable to review the May 17th map ahead of the May 15, 2024 hearing to understand how it would affect their property interests. *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, 1413–14 (city's failure to timely provide maps before hearing on redevelopment plan as required by statute created unreasonable risk of erroneous deprivation and violated procedural due process); *Horn v. County of Ventura* (1979) 24 Cal.3d 605, 614–615 (procedural due process protections apply to adjoining property owners if their property interests are substantially affected by adjudicatory land use decisions on an adjacent property).

A new hearing is required to evaluate the May 17th map once the Subdivision Committee has reviewed it.²

² As noted in this letter, there are other major deficiencies with the map that will necessitate revisions prior to processing and approval.

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Response to CPC Comment No. 3-3

Refer to the VTTM Topical Response and Appeal Response No. 2-30 of the VTTM Appeal Responses. As discussed therein, the VTTM approval process and hearing complied with all applicable regulations, and the commenter has not provided any evidence that the public was denied a fair hearing. As also discussed therein and discussed further below, the City was not required to circulate the Updated VTTM to the Subdivision Committee or to the public prior to the hearing, contrary to the commenter's repeated assertions.

In *Horn v. County of Ventura* (1979) 24 Cal.3d 605 (Horn), the Supreme Court held that whenever approval of a tentative subdivision map will constitute a substantial or significant deprivation of the private rights of other landowners, the affected persons are entitled to a reasonable notice and an opportunity to be heard before the approval occurs, in accordance with the due process clause of the Constitution.⁸ Regarding the content of such notice, the Supreme Court intentionally did not establish specific requirements, stating that “[w]e deliberately refrain from describing a specific formula which details the nature, content, and timing of the requisite notice. Rather, we leave to the affected local governments these determinations.”⁹

The commenter fails to claim, and let alone demonstrate with evidence, that the City's approval of the VTTM deprived them of a substantial or significant property right. The approved VTTM is a straightforward tract map that merged four lots into three lots, all within the Project Site and not affecting any adjacent properties, and the VTTM does not confer any development rights other than to permit the subdivision of land. Neither the Original VTTM nor the Updated VTTM would affect the commenter's property or deprive them of a significant property interest. Further, as discussed in detail in the VTTM Topical Response, the only difference between the Original VTTM and Updated VTTM related to internal lot lines (with no change to external lot lines affecting adjacent property owners). Such minor changes to draft VTTMs do not trigger additional notice to the public. Moreover, even assuming for the sake of argument that the commenter could demonstrate deprivation of a protectible property interest sufficient to trigger procedural due process protection, the commenter's rights to

⁸ Horn, 24 Cal.3d at 616.

⁹ *Id.* at 618.

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procedural due process were satisfied by notice and an opportunity to be heard, and the due process clause does not require any additional procedures. In accordance with City policy, the City published a Notice of Public Hearing (Hearing Notice) on April 19, 2024, for the joint Deputy Advisory Agency and Hearing Officer hearing to be held on May 15, 2024, which described the Project and the requested actions, including, among others, “a Vesting Tentative Tract Map for a merger and re-subdivision of four parcels into three lots.” The Hearing Notice was sent to all owners and occupants within a 500-foot radius of the Project Site, as well as all interested parties, including the commenter and the 607 other individuals and organizations that submitted comment letters on the Draft EIR. This notice satisfies the notice requirement the Supreme Court discussed in *Horn*.

Notably, nowhere in the commenter’s previous comment letters or this letter does the commenter claim – nor could they claim – that they were not aware of the proceedings leading up to approval of the VTTM or what that approval would entail. In fact, the commenter submitted a comment letter on May 14, 2024, to provide comments prior to the May 15, 2024, hearing, and the upcoming hearing was specifically mentioned in their letter. The commenter was afforded numerous opportunities to be heard before the Deputy Advisory Agency and City Planning Commission, and the commenter participated in the proceedings by presenting both oral and written testimony. At no time during the proceedings was the commenter denied the opportunity to address the City.

The other case referenced in this comment, *Community Youth Athletic Center v. City of National City* (2013) 220 Cal.App.4th 1385, is not applicable here, as that case involved violations of the requirements under Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) and not the Subdivision Map Act.

CPC Comment No. 3-4

II. THE ADVISORY AGENCY APPROVED MAP LACKS THE DETAILS LEGALLY REQUIRED FOR APPROVAL OF A VESTING TENTATIVE TRACT MAP

LAMC Sections 17.06 and 17.15 detail what must be included in a vesting map. This detail is lacking from both the March 26, 2021 dated map attached to the Advisory Agency staff report and considered at the hearing, and the Advisory Agency approved VTTM dated May 17, 2024.

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The Advisory Agency approved May 17, 2024 VTTM is missing the grading, cut/fill and import/export quantities, lot size, building envelopes showing height, size, number of units, and approximate location of buildings, driveways, and perimeter walls and fences. The approved VTTM merely shows three proposed ground lots, some building outlines and one driveway off of Beverly Boulevard (all of which is inconsistent with the Final EIR and the proposed Specific Plan). There is no information regarding these outlined buildings, no information regarding perimeter walls and fences, and no information regarding grading or cut/fill. And the driveways required by the proposed Specific Plan on Fairfax, Beverly, and The Grove Drive are not depicted on the May 17, 2024 VTTM. The Advisory Agency approved VTTM does not even completely satisfy the requirements for a tentative tract map, let alone a vesting tentative tract map.³

Because the Advisory Agency-approved VTTM lacks the information required to file and process the map, it cannot acquire vesting rights back to Applicant's initial filing even if these deficiencies are corrected. The City cannot approve a VTTM that does not comply with the requirements of the LAMC.

³ There also is confusion as to what has been approved regarding street widths. The Bureau of Engineering included a three-foot dedication along Grove Drive as a condition of approval. The Letter of Determination states that a waiver of a three-foot dedication along The Grove Drive has been requested and the waiver is shown on the VTTM. But the Letter of Determination is silent as to whether the waiver request is granted or denied. The VTTM could not have been approved without denial of the waiver, which the Advisory Agency did not include in the Letter of Determination.

Response to CPC Comment No. 3-4

This comment is substantively similar to comments made by the Commenter in their appeal justification, which were responded to in detail in the VTTM Appeal Responses. Refer to Appeal Response No. 1-8 and the VTTM Topical Response regarding the information required to be included in the VTTM and the adequacy and appropriateness of the VTTM approval and associated processes. The Project was not required to submit a plan of building envelope showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls per Section 17.15 B.1 (b) of the LAMC in conjunction with its application for a VTTM. The final sentence of Section 17.15 B.1 (b) of the LAMC applies to vesting tentative maps that require design review, which is not applicable to the Project. The Project Site is not located in a Hillside Area, the Mulholland

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Scenic Parkway, or within a Community Plan, Specific Plan, or other overlay that requires design review. Nevertheless, the Project provided architectural plans in conjunction with its entitlement application that contained all the information related to the height, size, density, and locations of buildings, driveways, and fences and walls, in addition to iterations reflecting updates to the Project's design, including but not limited to the Modified Project. Notably, LAMC Section 17.15 B.1 (b) requires this information to be shown in a "plan of building envelope," which refers to a set of architectural plans, not information that is required to be displayed on a VTTM.

CPC Comment No. 3-5

III. THE ADVISORY AGENCY'S DECISION VIOLATES THE SUBDIVISION MAP ACT

The Subdivision Map Act requires a public agency considering approval of a tract map to make specific findings. A map must be denied if (a) the proposed map is inconsistent with the applicable general and specific plans, (b) the design or improvement of the proposed subdivision is inconsistent with applicable general and specific plans, (c) the site is not physically suitable for the type of development, (d) the site is not physically suitable for the proposed density of development, (e) the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (t) the design of the subdivision or type of improvements is likely to cause serious public health problems, or (g) the design of the subdivision or type of improvements will conflict with certain public access easements. Gov. Code§ 66474. In addition, a subdivision for which a map is required must provide to the extent feasible for future passive or natural heating or cooling opportunities in the subdivision. Gov. Code§ 66473.1.

The Advisory Agency abused its discretion in approving the VTTM because the findings under Government Code Section 66474 could not be made. The findings stated in the Letter of Determination are also inconsistent with the information in the Final EIR, providing further evidence that the Advisory Agency abused its discretion. The Project studied in the Final EIR is a different project from the VTTM, which was not even the map that was considered by the Advisory Agency during the May 15 hearing.

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Response to CPC Comment No. 3-5

This comment is substantively similar to comments made by the Commenter in their appeal justification, which were fully addressed in the VTTM Appeal Responses. Refer to Appeal Response Nos. 1-9 and 1-10, and the VTTM Topical Response. The Project fully complies with the Subdivision Map Act and the Deputy Advisory Agency has not abused its discretion in approving the VTTM.

CPC Comment No. 3-6

A. The VTTM and Proposed Design of the Subdivision is Inconsistent with the General and Specific Plans

The Advisory Agency approved VTTM is inconsistent with the applicable General and Specific Plans, and would conflict with the objectives and policies of the General Plan. Gov. Code § 66473.5; LAMC § 17.05.C; see *Joshua Tree Downtown Business Alliance v. County of San Bernardino*, 1 Cal.App.5th 677, 695 (abuse of discretion in governing body's conclusion that project is consistent with the general plan can include not proceeding in a manner required by law or making decisions not supported by substantial evidence). The proposed TVC 2050 Specific Plan is still in draft form and has not even been considered by the City Planning Commission or City Council, and it was not possible for the Advisory Agency to determine that the approved VTTM is consistent with what may ultimately be in the proposed Specific Plan in order to make the required findings. The VTTM conditions relative to approval of the proposed Specific Plan do not specify a version of the proposed Specific Plan that must be approved. Unlike a finding of consistency with a requested zone change to an established zone, the Advisory Agency does not have a basis to confirm consistency with an unspecified Specific Plan. It's a moving target.

Response to CPC Comment No. 3-6

This comment is substantively similar to comments made by the Commenter in their appeal justification, which were fully addressed in the VTTM Appeal Responses. Refer to Appeal Response No. 1-11 regarding the Deputy Advisory Agency's determination that the VTTM and the design and improvement of the subdivision are consistent with applicable general and specific plans, as discussed in detail on pages 110–112 of the LOD.

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Further, the case referenced in this comment supports the City's conclusion that the Project is consistent with applicable land use plans. In *Joshua Tree Downtown Business Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, the court rejected the argument that a proposed retail store project was not consistent with applicable land use plans, explaining that "[A] governing body's conclusion that a particular project is consistent with the relevant general plan carries a strong presumption of regularity that can be overcome only by a showing of abuse of discretion[.]" which "is established only if the governing body has not proceeded in a manner required by law, its decision is not supported by findings, or the findings are not supported by substantial evidence."¹⁰ The court emphasized that this review "is highly deferential to the local agency."¹¹ As the court explained, substantial evidence "includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts" and "does not include argument, speculation, unsubstantiated opinion or narrative, or evidence which is clearly inaccurate or erroneous."¹² As discussed in prior responses to the commenter's comments, the commenter has failed to provide substantial evidence supporting their argument that the VTTM is not consistent with applicable general and specific plans.

CPC Comment No. 3-7

Even worse, the approved VTTM is inconsistent with the current draft Specific Plan that was in circulation at the time of the Advisory Agency hearing. By way of one example, the proposed Specific Plan requires vehicular entries from Fairfax Avenue, Beverly Boulevard and The Grove Drive, but the VTTM includes only one access point on Beverly Boulevard.

Response to CPC Comment No. 3-7

This comment is substantively similar to previous comments which were fully addressed in the VTTM Appeal Report. Refer to Appeal Response Nos. 1-2, 1-8, and 3-3

¹⁰ *Joshua Tree Downtown Business Alliance v. County of San Bernardino*, 1 Cal.App.5th at 695–96.

¹¹ *Id.* at 696.

¹² *Id.* at 690.

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and the VTTM Topical Response regarding the consistency between the VTTM and Draft Specific Plan and the information included in the VTTM.

CPC Comment No. 3-8

The Advisory Agency could not find that the scale, height, density and uses of the Project are consistent with the General Plan Framework. First, as noted above, the VTTM does not even provide the scale, height, density and use information to assess consistency. Moreover, from the Project information in the proposed Specific Plan and EIR, the scale, height, density and uses would be inconsistent with the General Plan and Community Plan. For example, the General Plan Framework defines Community Commercial areas as having building heights ranging from two- to six- [sic] stories. The Project proposes heights up to 225 feet (above a defined grade that could even result in buildings taller than 225 feet.) Further, while the Advisory Agency's findings state that the proposed Specific Plan would restrict development for studio land uses, the draft TVC 2050 Specific Plan does not enumerate permitted uses or require that a studio exist on the property. Rather, the draft Specific Plan would allow any use "consistent with" the five broadly defined land use categories. Such a broad range of uses is inconsistent with the General Plan and the Advisory Agency's own findings.

Response to CPC Comment No. 3-8

This comment is similar to previous comments that were already addressed in the VTTM Appeal Report, which repeated earlier comments that already were addressed as part of the Final EIR. Refer to Appeal Response Nos. 1-8, 2-4, 2-13, 2-22 and 4-20 of the VTTM Appeal Responses and Response to Comment Nos. 5-15, 11-3, 26-7, and 28-23 of the Final EIR.

Further, the comment regarding enumerated uses was addressed on page 6 of the Technical Modifications. As stated therein, Section 5.1 of the Draft Specific Plan sets forth the limited studio-related land uses permitted as part of the Project. Section 5.1.D is a standard provision that matches other standard City-adopted specific plans, including,

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among many others, the District NoHo Specific Plan.¹³ Section 5.1.D would only allow uses that are similar to the permitted studio uses and not more objectionable to the public welfare, upon determination by the Director of Planning pursuant to LAMC Section 13B.4.6 (Specific Plan Interpretation). The primary objective of this Project is to continue the existing studio and to implement the Initial Development Plans for studio uses. In addition, the definitions of the permitted uses in the Draft Specific Plan are the same as or materially consistent with those in other approved studio specific plans such as Paramount Pictures, Universal Studios, and Fox. Moreover, in response to feedback from the public and at the request of Councilmember Katy Yaroslavsky, the following requirement that studio-related tenants to be prioritized for the general office use was added to the Draft Specific Plan: “All commercially reasonable efforts shall be used to prioritize/target tenants engaged primarily in media, entertainment, and/or technology-related businesses, including, but not limited to, writing, casting, production, software, special effects, editing, content, communication, multimedia, professional, service, administrative, documentation and technical support, or ancillary businesses to the foregoing in connection with marketing efforts for the General Office land uses space at the Project. Upon written request by the City, the property owner shall update the City of its efforts pertaining to the above commitment.” (Draft Specific Plan dated September 2024, as modified by the City Planning Commission on September 12, 2024, Section 5.1.E.)

CPC Comment No. 3-9

The Project is also inconsistent with the General Plan’s Mobility Element, Mobility Plan 2035 (“Mobility Plan”). For example, the analysis in the EIR assumes that pedestrian, bicyclist and motorist safety will be adequately addressed with basic improvements like crosswalks and signage. But this is an area the City has already identified as prone to accidents as part of the High Injury Network. And the Project has the potential to increase accidents and hazards by adding trips, increasing truck traffic, adding new driveways, and adding a fully signalized private street intersection. As explained in Appellant’s comments on the Draft EIR, the Project will significantly impact pedestrians. The proposed new driveways on Beverly Boulevard and The Grove Drive would adversely affect pedestrian movement to existing

¹³ District NoHo Specific Plan (Ordinance No. 188144, effective April 22, 2024), Section 5.1.C, p. 15, https://planning.lacity.gov/odocument/78663e3f-1e0c-4fbd-97de-cdbb927357aa/SP_23-1264-S1_ord_188144_4-22-24.pdf.

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residential areas, recreational centers and schools. Further, the analysis of the Project ignores the Mobility Plan policy to limit truck movement to the arterial street network and does not include any conditions to limit truck activity to the Project's existing driveways on Beverly Boulevard and Fairfax Avenue (rather than a Collector Street, The Grove Drive). The Grove Drive is designated as a Collector Street and is designated as part of the Pedestrian Enhanced Network, with portions designated as part of the Neighborhood Enhanced Network and Bicycle Enhanced Network in the Mobility Plan, yet the Project would include two new driveways on The Grove Drive (although not shown on the Advisory Agency approved VTTM), for unlimited vehicle and truck traffic.

With the Advisory Agency approved VTTM showing just one driveway on Beverly Boulevard providing all access for the site, the Advisory Agency could not have evaluated the circulation issues associated with the various access points included in the proposed Specific Plan and EIR. The Advisory Agency failed to properly evaluate the approved VTTM's consistency with the Mobility Plan.

Response to CPC Comment No. 3-9

This comment is similar to previous comments from the commenter that have already been fully addressed in both the VTTM Appeal Report and Final EIR. Refer to the VTTM Topical Response and Appeal Response Nos. 4-33 and 6-14 in the VTTM Appeal Report, and Response to Comment Nos. 26-165, 26-169, 26-E.4-4, and 26-E.4-5 of the Final EIR. Section IV.H, Land Use and Planning, and Section IV.K, Transportation, of the Draft EIR, and Section 2.2.11.1 of the Erratum, along with their associated appendices included detailed evaluations of the Project's consistency with the Mobility Plan. Additionally, as it relates specifically to pedestrian safety, Topical Response No. 12, Safety and Congestion, of the Final EIR provides additional information in response to public comments, including those made by the Commenter. The Erratum, which evaluates the refinements to the Project, confirms this conclusion. Thus, as demonstrated throughout the EIR, the Project would not conflict with the Mobility Plan as determined by the City's planning and transportation experts, and the Commenter has provided no evidence to the contrary.



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CPC Comment No. 3-10

Contrary to the Advisory Agency's findings, the VTTM is not consistent with the design standards established by the Subdivision Map Act and LAMC regulations. The VTTM does not include, for example, the lot size, traffic access, or grading information necessary for the Advisory Agency to make such finding [sic]. The Advisory Agency's findings erroneously state that the VTTM was distributed to and reviewed by the various City agencies of the Subdivision Committee. However, as noted, the VTTM was not filed until after the Advisory Agency hearing and the Advisory Agency's determination was made only 11 days after the filing of the VTTM. There is no indication that the approved VTTM was circulated to the Subdivision Committee or the public.

Response to CPC Comment No. 3-10

Refer to Response to CPC Comment Nos. 3-2 and 3-4 above.

CPC Comment No. 3-11

In addition, the conditions of approval for the Advisory Agency approved VTTM do not include a condition requiring approval of the General Plan Amendment or compliance with applicable General Plan policies, prior to recordation of the final map. LAMC § 17.15(D).

Response to CPC Comment No. 3-11

As stated in Appeal Response No. 1-11 of the VTTM Appeal Responses, in compliance with the LAMC, the Advisory Agency included Condition of Approval No. 10.J, requiring the subdivider to obtain a Zone Change to the TVC Zone prior to clearing of the conditions and recording of the final map, as well as Condition of Approval No. 10.N, requiring compliance with the other entitlement approvals.

CPC Comment No. 3-12

For these and other reasons, the Advisory Agency's finding regarding General Plan consistency are unsupported by the evidence in the record.



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Response to CPC Comment No. 3-12

Refer to Response to CPC Comment Nos. 3-6 through 3-11 above.

CPC Comment No. 3-13

B. The Site is Not Physically Suitable for the Type or Proposed Density of Development

The Advisory Agency's finding that site is physically suitable for the type or proposed density of development is unsupported by the evidence in the record. The basic information required by the Subdivision Map Act to evaluate the type and density of development proposed is not presented on the approved VTTM.

In addition, the proposed TVC 2050 Specific Plan does not specify the type, density or location of development within the VTTM. The proposed Specific Plan has five broad categories of land uses and would allow any permitted uses "consistent" with those broad categories. The Specific Plan would also allow a dozen ancillary uses and the permitted and ancillary uses could be located anywhere within the Specific Plan area. In addition, under the proposed Specific Plan the floor area is grossly undercounted, and the density of development could increase. The Final EIR failed to analyze the actual Project, which is still undefined, and instead studied a conceptual envelope of impacts that the Project might include, but is not bound by. And the map (whether the original draft or the Advisory Agency approved map) is not even consistent with that conceptual Project as presented in the Draft EIR, Final EIR, Errata or the draft TVC 2050 Specific Plan. Given the missing information in the approved VTTM, the undefined nature of the Project, and undercounting of floor area, the Advisory Agency could not determine the physical suitability of the site for the development.

Response to CPC Comment No. 3-13

This comment is substantively similar to comments made by the Commenter in their appeal justification, which were responded to in detail in the VTTM Appeal Report. Refer to Appeal Response Nos. 1-12, 2-14, and 2-33, and pages 5-6 of the Responses to the May 2024 Comment Letters prepared by Eystone Environmental dated May 22, 2024, included in Exhibit E of the Appeal Report (May 2024 Responses). As discussed therein, the LOD



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included a detailed discussion of the findings discussed in this comment on pages 112-116, and the Deputy Advisory Agency determined that the Project Site is physically suitable for the type and proposed density of development based on substantial evidence.

The comment regarding the Project Description is similar to the Commenter's prior comments, which were addressed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, Topical Response No. 2, Definition of Floor Area is Adequate, and Response to Comment No. 26-11 of the Final EIR.

CPC Comment No. 3-14

While the VTTM does not include the required information to determine the location, type and density of the proposed development, based on evidence in the EIR, the site is not physically suitable for the proposed type or density of development for a variety of reasons, including for example that the Project has potential to create unsafe traffic conditions, parking conditions, and other physical hazards. The Project site is located adjacent to a historic residential neighborhood, other historic structures and uses, religious institutions, a park and other sensitive uses, and is not physically suited for the massive scale and density of the Project as proposed.

Response to CPC Comment No. 3-14

This comment is repetitive of previous comments made by the commenter that have already been responded to in detail in the Appeal Report and Final EIR. Refer to Appeal Response Nos. 2-25 and 4-34 of the VTTM Appeal Responses, and Response to Comment No. 9-29 of the Final EIR.

CPC Comment No. 3-15

The Project would create unsafe traffic conditions on the surrounding surface streets, most notably on The Grove Drive. The traffic and circulation analysis in the EIR is fundamentally flawed regarding VMT assumptions, and the traffic on The Grove Drive from new driveways that the Project proponent seeks to add would result in queueing and safety impacts for drivers, bicyclists and pedestrians. The Final EIR assumes without supporting evidence that if there is traffic congestion on The Grove Drive, drivers could enter the site through the

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driveways on Beverly Boulevard and Fairfax Avenue, but there is no analysis of how those drivers would then access the parking structure on the site, for example. The EIR also fails to analyze how this traffic congestion could impact emergency response times, potential safety impacts from cut through traffic in nearby residential neighborhoods, and air quality impacts and increased greenhouse gas emissions from traffic congestion.

Response to CPC Comment No. 3-15

This comment repeats previous comments that were already addressed in the Final EIR.

Refer to Section C, Assumptions in the VMT Analysis, of Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR regarding the assumptions used in the Project's VMT analysis.

Refer to Section E, Pedestrian Safety at Project Driveways, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 9-29 and 26-E.4-3 of the Final EIR regarding pedestrian safety.

Refer to Section B, Level of Service, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 9-29 and 16-36 of the Final EIR regarding the non--CEQA LOS analysis in the Transportation Assessment (Appendix M.1 of the Draft EIR) related to traffic congestion.

Refer to Section A, Queuing at Project Driveways, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 26-169, 26-170 and 26-171 of the Final EIR regarding queuing and the capacity of The Grove Drive.

Refer to Section D, Emergency Access, of Topical Response No. 12, Safety and Congestion, and Response to Comment No. 26-149 of the Final EIR for a discussion of emergency access and vehicle response times.

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Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR regarding the non-CEQA analysis of cut-through trips in the Transportation Assessment.

Refer to Response to Comment Nos. 16-12 and 124-3 of the Final EIR regarding vehicle emissions associated with traffic.

CPC Comment No. 3-16

Related to the Final EIR's flawed VMT counts, the Project also does not provide for adequate parking for all site users when taking into account the maximum potential audience guests and special events. Lack of adequate parking has potential to result in spillover parking in adjacent residential neighborhoods, and at the existing parking provided for The Grove and The Farmers Market. This lack of parking can result in air emissions and safety impacts as drivers search for parking in nearby neighborhoods and add to congestion on surrounding streets.

Response to CPC Comment No. 3-16

Refer to Topical Response No. 13, Parking, and Response to Comment Nos. 26-127 and 137-2 of the Final EIR regarding the adequacy of the on-site parking supply to accommodate the peak parking demands of the Project and prevent spillover parking. Refer to Response to Comment Nos. 26-163 and 116-4 of the Final EIR regarding the impacts associated with parking.

Refer to Topical Response No. 3, Permitted On-Site Uses, and Section B, Visitor Trips, and Section C, Special Events, of Topical Response No. 10, Trip Generation, and Response to Comment No. 106-2 of the Final EIR regarding special events and audience trips. As discussed therein, audience trips and special event trips were accounted for in the EIR's transportation analysis. Further, special events would not be regulated by the Draft Specific Plan; rather, they would continue consistent with existing conditions and be subject to existing City permitting requirements and regulations.



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CPC Comment No. 3-17

The Project proposes to include a helipad without restrictions on location or use. Helicopters may be flying in and out of the Project site at all times of the day and night. The Advisory Agency failed to analyze how a helipad is suitable for the Project site once redeveloped. While the Final EIR asserts that future helipad operations would be the same as the supposed past helipad use, the Specific Plan fails to include any such locational or operational restrictions. Based on this lack of evidence in the record, the Advisory Agency could not find that the site is physically suitable for the proposed helipad use as part of the Project.

Response to CPC Comment No. 3-17

This comment is similar to previous comments that were already addressed in the VTTM Appeal Responses and Final EIR. Refer to Appeal Response No. 4-30 and Response to Comment No. 26-15 in the Final EIR regarding the existing permitted helipad that would continue to operate as part of the Project consistent with existing conditions in accordance with established permits and applicable regulatory requirements. Accordingly, as with existing conditions, the Project Site would continue to be physically suitable for the helipad under the Project.-

As stated consistently throughout the EIR and Erratum, operation of the helipad under the Project would be consistent with existing conditions and would comply with all existing applicable regulatory requirements. Detailed information about the existing helipad operations is included in Appendix FEIR-15 of the Final EIR. As stated therein, this information was provided by Jeff Mapes, Vice President of Facilities Operations at Television City, and Michael Klausman, President of Television City, who has worked at Television City since 1971. Further, the relocation of the existing helipad under the Modified Project would require additional approvals from the Federal Aviation Administration and Department of Aeronautics. Moreover, any future changes to the location or operation of the helipad beyond what was studied in the EIR and Erratum would require CEQA compliance review.

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CPC Comment No. 3-18

While the VTTM does not include required building height information, the site is not physically suited for the proposed height of buildings in the Specific Plan, which could be as tall as 225 feet in Height Zone D and 145 feet in Height Zone C. While it is unknown where in the height zone buildings would be constructed since the Final EIR only studied an envelope of potential uses and does not settle on precise locations for buildings, these buildings have potential to block light and views from the immediately adjacent residential sensitive receptor, and result in noise and privacy impacts to residents. In addition to the impact of these buildings on the adjacent residential use, they have potential to impact historic resources including the Gilmore Adobe and The Farmers Market.

Response to CPC Comment No. 3-18

Refer to Response to CPC Comment No. 3-8 above regarding the height of the Project. Further, as discussed in Appeal Response No. 4-25 of the VTTM Appeal Responses, the Draft Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Draft Specific Plan, which were fully evaluated in the EIR and Erratum in accordance with CEQA, would be processed administratively under the Draft Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans (Appendix A) would require a new discretionary approval by the City and CEQA compliance review.

With regard to light and views, as discussed in the Initial Study (pages 44-48) and Final EIR responses to the commenter's comments on the Draft EIR, in accordance with Public Resources Code Section 21099(d) (SB 743), the Project's aesthetic impacts are not considered to be significant impacts on the environment.

With regard to noise, the Project's noise impacts were fully evaluated in Section IV.I, Noise, of the Draft EIR and Section 2.2.9 of the Erratum, which were incorporated into the LOD by reference.



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With regard to privacy impacts, privacy is not an environmental impact under CEQA, nor is it a finding required under the Subdivision Map Act.

Refer to Topical Response No. 7, Historical Resources, of the Final EIR and Response to CPC Comment No. 1-12, above, regarding the Project's less-than-significant impacts to historical resources, including the Gilmore Adobe and The Original Farmers Market.

CPC Comment No. 3-19

In addition, the Project site has existing recognized environmental conditions. The Project proposes to implement various as yet prepared plans to mitigate these conditions, but the plans have not been developed or reviewed by the Advisory Agency or Subdivision Committee. Therefore, the Advisory Agency could not find that the Project site is suitable for development with the known conditions.

Response to CPC Comment No. 3-19

Section IV.F, Hazards and Hazardous Materials, of the Draft EIR discloses all recognized environmental conditions on the Project Site and, following thorough analysis in accordance with CEQA, the City determined that impacts would be reduced to a less than significant level with mitigation. The Commenter has provided no evidence to the contrary. Regarding the mitigation measures, the Soil Management Plan (Mitigation Measure HAZ-MM-1) was prepared by Geosyntec and included in Appendix G.1 of the Draft EIR. Mitigation Measure HAZ-MM-2 requires a Health and Safety Plan and Storm Water Pollution Prevention Plan, which will be implemented during construction in accordance with the MMP. The EIR, MMP, and other materials which were incorporated into the LOD by reference and made part of the record supporting the determination constitute substantial evidence supporting the Deputy Advisory Agency's findings.

Please note that the Subdivision Committee was not required to review the plans identified in the mitigation measures.

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CPC Comment No. 3-20

Based on the information in the record, and the lack of a clearly defined project, it was impossible for the Advisory Agency to find that the site is physically suitable for the type or proposed density of development, and therefore the Advisory Agency abused its discretion.

Response to CPC Comment No. 3-20

Refer to Response to CPC Comment Nos. 3-13 through 3-19 above. The commenter has not provided any substantial evidence to support the claim that the Advisory Agency abused its discretion.

CPC Comment No. 3-21

C. The Design of the Subdivision and Type of Improvements are Likely to Cause Substantial Environmental Damage

The Advisory Agency was required to deny the VTTM because the Final EIR for the Project is deficient and fails to address numerous significant environmental impacts that would result from the Project, which is also not clearly defined in the Final EIR. The Responses to Comments on critical questions in the Final EIR failed to respond to comments and were incomplete, evasive, and misleading. The record evidence does not provide support for a finding under the Subdivision Map Act that the Project would not cause substantial environmental damage,⁴ or for the exemption from such a finding under Government Code Section 66474.01. Therefore, the design of the subdivision and improvements is likely to cause substantial environmental damage and the Advisory Agency's finding is unsupported by the evidence in the record.

⁴ *Topanga Ass'n for a Scenic Community v. County of Los Angeles* (1989) 214 Cal.App.3d 1348, 1355 (finding "substantial environmental damage" is equivalent to "significant effect on the environment" as used in CEQA, and documents prepared for CEQA could provide a sufficient factual record for making Subdivision Map Act findings).

Response to CPC Comment No. 3-21

This comment (excluding the second full sentence) is identical to a comment made by the Commenter in their appeal justification (Appeal Point No. 1-13), which is addressed in

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Appeal Response No. 1-13 of the VTTM Appeal Responses. In addition, the commenter's assertion regarding the Final EIR responses to comments does not include any specifics or evidence to support that assertion.

CPC Comment No. 3-22

D. The Design of the Subdivision or Type of Improvements is Likely to Cause Serious Public Health Problems

The Advisory Agency was required to deny the VTTM because there is insufficient information in the VTTM to assess the extent of the potential public health problems that may be caused by the Project. However, the information provided indicates that the subdivision and type of improvements are likely to cause serious public health problems as discussed in previous comments on the Draft EIR.

For example, LADOT has conceded that it may be impossible to mitigate the effects of cut-through traffic caused by the Project in surrounding residential neighborhoods, because traffic-calming measures themselves can cause traffic diversion to other residential streets. Cut-through traffic can result in serious public safety impacts, including to the elderly, the disabled, children, and bicyclists, increasing the risk of injury and death due to collisions. In addition, the secondary environmental impacts from people circling for parking spots, including to air quality and increased greenhouse gas emissions, are well known, as discussed in comments on the Draft EIR. Yet the City has failed to analyze the full scope of impacts to residential neighborhoods, which cannot even be accurately analyzed given the lack of a stable project description.

Response to CPC Comment No. 3-22

This comment is similar to previous comments that were addressed in the VTTM Appeal Report, which were repeats of earlier comments that were already addressed as part of the Final EIR. Refer to Appeal Response Nos. 1-14, 2-20, and 2-24 through 2-27, and Response to Comment Nos. 26-163 and 26-E.1-2 of the Final EIR.

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CPC Comment No. 3-23

Further, the Project site has existing recognized environmental conditions. The Project site also has naturally-occurring methane that will create a safety problem for the underground facilities proposed for the Project. As discussed in comments on the Draft EIR the proposed plans and methane mitigation systems are inadequate to address these risks, and could create other potential impacts such as venting methane and other gases towards the nearby Broadcast Center Apartments.

Response to CPC Comment No. 3-23

This comment is similar to previous comments that were already addressed as part of the Final EIR. Refer to Response to Comment Nos. 13-6, 26-80, 26-96, 26-97, and 26-E.1-2 of the Final EIR. As discussed therein, the EIR includes a thorough evaluation of methane hazards and includes Mitigation Measure HAZ-MM-2 to ensure that potential impacts associated with methane would be less than significant.

CPC Comment No. 3-24

E. No Evidence Supports that the Subdivision Will Provide Future Passive or Natural Heating or Cooling Opportunities

The Advisory Agency abused its discretion in finding the design of the proposed subdivision will provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. Examples of passive or natural heating opportunities in subdivision design are described in Government Code Section 66473.1, including design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure, and to permit orientation of a structure to take advantage of shade or prevailing breezes. While the Letter of Determination states the applicant has “prepared and submitted materials which consider the local climate, contours and configuration of the lot(s) to be subdivided and other design and improvement requirements,” there is no evidence of this in the administrative record—these documents are not included in the staff report for the VTTM, with the Letter of Determination, or in the publicly available documents for the Project, and it is unclear what these include. As discussed above, the Project is not clearly defined, and the VTTM considered by the Advisory Agency at the hearing on May 15, 2024 is not even the same map that was approved by the



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Advisory Agency. The Advisory Agency's finding is unsupported by the evidence in the record.

For the foregoing reasons, the Appellant respectfully requests that the Planning Commission grant the appeal and vacate the Advisory Agency's approval of the Project. Thank you for your consideration.

Response to CPC Comment No. 3-24

This comment is nearly identical to a previous comment made by the Commenter in their appeal justification (Appeal Point No. 1-15). Refer to Appeal Response No. 1-15 of the VTTM Appeal Responses.

CPC Comment No. 3-25

Attachment A—Vesting Tentative Tract Map No. 83387 (2 pages)

Attachment B—Vesting Tentative Tract Map No. 83387, May 17, 2024 (2 pages)

Attachment C—Figure II-4, Conceptual Site Plan (1 page)

Attachment D—Foster + Partners Map: Project No. 3338, Television City Initial Development Plan, February 2024, Drawing A0.01 (1 page)

Response to CPC Comment No. 3-25

These attachments are noted for the record and will be made available to the decision-makers for their review and consideration.



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CPC Comment Letter No. 4 (Park La Brea Impacted Residents Group, undated)

Park La Brea Impacted Residents Group
legal@plbirg.org

CPC Comment No. 4-1

Appellants: Park La Brea Impacted Residents Group (PLBIRG) is a group of multi-family residents living in the sprawling Park La Brea apartment complex located 1/2 mile due south of the TVC 2050 Project.

With its proposed TVC 2050 Specific Plan ("Specific Plan"), applicant Television Studios LLC ("TSLLC") calls for an unprecedented amount of flexibility and ability to alter its initial "concept" about how the land will be developed over the course of (an equally unprecedented) twenty year lifespan.

The Specific Plan cites the need to be able to adapt to the "evolving needs of the entertainment and media industries" and "support Los Angeles as the global capital of media and entertainment."

It claims a need to more than double the density on the TVC property to fulfill "the unmet and anticipated future demands of movie, TV, and streaming" content production.

The entertainment and media industries ARE evolving, but not in the way implied by the Specific Plan. LA is still the leading hub for film, tv and streaming production but that lead has steadily shrunk since Hackman Capital ("Hackman") acquired the Television City property in 2018.

Response to CPC Comment No. 4-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration.



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Refer to Response to CPC Comment Nos. 4-3, 4-5, 4-6, and 4-7 below, and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 5-5 of the Final EIR regarding the Project and Draft Specific Plan, which is based on and consistent with adopted studio specific plans as well as recently adopted specific plans.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the development timeline.

Refer to Appeal Response No. 1-11 of the VTTM Appeal Responses regarding the size of the Project.

Refer to Response to CPC Comment No. 4-4 below regarding the current state of the entertainment industry and the need for the Project.

CPC Comment No. 4-2

In fact, unlike the William Pereira and Charles Luckman's "original vision" for Television City cited in the Specific Plan preamble, Hackman is not a major studio headquarters, not an entity or company in the business of creating and distributing TV, movies, or similar entertainment content. Hackman is akin to an Airbnb that leases space to a revolving door of production companies. They are passively dependent on rather than a driver what happens in the production landscape, and what is happening in that landscape is that U.S. production has declined and production in Los Angeles has declined even more.

Response to CPC Comment No. 4-2

This comment states that Hackman Capital Partners is not a studio or content creator, but is a real estate company. This is not relevant to the environmental review for the Project, any of the discretionary approvals, or the appeals and no further response is required. Nevertheless, the Commenter is referred to the Economic Considerations Memorandum included as appendix FEIR-4 of the Final EIR, specifically Attachment A of that document which documents Hackman Capital Partners' experience with studio operations.

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CPC Comment No. 4-3

Hackman is intentionally misleading the public about its intentions for redevelopment of Television City, and that in fact it is bringing a Trojan Horse in the form of a Specific Plan that if approved would allow it to REDUCE or even potentially eliminate film and TV studio uses and use the land for purposes that neither the public nor the City, except for one official, would get to weigh in on.

Response to CPC Comment No. 4-3

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 5-6 of the Final EIR regarding the Project's studio purpose. As discussed consistently throughout the 2021 entitlement application materials, 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum, the Project is a studio Project. The Project is intended to allow for the continuation and modernization of a working studio that is over 70 years old; there is no uncertainty that this site will remain a studio use, and all of the elements of the proposed Project are intended to support this overarching goal.

Contrary to this comment, the Draft Specific Plan would only permit studio-related uses. Refer to Response to CPC Comment No. 4-6, below.

CPC Comment No. 4-4

The reality of the "changing needs of the constantly evolving media and entertainment industry" is that film and TV production in Los Angeles is on a downward trend, with more and more productions moving to other states and countries:

"Other regions in the U.S., Canada and Europe have steadily increased incentives to attract TV shows and movies, leaving California in the dust. Our state has fallen far behind in the tax-break arms race."

—Ivan Ehlers, Los Angeles Times, May 21, 2024

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Studio execs, Guild leaders, industry analysts, entertainment reporters, Film and TV industry experts in academia, and market researchers widely attribute the significant contraction in film and TV production in Los Angeles to a common set of factors:

- Failure to be competitive with tax incentives. An explosion of studio production facilities in other states and countries fueled by highly competitive tax incentives are magnetizing a growing share of TV and movie production while LA is increasingly seen as non-competitive. For example: last year New York boosted the annual film tax credit allocation to \$700 million, up from \$420 million. (California's tax credit program is only worth about \$330 million.) LA might still be, for the moment, the world's biggest production hub, but it's steadily losing ground to other states and countries with more generous incentives for shooting there.
- The end of "Peak TV." After the so-called streaming wars when companies spent exorbitant amounts of money on direct-to-digital content to compete with Netflix, studios have dramatically slowed their pace. The race to have the most selection of content to attract the most subscribers has been overtaken by cold, hard scrutiny on containing costs and increasing profitability.
- Increased reliance on foreign-produced TV series and movies which have proven to be appealing to U.S. viewers, lessening the need for costly production operations in Los Angeles. Netflix, for one, is expected to spend more than half its content spend this year on titles produced outside of North America.

U.S. film and TV production is down 40% from Peak TV levels according to a new report by ProdPro. "The entertainment industry ... is undergoing once-in-a-generation changes ... it is less dependent on film and television studios, more oriented toward online content creation, live events and gaming ... What it means to work in Hollywood is starkly different today."

"The grim reality ... points to an industry in a painful state of flux, mirroring the digital transition that overwhelmed the newspaper industry," according to Brian Lowry, former media critic for CNN and Variety and former reporter and columnist at the LA Times.

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The production drought is here to stay, and the production jobs that have disappeared from Los Angeles are not coming back, no matter how slick and glossy of a dog and pony show Hackman puts on. Talent reps are even marketing their clients to overseas productions to keep them afloat.

Unlike major studios like Warner Bros. or Universal, Hackman is not a force or even a factor in content development, production or distribution. They are a developer/operator of independent studio production facilities, akin to a giant Air B n B that leases space to a revolving door of production companies. They are dependent on, rather than a driver of, what happens in the production landscape.

Given the industry consensus that the production decline in Los Angeles is “here to stay,” it is inconceivable that in 2024 an independent studio operator like Hackman would acquire Television City to invest (according to their website) a billion dollars to “expand, update and modernize” it for TV and film production. Indeed, the evidence points to not being able to recoup such an investment via revenue related to film and TV production in Los Angeles.

In 2018 when Hackman acquired Television City it was a different story. It was the heady Peak TV era, and the sky was the limit. But that has all since crumbled, and we must look elsewhere for Hackman’s intentions for the future of Television City.

The Specific Plan professes to be about “modernizing and expanding its existing facilities to address the unmet and anticipated future demands of movie, television, streaming, and other forms of content production to remain competitive in the industry. This portends a cruel joke on the public and the City because the “unmet and anticipated future demands of movie, television and streaming content production” are now known to be in permanent decline.

Yet over the past two years Hackman has invested millions of dollars marketing their fictional narrative to the public and the City, and it seems that many officials and some members of the public have fallen for the bedtime story that the proposed upzoning bonanza will make dreams come true by revitalizing what has become a vulnerable and depressing landscape for LA- based industry professionals.



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Trojan Horse

Why did the Trojans of antiquity open their gates and bring their enemy's "gift" of a massive carved wooden horse into their city? Why did they believe Sinon's narrative that the Greeks had abandoned the war and left a giant wooden horse as an offering to the goddess Athena who would make the City of Troy impregnable to its enemies?

We know how that turned out.

The truth that [sic] is that that the lost LA production jobs ship has sailed. Unless and until the state of California enacts significantly richer incentives competitive with those available in other emerging production hubs in the United States and overseas, the Specific Plan and its voracious upzoning and ludicrous blank check parameters will serve only one purpose: to give Hackman the most generous, lucrative entitlements possible to exponentially multiply the value of the property, salvage their purchase of Television City, and even potentially result in the flipping of the property to cash in. None of that benefits the public.

There is nothing in the Specific Plan that will keep production in Los Angeles as the "evolution" of the industry unfolds. Hackman—an established, successful player in the independent studio business—knows it.

Response to CPC Comment No. 4-4

This comment consisting of numerous links and quotes related to recent trends in the entertainment industry and the Commenter's opinion that the Project is not needed is noted for the record and will be made available to the decision-makers for their review and consideration. As discussed in Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR, as confirmed by the Deloitte study attached to the Economic Considerations Memorandum, there is almost 100% occupancy of all sound stages in Los Angeles, underscoring the demand for studio space (refer to pages 5-6 of the Economic

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Considerations Memorandum).¹⁴ A more recent study by Deloitte confirmed this conclusion, stating that “[b]ased on our analysis of the current supply and pipeline along with projected demand for film and episodic content needs, we anticipate little to no available soundstage space—with occupancy nearing 100% through 2025” (page 11).¹⁵ The Deloitte study states that “demand for production space at soundstages is continuing to outpace supply in LA ... through 2025” (p. 3). The Deloitte study also found that, for all markets, “there is opportunity for continued investment in high-end, purpose-built facilities as modern, bespoke studios are in high demand and the preferred option of content producers” (p. 3). An additional memo discussing the current economic climate of the entertainment industry is provided as Attachment 1 of this document.

Refer to Response to Comment Nos. 9-13 and 26-16 of the Final EIR regarding the demands of the entertainment industry and mix of uses. As discussed in the findings in the LOD (page 86), 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 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. 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, visual effects (VFX) rooms, and server rooms, for example, have all increased in demand on an equal or greater basis to sound stage area. The Project proposes 215,440 square feet of production support floor area, which would ensure that productions would not be required to lease space off-site and provide remote access and/or move materials back and forth via production vehicles, which would increase vehicle trips on public roadways and hinder their production operations.

¹⁴ Deloitte, Have the winds changed? The evolution of the studio production landscape—a case study of four cities in the US and internationally, 2023, www2.deloitte.com/us/en/pages/technology-media-and-telecommunications/articles/studio-production-industry-trends.html.

¹⁵ Deloitte, Have the winds changed? The evolution of the studio production landscape—a case study of four cities in the US and internationally, 2023, www2.deloitte.com/us/en/pages/technology-media-and-telecommunications/articles/studio-production-industry-trends.html.



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Refer to Response to CPC Comment No. 4-3 above regarding the Project's studio purpose. As discussed throughout the EIR, the underlying purpose of the Project is to maintain Television City as a studio use and to modernize and enhance production facilities to meet both the existing and unmet demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot.

Regarding the entitlements, the requested entitlements have been the same since the original entitlement application was filed in 2021. Contrary to the commenter's assertion, these entitlements are commonly sought by development projects throughout the City.

CPC Comment No. 4-5

But hiding in plain sight in the proposed Specific Plan are indications that not only does Hackman not plan to expand film and TV studio production capacity as the Specific Plan describes, but is likely to actually reduce it.

With demand for studio production facilities in permanent decline, no reasonable person would sink hundreds of millions of dollars—let alone a billion dollars—into expanding, updating and modernizing Television City without some guarantee of longterm [sic] revenue from tenants (much as the Caruso-owned Grove is a long term tenant on the Gilmore property). Hackman has yet to indicate any such prospective longterm [sic] tenant committed to lease a significant chunk of a redeveloped Television City.

On the face of it, the Land Use Exchange program (Section 5.2.E in the Specific Plan) would let Hackman swap some of the other permitted land uses to increase the amount of density for actual studio production uses. The Specific Plan doesn't mention a land use swap in the other direction, i.e. [sic] swapping studio production floor area for, say, a theme park. But it's there; you just have to know where to look.

Response to CPC Comment No. 4-5

Refer to Response to CPC Comment Nos. 1-6 and 1-16, above, regarding the land use exchange program. As discussed therein, the land use exchange program would only

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permit limited increases in the floor area of two studio land uses – sound stage and production support.

CPC Comment No. 4-6

They have layered in another provision which states that if due to changing circumstances Hackman wants to alter what the land can be used for, they (or a future owner of the prospective entitlements) can ask the Director of Planning to approve a reassignment of land use from the nominally designated studio/production offices to ... just about anything.

The hidden agenda is hiding in plain sight in Section 5.1.D of the Specific Plan.

“Proposed uses not listed ... may be permitted upon determination by the Director pursuant to Section 13B.4.6. of the [Zoning] Code that such uses are similar to and nor [sic] more objectionable to the public welfare than the uses provided in Section 5.1 of the Specific plan. Upon approval thereof, such uses shall be deemed Permitted Uses for all purposes under the Specific Plan.”

As an example, the Specific Plan allows for entertainment uses. The Director could “interpret” that to mean floor area designated for studio production floor area—or general office floor area—could instead be used to build, for example,

A concert arena.

A theme park.

A helicopter transportation center that includes tourist rides.

A sports arena.

A 9 hole celebrity golf course.

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A resort.

A cineplex.

A gaming/virtual reality venue.

All of these are related to entertainment. But their impacts are wildly different and those impacts would not need to be identified, mitigated or even discussed.

Response to CPC Comment No. 4-6

As explained in Response to Comment No. 5-6 and Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the permitted uses on-site will only include the five studio uses discussed throughout the Draft EIR (i.e., sound stage, production support, production office, general office, and retail) and associated ancillary uses, and these uses have all been addressed in the EIR. The C2 zone uses (which are currently permitted) have been removed from the list of permitted uses within Section II, Project Description, of the Draft EIR; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. Refer to Response to Comment Nos. 5-6, 26-14, 26-155, 226-3, 378-1, 412-5, and 444-3 of the Final EIR regarding the specific uses discussed in this comment. Refer to Response to CPC Comment No. 3-17, above, regarding the helipad.

Refer to Response to CPC Comment No. 3-8, above, regarding Section 5.1.D of the Draft Specific Plan, which is a standard provision that is included in other approved specific plans. Section 5.1.D would only allow uses that are “similar to” the permitted studio uses, which acts as a limitation on and would prevent the type of uses wholly unrelated to studio uses from being approved by the Director of Planning. Further, this provision is based on and consistent with the LAMC, which allows the same interpretation to be made Citywide in all zones. Specifically, per Section 13A.1.7(D)(2)(a) of Chapter 1A of the LAMC, the Zoning Administrator “shall have authority to determine other uses, in addition to those listed in this Chapter and Chapter 1 (General Provisions and Zoning), which may be permitted in each of the various zones, when in his or her judgment, the other uses are similar to and no more objectionable to the public welfare than those listed.”

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CPC Comment No. 4-7

Under this cleverly crafted scheme, all Hackman needs to do is persuade one person, the Director of Planning, that the prospective use is “similar to and no more objectionable to the public welfare” than the uses provided in Section 5.1 of the Specific Plan. “Upon approval thereof, such uses shall be deemed Permitted Uses for all purposes under the Specific Plan.”

In other words two men in a room could decide that instead of a superfluous independent production studio (superfluous because of declining demand)—or instead of an equally superfluous “general office” office park (office towers are going begging in Los Angeles these days), the applicant can decide to swap that out for a sports/music/gaming/complex with helicopter service and an amusement park thrown into the bargain.

Without any public scrutiny or right to appeal.

Response to CPC Comment No. 4-7

Refer to Response to CPC Comment No. 3-8, above, regarding Section 5.1.D of the Draft Specific Plan, which is a standard provision that is included in other approved specific plans. Section 5.1.D would only allow uses that are “similar to” the permitted studio uses, which acts as a limitation on use and would prevent uses unrelated to studio uses from being approved by the Director of Planning. A specific plan, or any other land use or zoning ordinance, regulating allowable uses commonly contain ministerial, or “by-right,” provisions which allow for changes of use without discretionary review, which is consistent with this general Citywide provision. Any future ministerial review would not circumvent the CEQA review process because the list of allowable uses in the TVC Zone has already been fully analyzed in the EIR and the Commenter has provided no evidence to the contrary. Further, specific plans often include tailored procedural requirements that differ from the LAMC requirements. Nevertheless, the Draft Specific Plan incorporates nearly all of the procedural requirements from the LAMC, except that any appeal would be decided by the City Planning Commission instead of the Area Planning Commission. The Commenter has provided no evidence that this is contrary to CEQA or any other law.

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In addition, refer to Appeal Response Nos. 2-13 and 7-3 of the VTTM Appeal Responses regarding the general office use.

CPC Comment No. 4-8

And there you have it, Hackman in the role of the Greek warriors ready to jump out of the Trojan-Horse-of-a-Specific-Plan to redevelop Television City to be whatever will make the most money without regard for impacts on the community—which will have never been discussed, studied, or mitigated because it will be just two men in a room making the decision about what will actually be built, or not built, at Television City.

LADCP is known for calling such comments “speculative.” 🙄 They will say Hackman has never expressed any interest in building a concert venue, theme park, sports arena, aerial sightseeing center, or the like, so it’s speculative to even talk about it. But what’s really speculative is to buy into Hackman’s narrative that the motivation for more than doubling the density of Television City is to ensure the film and TV production business in LA stays competitive in a continually evolving marketplace.

Our comments are abundantly supported by the industry’s own assessment of the future of film and TV production in Los Angeles: It’s bleak.

This Commission should send a clear message to Hackman that this is not how a transparent process works:

Grant PLBIRG’s appeal. Reject their game of “Hide the Ball.”

Tell Hackman you’re not letting their oversized wooden horse into your city.

Send them away to prepare an honest project that is real. It doesn’t have to be a studio project, given the realities of the industry’s “evolution,” but it does have to be transparently developed and put forward.

We look forward to seeing what they come up with.



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Response to CPC Comment No. 4-8

This comment concludes the letter and reiterates points made by the Commenter above. Refer to Response to CPC Comment Nos. 4-1 through 4-7, above.



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CPC Comment Letter No. 5 (Sheppard, Mullin, Richter & Hampton LLP, September 3, 2024)

Jack Rubens

Sheppard, Mullin, Richter & Hampton LLP

333 S. Hope St., Fl. 43

Los Angeles, CA 90071-1422

CPC Comment No. 5-1

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp., which owns and operates the Broadcast Center Apartments ("Broadcast Center") located at 7660 Beverly Boulevard ("BC Site").

Broadcast Center has requested our assistance with respect to the Final Environmental Impact Report ("FEIR") and Erratum No. 1 ("Erratum") prepared for the proposed TVC 2050 Project ("Project"), as currently proposed by Television City Studios, LLC, which we understand is controlled by Hackman Capital Partners ("Hackman"), on an approximately 25-acre site located at 7716-7860 Beverly Boulevard (the "Project Site") in the City of Los Angeles (the "City").

The BC Site is located adjacent to the Project Site at both its western and southern boundaries and borders Beverly Boulevard to the north and The Grove Drive to the east. Broadcast Center affiliates also own nearby Palazzo West, Palazzo East and the Villas at Park La Brea, which collectively provide, including the approximately 500 Broadcast Center residents, housing for more than 3,000 residents who live in close proximity to the Project Site and would be significantly impacted by the Project.

Response to CPC Comment No. 5-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the Commenter are addressed in Response to CPC Comment Nos. 5-2 through 5-32 below.

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With regard to the Broadcast Center Apartments and other residents mentioned in this comment, please note that a total of 48 apartment units within Broadcast Center Apartments face the Project Site, and the other residents are located over 1,000 feet south of the Project Site.

CPC Comment No. 5-2

Our client's primary concerns for its residents relate to the Project's air quality, noise, traffic, safety and aesthetic impacts. In particular, the BC Site could now be encircled on all four sides by streets, including two new onsite project streets to the south and west with a significant new access point on The Grove Drive adjacent to Broadcast Center. In addition, the Project could encircle the BC Site with buildings from 120–145 feet in height that would dwarf our client's building, and could also include a 120-foot-high parking structure in close proximity to the BC Site. These improvements could significantly limit light and views and pose significant air quality and noise impacts that could be needlessly detrimental to resident health.

Response to CPC Comment No. 5-2

The concerns outlined by the Commenter are similar to those in their Draft EIR comment letter. Refer to Response to Comment Nos. 35-1 through 35-177 of Section II, Responses to Comments, of the Final EIR.

The Project's air quality impacts were analyzed in Section IV.A of the Draft EIR and Section 2.2.1 of the Erratum; also refer to Response to Comment Nos. 26-28, 26-136, and 26-E.1-21 of the Final EIR.

The Project's noise impacts were analyzed in Section IV.I of the Draft EIR and Section 2.2.9 of the Erratum; also refer to Response to Comment No. 26-135 of the Final EIR.

The Project's transportation impacts were analyzed in Section IV.K of the Draft EIR and Section 2.2.11 of the Erratum. Refer to Topical Response No. 12, Safety and Congestion, and Response to Comment No. 9-29 of the Final EIR regarding safety.

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Refer to Response to CPC Comment No. 3-18, above, and Response to Comment No. 26-E.2-8 of the Final EIR regarding aesthetic impacts.

Refer to Response to Comment Nos. 35-12, 35-16, 35-144, and 35-167 of the Final EIR regarding access and circulation adjacent to Broadcast Center Apartments.

Refer to Response to Comment Nos. 5-14, 26-7, 26-135, and 28-22 of the Final EIR regarding building heights adjacent to Broadcast Center Apartments.

Refer to Response to CPC Comment No. 3-22, above, regarding health impacts.

Additional issues raised by the commenter are addressed in Response to CPC Comment Nos. 5-3 through 5-32 below.

CPC Comment No. 5-3

We say “could” throughout this paragraph because, as discussed below, Broadcast Center continues to have no idea of what Hackman might actually develop on the Project Site because it is not bound by the various versions of the illustrative conceptual development scenario in the CEQA documentation and could build just about anything next to Broadcast Center.

Response to CPC Comment No. 5-3

This comment repeats claims made in the commenter’s Draft EIR comment letter, which were fully addressed in the Final EIR. Refer to Response to Comment No. 9-13 and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding how the Draft EIR comprehensively analyzes the environmental impacts of a defined project. As demonstrated in these responses, Section II, Project Description, of the Draft EIR is accurate, stable, and finite and fully complies with CEQA. Additional points made by the commenter with respect to the Project Description are addressed in Response to CPC Comment Nos. 5-7, 5-12 through 5-21, and 5-29 below.

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CPC Comment No. 5-4

As set forth in the Draft Environmental Impact Report (“DEIR”), the proposed Project originally included the development of up to 1,626,180 square feet of new studio development, the retention of up to 247,820 square feet of existing studio facilities and the demolition of up to 495,860 square feet of existing studio facilities. According to the DEIR, this resulted in a maximum of 1,874,000 square feet of “soundstage, production support, production office, general office, and retail uses” on the Project Site, as well as related circulation improvements, parking and landscaping. The Erratum reduced the maximum floor area to 1,724,000 square feet.

The Project requires numerous discretionary approvals, but the central entitlement is the proposed TVC 2050 Specific Plan (“Specific Plan”) that would establish the zoning for the Project Site and largely override the applicable zoning standards and requirements in the Los Angeles Municipal Code that would otherwise govern development of the Project Site. Indeed, the first sentence in Section II (Project Description) of the DEIR states that “[t]he TVC 2050 Project ... would establish the TVC 2050 Specific Plan.” (DEIR, p. II-1)

Response to CPC Comment No. 5-4

This comment summarizing the Project Description and noting that environmental review has taken place and discretionary approvals are needed is noted for the record and will be made available to the decision-makers for their review and consideration.

Refer to Appeal Response No. 2-5 of the VTTM Appeal Responses regarding the purpose of a specific plan.

CPC Comment No. 5-5

On July 14, 2022, the City, through its Department of City Planning (“DCP”), circulated the DEIR, which includes hundreds of pages of text, as well as numerous technical appendices with additional environmental information regarding the Project. However, while the DEIR repeatedly references and purports to describe provisions in the proposed Specific Plan, and notwithstanding that those alleged provisions underpin much of the analysis in the DEIR, the City did not release any version of the Specific Plan to the public concurrently with its

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release of the DEIR or during the 60-day comment period for the DEIR, which ended on September 13, 2022.

Response to CPC Comment No. 5-5

This comment repeats previous comments which have already been addressed in the Recommendation Report, VTTM Appeal Report, and Final EIR. Refer to pages A-32 to A-33 of the Recommendation Report, Appeal Response No. 4-2, and Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and to Response to Comment No. 5-3 in Section II, Responses to Comments, of the Final EIR. As discussed therein, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Further, neither CEQA nor City policy requires a draft Specific Plan itself to be included in the Draft or Final EIR. Notably, neither the Draft EIR nor the Final EIR for the most recently approved specific plan project, the District NoHo Specific Plan, included the draft specific plan, similar to the Project. Nonetheless, in response to public comments, drafts of the proposed Specific Plan dated October 2023 and April 2024 and a draft of the proposed Sign District dated April 2024 were made publicly available on the Department of City Planning's website for informational purposes. Additional points made by the commenter with respect to the availability of the Draft Specific Plan are addressed in Response to CPC Comment Nos. 5-25 through 5-28 below.

CPC Comment No. 5-6

Broadcast Center had significant and wide-ranging concerns regarding the DEIR's adequacy and submitted a 141-page letter ("DEIR Comment Letter")¹ to the City that laid out those inadequacies in some detail, and the myriad technical deficiencies discussed in that letter were supported by reports and other documentation prepared by an array of reputable experts. The DEIR drew such withering and widespread criticism from commercial and residential stakeholders that it took Hackman's consultants and the City well over a year to prepare written responses to all of their comments.

¹ Capitalized terms not defined in this letter are as defined in the DEIR Comment Letter.

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Response to CPC Comment No. 5-6

The commenter's letter on the Draft EIR is included as Letter No. 35 in Section II, Responses to Comments, of the Final EIR. Refer to Response to Comment Nos. 35-1 through 35-177 on pages II-1246 through II-1480 therein which provide detailed and technical responses to all of the issues raised by the commenter.

CPC Comment No. 5-7

As documented at length in the DEIR Comment Letter, the DEIR included a nebulous and wholly unstable project description that provided no meaningful basis for environmental review. Instead of identifying critical project characteristics such as the specific location, size, massing, height, configuration and other features of the proposed buildings and uses, the production areas, the circulation system and parking, the environmental analysis was largely based on a "conceptual site plan" (the "DEIR Conceptual Plan") that included nothing more than white boxes and several new onsite private streets that cover much of the Project Site, with no data or text at all. (DEIR, p. II-14 [Figure II-4]) The DEIR stated that this conceptual site plan "illustrates one possible development scenario" and that actual development would not be governed by the conceptual site plan, but rather by the requirements of the Specific Plan, which the public never saw at the time or had the opportunity to consider in connection with its review of, and comments on, the DEIR. (Id. p. II-13, emphasis added)

Response to CPC Comment No. 5-7

This comment is nearly identical to a portion of Comment No. 35-5 in the Final EIR. Refer to Response to Comment No. 35-5 of Section II, Responses to Comments, of the Final EIR. As discussed therein, all plans included in an EIR are inherently conceptual (and not as detailed as building permit plans) and all of the physical aspects of the Draft Specific Plan were fully disclosed and analyzed in the Draft EIR as demonstrated in Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR. Further, only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Draft Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively under the Draft Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans would require a new discretionary approval by the City and CEQA



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compliance review. Please note that the text referenced in this comment from page II-13 of the Draft EIR was revised in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR to state that the Conceptual Site Plan illustrates “the proposed development program in conformance with the proposed Specific Plan” (see pages III-2 and III-8 therein).

CPC Comment No. 5-8

As the City is aware, in *Stopthemillenniumhollywood.com v. City of Los Angeles* (“*Stopthemillennium*”), 39 Cal. App. 5th 1 (2019), the California Court of Appeal determined that an illustrative conceptual development scenario for a development project was not an accurate, stable or finite project description.

Response to CPC Comment No. 5-8

This comment is nearly identical to a portion of Comment No. 35-5 in the Final EIR. Refer to Response to Comment Nos. 35-5 and 9-13 and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding how the Draft EIR comprehensively analyzes the environmental impacts of a defined project. As demonstrated in these responses, Section II, Project Description, of the Draft EIR is accurate, stable, and finite and fully complies with CEQA, and the Project is distinguishable from the Millennium case. Additional points made by the commenter with respect to the applicability of the Millennium case are addressed in Response to CPC Comment Nos. 5-16 and 5-22 through 5-34 below.

CPC Comment No. 5-9

The City released the FEIR on November 21, 2023. In willful denial of legal reality and with remarkable temerity, the FEIR concludes that virtually every material concern raised by approximately **450** commenters who expressed opposition to the Project in about **26,000** pages of comments was unfounded.²

We beg to differ. The FEIR did little or nothing to address or ameliorate our client’s concerns laid out in the DEIR Comment Letter or the concerns of hundreds of other stakeholders who

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submitted comments that the DEIR is legally inadequate and unlawful for numerous reasons. This letter focuses on the following unlawful aspects of the FEIR:

1. The project description continues to be neither accurate, finite nor stable.
2. The FEIR failed to provide good-faith, reasoned responses, or in some cases any response at all, to many significant comments in the DEIR Comment Letter.
3. Even if the modified project description in the FEIR was somehow accurate, stable and finite (which it is not), the DEIR would have to be fully revised and recirculated to provide the public with a meaningful opportunity for review and comment.

² Often, though, the FEIR attempts to refute comments in an unpersuasive manner, but at the same time tacitly acknowledges the deficiencies in the DEIR by introducing significant new information and analysis in an attempt to cure those deficiencies.

Response to CPC Comment No. 5-9

This comment makes a general statement about the adequacy of the EIR and introduces the commenter's next points, each of which is addressed separately below. Refer to Response to CPC Comment Nos. 5-12 through 5-21 and 5-29 below for a discussion of the Project Description; Response to CPC Comment No. 5-30 below for a discussion of the responses provided in the Final EIR; and Response to CPC Comment No. 5-31 below regarding recirculation.

As discussed in the responses below, the commenter's claims regarding the Project Description are not correct and not supported by evidence. The Project Description has remained accurate, stable and finite, as the basic characteristics of the Project have remained the same throughout the CEQA process, and the refinements that were made in direct response to public feedback do not change the stability of the Project Description. Refer to Section F, The Project Description is Accurate, Stable, and Finite, of Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR (pages II-70 to II-75 of the Final EIR). In response to feedback from the community, including the commenter, refinements were made to the Project (referred to as the "Modified Project") to reduce the size of the Original Project and remove the Regional Commercial land use designation request, among other refinements. The CEQA process is not designed to freeze

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the ultimate proposal in the precise mold of the initial project.¹⁶ As the court explained in the recent *Gooden v. County of Los Angeles* case, “[b]y obligating public agencies to prepare and circulate environmental impact reports, to solicit comments, and then to respond to that feedback, CEQA necessarily contemplates that public agencies may opt to alter projects in response to feedback and thus to adopt projects that deviate from what was described in prior environmental impact reports. If *any* and *every* deviation rendered the description of projects in previously circulated environmental impact reports retroactively inadequate or unstable, public agencies would have a strong disincentive ever to deviate from a project as originally articulated [emphasis in original]. This would ‘freeze’ projects ‘in the precise mold of the initial project’ [citing *County of Inyo*, 71 Cal.App.3d at 199; *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 673] and ‘handcuff decisionmakers’ to the project as initially described [citing *Dusek v. Redevelopment Agency* (1985) 173 Cal.App.3d 1029, 1041; *South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 336]. This is not in the spirit of CEQA, for it would prompt agencies to ignore helpful or enlightening public feedback—a result at odds with the entire purpose of the information exchange triggered by CEQA’s environmental impact report procedures.”¹⁷

The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, including the commenter, which is exactly how CEQA is supposed to work. As detailed in the Erratum, the refinements to the Project are within the scope of the analysis in the EIR and the Erratum did not identify any new significant impacts or a substantial increase in the severity of any impact. The Erratum demonstrated that the Modified Project is within the envelope of impacts analyzed in the EIR, no additional impacts would result, and no new mitigation is required. There is no feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project. There was no new information that would preclude the public’s ability to comment on the potential impacts of the Project, and the public was provided ample opportunity to review and comment upon the Project’s potential environmental impacts.

¹⁶ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199.

¹⁷ *Gooden v. County of Los Angeles* (No. B326446; Cal. Ct. App. Oct. 24, 2024).



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Section II, Responses to Comments, of the Final EIR, which is nearly 3,000 pages long, provides detailed responses to all of the issues raised in the 608 public comment letters received during the Draft EIR review period. All of the new information provided in the Final EIR was in direct response to public comments, and, as discussed in Response to CPC Comment No. 5-31 below, does not constitute significant new information requiring recirculation.

CPC Comment No. 5-10

We are also in the process of preparing comments regarding the technical responses and many new technical reports analyses in the FEIR and the Erratum.

Response to CPC Comment No. 5-10

This comment stating that further comments are being prepared is noted for the record and will be made available to the decision-makers for their review and consideration.

CPC Comment No. 5-11

Broadcast Center continues to recognize the importance of the entertainment industry to the City and the need to retain and expand production facilities. However, the Project simply fails to strike an appropriate balance between addressing that need while preserving a reasonable quality of life for existing residents and avoiding undue and unnecessary impacts on them.

Broadcast Center has repeatedly attempted to engage with Hackman and the Council Office for more than two years to address Broadcast Center's significant concerns regarding the range of serious impacts the Project would have on its residents as originally and currently proposed, but the changes Hackman proposed in the Erratum do little to address those concerns, which were most recently summarized in a March 12, 2024 letter from our client to Councilmember Yaroslavsky, a copy of which is attached as **Exhibit 1**. If and when Hackman is willing to earnestly tackle these issues, Broadcast Center is prepared to engage further with them.



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Response to CPC Comment No. 5-11

This comment stating the commenter's client is open to further engagement with the Applicant is noted for the record and will be made available to the decision-makers for their review and consideration.

The EIR analyzed all environmental impacts in the Draft EIR. Further, all environmental impacts would be less than significant during operation.

CPC Comment No. 5-12

I. The Project Description Remains Inaccurate, Unstable, Not Finite and Unlawful.

For the many reasons discussed below, the project descriptions reflected in the FEIR and Erratum remain inadequate and unlawful and the FEIR's responses to the contrary with respect to this subject are extremely unpersuasive.

Response to CPC Comment No. 5-12

This comment introduces the discussion of the Project Description. Refer to Response to CPC Comment Nos. 5-13 through 5-21 and 5-29 below for responses to the specific issues raised by the commenter.

CPC Comment No. 5-13

A. The Project Description is Not Lawful Just Because the Principal Entitlement is the Specific Plan.

The FEIR states that the nebulous and wholly unstable project description in the DEIR is acceptable because the principal entitlement is the Specific Plan, so that a conceptual development scenario is permissible. For example, Topical Response 1 (Clearly Defined Project Description and Specific Plan) in the Responses to Comment ("RTCs") in Section II of the FEIR states that "less detail is required for a specific plan project than an individual building development project," that "[a] specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development," and that

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“[s]pecific details about potential future buildings are unknown at this time.” (FEIR, II-65; see also FEIR, II-66-67, 71, 279)

This is false and very misleading. This is a project-level EIR for a single site. The first page of the DEIR states that “[t]his Draft EIR is a ‘Project EIR,’ as defined in Section 15161 of the CEQA Guidelines [an EIR for a ‘specific development project’].” (DEIR, p. I-1) Therefore, the Specific Plan does not set forth “broad policy concepts,” as the FEIR implicitly suggests, but rather is a specific plan for a development project, albeit one with an inchoate project description. Furthermore, even a specific plan that establishes land use policies must still include specific policies rather than an infinite number of potential different policies. An EIR prepared to analyze a policy proposal may require the formulation of various development assumptions to analyze the environmental impacts associated with that policy, but the policy itself must be finite and stable. The issue, in other words, is not whether the project description is more or less detailed, but whether the project description is accurate, stable and finite and thereby susceptible to any meaningful analysis. The City and Hackman cannot escape project-level analysis by packaging the unlawful project description in a specific plan.

Moreover the FEIR internally contradicts itself and undermines its baseless claim that a less detailed project description is required for a project subject to a specific plan by simultaneously arguing that it was proper to use the VMT calculator to measure the Project’s VMT impacts (notwithstanding that the City’s Department of Transportation (“LADOT”) prohibits the use of the calculator for specific plans) because the Specific Plan here is **not** a land use plan for a large area, but rather includes development standards for a specific development project. (FEIR, II-117-118) In addition, in an effort to prove that the *Natural Resources Defense Council, Inc. v. City of Los Angeles* case is not applicable to the Project, the Final EIR states that that case “involved a Program EIR, whereas the Draft EIR in this case is a **Project EIR**” that “disclosed and comprehensively analyzed full buildout of the Project.” (FEIR, II-294, emphasis added) The City and Hackman cannot have it both ways.

Response to CPC Comment No. 5-13

The commenter mischaracterizes Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR. The discussion therein regarding the CEQA project description and level of detail requirements is directly from the CEQA Guidelines. As stated on page II-67 of the Final EIR, under CEQA, the level of detail required in an EIR is

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dependent upon the underlying project; per CEQA Guidelines Section 15146, “[t]he degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR.” In addition, CEQA Guidelines Section 15146(a) states that “[a]n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy” (Final EIR page II-67). Further, CEQA Guidelines Section 15124 specifically provides that a project description “should not supply extensive detail beyond that needed for evaluation and review of the environmental impact” (Final EIR page II-64). Accordingly, less detail is required for a specific plan project than an individual building development project. Nevertheless, as discussed in Topical Response No. 1, the EIR provides information and details far beyond what CEQA requires for a specific plan project EIR.

Further, Topical Response No. 1 does not state that the Draft Specific Plan includes broad policy concepts, contrary to the commenter’s assertion. Rather, in describing the purpose and function of a specific plan, Topical Response No. 1 includes the following quote from the California Governor’s Office of Planning and Research’s The Planner’s Guide to Specific Plans dated January 2001 (OPR Guide) on page II-66: “A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location, and intensity of uses to the design and capacity of infrastructure; from the resources used to finance public improvements to the design guidelines of a subdivision.”¹⁸

The Draft Specific Plan is the type of specific plan that includes detailed regulations regarding the type, location and intensity of uses and a commitment to an individual development plan, rather than broad policy concepts. Through the entitlement and CEQA processes, the development standards described in the Draft EIR and contained within the proposed Specific Plan have been further limited and refined. For example, the land uses that were described as permitted in the Draft EIR and under the initial draft of the Specific

¹⁸ California Governor’s Office of Planning and Research, The Planner’s Guide to Specific Plans, January 2001, www.ca-ilg.org/sites/main/files/file-attachments/resources__specific_plans_0.pdf?1350954879, accessed May 31, 2023.

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Plan have been substantially limited in response to public comments. The Draft EIR listed the permitted uses under the initial draft of the Specific Plan, which included a variety of studio-related uses as well as all other uses in the C2 zone unless expressly prohibited in the Draft Specific Plan (see pages II-15 to II-16 of the Draft EIR). Although it is common for specific plans to allow for a wide variety of uses (e.g., the recently approved District NoHo Specific Plan, which permits a variety of uses as well as all uses in the C2 zone), as discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the permitted uses in the Draft Specific Plan were substantially narrowed in response to comments on the Draft EIR, including, among other things, removing the C2 zone uses from the list of permitted uses (even though these uses are currently permitted).

Therefore, the claims regarding the accurate, stable, and finite project description and “infinite” development possibilities are inaccurate and repetitive of the commenter’s previous comments. Refer to Response to Comment No. 35-28 of the Final EIR and Response to CPC Comment Nos. 5-7 and 5-9, above.

As stated in the Draft EIR and again in response to comments on the Draft EIR, the EIR is a project EIR which disclosed and comprehensively analyzed the full buildout of the Project. Refer to Response to Comment No. 20-2 of the Final EIR. Further, the response in the Final EIR regarding *Natural Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268 (NRDC) is accurate, and the commenter provides no evidence to the contrary. Specifically, Response to Comment No. 9-24 of the Final EIR correctly explains that NRDC is not applicable, stating that “NRDC involved a Program EIR, whereas the Draft EIR in this case is a Project EIR. In NRDC, the Applicant divided a construction project into three phases under a Program EIR, and the Court determined that the original Program EIR did not cover a new construction project that was not even contemplated at the time the Program EIR was approved. Citing CEQA Guidelines Section 15168, the Court defined a Program EIR as an ‘EIR which may be prepared on a series of actions that can be characterized as one large project and are related either (1) geographically, [or] (2) as logical parts in the chain of contemplated actions.’ (NRDC, p. 281). Because the NRDC project at issue did not arise until after approval of the Program EIR, it could not have been contemplated as one of the series of actions covered by the Program EIR. The NRDC case does not apply to the Project because the Draft EIR in this case disclosed and comprehensively analyzed full buildout of the Project.”

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The comment regarding use of the VMT calculator is repetitive of the commenter's previous comments that have been addressed in the Final EIR. Refer to Topical Response No. 8, Vehicle Miles Traveled, (beginning on page II-115) and Response to Comment No. 35-141 of the Final EIR. There is nothing about the Project's implementation through a Specific Plan that invalidates the use of the VMT Calculator, and the City's Transportation Assessment Guidelines make a clear distinction between development projects and land use plans by listing general plans and community plans (both of which cover large areas and do not propose specific development) as examples of land use plans. For example, the transportation analysis for the recently approved District NoHo Specific Plan project utilized the VMT Calculator.¹⁹

CPC Comment No. 5-14

To try and support its claim that the project description in the DEIR was acceptable, the FEIR repeatedly states that it was impossible for Hackman to propose anything beyond a conceptual illustrative development scenario. For example, Topical Response 1 includes the conclusory and unsupported statements that "specific details about potential future buildings are unknown at this time" (DEIR, p. II-65), that "conceptual plans are the only plans that could meaningfully be provided when a draft EIR is prepared" (*id.*, [sic] p. II-73) and that "due to the nature of the Project, [project detail] simply does not now exist" (*id.*, p. II-71).

The administrative record belies these and similar false statements in the FEIR. First, as discussed in the DEIR Comment Letter (page 8), the Project Application submitted in 2021 included a plan set with 18 sheets ("Application Plans"). The second sheet is a "Conceptual Site Plan," but unlike the DEIR Conceptual Plan included in Section II of the DEIR, this conceptual site plan included a description of each of the illustrative buildings (e.g., stage, office, production support) and graphically illustrated the large parking structure in the southeastern corner of the Project Site. In addition, the Application Plans included floor plans for Project Grade Level, Levels 2–4, Level 5 and Level B1, as well as Site Elevations from The Grove Drive (east), Beverly Boulevard (north), Fairfax Avenue (west) and the southern alley (south).

¹⁹ District NoHo Project Draft EIR (Case No. ENV-2019-7241-EIR).

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The DEIR Conceptual Plan, which consists of approximately 21 white boxes with no data or text that explains anything about any of them, does not include any of the details in the Application Plans. The preparers of the DEIR could easily have used the Application Plans as the basis for the project description. Not only did they decline to do so for never-explained reasons, neither the DEIR nor the numerous appendices thereto include the Application Plans or make **any** reference to them.

Response to CPC Comment No. 5-14

This comment is similar to comments made by the Commenter on the Draft EIR. Refer to Response to Comment Nos. 5-5, 9-12, 9-13, 35-5 and 35-10, and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the Conceptual Site Plan and the procedures under the Draft Specific Plan. As discussed therein, all plans included in an EIR or other CEQA document are inherently conceptual relative to plans for building permit applications. For example, the recently-approved EIR for the District NoHo Specific Plan project included “conceptual” site plans as well as “conceptual” renderings, and the most recently published Draft EIR for a studio project, the East End Studios ADLA project, includes a “conceptual” site plan despite being an individual building project.²⁰

In *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20 (Dry Creek), the Court rejected the commenters’ argument that the “conceptual” descriptions of the proposed water diversion structures without detailed plans were insufficient to analyze environmental impacts, and the EIR impermissibly deferred approval of the final design of the structures until after project approval.²¹ The Court in *Dry Creek* explained that “commenters do not explain how more detailed engineered drawings would allow the public and decision makers to ‘fully understand the environmental consequences of the entire project.’ In fact, engineered drawings may well supply ‘extensive detail beyond that needed for evaluation and review of the environmental impact’ in violation of Guidelines section

²⁰ See District NoHo Project Draft EIR, April 2022, Figures II-3 and II-4; East End Studios ADLA Draft EIR, July 2024, Figure II-3, <https://planning.lacity.gov/development-services/eir/east-end-studios-adla-1>.

²¹ *Dry Creek*, 70 Cal.App.4th at 31.

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15124.”²² As in *Dry Creek*, the TVC Draft EIR provided “detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.”²³ The hundreds of public comment letters received on the TVC Draft EIR corroborate that the Draft EIR encouraged public participation and meaningful consideration of the Project.

Further, the Draft Specific Plan would include a regulatory framework for implementation of the Project, including, among other things, mandatory review processes by the City for implementation of the proposed Project. Future changes that are substantially different than the Project or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review.

This comment mischaracterizes the text on page II-71 of the Final EIR, which states that “precise building plans” do not now exist due to the nature of the Project, and does not state that project details do not now exist. Further, the statements that specific details and precise plans for individual buildings are unknown at this time are correct.

As explained in Topical Response No. 1, the Conceptual Site Plan is based on and consistent with the architectural plans, which have been part of the administrative record since the Project’s entitlement application was submitted in 2021 and which formed the technical bases for the EIR analyses. The architectural plans show the building locations, uses, massing, and height, and elevations. The plans include a title sheet with relevant parcel and project data, a site plan showing building locations and use, floor plans showing details of the basement, at-grade, and above-grade building layouts, elevations showing the vertical rise of the site plan from all four cardinal directions, maps of height zones and boundary lines, pedestrian access maps and plans, vehicular access maps and plans, a signage plan showing sign areas and square footages, an open space plan identifying sizes and locations of open space, a tree plan identifying locations and species of trees to be planted, and a planting zone map and planting palettes detailing the locations and species

²² *Id.*

²³ *Id.* at 26 (quoting *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405).

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of plants in landscaped areas. Contrary to the commenter's assertion, the architectural plans and Conceptual Site Plan with building labels are included throughout the EIR. Figure 3 of the Initial Study (included in Appendix A.1 of the Draft EIR) includes the Conceptual Site Plan with building use labels, which is consistent with the Conceptual Site Plan included in the Draft EIR. The Conceptual Site Plan with building labels was also attached to the Notice of Preparation included in Appendix A.2 of the Draft EIR.

Relevant aspects of the architectural plans were discussed and depicted in the Draft EIR. For example, Figure II-5 shows building heights, frontage areas and building step backs. Figure II-6 depicts the open space and landscaping for the Conceptual Site Plan. Figures II-7 and II-8 show the vehicular and pedestrian site access. Figure II-10 depicts the proposed sign plan. Finally, Figures IV.H-3 through IV.H-6 illustrate the proposed public realm improvements, including widened sidewalks, planting, fencing and other visual screening. These details of the Conceptual Site Plan and additional aspects of the development program (specifically, maximum floor areas for the proposed uses, security measures, sustainability features, parking, and haul routes) are provided in Section II.5 of the Project Description section of the Draft EIR (which section totals 22 pages of single-spaced text). In addition to this information about the architectural plans provided in Section II, pertinent aspects of the plans formed the basis of technical reports for the Draft EIR. the architectural plans are attached to the Historic Report (Appendix C.1 of the Draft EIR), and the Conceptual Site Plan with building use labels is included throughout the Draft EIR appendices (e.g., Appendix C.3, Appendix E, Appendix M, and Appendix N of the Draft EIR).

The Final EIR provided even more information about the architectural plans and their description of the Conceptual Site Plan. For example, Topical Response No. 1 includes the link to the architectural plans on page II-62 and throughout the responses to comments, including comments from the commenter (refer to Response to Comment Nos. 35-10, 35-14, 35-24, and 35-41 of the Final EIR). Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR includes a number of plan sheets from the architectural plans which are responsive to public comments. Notably, both above- and below-grade floor plans are included in Figures II-4(c), II-4(d), II-4(e) and II-6(a) therein, which include building use labels, and provide more details about the outdoor production areas, basecamp areas, and signage program. In addition, prior to the publication of the Final EIR, the Preliminary Draft Specific Plan was published in October 2023 in response to public comments, which included the Initial Development Plans attached as Exhibit A. The Initial Development Plans

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match the architectural plans that had been on file with the City since the publication of the Draft EIR and which were included in the Final EIR. Further, the Erratum included the updated Initial Development Plans for the Modified Project in Appendix A, which match the Initial Development Plans included in the Draft Specific Plan.

CPC Comment No. 5-15

Second, as also discussed in the DEIR Comment Letter (pages 9–10), while claiming for purposes of the DEIR that Hackman could develop nothing more than the amorphous DEIR Conceptual Plan, Hackman was presenting multiple, evolving and quite specific project plans, including simulations, to the Cultural Heritage Commission.

Third, the DEIR includes lots of other evidence that, notwithstanding the absence of stability in the DEIR Conceptual Plan, Hackman has a very specific development project in mind. (DEIR Comment Letter, pp. 9, 10–12)

The self-evident truth is that nothing precluded the City and Hackman from including an accurate, stable and finite project description in the DEIR. But Hackman wants a nebulous project description in order to have broad flexibility to change the project in response to future market conditions. As Broadcast Center and numerous other commenters noted, the DEIR stated that “[t]he specific mix of uses ultimately constructed will depend upon market demands, and the Specific Plan would allow flexibility in locating the various uses within the Project Site.” (DEIR Comment Letter, pp. 23–24; DEIR, pp. II-13, IV.K-42) Similarly, the first project objective in the DEIR is to provide a studio facility with an expandable, **flexible**, and operationally seamless production ecosystem that can respond to evolving **market demands**. ...” (DEIR, p. II-10, emphasis added)

Response to CPC Comment No. 5-15

This comment repeats claims made by the Commenter on the Draft EIR regarding the adequacy of the Project Description, which, like their previous comments, lack any support. Refer to Response to Comment Nos. 5-3, 5-5, 5-6, 5-15, 9-12, and 9-13, as well as Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the adequacy of the Project Description. Refer to Response to Comment Nos. 26-12 and 35-11 of the Final EIR for responses to the comments regarding the presentation to

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the Cultural Heritage Commission. Refer to Response to Comment Nos. 9-13, 9-24, and 26-16 of the Final EIR regarding the mix of uses, buildout timeline and market demands.

The Project is a fixed and finite studio project that will continue the existing studio use established over 70 years ago and would permit only five land uses – sound stage, production support, production office, general office, and retail. Since the initial entitlement application for the Project was filed in March 2021, the Project has only been a studio project. The only changes that have been made to the Project were refinements and further limitations made in direct response to community and stakeholder feedback, all of which has been fully disclosed and analyzed in the EIR and Erratum. There are fixed plans, renderings, design standards and streetscape requirements in the Draft Specific Plan, and any substantial change would require further discretionary approval. Further, as discussed in Appeal Response No. 4-25 of the VTTM Appeal Responses, notably, the Draft Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Draft Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively under the Draft Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans would require a new discretionary approval by the City and CEQA compliance review.

CPC Comment No. 5-16

This is the sole reason why the DEIR Conceptual Plan “illustrates one possible development scenario” among infinite scenarios (DEIR, p. II-13). However, *Stopthemillennium* flatly rejected uncertainty about market conditions as a lawful ground for the DEIR’s incoherent and ambiguous project description. *Stopthemillennium*, 39 Cal. App. 5th 1, 14 (2019). Having now been apprised of the unlawful reliance on evolving market conditions as a means to omit a concrete project description, the FEIR never respond directly to this point and, as just discussed, offers no other justification for Hackman’s inability to provide a fixed development proposal.



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Response to CPC Comment No. 5-16

This comment repeats claims made by the Commenter on the Draft EIR. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, for a more detailed discussion of how Section II, Project Description, of the Draft EIR fully complies with CEQA and is distinguishable from the project description at issue in Millennium. Refer to Response to CPC Comment Nos. 5-7 and 5-15 above regarding the fixed Project and Draft Specific Plan.

CPC Comment No. 5-17

Simply put, the City and Hackman want to have their CEQA cake and eat it, too. They characterized the DEIR as a project EIR, and properly so, with the intention to eliminate or severely limit the need for additional environmental review for the unknown project that Hackman would actually develop, while at the same time refusing to state and illustrate a concrete development plan that would allow meaningful public input and understanding and thereby give Hackman carte blanche to develop whatever project it determines over the next 20 years is most responsive to its perception of market conditions.

Response to CPC Comment No. 5-17

This comment repeats claims made by the Commenter on the Draft EIR and above. Refer to Response to Comment Nos. 35-4 through 35-7 and 35-10 through 35-34 of the Final EIR, as well as Response to CPC Comment Nos. 5-7 and 5-13 through 5-16 above. As discussed in the responses to the commenter's previous comments, and contrary to the commenter's repeated assertions, the Project Description included all information required by CEQA and fulfills CEQA's purpose as an informational document that allows for meaningful public participation. The 608 comment letters received on the Draft EIR corroborates that the Draft EIR encouraged public participation and meaningful consideration of the Project.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the buildout timeline.

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CPC Comment No. 5-18

As a result, Broadcast Center cannot begin to know what Hackman may eventually choose to develop in close proximity to its building and how that would impact its residents. As just one example (there are many more in the DEIR Comment Letter), the Application Plans (and the Modified Initial Development Plans attached as Appendix A to the Erratum) show two illustrative soundstages and an office building just 45 feet west of the BC Site. Based on the elevations on Sheet A2 of the Modified Initial Development Plans (Site Elevation—East [The Grove Drive]), the height of each illustrative soundstage is approximately **70 feet** and the height of the illustrative office building is approximately **104 feet**. But these illustrative buildings are located in Height Subarea B, which has a base height limit of 88 feet, but allows a maximum height of **145 feet** in 40% of Subarea B. Therefore, regardless of the illustrative buildings, the Specific Plan, if approved, would allow Hackman to construct a single building or multiple buildings within 45 feet of Broadcast Center that are fully or mostly 145 feet in height.³ Not only does the DEIR (and FEIR) **not** account for this very real possibility (or else why does Hackman insist on a 145-foot height limit), neither Broadcast Center nor anyone else has any idea what Hackman will ultimately build there due to the inchoate project description. The FEIR therefore fails as an informational document and precludes informed decision-making and public participation.

³ This is one of many examples of how, in reliance on the amorphous DEIR Conceptual Plan, the DEIR failed to analyze the Project's maximum possible impacts or otherwise address a reasonable worst-case scenario. (See *generally* DEIR Comment Letter, Section 2.C)

Response to CPC Comment No. 5-18

Refer to Appeal Response No. 4-22 of the VTTM Appeal Responses regarding the proximity and height of buildings adjacent to Broadcast Center Apartments.

As discussed in Response to CPC Comment No. 5-15 above, only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Draft Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively pursuant to Section 4.2.C of the Draft Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans, including a proposal involving a land use exchange, would require a new discretionary approval by the City and CEQA compliance review. For example, a

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development proposal that contains building heights that are within the allowable height limits established by Section 5.3.A of the Draft Specific Plan but are greater than the heights in the Initial Development Plans would require a discretionary Project Compliance pursuant to Section 4.2.E of the Draft Specific Plan and additional CEQA review. Building heights that are not within the allowable height limits established by Section 5.3.A of the Draft Specific Plan would require a discretionary and/or legislative action in the form of a Project Adjustment, Project Exception, or Specific Plan Amendment pursuant to Section 4.2.F of the Draft Specific Plan.

Furthermore, as discussed in Response to Comment No. 26-7 of the Final EIR, building heights are typically related to aesthetics. Pursuant to Public Resources Code Section 21099 (SB 743), because the Project is an employment center project located on an infill site, the Project's aesthetic impacts shall not be considered significant impacts on the environment and, therefore, do not require evaluation under CEQA. Nevertheless, the Initial Study included as Appendix A of the Draft EIR included an aesthetics analysis for informational purposes only.

CPC Comment No. 5-19

B. The FEIR's Post-Hoc Reliance on the Application Plans Does Nothing to Change the Nebulous and Unstable Project Description.

The FEIR repeatedly claims in RTCs that the "illustrative" DEIR Conceptual Plan used as the project description in the DEIR is consistent with the "architectural plans on file with the City and available on the Department of City Planning's website." (FEIR, II-62, 72, 524, 1260, 1271) At least one RTC states that the "architectural plans" are Hackman's 2021 Application Plans. (FEIR, II-281) The FEIR then adds shortly after those statements that "future changes that are substantially different than the Project or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review." (*Id.*, pp. 62, 73, 282, 524, 1260, 1271–1272) While the preparers of the FEIR cannot bring themselves to expressly state it, these repetitive RTCs implicitly assert that, whatever the failings of the DEIR Conceptual Plan, the Application Plans constitute an accurate, stable and finite project description.

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Response to CPC Comment No. 5-19

Refer to Response to CPC Comment Nos. 5-14 through 5-16 above regarding the Project plans and Project Description. Refer to Response to CPC Comment No. 5-23 below regarding details contained within the Project plans. This comment does not provide any substantial evidence to support the claim that the Project Description is not accurate, stable or finite. As discussed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, the EIR included all of the information required by CEQA. Further, as discussed in Response to CPC Comment Nos. 5-14 and 5-15 above, the architectural plans have been publicly available on City Planning's website since 2021, are included in the Draft EIR, Final EIR and Erratum, form the technical bases for the EIR analyses, and are part of the administrative record. In response to comments regarding the Conceptual Site Plan in the Draft EIR, Topical Response No. 1 explains that the Conceptual Site Plan is based on the architectural plans and provides the link to City Planning's website where the plans are located (see Final EIR page II-62). Topical Response No. 1 is referenced throughout the Final EIR, including in many of the responses to the commenter's comments on the Draft EIR.

CPC Comment No. 5-20

If that is what the FEIR is passively-aggressively getting at, it is unavailing for a host of reasons. Most important, even if the DEIR had used the Application Plans for the project description instead of the DEIR Conceptual Plan (which, as discussed below, it did not), the project description would still be inaccurate, unstable and not finite. While the almost complete absence of information in the DEIR Conceptual Plan contributes in part to the unlawful project description, the larger issue is that **the project description is unfixed one way or the other**. While the Application Plans have more information than the DEIR Conceptual Plan, they still just "illustrate one possible development scenario," and actual development would not be governed by the Application Plans any more than by the DEIR Conceptual Plan. In fact, the Application Plans include a "Conceptual Site Plan" that includes the same generic layout as the DEIR Conceptual Plan and states that it is a "conceptual illustrative site plan."

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Furthermore, it does not matter whether additional CEQA review may be required if Hackman substantially deviates from the Application Plans; **the project description must be stable and finite in the first place.**⁴ And here it most decidedly is not.

The FEIR's implicit claim suffers from other infirmities as well. First of all, as previously mentioned, the Application Plans are not identified, referenced, described or included anywhere in the DEIR or the appendices thereto. This is why all the FEIR can say is that they are "architectural plans on file with the City." The public, however, is not required to scour the City's records to find plans that are nowhere referenced in the DEIR and then try and figure out if those plans formed the basis for the environmental review in the DEIR. The preparers of the DEIR deliberately chose to omit all mention of the Application Plans in the DEIR and instead base its review on a bunch of blank white boxes in the DEIR Conceptual Plan that disclosed virtually no information to the public or decisionmakers regarding the project description.

Furthermore, the revised DEIR text in Section III (Revisions, Clarifications, and Corrections to the Draft EIR) of the FEIR also includes no reference whatsoever to the Application Plans. Rather, it continues to repeatedly reference and rely on the DEIR Conceptual Plan and repeatedly state that Hackman can build just about anything just about anywhere, subject only to a maximum floor area, (overly generous) height envelopes, minimal setback requirements and other minor restrictions.

⁴ As one example of a RTC that **expressly** relies on this unlawful rationale, the DEIR Comment Letter includes Comment 35-40 (FEIR, II-1288–1289), which states that the DEIR failed to address the maximum environmental impacts related to project grading activities because the DEIR analyses assumed a maximum of 772,000 cubic yards of cut and export under the illustrative DEIR Conceptual Plan, when in fact the cut and export could significantly exceed that amount. After first attempting to create the false impression that the cut and export could not exceed 772,000 cubic yards (there is no such limitation), RTC 35-40 then tacitly admits no such limitation exists, but states that "any substantial changes from the Project would require future discretionary City review and approval and additional CEQA review." (*Id.*, II-1289) Once again, however, the potential for additional CEQA review when Hackman wants to building something that is different from the illustrative and wholly inadequate DEIR Conceptual Plan does nothing to cure a project description that is not accurate, stable or finite in the first place. This is another RTC that lacks good-faith, reasoned analysis.

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Response to CPC Comment No. 5-20

This comment repeats claims made by the Commenter on the Draft EIR and above. Refer to Response to Comment Nos. 35-4 through 35-7 and 35-10 through 35-34 of the Final EIR, as well as Response to CPC Comment Nos. 5-7 and 5-13 through 5-16 above. The commenter's claims regarding the Project Description and development flexibility are incorrect and not supported by evidence. Further, the commenter mischaracterizes Response to Comment No. 35-40, which contains an accurate and good-faith response to Comment No. 35-40.

Contrary to the commenter's assertion, the fact that additional CEQA review is required for any development that does not substantially comply with the Initial Development Plans is relevant and important. In *Residents Against Specific Plan 380* (2017) 9 Cal.App.5th 941, the EIR for the proposed Keller Crossing Specific Plan (Riverside County Specific Plan No. 380) analyzed the development of a continuing care retirement community and not the impacts of higher-impact uses that would be allowed under the proposed Specific Plan 380.²⁴ The Court concluded that the decision to limit the scope of the analysis was based on substantial evidence because, as the EIR stated, if the developer decides not to build a continuing care retirement community and seeks to pursue other permitted options, "it could do so only if the proposed uses are compatible with the adjacent planning areas, and if *no additional environmental impacts would occur* (based on review by the County)."²⁵ Although *Specific Plan 380* would allow for numerous possible development scenarios, and the EIR only analyzed the proposed and likely development scenario, a determinative factor for the Court was that restrictions were imposed that would limit the scope of potential changes to the development plan to only allow changes that would not have additional environmental impacts.²⁶ The Project's Draft Specific Plan goes beyond the requirements in *Residents Against Specific Plan 380*, as any future proposal that does not conform to the Initial Development Plans – even if such changes would not cause additional environmental impacts – would require a discretionary Project Compliance approval and future CEQA compliance review. Further, the Draft EIR's environmental analysis encompasses the

²⁴ *Id.* at 968.

²⁵ *Id.* at 969 (emphasis in original).

²⁶ *Id.*

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proposed development program and maximum permutations under the proposed land use exchange program, and thereby accounts for the maximum potential environmental impacts associated with the buildout of the Project. In addition, if the grading plan and quantities for a future project differs substantially from the Initial Development Plans, then future CEQA compliance would be required.

CPC Comment No. 5-21

In addition, the preparers of the FEIR inherently acknowledge the inadequacy of the DEIR Conceptual Plan by augmenting it with new renderings and plans. The revised text for the Draft EIR includes two new renderings of the Project in Figures II-4(a) and (b) that it claims are renderings of the DEIR Conceptual Plan. (FEIR, p. III-8–10) Hackman, however, would not be bound by these renderings any more than it is bound by the DEIR Conceptual Plan. Moreover, the notion that the renderings are based on the DEIR Conceptual Plan is absurd because the DEIR Conceptual Plan does not include sufficient information to prepare those renderings. The “new” renderings appear to be old renderings that Hackman showed to the Cultural Heritage Commission in 2022.

The revised text for the Draft EIR further includes several other new graphics and related text to augment the DEIR Conceptual Plan, including the location of 585,902 square feet of “future **potential** outdoor production activity” (FEIR, pp. III-11–12, Figure II-4(c)), the locations of 371,600 square feet of basecamp areas (*id.*, pp. III-13–15, Figures II-4(d) and (e)) and a layout of the below-grade project level, including the locations of the Mobility Hub and production support basecamp and parking areas (*id.*, pp. III-16–17, Figure II-6(a)). Figure II-6(a) matches Sheet A1.04 in the Application Plans. Once again, though, Hackman is not bound by these new graphics any more than it is bound by the DEIR Conceptual Plan.

The revised DEIR text and RTCs in the FEIR often rely on these new graphics to explain the illustrative locations of the outdoor production activity areas, the basecamp areas and the Mobility Hub. They were forced to identify the illustrative locations and sizes of these illustrative project components in the FEIR because the DEIR utterly failed to do so. But not only do the preparers of the FEIR never admit this plain truth, they suggest that these additional graphics really were not necessary. They rely heavily on the new project graphics, but claim the DEIR was not required to include them because “exact details” are not required. (See, e.g., DER, II-1292) The reality, however, is that the DEIR did not provide **any** details



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and, in any event, the details now provided also just “illustrate one possible development scenario.”

Response to CPC Comment No. 5-21

The commenter’s claim that the Project would not be bound to comply with new renderings and graphics was addressed in the Technical Modifications (see page 6 therein). Pursuant to Section 4.2 of the Draft Specific Plan, only a development that substantially complies with the Initial Development Plans, which include the latest renderings and graphics that reflect the Modified Project, and with the Design Standards, would be approved administratively; otherwise, a discretionary approval and additional CEQA review would be required under the Draft Specific Plan.

Regarding the figures included in the Applicant’s informational presentation to the Cultural Heritage Commission in 2022, as discussed in Response to Comment No. 35-11 of the Final EIR, such figures are consistent with the Conceptual Site Plan (Figure II-4 of the Draft EIR) that was evaluated in the Draft EIR. The Conceptual Site Plan reflects the application materials submitted by the Applicant to the City, and the Conceptual Site Plan along with the many other graphics and text within the Draft EIR convey the physical details of the Project to support the analyses required by CEQA.

The Final EIR included additional figures for informational purposes in response to public comments, including those made by the commenter to further validate the technical assumptions and analyses in the Draft EIR. The Mobility Hub, basecamp and outdoor production activity areas were adequately described in the Draft EIR, and Response to Comment No. 35-41 of the Final EIR (p. II-1292) correctly states that CEQA does not require the EIR to include a graphic depicting exact details of parking, interior circulation, and basecamp areas. Nonetheless, in response to comments for informational purposes, graphics depicting these areas were included in the Final EIR. All of the figures in the Final EIR are consistent with the Initial Development Plans included in the October 2023 Preliminary Draft Specific Plan. Updated figures and renderings for the Modified Project were included in the Erratum and Initial Development Plans included in the latest Draft Specific Plan.

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The remainder of this comment repeats the Commenter's unsupported claims regarding the adequacy of the Project Description. Refer to Response to Comment Nos. 35-4 through 35-7 and 35-10 through 35-34 of the Final EIR, as well as Response to CPC Comment Nos. 5-7 and 5-13 through 5-16 above. As demonstrated therein, the Project Description is accurate, stable, and finite, and fully complies with CEQA.

CPC Comment No. 5-22

C. *Stopthemillennium* is Fully on Point, Notwithstanding the FEIR's Extremely Unpersuasive Claim to the Contrary.

Topical Response 1.D in the Final EIR contends that the *Stopthemillennium* case is distinguishable because (1) that case “involved an individual development project rather than a specific plan project” and (2) the project description in that case is different from the project description here in all material respects. (FEIR, II-71-75) Those responses are meritless, as discussed below.

1. The Specific Plan Relates to a Specific Development Project and Provides No Basis to Distinguish *Stopthemillennium*.

As previously discussed at length in Section II.B, the Project is in fact a development project and the FEIR admits this. The fact that Hackman has sought a specific plan for this development project has no legal relevance to the determination in *Stopthemillennium* that the project description there was not accurate, stable or finite.

Specifically, for the *Stopthemillennium* project, the City and developer simply used a different mechanism—a development agreement with a 25-year term—to establish minimal “impact envelopes” for the amorphous project. Precisely like the Specific Plan here, the development agreement “embod[ied] the project's pre-defined limits ‘regarding developable floor area, permitted land uses, design guidelines, and sight-specific development standards,’ which would ‘control the scale and massing of the Project.’” *Stopthemillennium*, 39 Cal. App. 5th at 8. And strikingly similar to the DEIR here, the draft EIR in *Stopthemillennium* stated that because

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flexibility as contemplated in the Development Agreement with regard to particular land uses, siting, and massing characteristics, a conceptual plan has been prepared as an *illustrative scenario* to demonstrate a *potential development program* that implements the Development Agreement land use and development standards⁵ Thus, this concept plan was simply one “scenario” that might result from the approval of the development agreement. *Id.* at 9–10 (emphasis in original).

The court further emphasized that

[t]he draft EIR does not describe a building development project at all. Rather, it presents different conceptual scenarios that Millennium or future developers may follow for the development of this site. These concepts and development scenarios—none of which may ultimately be constructed—do not meet the requirement of a stable or finite proposed project. *Id.* at 18.

The court therefore held that, regardless of the document in which the development envelope was stated, the developer’s

failure to present any concrete project proposal, instead choosing concepts and “impact envelopes” rather than an accurate, stable, and finite project, was an obstacle to informed public participation, “even if we cannot say such input would have changed the project ultimately selected and approved.” *Id.* at 20.

Sound familiar? Topical Response 1.D in the FEIR to *Stopthemillennium* ignores all of this and was not a good-faith, reasoned response.

In summary, the framework in which the unlawful project description resides, whether it be a specific plan, a development agreement or other land use or zoning plan or agreement, is unimportant.

⁵ The draft EIR actually considered three conceptual illustrative scenarios—mixed-use, residential and commercial, as compared to just one in the DEIR here. *Id.* at 10.

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Response to CPC Comment No. 5-22

The commenter's assertion that the fact that the Project is a specific plan project "has no legal relevance" with respect to Millennium is contrary to both CEQA and a long line of court decisions. One of the core principles under CEQA is that the level of detail in an EIR is driven by the nature of the project.²⁷ The Millennium project involved an individual construction project, whereas the TVC Project is a specific plan project that commits to an individual development project (i.e., the Initial Development Plans) that provides detailed development standards that would control any proposed changes to the Initial Development Plans. Notably, the CEQA Guidelines specifically state that "an EIR on a construction project will necessarily be more detailed ... than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance." Nevertheless, the TVC EIR included much more detail than is required by CEQA, and far more detail than the Millennium project, as demonstrated in the Draft EIR, which was over 1,000 pages (not including the dozens of technical reports and appendices attached to the Draft EIR), as well as the nearly 3,000 pages of responses to comments in Section II, Responses to Comments, of the Final EIR.

Contrary to the commenter's assertion, a key difference between the TVC Project and the Millennium project is that the TVC Project involves a proposed Specific Plan that would require future environmental review for any development that does not substantially comply with the Initial Development Plans. In fact, Millennium distinguished a case involving a specific plan project, Treasure Island, based on that very fact, stating, "[n]or, as in Treasure Island, would the Millennium development's future configuration be subject to 'supplemental review' before the 'final Project design' is implemented." (Id. at 19.) The Court concluded that "[t]his lack of further environmental review" was a "significant difference between the circumstances presented in Treasure Island and those present here." (Id. at 19.)

In Millennium, the project description was "designed to create an impact 'envelope' within which a range of development scenarios can occur." (Id. at 9.) In other words, the project description itself was merely an impact envelope and not a specific project. The TVC Project Description, on the other hand, described and analyzed the proposed studio specific

²⁷ CEQA Guidelines Section 15146; *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, 1051.

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plan project in accordance with CEQA. Notably, although CEQA Guidelines Section 15146(b) states that “[a]n EIR on a project such as the adoption or amendment of a zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption, or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow,” the TVC EIR went above and beyond this requirement by describing and analyzing a specific development plan (i.e., the proposed development program, which is depicted in the Conceptual Site Plan and architectural plans), in addition to the secondary effects of the proposed land use and zoning ordinances (e.g., the effects of the proposed land use exchange program under the Draft Specific Plan). The Draft Specific Plan goes further and commits the Project to this specific development plan (i.e., the Initial Development Plans) and requires discretionary entitlement review and further CEQA analysis for any materially different plan.

Section II, Project Description, of the Draft EIR included a 37-page-long description of the Project. The proposed development program is discussed on pages II-12 to II-15, and depicted in Table II-2, Proposed Development Program, and Figure II-4, Conceptual Site Plan, of the Draft EIR. As discussed therein, the proposed development program includes five uses, including sound stage, production support, production office, general office and retail, and the floor area for each use as well as the total proposed floor area is included in Table II-2, Proposed Development Program, and the number and placement of buildings is shown in Figure II-4, Conceptual Site Plan. Refer also to Response to CPC Comment No. 5-14 above that identifies how the architectural plans were included in and formed the technical bases for the CEQA analyses in the Draft EIR, Final EIR and Erratum. In addition, the development regulations under the Draft Specific Plan and Sign District are discussed on pages II-15 to II-32, including permitted uses, floor area limitations, land use exchange program, height limits, setback (frontage) requirements, stepback requirements, design and architecture, open space, landscaping, public realm improvements, access and circulation, parking, lighting, signage, and historic preservation. Further, the Project Description includes a list of the Project objectives that relate to the Project’s underlying studio purpose. Unlike the TVC Project Description, the Millennium project description did not include what Millennium proposed to build, the number of buildings, the shape and size of buildings, the location of buildings, or the purposes to which they would be put. (Id. at 8.)

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CPC Comment No. 5-23

2. The Project Description Here is the Same as the Project Description in *Stopthemillennium* in All Material Respects.

Topical Response 1.D relatedly attempts to factually distinguish the project description here from the project description in *Stopthemillennium*. It does so, however, by dodging or misstating the facts in *Stopthemillennium*. Below is a straightforward comparison of the two project descriptions, which demonstrate that Hackman and the City used the same unlawful playbook here to prevent any meaningful public participation in the CEQA process.

- a. The *Stopthemillennium* project included “a concept plan and several land use scenarios” that “identified various components, including residential units, hotel, office, commercial, food and beverage, fitness center, and parking uses. The project description was designed to create an ‘impact’ envelope within which a range of development scenarios can occur.” *Id.* at 8.

The project description here is essentially the same, except it only includes **one** conceptual illustrative development scenario, rather than three of them.

- b. The *Stopthemillennium* project included the preservation of the historic Capitol Records Tower and a second building (*id.* at 6) that the court said were the “only stable and finite description of buildings at the site” (*id.* at 8).

The Project here would similarly preserve the two buildings that comprise the “Primary Studio Complex,” which the FEIR alleges include the only historical resources on the Project Site, and these buildings are the only stable and finite buildings in the project description.

- c. As previously discussed, the development agreement for the *Stopthemillennium* project included limits on developable floor area, permitted land uses, design guidelines and sight-specific development standards that regulated the scale and massing of the project. (*Id.* at 8)

The Specific Plan here includes similar regulatory standards that establish a similar development envelope. The only material quantified standards here, however, are maximum floor area, height envelopes and minimum setback

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requirements. There are otherwise no limitations on the locations, dimensions and uses of project buildings, streets and other improvements like those in *Stopthemillennium*.

- d. The project description for *Stopthemillennium* included a land use equivalency program that allowed the developer to transfer floor area among parcels, subject to the maximum floor area allowed on the site, which the court stated “could result in several potential development scenarios” and therefore “failed to describe a stable or finite commitment regarding the uses to be made of the undisclosed and undescribed constructed buildings.” (*Id.* at 8–9)

Here, Section 5.2.E of the current draft of the Specific Plan (dated April 2024) similarly allows the stated floor areas for different categories of uses to be substantially increased and/or decreased pursuant to “Land Use Exchanges” between the various uses that would be permitted in the Specific Plan. For example, the total permitted Sound Stage Floor Area may be increased from 238,560 to 450,000 square feet in exchange for an equivalent decrease in the floor area of other studio land uses. In addition, the total permitted Production Support Floor Area can be increased from 215,440 to 450,000 square feet in exchange for an equivalent decrease in the floor area of other studio land uses. Given other restrictions in Section 5.2.E, this effectively means that a total of 446,000 square feet of floor area (which is a bit more than **25%** of the currently proposed maximum floor area of 1,724,000 square feet) can be transferred, with up to 211,440 square feet transferable from Sound Stage Floor Area to Production Support Floor Area and/or Retail Floor [sic] Area and up to 234,560 square feet transferable from Production Support Floor Area to Sound Stage Floor Area and/or Retail Floor Area.

- e. As previously discussed, the draft EIR in *Stopthemillennium* included three conceptual illustrative development scenarios, which the court found did not constitute a stable and finite project. (*Id.* at 9-10)

The DEIR here is even more deficient. It analyzes, at best, just **one** conceptual illustrative development scenario.

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- f. The development regulations in the development agreement in *Stopthemillennium* regulated scale and massing of project buildings by establishing height zones (A, B, C and D) with maximum heights for each, as well as maximum floor plates for the two towers. In addition, the regulations included a massing envelope that included maximum tower lot coverage, minimum floor area below certain heights, maximum floor tower plates, minimum setbacks and minimum public open space. (*Id.* at 10) “Using these parameters, conceptual architectural renderings of a potential project were prepared. The draft EIR expressly noted, however, that ‘these conceptual scale and massing renderings are not building designs and are being presented for purposes of depicting *potential* massing options that could be developed under the Development Regulations and Equivalency Program.’” (*Id.* at 11, emphasis in original)

The Specific Plan here similarly has development limitations that control scale and massing, including height zones with Subareas A, B, C, D, E and F with maximum heights in each, minimum setbacks and a maximum total floor area. It does not, however, include the other controls in the *Stopthemillennium* and therefore provides Hackman with even more development flexibility than what the court rejected in *Stopthemillennium*.

- g. In *Stopthemillennium*, “other than being assured that ten viewpoints would be preserved, the public had no idea how many buildings or towers would be built and where they would be located on the project site. Instead, had only conceptual drawings of a development that might not be built. (*Id.* at 11)

The same holds true here.

- h. The draft EIR in *Stopthemillennium* did not “contain site plans, cross-sections, building elevations, or illustrative massing to show what buildings would be built, where they would be sited, what they would look like, and how many there would be.” (*Id.* at 19)

The DEIR here also omitted all of that information. Not only did the DEIR Conceptual Plan include nothing more than one illustrative conceptual development scenario that the DEIR expressly stated did not govern the development of the Project, that meaningless plan was devoid of information. All

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it included was a bunch of white boxes and several new onsite streets, with no data or text at all.⁶

- i. In *Stopthemillennium*, the developer’s “uncertainty about market conditions or the timing of its buildout is an insufficient ground for the ambiguous and blurred Project Description” (*id.* at 14) and “there were no practical impediments as to why Millennium could not have provided an accurate, stable, and finite description of what it intended to build here” (*id.* at 19).

Identically here, and as previously discussed, the only reason stated in the DEIR or the FEIR for Hackman’s refusal to provide a concrete project description is its desire to build whatever it wants to in response to evolving market conditions over a 20-year period.

⁶ The City and Hackman no doubt attempted to cure this significant defect, one of so many in the DEIR, by referencing the Application Plans in the FEIR (as previously discussed) and adding a modified version of the Application Plans as Appendix A to the current draft of the Specific Plan and described there as the Initial Development Plans). But that cannot compensate for their absence in the DEIR and the City’s failure to provide any version at all of the Specific Plan to the public until long after the comment period on the DEIR ended. Moreover, the belated references to the Application Plans do not change the dispositive fact that the Application Plans/Initial Development Plans themselves only provide one illustrative conceptual development scenario that Hackman does not have to build.

Response to CPC Comment No. 5-23

The commenter’s arguments regarding Millennium were already addressed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR and other previous responses. Nevertheless, a response is provided below.

Regarding (a), the Draft EIR in Millennium described a “mixed-use development” that would include “some combination of residential dwelling units, luxury hotel rooms, office and associated uses, restaurant space, health and fitness center uses, and retail establishments.”²⁸ The TVC Draft EIR, on the other hand, clearly and consistently states that the Project is a studio specific plan project that will include sound stage, production

²⁸ Millennium, 39 Cal.App.5th at 6; Hollywood Center Project Draft EIR (Case No. ENV-2018-2116-EIR), Section I, Introduction/Summary, p. I-5.

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support, production office, general office, and retail uses. In addition, as discussed in Response to CPC Comment Nos. 5-14 and 5-22, above, detailed information and plans depicting the Conceptual Site Plan were provided. Further, only a single specific development plan may be approved administratively under the Draft Specific Plan; any substantial change would require a discretionary approval and additional CEQA review.

The commenter does not provide any details or evidence to support their claim under subsection (b). As discussed in Topical Response No. 1 of the Final EIR and Response to CPC Comment No. 5-9, above, the Project Description is accurate, finite, and stable.

Regarding (c), unlike the development agreement in Millennium, the Draft Specific Plan includes fixed plans and mandatory development regulations, design standards and streetscape requirements, and any substantial change would require further discretionary approval and CEQA compliance review. The Draft Specific Plan is based on and consistent with approved specific plans in the City.

Regarding (d), the commenter appears to argue that the fact that the Draft Specific Plan includes a land use exchange program means the Project is similar to Millennium, which is not correct. As discussed in Response to CPC Comment No. 1-6, above, land use exchange programs are common elements of specific plans and have been included in numerous adopted specific plans throughout the City, and the Project's proposed land use exchange program is much more limited than those in other adopted specific plans, as it only allows for limited increases in sound stage and production support floor area. Please note that, contrary to the commenter's assertion, retail floor area cannot be increased under the land use exchange program.

Regarding (e), refer to Response to CPC Comment Nos. 5-7, 5-14, and 5-22, above.

Regarding (f), refer to Response to Comment Nos. 9-12, 9-13 and 9-16 of the Final EIR, as well as Response to CPC Comment No. 5-15, above.

Regarding (g) and (h), unlike in Millennium, which did not have a site plan that showed building locations and uses, the Initial Development Plans show the building locations, uses, massing, height, elevations and renderings that show what buildings would be built, where

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they would be sited, what they would look like and how many there would be. As discussed above, only this single specific development plan may be approved administratively under the Draft Specific Plan; any substantial change would require a discretionary approval and additional CEQA review. Also refer to Response to CPC Comment Nos. 5-5, 5-7, and 5-14, above.

Regarding (i), the Project Description is concrete and adequate and complies with CEQA, which is not changed by the Project's buildout timeline. Refer to Response to CPC Comment No. 5-15, above. As with most development projects, market conditions will ultimately influence the buildout timeframe for the Project. For example, the project in the Treasure Island case, discussed in Response to CPC Comment No. 5-24, below, was anticipated to be constructed in phases over approximately 15 to 20 years, but the actual timing of construction would depend on market conditions.²⁹ As discussed in Response to Comment No. 9-24 of the Final EIR, the Applicant intends to complete construction of the Project within the 32-month timeframe evaluated in the EIR, but is seeking a 20-year Development Agreement which could extend out the buildout to 2043 should market conditions warrant. To be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR and Erratum. Notably, a California court recently rejected a claim that an EIR for a specific plan project must include information about the sequencing or scheduling of development or impose restrictions on its timing; see *Santa Rita Union School District v. City of Salinas* (2023) 94 Cal.App.5th 298. In that case, the court held that CEQA did not require a specific plan EIR to evaluate phasing of project buildout over time, as opposed to leaving the pace of the proposed development to individual landowners and market conditions; the city had no obligation to phase decades-long projects such as land use plans; and CEQA did not require an analysis of individual phases, but rather, allowed the city to analyze the whole project, including with less detail when sequence and pace of construction were largely unknown at time EIR was prepared.

²⁹ Treasure Island/Yerba Buena Island Redevelopment Project Final EIR certified April 21, 2011 (City and County of San Francisco Planning Department Case No. 2007.0903E; State Clearinghouse No. 2008012105), p. II.79, https://sfplanning.org/environmental-review-documents?title=treasure+island&field_environmental_review_catag_target_id=All&items_per_page=10.

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Further, although the commenter continues to argue that the EIR prevented any meaningful public participation, the commenter has actively and continually engaged in the CEQA process.

CPC Comment No. 5-24

3. The Project in the *Treasure Island* Case is Wholly Different From the TVC Project.

Several hundred pages after the unsuccessful effort by the preparers of the FEIR to distinguish *Stopthemillennium*, they claim in RTC 26-5 that the Project here is similar to the project in *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (“*Treasure Island*”), 227 Cal. App. 4th (2014). However, the *Stopthemillennium* court (as well as the trial court below) easily distinguished *Treasure Island* for reasons that apply with equal force here. *Stopthemillennium*, 39 Cal. App. 5th at 19, 13–14. The court noted, as the trial court had, that in *Treasure Island*,

the island had been contaminated by hazardous materials that required cleanup, and the developer could not be sure when the island would be available for development. In that unusual circumstance, the *Treasure Island* court had concluded that a project description that included both fixed elements (such as street layouts) and conceptual elements (such as the shape of buildings or specific landscape designs) was all that could be meaningfully provided at present. *Id.* at 13–14.

The court concluded that the unique circumstances in *Treasure Island* were entirely absent in *Stopthemillennium*:

[A]s noted by the trial court, there were no practical impediments as to why Millennium could not have provided an accurate, stable, and finite description of what it intended to build. Unlike the *Treasure Island* developer, there were no contaminated sites on this property that interfered with making any firm commitment as to whether development would be possible and, if so, what type of development. (*Id.* at 19)

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Similarly here, there is no site contamination or other unique circumstance that precluded Hackman from making a firm commitment to a project description. In other words, the nature of the Project or the Project Site did not prevent the formulation of an accurate, stable and finite project description. Rather, at most, the absence of a stable project description stems entirely from Hackman's alleged concern regarding future market conditions, which *Stopthemillennium* concluded was an insufficient ground for an ambiguous and blurred project description.

RTC 26-5 does not mention the critical facts in *Treasure Island* and the obvious factual distinction here, which constitutes another failure to provide a good-faith, reasoned response. Moreover, the Final EIR had no response to our Comment 35-33 in the RTCs that "there is no practical impediment as to why Hackman could not have provided an accurate, stable and finite project description of what it intends to build." (FEIR, II-1281) The preparers of the FEIR simply will not confront this issue.

Response to CPC Comment No. 5-24

As discussed in Response to CPC Comment Nos. 5-7 and 5-9 above, the Project Description is accurate, stable and finite, and included all of the information required by CEQA. In *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036 (Treasure Island), which, like the TVC Project, involved a project EIR for a long-range development plan, the Court held that the project description was adequate where the "basic characteristics" of the project remained accurate, stable, and finite throughout the EIR process, and the project description included all of the information required by CEQA Guidelines Section 15124.³⁰ The draft EIR in Treasure Island described the proposed land use plans and design standards in detail, but individual building plans were not included in the draft EIR.³¹ Under these guidelines, individual buildings would be designed and approved at a later date.³² In Treasure Island, the Court explained that a

³⁰ Treasure Island, 227 Cal.App.4th at 1055.

³¹ The Treasure Island/Yerba Buena Island Redevelopment Project Draft EIR, https://sfplanning.org/environmental-review-documents?title=treasure+island&field_environmental_review_catag_target_id=All&items_per_page=10.

³² Treasure Island Final EIR pages II.20 to II.21.

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project description is not rendered unstable simply because specific building and design decisions were not made in the EIR, explaining that the courts have not required “resolution of all hypothetical details prior to approval of an EIR,” and that “it was unreasonable and unrealistic to demand that an EIR ‘must describe in detail each and every conceivable development scenario.’”³³

Although Treasure Island concerned a development project where the site conditions were unknown and supplemental environmental review was required, its reasoning nonetheless applies. Like Treasure Island, the TVC Project Description remained accurate, finite and stable throughout the environmental review process and included all of the information required by CEQA Guidelines Section 15124. In fact, the TVC Project provided additional specificity beyond what was upheld in Treasure Island, as the EIR includes a specific development plan (the Initial Development Plans), and under the Project’s Draft Specific Plan, any future development proposal that does not substantially conform to the Initial Development Plans would require a discretionary Project Compliance approval and future CEQA compliance review.

With respect to Response to Comment No. 35-33 in the Final EIR, this response states that Comment No. 35-33 repeats claims made earlier in Comment Letter No. 35, and refers the commenter to Response to Comment Nos. 35-4 through 35-7; Response to Comment Nos. 5-3, 11-12, and 26-11; and Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, which include detailed explanations regarding how the Project Description of the Draft EIR is accurate, stable, and finite. Thus, the commenter’s assertion that the Final EIR had no response to Comment No. 35-33 is incorrect.

³³ Treasure Island, 227 Cal.App.4th at 1054; citing *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1336-1337.

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CPC Comment No. 5-25

D. The City's Failure to Make the Specific Plan Available to the Public Prior to the Release of the FEIR Significantly Contributed to the Absence of an Accurate, Stable and Finite Project Description.

The FEIR repeatedly asserts in the RTCs that CEQA did not require a draft of the proposed Specific Plan to be made available to the public at the time the DEIR was released, but a Preliminary Draft TVC 2050 Specific Plan was made publicly available on October 13, 2023⁷, solely for “informational purposes” and more than a year after the DEIR public comment period ended on September 13, 2022. (See, e.g., FEIR, II-61, 67–68, 75–76, 278, 505)

Numerous DEIR commenters, including Broadcast Center, strongly disagreed. CEQA requires an accurate, finite and stable project description, and the City's failure make a draft of the Specific Plan available concurrently with the release of the DEIR further and significantly contributed to the absence of an accurate, finite and stable project description because it left the public in the dark regarding the blueprint for the Project, despite the fact that the Specific Plan provisions underpinned much of the analysis in the DEIR. It left them unable even to verify that the information in the DEIR regarding the Specific Plan was accurate and complete.

Topical Response 1.D asserts that a draft of the Specific Plan did not have to be released with DEIR because section 21065 of the California Public Resources Code “defines the ‘project’ to be analyzed in the EIR as the ‘physical change to the environment,’ not the regulatory document describing that change” and, pursuant to section 15358 of the CEQA Guidelines, “the environmental ‘effects’ and ‘impacts’ analyzed under CEQA ‘must be related to a physical change.’” (FEIR, II-67, 68)

That is all beside the point. The relevant issue, for which the RTCs offer no response, is that the Specific Plan contains all of the project information that was supposed to provide the basis for the environmental review in the DEIR. It is the Specific Plan that includes the development standards that were supposed to provide the means for the DEIR to analyze the Project's “physical change to the environment.” That is why the DEIR so often refers to the Specific Plan. That is why the first sentence in Section II (Project Description) of the DEIR states that “[t]he TVC 2050 Project ... would establish the TVC 2050 Specific Plan.”

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(DEIR, p. II-1) But the City simply refused, for reasons it still has not explained, to make any draft of the Specific Plan publicly available until shortly before the FEIR was completed, or to explain how it was able to prepare the DEIR without a final draft of the Specific Plan.

⁷ Less than two months earlier, on August 28, 2023, DCP admitted that Hackman had submitted a draft of the Specific Plan with its 2021 Project Application, but stated that the City had mistakenly declined to make it available until that day and, in fact, had initially failed to produce it in response to a Public Records Act request submitted on April 17, 2023.

Response to CPC Comment No. 5-25

This comment repeats claims made by the Commenter on the Draft EIR and above. Refer to Response to Comment Nos. 35-4 through 35-7 and 35-10 through 35-34 of the Final EIR, as well as Response to CPC Comment Nos. 5-7 and 5-13 through 5-16 above. As discussed therein, in response to comments related to the Draft Specific Plan, the City created a detailed chart comparing the Draft EIR and the Preliminary Draft Specific Plan that was made publicly available on October 13, 2023, included as Appendix FEIR-2 of the Final EIR, which showed that all physical aspects of the Preliminary Draft Specific Plan were disclosed and analyzed in the Draft EIR, and the Draft EIR discussed these aspects in the same amount of detail as the Preliminary Draft Specific Plan. Notably, despite the commenter's repetitive comments about the publication of the Specific Plan, nowhere in their comments has the commenter identified any element of the Preliminary Draft Specific Plan or subsequent drafts of the Specific Plan that was required to be disclosed and analyzed in the EIR or Erratum which was not analyzed, or any element that was not consistent with the EIR or Erratum.

It should also be noted that the California Public Resources Code is not "beside the point" as claimed by the Commenter. As accurately stated in Topical Response No. 1.D (pages II-67 to II-68 of the Final EIR), CEQA (Section 21065 of the California Public Resources Code) defines the "project" to be analyzed in the EIR as the "physical change to the environment," not the regulatory document describing that change and, pursuant to Section 15358 of the CEQA Guidelines, the environmental "effects" and "impacts" analyzed under CEQA "must be related to a physical change." As demonstrated throughout the responses to the commenter's repetitive claims, the Project Description included in the EIR is accurate, stable, and finite and provided the required information to evaluate the physical impacts of the Project, and the Commenter has not provided any evidence to the contrary.

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CPC Comment No. 5-26

The preparers of the FEIR relatedly contend that the City was not required to release a draft of the Specific Plan concurrently with the Draft EIR because The Planner's Guide to Specific Plans, published by the State Office of Planning and Research in 2001, states that

[t]o the extent feasible, the process of preparing the specific plan and the environmental analysis should proceed concurrently because both documents require many of the same studies and resulting information. The information in the EIR provides decision makers with the insight necessary to guide policy development, thereby ensuring the plan's policies will address and provide the means by which to avoid potential impacts to the environment. (“OPR Statement,” FEIR, II-67–68)

The FEIR then states its interpretation of the OPR Statement several pages later, in Topical Response 1.G:

“Per the OPR Guide, a specific plan is typically drafted concurrently with environmental review process and is not required to be included in the Draft EIR. This allows for comments on the Draft EIR and any potential revisions, corrections, and clarifications in the Final EIR to be reflected in the specific plan.” (*Id.*, II-75)

The OPR Statement, however, is not reasonably susceptible to this novel interpretation, for which the FEIR cites no source, and really does not make any sense. What the statement more straightforwardly means is that a draft EIR and related draft specific plan should be **concurrently** prepared and then **concurrently** released to the public. The preparers of the FEIR essentially rewrite “concurrently” as “sequentially.” To the contrary, nothing in the OPR Statement reflects that a specific plan should remained [sic] concealed at the time a related draft EIR is circulated for public comment, and in fact implicitly disfavors the continuing “preparation” of a specific plan after the draft EIR has been completed.

Furthermore, the notion that a draft specific plan should be deliberately withheld until decision-makers have an opportunity to review comments on the related draft EIR and potentially revise the specific plan to reflect those comments defies credibility. The OPR

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Statement does not state that comments on the Draft EIR will provide insight to guide policy development, but rather that the “information” in the draft EIR provides such insight. Furthermore, a draft specific plan released to the public concurrently with a draft EIR can be revised in response to comments on the draft EIR just as the draft EIR can itself be revised in response to those comments.

⁷ Less than two months earlier, on August 28, 2023, DCP admitted that Hackman had submitted a draft of the Specific Plan with its 2021 Project Application, but stated that the City had mistakenly declined to make it available until that day and, in fact, had initially failed to produce it in response to a Public Records Act request submitted on April 17, 2023.

Response to CPC Comment No. 5-26

Proposed draft ordinances are prepared and refined as the EIR is prepared, and draft ordinances are not formally considered until the public hearing process, which takes place after a final EIR is published. There is nothing in The Planner’s Guide to Specific Plans, published by the State Office of Planning and Research in 2001 (OPR Guide to Specific Plans), to support the Commenter’s interpretation that a draft specific plan ordinance must be released concurrently with the draft EIR and finalized prior to completion of the draft EIR. Further, this interpretation is not supported by CEQA or any other law. In fact, this interpretation would be contrary to CEQA. CEQA (Public Resources Code Section 21083.1) explicitly states that CEQA “shall not [be] interpret[ed] in a manner which imposes procedural or substantive requirements beyond those explicitly stated in this division or in the state guidelines.” Further, as discussed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, the assertion that a specific plan needs to be fully drafted prior to environmental review undermines CEQA’s informational purpose coupled with the importance of public participation and feedback. The reasons not to require early circulation of the specific plan are in fact exemplified by the concerns expressed by the commenters. In accordance with CEQA, a specific plan must incorporate the environmental analysis in the EIR, rather than be developed in advance and set in stone before the EIR analysis is complete and the public has an opportunity to comment. This is consistent with CEQA and the OPR Guide to Specific Plans. The concerns of the community as expressed in comments on the Draft EIR have been addressed through Project modifications outlined in the Final EIR and the Erratum, which were reflected in updated drafts of the Specific Plan. Further, careful consideration must be taken for land use ordinances, and the OPR Guide to Specific Plans specifically acknowledges that it takes both time and resources for a city to

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prepare and implement a specific plan. The OPR Guide to Specific Plans states that, “[t]o the extent feasible, the process of preparing the specific plan and the environmental analysis should proceed concurrently because both documents require many of the same studies and resulting information. The information in the EIR provides decision makers with the insight necessary to guide policy development, thereby ensuring the plan’s policies will address and provide the means by which to avoid potential impacts to the environment.” In other words, a specific plan ordinance should be drafted concurrently with the environmental review process to allow comments on the draft EIR to be reflected in the draft specific plan ordinance. This is also true for other City ordinances, such as ordinances for LADOT, Public Works, and every other City department. The City’s public notice requirements are the only requirements governing circulation of a proposed ordinance, which require that notice be provided at least 24 days prior to the public hearing.³⁴ The Specific Plan was drafted concurrently with the Draft EIR, made publicly available prior to the publication of the Final EIR, and was revised in response to community and stakeholder feedback, and the revised draft specific plan was made publicly available on April 5, 2024, over five weeks prior to the May 15, 2024, joint Deputy Advisory Agency and Hearing Officer hearing and over five months prior to the September 12, 2024, City Planning Commission hearing, which substantially exceeds City requirements. Refer also to Response to CPC Comment No. 5-25 above that demonstrates that all of the information regarding the proposed specific plan required for the CEQA analysis was disclosed in the Draft EIR and has remained consistent throughout the Final EIR, Erratum and City hearing process. Further, the information in the EIR was adequate for the decision-makers to make a decision on the Project. The Commenter has provided no evidence to the contrary.

CPC Comment No. 5-27

In addition, the City’s nondisclosure of a draft Specific Plan is at odds with its precedent. For example, the projects listed below (which include the recent Paramount Studios project) all required the adoption of specific plans, and the City included a draft specific plan as an appendix to the draft EIR prepared for each project (please click on the links to go to the draft

³⁴ See LAMC § 12.23(C).

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EIRs and draft specific plans, all of which are incorporated herein this reference in lieu of attaching thousands of pages of documents that are already in the City's possession):

- CASP Draft EIR—September 2023 (Appendix D)
- Coastal Transportation Corridor Specific Plan Draft EIR—January 2016 (Appendix A)
- Paramount Studios Draft EIR—September 2015 (Appendix B)
- Boyle Heights Mixed Use Community Project Draft EIR—October 2011 (Appendix B)
- Loyola Marymount University Draft EIR—March 2010 (Appendix II).

Based on all of the foregoing, the City's refusal to provide a draft of the Specific Plan to the public concurrently with the release of the DEIR precluded meaningful public participation in the CEQA process and is another significant reason why the project description in the DEIR was neither accurate, stable nor finite.

Response to CPC Comment No. 5-27

As noted above in Response to CPC Comment No. 5-26 and throughout the Final EIR, the Draft Specific Plan was not required to be released concurrently with the Draft EIR. Although the City has included some draft specific plans in draft EIRs in certain instances, there are many other instances where the City did not do so, including the University of Southern California Specific Plan, Los Angeles Sports and Entertainment District Specific Plan, Ponte Vista Specific Plan, Jordan Downs Specific Plan, and the most recently adopted specific plan in the City, the District NoHo Specific Plan.³⁵ This is also true for other draft

³⁵ USC Development Plan Draft EIR dated May 2010 (Case No. ENV-2009-271-EIR), <https://planning.lacity.gov/eir/USC/DEIR/DEIR%20USC%20Development%20Plan%20Project.html>; Los Angeles Sports and Entertainment District Draft EIR dated January 2001 (Case No. ENV-2000-3577-EIR), https://planning.lacity.gov/eir/LA_Entertainment_District/draft/draft_toc.htm; Ponte Vista Project Draft EIR dated November 2012 (Case No. ENV-2005-4516-EIR), <https://planning.lacity.gov/eir/PonteVistaProj2/DEIR/DEIR%20Ponte%20Vista%20Project.html>; Jordan Downs Specific Plan Draft EIR dated November 2010 (Case No. ENV-

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ordinances, such as sign district ordinances. Most importantly, there is no law or regulation that requires a draft specific plan ordinance to be included in an EIR.

The remainder of this comment repeats the Commenter's unsupported claims regarding the adequacy of the Project Description. Refer to Response to Comment Nos. 35-4 through 35-7 and 35-10 through 35-34 of the Final EIR, as well as Response to CPC Comment Nos. 5-7 and 5-13 through 5-16 above. As demonstrated therein, the Project Description is accurate, stable, and finite, and fully complies with CEQA, and this comment does not provide any evidence to the contrary. Further, the commenter provides no specifics or evidence to support its claim that not including the Draft Specific Plan in the Draft EIR precluded meaningful public participation.

CPC Comment No. 5-28

Finally, the FEIR disingenuously states that “[a]n initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record.” (FEIR, II-241) As previously discussed, that draft has not been publicly available since 2021, was not included or referenced in the DEIR, and was not produced in response to a Public Records Act request April 2023 for more than four months. This is not a good-faith, reasoned response.

Response to CPC Comment No. 5-28

As accurately stated in the Final EIR, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Refer to Appeal Response No. 7-13 of the VTTM Appeal Responses regarding the Public Records Act request.

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CPC Comment No. 5-29

E. The City's Preparation of the Erratum Months After the Release of the FEIR Further Contributed to the Absence of an Accurate, Stable and Finite Project Description.

More than four months after the City released the FEIR, Hackman again substantially modified the Project and caused the preparation of the Erratum, including eight new supporting technical appendices and another version of the Specific Plan, to address those modifications. This sowed further confusion regarding the project description and what Hackman actually intends to build on the Project Site.

Response to CPC Comment No. 5-29

In response to comments submitted during and after the Draft EIR public comment period and following the publication for the Final EIR, refinements to the Project were made in response to public comments, including comments from the commenter. These refinements included, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was published in April 2024. The Erratum, including the technical reports, confirmed the conclusions in the EIR and demonstrated that the proposed modifications to the Project are within the scope of the analysis in the EIR and would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR.

As demonstrated by this comment, the commenter appears to misunderstand the purpose and function of an erratum. An erratum is commonly used by a lead agency to make changes or additions to an EIR, which ultimately becomes a part of the certified EIR if approved. A fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation.³⁶ "The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial

³⁶ CEQA Guidelines § 15004(b).

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project.”³⁷ The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, including the commenter, which is exactly how CEQA is supposed to work.

CPC Comment No. 5-30

F. The RTCs in the FEIR to Comments Related to the Project Description Are Not Based on Good-Faith, Reasoned Analysis.

The evaluation and response to public comments is an essential part of the CEQA process. The lead agency must specifically explain its reasons for rejecting suggestions received in comments and for proceeding with the project despite its environmental impacts. “There must be **good faith, reasoned analysis in response**. Conclusory statements unsupported by factual information will not suffice.” CEQA Guidelines § 15088(c); *see also People v. County of Kern*, 39 Cal. App. 3d 830, 841-42 (1974) (“where comments disclose new conflicting data or opinions that cause concern that the agency may not have fully evaluated the projects and its alternatives, these comments may not simply be ignored); *Environmental Protection Information Center v. Johnson*, 170 Cal. App. 3d 604, 628 (1985) (“conclusory responses unsupported by empirical information, scientific authorities or explanatory information have been held to be insufficient to satisfy the requirement of a meaningful, reasoned response: conclusory responses fail to crystallize issues, and afford no basis for a comparison of the problems caused by the project and the difficulties involved in the alternatives”).

As discussed in the preceding sections, the responses in the FEIR to the concerns of numerous commenters that the project description in the DEIR is inaccurate, unstable and not finite for numerous, significant reasons do not constitute good-faith, reasoned analysis.

³⁷ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. In *Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, the court held that changes to the configuration of a master plan project which resulted in an overall reduction in the scale of development did not require recirculation because the changes did not cause impacts beyond those studied in the EIR.

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Response to CPC Comment No. 5-30

The Final EIR responded to all comments received during the Draft EIR comment period, including those submitted by the Commenter. The remainder of this comment repeats the Commenter's unsupported claims regarding the adequacy of the Project Description. Refer to Response to Comment Nos. 35-4 through 35-7 and 35-10 through 35-34 of the Final EIR, as well as Response to CPC Comment Nos. 5-7 and 5-13 through 5-16 above. As demonstrated therein, the Project Description is accurate, stable, and finite, and fully complies with CEQA, and no new evidence has been provided to the contrary.

CEQA Guidelines Section 15088(a) requires a lead agency to prepare written responses to "comments on environmental issues." In addition, CEQA Guidelines Section 15088(c) requires the lead agency to respond in good faith and in detail to "significant" environmental issues raised whenever the lead agency's position is "at variance" with the comment about the "significant" environmental issue.

Further, neither of the cases referenced in this comment support the commenter's claims. *People v. County of Kern* (1974) 39 Cal.App.3d 830 (Kern) involved a large, 275-acre subdivision project located in a national forest, and the draft EIR was only nine pages long, plus a four-page addendum to the draft EIR.³⁸ Numerous comments and extensive criticism of the draft EIR and addendum were received regarding water supply and pollution as well as the location of the subdivision over the San Andreas Fault.³⁹ These comments were addressed in a five-page addendum and a two-page summary to the nine-page draft EIR, but neither "contain[ed] a response" by the lead agency to the "significant environmental issues raised" or addressed "in any detail" why the various comments were not accepted or why other concerns override those objections.⁴⁰ Per Kern, when a comment raises a "significant" environmental issue, there must be some genuine confrontation with the issue; it can't be swept under the rug.⁴¹ Unlike in Kern, where the final EIR was "fatally defective"

³⁸ Kern, 39 Cal.App.3d at 835–36.

³⁹ *Id.* at 836.

⁴⁰ *Id.*

⁴¹ *Id.* at 841.

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because the agency “fail[ed] to respond with specificity in the final EIR to the comments and objections to the draft EIR,” the Final EIR for this Project provided comprehensive and detailed responses to all of the commenter’s comments on the Draft EIR.⁴²

The commenter’s repetitive comments have been asked and answered multiple times by the City in accordance with CEQA. Notably, in a more recent case, *City of Irvine v. County of Orange* (2015) 238 Cal.App.4th 526, in which the court determined that the responses to comments were adequate and not analogous to Kern, the court warned that “the comment-and-response process can also be abused. At its worst, it could become an end in itself, simply a means by which project opponents can subject a lead agency’s staff to an onerous series of busywork requests and ‘go fetch’ demands. As Presiding Justice McConnell wrote in *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 524, 129 Cal.Rptr.3d 512, the point of CEQA, ‘is to inform government decision makers and their constituency of the consequences of a given project, not to derail it in a sea of administrative hearings and paperwork.’ This case is an example of the drowning in ‘paperwork’ Presiding Justice McConnell warned about.”⁴³

Environmental Protection Information Center v. Johnson (1985) 170 Cal.App.3d 604 (EPIC) is similarly not applicable. That case involved a timber harvesting plan (THP) for a redwood grove, in which members of the public raised an objection to the sufficiency of means to mitigate damage to a Native American archaeological site located in the grove. (A THP is an alternative to a complete EIR, and the court found that the provisions of CEQA were applicable in this case.) The court found the California Department of Forestry’s response to be inadequate, where it contained no analysis of the issue of the protection of the site and no specific information as to the basis for the rejection of the objection.⁴⁴ The nearly 3,000 pages of responses to comments in Section II, Responses to Comments, of the Final EIR, on the other hand, are not conclusory but rather include meaningful, reasoned responses.

⁴² *Id.* at 842.

⁴³ *City of Irvine v. County of Orange*, 238 Cal.App.4th at 558.

⁴⁴ EPIC, 170 Cal.App.3d at 628.

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CPC Comment No. 5-31

II. Even If the Project Description in the DEIR Was Somehow Lawful, The DEIR Must Be Revised to Incorporate the Significant New Information in the FEIR and Erratum and Then Recirculated for Public Comment.

If the lead agency adds “significant new information” to an EIR after circulation of the draft EIR, but prior to certification of the final EIR, the lead agency must recirculate the revised draft EIR, or pertinent portions thereof, for additional public comment and interagency consultation. Cal. Pub. Res. Code § 21092.1. New information is “significant” if, as a result of the additional information, “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect.” *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 447 (2007); accord CEQA Guidelines § 15088.5(a). “Significant new information” requiring recirculation includes “a disclosure showing that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” *Id.*, §15088.5(a)(4). The courts will not “countenance the practice of releasing a report for public consumption that hedges on important environmental issues while deferring a more detailed analysis to the final [EIR] that is insulated from public review.” *Mountain Lion Coalition v. Fish and Game Com.* (“*Mountain Lion Coalition*”), 214 Cal. App. 3d 1043, 1052 (1989).

The standard in section 15088.5(a)(4) is satisfied here with respect to how the preparers of the FEIR, the Erratum and the proposed Specific Plan vainly attempted to fix the “fundamentally and basically inadequate” project description in the DEIR that precluded “meaningful public review and comment.” As previously discussed, they fundamentally changed the project description by (1) attempting to implicitly substitute the DEIR Conceptual Plan with the more detailed (albeit equally conceptual, illustrative and unlawful) Application Plans/Initial Development Plans, (2) adding many new project renderings and plans (also conceptual, illustrative and unlawful) in the revised text of the DEIR and the Erratum, and (3) unlawfully releasing a draft of the Specific Plan over a year after the DEIR comment period ended and just before the completion and public release of the FEIR, which draft included a new substantial conformance standard regarding proposed revisions to the Initial Development Plans and the potential for additional CEQA review.

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None of this significant new information incorporated into the FEIR, the Erratum and the proposed Specific Plan cures the unlawful nature of the project description because all of the additional information reflects that the modified project description in the FEIR and the Erratum, like the project description in the DEIR, still centers around one conceptual, illustrative development scenario that Hackman does not have to build. However, even if this significant new information somehow cured the wholly inadequate project description in the DEIR, the public must have an opportunity to review and comment on a revised DEIR that is based on the substantially enhanced project description, which is the foundation for all of the environmental analyses in the DEIR. Otherwise, the public will be sandbagged in the manner that section 15088.5(a) forbids.

In RTC 9-4, the preparers of the FEIR claim that section 15088.5(a) has no application here because, in accordance with the *Mountain Lion Coalition* case, “courts have required recirculation of the draft EIR when an EIR wholly failed to evaluate an entire impact area,” and it “did not omit the analysis of an entire impact area” (FEIR, II-272) They do not cite any authority for this claim and section 15088.5(a) says no such thing. In any event, an unlawful project description permeates the entirety of the DEIR and calls into question every impact analysis therein.

The FEIR also includes significant new technical data and analyses relating to a host of environmental impacts that further demonstrate the need to revise and recirculate the DEIR. We will summarize this additional significant new information in our technical letter and make the larger case for why the DEIR must be significantly revised and recirculated.

Response to CPC Comment No. 5-31

Contrary to the commenter’s assertions, the information in the Final EIR and Erratum do not constitute significant new information requiring recirculation. CEQA sets forth a clear threshold for recirculation of an EIR, requiring “significant new information” that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect.⁴⁵ As discussed further below, the commenter fails to provide evidentiary support that

⁴⁵ CEQA Guidelines § 15088.5(a).

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meets the CEQA definition of significant new information. By way of background, the commenter previously requested recirculation during the Draft EIR comment period, likewise without any basis in law.

As stated in CEQA Guidelines Section 15088.5(a), “significant new information” requiring recirculation includes, for example, a disclosure showing that: (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.

Regarding the fourth prong, following the holding in *Mountain Lion Coalition v. Fish & Game Comm.* (1989) 214 Cal.App.3d 1043 (Mountain Lion Coalition), CEQA Guidelines Section 15088.5(a)(4) was added to require recirculation of a draft EIR if “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” In *Mountain Lion Coalition*, the court held that recirculation of the draft EIR was required where the EIR wholly failed to evaluate an entire impact area (cumulative impacts). On the other hand, additions of confirmatory technical reports or additional analysis that supports an already-adequate EIR does not require recirculation.⁴⁶

Importantly, the new information in the Final EIR and Erratum does not automatically constitute *significant* new information. Contrary to the commenter’s claims, the application plans, renderings and graphics, and Draft Specific Plan do not constitute significant new information and did not preclude meaningful public review and comment for the reasons detailed below. The legal standard is substantial evidence, and the commenter fails in this

⁴⁶ CEQA Guidelines Section 15088.5(b).

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regard to provide the necessary evidentiary support that this information constitutes “significant new information.”

First, the Conceptual Site Plan in the Draft EIR is based on and consistent with the architectural plans (i.e., Initial Development Plans), and these plans are not “new” or “significant” information. On the contrary, the architectural plans were incorporated in and formed the technical bases for the environmental impact analyses throughout the Draft EIR; refer to Response to CPC Comment No. 5-14, above. Further, contrary to the commenter’s assertion, labeling plans in an EIR as conceptual and/or illustrative is not unlawful and is in fact standard practice; refer to Response to CPC Comment Nos. 5-7 and 5-14, above.

Second, the renderings and plans included in the Final EIR and Erratum do not change the analysis or conclusions in the EIR. Most of the new information and graphics in the Final EIR was provided for informational purposes in response to comments, as demonstrated by the nearly 3,000 pages of responses to comments in Section II, Responses to Comments, of the Final EIR. In addition, the new information in the Final EIR and Erratum is entirely consistent with the technical assumptions, plans and other information set forth in the Draft EIR and does not fundamentally change the project description in the Draft EIR, as incorrectly asserted by the commenter. Comparatively, there were relatively few revisions, clarifications and corrections made to the Draft EIR, as demonstrated by Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. As stated on page III-92 of the Final EIR, the revisions, clarifications and corrections to the Project do not constitute “significant new information” under CEQA Guidelines Section 15088.5. Further, the renderings and graphics included in the Erratum depict the Modified Project and support the analysis and conclusion in the Erratum that the Modified Project is within the scope of the analysis in the Draft EIR and would not result in a new significant impact or an increase in the severity of a previously disclosed impact. The commenter does not provide any specifics or evidence to support their claim that these renderings and graphics constitute significant new information.

Third, the Draft Specific Plan does not constitute significant new information, as the EIR disclosed and analyzed all physical elements of the Draft Specific Plan, and neither CEQA nor City policy require a draft specific plan ordinance to be included in an EIR. Refer to Response to CPC Comment No. 5-5, above.

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Further, this comment does not provide any substantial evidence for its contention that the EIR was fundamentally and basically inadequate and precluded meaningful public review and comment. The EIR and Erratum include an exhaustive review of the Project's potential environmental impacts, in many instances going above and beyond the minimum requirements of CEQA and City policy and guidelines. The Draft and Final EIR include detailed technical expert reports demonstrating the comprehensive environmental analysis of the Project, and the Erratum also includes supplemental technical expert analyses supporting its conclusions. Moreover, the public was provided a meaningful opportunity for review and comment. The Draft EIR was published on July 14, 2022, and the City extended the 45-day comment period required under CEQA by an additional 15 days, for a total comment period of 60 days, to provide the public with ample time to review and comment. A Notice of Completion and Availability of Draft EIR (NOC/A) was circulated on July 14, 2022, to all property owners and occupants within 500 feet of the Project Site; the 72 individuals and entities who submitted comment letters during the Initial Study Notice of Preparation comment period; and all interested parties. The City received a total of 608 comment letters during the extended Draft EIR comment period, which were addressed in the Final EIR. The Final EIR was published on November 21, 2023, over five months before the EIR was considered at the joint Deputy Advisory Agency and Hearing Officer hearing on May 15, 2024, (which substantially exceeds CEQA's 10-day-minimum requirement).⁴⁷ A Notice of Availability of Final EIR dated November 21, 2023 (NOA) was sent to all property owners and occupants within 500 feet of the Project Site; the 608 individuals and entities who submitted comment letters on the Draft EIR, including this commenter; the 72 individuals and entities who submitted comment letters during the Initial Study Notice of Preparation comment period; and all interested parties. As stated in the NOA, the Final EIR and the documents referenced in the Final EIR, are available online at the Department of City Planning's website (with the webpage link included), digital copies are available at the three libraries listed in the NOA, as well as at City offices by appointment. The Erratum was published on April 5, 2024, over five weeks prior to the Hearing Officer/Deputy Advisory Agency hearing (which also substantially exceeds the minimum 10-day requirement). A courtesy notice of the availability of the Erratum, Draft Specific Plan, and draft Sign District ordinance was circulated on April 5, 2024, which included a link to these materials on City Planning's website. Further, as discussed in Appeal Response No. 1-2 of the VTTM Appeal

⁴⁷ CEQA Guidelines Section 15088(b).

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Responses, the release of the drafts of the Specific Plan ordinance substantially exceeds what is required by CEQA and City policy. Thus, the Project's rigorous environmental analysis and process meet and exceed all substantive requirements of CEQA, and the public was afforded ample opportunity for review and comment.

Please also note that *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (Vineyard) is not applicable here. In that case, the court held that a draft EIR for a large housing and commercial development project in Sacramento County was required to be revised and recirculated for public comment on the newly disclosed potential impact on salmon migration in the Cosumnes River, as the draft EIR contained no discussion of the impact that planned groundwater extraction would have on water flows and habitats in the river, and when the issue was raised, the county merely adopted an unsupported conclusion that the impact was insignificant.⁴⁸ Unlike in Vineyard, there was not a missing CEQA topic and no new significant environmental impact or a substantial increase in the severity of an impact was identified in the EIR or Erratum.

CPC Comment No. 5-32

III. CONCLUSION.

Like so many other stakeholders, we again respectfully request on behalf of Broadcast Center that the City take no further action with respect to the proposed Project until such time as Hackman identifies a concrete development project for the Project Site that respects the Broadcast Center building and other surrounding uses, and the City thereafter prepares and circulates for public comment a revised DEIR for the Project that fully complies with CEQA.

Exhibit 1—AIR Communities Letter to Councilmember Yaroslavsky dated March 12, 2024 (4 pages)

⁴⁸ *Vineyard*, 40 Cal.4th at 447–51.



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Response to CPC Comment No. 5-32

This comment concludes the letter. Refer to Response to CPC Comment Nos. 5-1 through 5-31 above for issues raised by the commenter.

This comment also includes a copy of a letter sent by AIR Communities to the office of Councilmember Katy Yaroslavsky which generally repeats issues raised by the commenter and provides recommended changes to the Project. It should be noted that many of the issues raised in this letter were addressed as part of the Erratum, including an overall reduction in square footage and increasing setbacks from the Broadcast Center Apartments. The letter also includes a number of incorrect statements. Broadcast Center would not, as the letter claims, "be encircled on all four sides by new onsite project streets." The Broadcast Center Apartments would continue to be bounded by Beverly Boulevard to the north and The Grove Drive to the east. While the Project does propose driveways on The Grove Drive, these are located south of the Broadcast Center Apartments and would not affect the portion of the building along that frontage. Refer also to Response to Comment Nos. 26-E.2-5 and 26-E.2-6 in the Final EIR. With respect to the claim the Project intends to construct a nine-story parking garage across the street from Broadcast Center, as detailed in the Erratum, the above-grade portion of the parking structure within the southeastern portion of the Project Site has also been reduced in overall size by approximately 34 percent and moved further south and further away from the Broadcast Center Apartments. Additionally, the above-grade parking garage is separated by approximately 200 feet from the Broadcast Center Apartments by a sound stage, production support, and production office uses which provides a physical buffer between the two uses. The letter also includes recommended changes to the Project which are noted for the record and will be made available to the decision-makers for their review and consideration; however, as noted above, many of these recommendations have already been included in the Project.



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CPC Comment Letter No. 6 (Fix the City, September 12, 2024)

Laura Lake

Fix the city

laura@fixthecity.org

CPC Comment No. 6-1

Fix The City respectfully submits the following comments in opposition to the proposed project.

Response to CPC Comment No. 6-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to CPC Comment Nos. 6-2 through 6-17 below for responses to the specific issues raised by the Commenter. The issues raised below are similar to those raised in the commenter's letter on the Draft EIR. As such, refer also to Response to Comment Nos. 16-1 through 16-103 of Section II, Responses to Comments, of the Final EIR. Similar issues were also raised in the Commenter's appeal justification letter. Refer to Appeal Response Nos. 6-1 through 6-32 in the VTTM Appeal Responses.

CPC Comment No. 6-2

1. What is the position of the Councilmember. We don't know. There has been no effort to act as an honest broker to demand a project that is acceptable to both the applicant and its neighbors.

Response to CPC Comment No. 6-2

As of November 1, 2024, the Project has not been considered before the City Council and the Department of City Planning is a distinct office of City government. The commenter may reach out to the Councilmember's office if they so choose. However, it is noted that the Office of Councilmember Katy Yaroslavsky sent a letter to the City Planning Commission on September 11, 2024, expressing support for the Project if additional modifications were made

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including an additional reduction of 38,000 square feet of general office floor area, reallocation of 12,000 square feet of general office floor area to production office floor area, a reduction in the height of building facades fronting Fairfax Avenue from 88 feet to 73 feet, a requirement for the prioritization of entertainment-related uses for the general office space, and a requirement to ensure that the Project's TDM program is monitored and enforced by LADOT. These modifications were included in the City Planning Commission's determination letter recommending approval of the Project.

CPC Comment No. 6-3

2. This Project Ignores The **Mayor's Local Housing Emergency Declaration** Calling For Increased Housing Production. *Instead, it removes potential housing from a 25-acre site.* A contribution to CD 5 of \$1 M for affordable housing (p. A-15) is not even a drop in the bucket, when affordable housing units are \$800,000. It does not compensate for losing hundreds of potential dwelling units in the Housing Element.

Response to CPC Comment No. 6-3

This comment is similar to comments made by the Commenter on the Draft EIR and in their appeal justification related to the Housing Element. Refer to Appeal Response Nos. 6-4 and 6-17 of the VTTM Appeal Responses, as well as Response to Comment Nos. 16-2, 16-34, and 16-53 of the Final EIR. As stated therein, the Project does not involve a change in the number of residential dwelling units permissible under the Project Site's existing zone classification.

Specifically, as stated therein, the Project would not change in any way the potential housing capacity of this site. In accordance with California Government Code Section 66300(b)(1), the Modified Draft Specific Plan dated April 2024 (specifically Section 5.1.E) does not prohibit the development of housing on the Project and would allow residential uses in accordance with the density and all other development standards in effect prior to the effective date of the Specific Plan, and as may be permitted pursuant to any applicable State or local law or regulation. The Project Site is currently in the C1.5 and C2 Zones, which permits multifamily residential density at a rate of one (1) dwelling unit per 400 square feet of lot area. The Draft Specific Plan, which also involves a Vesting Zone Change to the TVC

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Zone, also permits a residential density consistent with the C1.5 and C2 Zones. Therefore, no change to the City's potential housing capacity will result from construction of the Project and no offsetting action is required.

CPC Comment No. 6-4

3. The project violates the **Housing Element**, the **Framework Element**, and the **Wilshire Community Plan**, the land use element of the General Plan. Therefore, the mandatory finding under the **Subdivision Map Act** and **Charter Sections 555 and 556** for consistency with the General Plan cannot be made. The project is not substantially in compliance with the General Plan. Instead, it is a serial violator of the General Plan.

Response to CPC Comment No. 6-4

This claim that the Project is inconsistent with the Housing Element is similar to comments made by the Commenter in their appeal justification, as well as their comments on the Draft EIR. Refer to Appeal Response No. 6-4 of the VTTM Appeal Responses, as well as Response to Comment Nos. 16-2, 16-34, and 16-53 of the Final EIR. As stated therein, the comment that the Project is inconsistent with the Housing Element is incorrect. In addition, the Project does not involve a change in the number of residential dwelling units permissible under the Project Site's existing zone classification.

With respect to consistency with the Framework Element and Wilshire Community Plan, this comment is similar to comments made by the Commenter on the Draft EIR. Refer to Response to Comment Nos. 16-4, 16-6, and 16-7 of the Final EIR, and Appeal Response Nos. 2-32 and 2-33 regarding the Project's consistency with the Framework Element. As discussed therein, the Project's potential land use impacts are analyzed on pages IV.H-39 to IV.H-57 in Section IV.H, Land Use and Planning, and Appendix I of the Draft EIR, as well as Section 2.2.8, Land Use, of the Erratum, which include an analysis of the General Plan Framework Element (including the Land Use Chapter, Open Space and Conservation Chapter, Economic Development Chapter, Transportation Chapter, and Infrastructure and Public Services Chapter), General Plan Conservation Element, the Mobility Plan, Wilshire Community Plan, LAMC, Citywide Design Guidelines, 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy, and the South Coast Air Quality Management

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District Air Quality Management Plan. As analyzed therein, the Project would not conflict with the goals, policies, and objectives in any of these local and regional plans that were adopted for the purpose of avoiding or mitigating an environmental effect. Accordingly, the Draft EIR and Erratum concluded that impacts related to land use and planning would be less than significant.

The comment regarding the finding for consistency with the General Plan is also similar to the commenter's previous comments. Refer to Appeal Response No. 6-5 of the VTTM Appeal Responses.

CPC Comment No. 6-5

4. This Project Violates The **Housing Crisis Act and SB 8** by removing potential housing from the **Housing Element**. Under this approval, Housing is no longer by-right.

Response to CPC Comment No. 6-5

This comment related to the Housing Crisis Act (SB 330, as amended by SB 8) is similar to comments made by the Commenter in their appeal justification. Refer to Appeal Response No. 6-4 of the VTTM Appeal Responses. As stated therein, as discussed in the City's February 2023 interdepartmental memorandum, the Housing Crisis Act generally prohibits cities such as the City of Los Angeles from taking certain actions that would reduce a site's housing development capacity. In accordance with Section 5.1.E of the Preliminary Draft Specific Plan (October 2023), Section 5.1.E of the Modified Draft Specific Plan (April 2024), and Section 5.1.F of the Draft Specific Plan as modified by the City Planning Commission (September 2024), any future residential development would be reviewed and approved pursuant to the existing zoning regulations and procedures in effect prior to the adoption of the Specific Plan, whether by-right or discretionary. Additionally, refer to Response to CPC Comment No. 1-9 for further details regarding the Project's compliance with the Housing Crisis Act. Thus, the Project would not reduce the Project Site's housing development capacity, consistent with the Housing Crisis Act.

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CPC Comment No. 6-6

5. This site is **Not An Area Targeted For Increased Density** In The Framework Element Diagram. This requires an amendment of the General Plan Framework, based on substantial evidence, and compliance with **LAMC 11.5.6**.

Response to CPC Comment No. 6-6

This comment is similar to comments made by the Commenter in their appeal justification. Refer to Appeal Response No. 6-15 of the VTTM Appeal Responses. As stated therein, the Project's VTTM is fully compliant with the General Plan, including the Framework Element. Refer to Response to Comment Nos. 5-8 and 11-3 of the Final EIR. As discussed therein, a site's development intensity (including permitted height and FAR) are controlled by its zone and height district designations, not the General Plan. Further, as described in the VTTM Topical Response, approval of the VTTM does not grant development rights to the Project.

CPC Comment No. 6-7

6. The mandatory finding of adequate transportation capacity under the **Wilshire Community Plan Policy 16-2** cannot be made. Adequate capacity is different from incremental increases in traffic under the CEQA thresholds. Contributing to additional gridlock is like throwing gasoline on a fire.

Response to CPC Comment No. 6-7

This comment is similar to comments made by the Commenter on the Draft EIR. Refer to Response to Comment No. 16-18 of the Final EIR. As discussed therein, the Project would not conflict with Objective 16-2 and related Policy 16-2.1 of the Wilshire Community Plan. Further, given that the Modified Project reduced the size of the Project and therefore reduced vehicle trips, the Modified Project also would not conflict with Objective 16-2 and Policy 16-2.1.

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CPC Comment No. 6-8

7. The Wilshire Community Plan states a fundamental premise regarding “adequacy:”

“If this monitoring finds that population in the Plan area is occurring faster than projected; and that infrastructure resource capacities are threatened in relation to user need, particularly critical ones such as water and sewerage, but also including public schools, police and fire services, and transportation infrastructure; and, that there is not a clear commitment to at least begin the necessary improvements within twelve months; **then building controls** would be put into effect for the affected portions of the Wilshire Community until land use designations for the Community Plan and corresponding zoning are revised to more appropriately limit new development.” (p. III-1, emphasis added).

Issuance of a Statement of Overriding Considerations in an EIR does not comply with the requirement of safeguarding adequate services before making things worse. Approval of the project when there isn’t adequate service or infrastructure is not an option under the Community Plan.

Response to CPC Comment No. 6-8

This comment is similar to comments made by the Commenter in their appeal justification, as well as comments made on the Draft EIR. Refer to Appeal Response No. 6-5 of the VTTM Appeal Responses, as well as Response to Comment Nos. 16-10, 16-17, and 16-38 of the Final EIR. As discussed therein, the documents referenced by the Commenter in their original letter are not specific to the Project. Rather, they address the overall infrastructure status of parks, sidewalks, and water pipes citywide. In addition, with respect to emergency services, LAFD and LAPD have been consulted on the Project and the City has determined that potential impacts to fire protection and police protection services would be less than significant. Thus, there is no finding of inadequacy of City services that would result in a finding of inconsistency with the General Plan. Refer also to Response to Comment Nos. 16-5, 16-14, 28-16, and 184-7 of the Final EIR.

Refer to Response to CPC Comment No. 6-7 above regarding the Project’s consistency with the Wilshire Community Plan as it relates to transportation.

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Further, as discussed in Response to CPC Comment No. 1-17, above, the Project benefits listed in the Statement of Overriding Considerations (pages 104-107 of the LOD), which was adopted by the Deputy Advisory Agency in accordance with CEQA Guidelines Section 15093, are not dependent on the Community Plan, and the Statement of Overriding Considerations expressly states that each Project benefit provides a separate and independent ground for the City's decision to approve the Project despite the Project's temporary significant and unavoidable impacts during construction.

CPC Comment No. 6-9

8. SAFETY: The VTT is entirely within **Fire District 1**. Since the VTT is entirely devoid of specifics, it is impossible to reach a conclusion based on the record that this VTT will comply with Fire District 1 requirements. That is why a VTT needs to be detailed – to safeguard public safety. *Without an internal circulation plan and specific footprints, it is impossible to determine fire access to structures.*

Response to CPC Comment No. 6-9

This comment is similar to the commenter's previous comments, which have already been addressed in the VTTM Appeal Report. Refer to Appeal Response Nos. 6-6 and 6-19. As discussed therein, the special requirements for Fire District No. 1 are set forth in LAMC Section 91.7204 and pertain to types of construction, openings in exterior walls, roof covering, structural fire rating. The following items—exterior walls, architectural trim, permanent canopies, roof structures, plastic signs, and plastic veneer—while specifically identified within the aforementioned Code Section merely adopt Appendix D of the CBC which is regularly updated by the California Building Standards Commission. All projects in the City are subject to the applicable requirements of the LAMC as well as the Los Angeles Building Code (LABC). Compliance with the applicable requirements will be verified during the future new building plan check process with the Los Angeles Department of Building and Safety (LADBS). Refer to the VTTM Topical Response regarding how the Project's VTTM includes all required information in accordance with local and state regulations.

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CPC Comment No. 6-10

9. *The city has failed to define adequate response time.* Therefore, it is arbitrary and capricious to conclude that response time is adequate. Whether anyone will respond in time to save lives is the question. ***Each minute of delay reduces survival by 10%.*** The national standard for EMT response time is 5 minutes. Despite heroic efforts, LAFD is not meeting the benchmark for response time. Increased traffic congestion and blockage from trucks lacking adequate queuing and circulation on the site, will contribute to increased risk to public safety. DCP must provide evidence that response time is adequate under the Wilshire Community Plan.

Response to CPC Comment No. 6-10

This comment is similar to comments made by the Commenter in their appeal justification, and on the Draft EIR. Refer to Appeal Response No. 6-30 of the VTTM Appeal Responses, and Response to Comment No. 16-19 of the Final EIR. As stated therein, discussed on page IV.J-16 through IV.J-18 of Section IV.J.1, Public Services—Fire Protection, of the Draft EIR, LAFD has not established response time standards for emergency response, nor adopted the National Fire Protection Association (NFPA) standard of 5 minutes for emergency medical services response and 5 minutes 20 seconds for fire suppression response. Based on coordination with LAFD and LAPD, the Draft EIR demonstrates that the Project would result in a less than significant impact associated with emergency response. Further, the Erratum confirmed that the Modified Project would similarly result in a less than significant impact; refer to Section 2.2.10, Public Services—Fire and Police Protection, and Appendix H (SGH Technical Memorandum) of the Erratum. The LOD incorporated the EIR and Erratum by reference.

CPC Comment No. 6-11

10. Under the **Subdivision Map Act**, the City has a right to deny this map because it poses a **threat to the safety of the immediate community**. A lack of **adequate queuing capacity and internal circulation** with turnaround space for large trucks poses a hazard by blocking Beverly Blvd. and Fairfax Avenue. Its approval must be based on the evidence provided by testimony and the record. There is nothing

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in the record indicating that this project will not impact the local street system and impede emergency access.

Response to CPC Comment No. 6-11

Refer to Appeal Response Nos. 1-8, 2-17 to 2-19, 6-11, 6-22, and 6-23 of the VTTM Appeal Responses, as well as the VTTM Topical Response. As discussed therein, the VTTM included all of the information required by the LAMC and Subdivision Map Act. The VTTM was not required to include internal circulation or queuing.

The Deputy Advisory Agency's approved findings are included on pages 110 to 119 of the LOD, which are consistent with the Subdivision Map Act and supported by substantial evidence, including the EIR and Erratum which are incorporated into the LOD by reference. The Initial Development Plans included as Appendix A to the Erratum show the internal circulation system within the Project Site. Further, queueing, truck access, and emergency access were addressed in the EIR. Refer to Section A, Queueing at Project Driveways, and Section D, Emergency Access, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 16-11 and 16-19 of the Final EIR.

CPC Comment No. 6-12

11. Studios rely on large trucks. There is **no circulation plan within the site**, no turnaround space for trucks, and no queuing space for trucks and autos. The driveways will back up into Beverly and Fairfax. This will create delay costs that have not been disclosed or mitigated.

Response to CPC Comment No. 6-12

Refer to Appeal Response No. 6-23 of the VTTM Appeal Responses and Response to Comment No. 26-E.4-15 of the Final EIR. As discussed therein, the use of large trucks is common in the City, including under existing conditions in the vicinity of the Project Site, and due to the adequate size of the Project driveways and turning radii, the addition of Project trucks would not result in a new significant safety hazard. Refer to the VTTM Topical Response regarding how the Project's VTTM displays all required information in accordance with local and state regulations. The turning radius for large trucks and the circulation system

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are not required elements of a VTTM. Also refer to Response to CPC Comment No. 6-11, above.

CPC Comment No. 6-13

12. Many LAFD stations are often “dark” due to staff shortages. When the first-in station is dark, stations further away respond and must travel longer distances. This too increases response time. The added traffic congestion from this project will further slow response time because LAFD is woefully understaffed.

Response to CPC Comment No. 6-13

This comment is similar to comments made by the Commenter on the Draft EIR. Refer to Response to Comment Nos. 16-5 and 16-19 in the Final EIR. As concluded in the Draft EIR, and confirmed in the Erratum, operation of the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. As such, Project impacts were determined to be less than significant in the Draft EIR, and no mitigation measures are required. Refer to the Confirmatory Fire Analysis included in Appendix FEIR-12 of the Final EIR, as well as the SGH Technical Memorandum included in Appendix H of the Erratum, which confirm that the Project’s impacts on fire protection services would be less than significant.

CPC Comment No. 6-14

13. City CEQA Guidelines require a map showing every intersection LOS E or F in the project area. This has not been provided. The Guidelines state that added congestion will slow response time. There is no map.

Response to CPC Comment No. 6-14

This comment is similar to the commenter’s comments on the Draft EIR. As stated in Response to Comment No. 16-63 of the Final EIR, although not required by CEQA (contrary to the commenter’s assertion), the requested map was provided as Figure II-3 of the Final

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EIR. Refer also to Response to Comment No. 9-35 and Section D, Emergency Access, of Topical Response No. 12, Safety and Congestion, of the Final EIR.

CPC Comment No. 6-15

14. This project's justification is very similar to the assurances made by Fox Studios when they built their high-rise office tower in Century City, insisting that it too would allow creative synergy for movie production. That building was then sold and was not part of studio operations. Fool me once....

15. There is no commitment for studio use. The market for offices is very weak. The project appears to be seeking a blank check on entitlements and may wind up flipping it to a new owner who has other plans.

Response to CPC Comment No. 6-15

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Topical Response No. 3, Permitted On-Site Uses, of the Final EIR regarding the Project Description and proposed uses.

Further, the Project objectives included in the Project Description are consistent with CEQA, and the commenter provides no evidence to the contrary.

CPC Comment No. 6-16

16. When the tract map was modified before the hearing, was the modified map disclosed to the public and distributed prior to the Advisory Agency vote?

Response to CPC Comment No. 6-16

Refer to the VTTM Topical Response of the VTTM Appeal Report and Response to CPC Comment No. 3-3, above, regarding how the VTTM and the Deputy Advisory Agency's approval complied with all applicable regulations and procedures. As described therein, the Project's Original VTTM and Updated VTTM complied with all applicable regulations of the LAMC because they are substantially identical in that they both demonstrate compliance with

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the technical requirements of the LAMC, were submitted to and made a part of the public record on March 27, 2024, prior to the May 15, 2024, public hearing, and the minor revisions to an interior lot line in the Updated VTTM were not material, and thus did not require recirculation to the Subdivision Committee. The Commenter fails to provide evidence to demonstrate how the Original VTTM and Updated VTTM are materially different in any regard that would otherwise require recirculation to the Subdivision Committee.

CPC Comment No. 6-17

17. We incorporate by reference all comments already in the record.

Response to CPC Comment No. 6-17

This comment, which incorporates by reference all comments in the record, is noted for the record and will be made available to the decision-makers for their review and consideration.

CPC Comment No. 6-18

18. Fix The City requests that you deny this application. The Applicant is welcome to build and improve this site with the entitlements that were purchased, but not increase entitlements at the expense of the entire community and future housing.

Response to CPC Comment No. 6-18

This comment, which concludes the letter, is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to CPC Comment Nos. 6-2 through 6-17 above for responses to the specific issues raised by the Commenter.



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CPC Comment Letter No. 7 (Carstens, Black & Minter, September 9, 2024)

Amy Minter
obo Save Beverly Fairfax
Carstens, Black & Minter LLP
2200 Pacific Coast Highway, Ste. 318
Hermosa Beach, CA 90254-2702

CPC Comment No. 7-1

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.

Response to CPC Comment No. 7-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to CPC Comment Nos. 7-2 through 7-6 below for responses to the specific issues raised by the Commenter.

CPC Comment No. 7-2

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

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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.

Response to CPC Comment No. 7-2

This comment repeats claims made by the Commenter in their Draft EIR comment letter and in their appeal justification related to the adequacy of the Project Description. Refer to Response to Comment Nos. 9-3 through 9-6 and 9-10 through 9-22 in Section II, Responses to Comments, of the Final EIR. Refer also to Appeal Response Nos. 4-2 through 4-9 of the VTTM Appeal Responses. In addition, refer to Response to CPC Comment Nos. 5-7, 5-9 and 5-13, above. As demonstrated throughout these responses, the Project Description is accurate, stable, and finite.

The comment that the majority of future approvals under the Draft Specific Plan would be ministerial is incorrect. As discussed in the responses to the commenter's previous comments, future changes that are substantially different than the Initial Development Plans, including a development involving a land use exchange, or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review. Therefore, the Draft Specific Plan would only allow a single, specific development plan to be approved ministerially.

Further, the Draft Specific Plan incorporates the same public review procedures as the LAMC (Chapter 1A, Division 13B.4), except for one change that has been made in other specific plans, which is to change the decision-making and appellate authority on entitlement requests from the Area Planning Commission to the City Planning Commission.

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR regarding the purpose of land use entitlements such as specific plans. Specific plans are a common type of land use ordinances that provide a supplemental layer of development regulations that are more responsive and tailored to the existing conditions

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of a site than the base zoning regulations. While these ordinances include certain modifications to the code, they enact rules and regulations to limit, guide and clarify why those modifications are necessary. This is different than an exemption from the code, such as a variance, which requests a formal deviation from the code without the same process and guardrails.

CPC Comment No. 7-3

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.

Response to CPC Comment No. 7-3

The City has already addressed these topics in the City's VTTM Appeal Report for Case No. CPC-2021-4089 (page A-10) and related Technical Modifications. As discussed therein, pursuant to the Draft Specific Plan, all new development must comply with Specific Plan requirements, including but not limited to the Viewshed Restoration Area objective standards, Project Parameters, and other requirements set forth to ensure historical resources are not significantly impacted, as well as the Design Standards and Streetscape Plan. In addition, per SB 743, the Project's impacts associated with aesthetics would be less than significant.

Refer to Appeal Response No. 2-13 regarding how general office is a core and necessary studio use that is an existing use at the Project Site and other studios throughout the City, and the Project includes a sufficient amount of office space to meet the demands of the modern content creation industry. In addition, generally all major studio modernization projects provide an increase in general office space over the existing condition. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

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Refer to Response to CPC Comment No. 7-2, above, regarding the development review process and procedures under the Specific Plan.

CPC Comment No. 7-4

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).)

Response to CPC Comment No. 7-4

This comment repeats claims made by the Commenter in their Draft EIR comment letter and in their appeal justification related to the alternatives analysis. Refer to Topical Response No. 16, Project Alternatives Analysis, and Response to Comment Nos. 9-8 and 9-

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36 of Section II, Responses to Comments, of the Final EIR, and Appeal Response Nos. 4-26 through 4-28 of the VTTM Appeal Responses. As demonstrated therein, the Project's alternatives analysis and Project objectives fully comply with CEQA.

The case law referenced in this comment is not applicable here. *Save the Hill Group v. City of Livermore* (2022) 76 Cal.App.5th 1092 (Save the Hill) involved a proposed residential development project on a site in the Garaventa Hills in the City of Livermore that was the last remaining undeveloped site in the area and had a lot of ecological value as habitat for special status species.⁴⁹ The EIR identified the no project alternative as the environmentally superior alternative because it assumed that the project is not approved and the site would remain in an undeveloped state.⁵⁰ Yet the EIR ultimately rejected the no project alternative because: (1) it would not meet the project's objectives of completing implementation of the residential planned development, contributing to housing availability and providing housing near employment centers; and (2) it is "not necessarily feasible to assume the site would remain undeveloped in the long term" because the project site is zoned for residential development and there was no current proposal for the city or other agency to purchase or otherwise preserve it.⁵¹ The court held that the EIR improperly rejected the no project alternative as infeasible, as the EIR failed to disclose and evaluate the existence and feasibility of available funding sources that the city could use to acquire the project site and conserve it as open space rather than development.⁵² The court rejected the argument that conservation of the site would not be a reasonably foreseeable consequence of the no project alternative because the site is already zoned for residential development and there is no known willing buyer.⁵³ As the court explained, a site's zoning designation is not unalterable, and there were established funds for the city to buy these kinds of sites, and in fact, the city has used the funds to buy a site nearby, which the court found to be noteworthy.⁵⁴ The facts of *Save the Hill* do not apply here, as the Project Site is

⁴⁹ *Save the Hill*, 76 Cal.App.5th at 1099–1100.

⁵⁰ *Id.* at 1109.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.* at 1110.

⁵⁴ *Id.* at 1110–1111.

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a developed site with an operating studio, the Project Site is not ecologically valuable or habitat for special status species, there are no existing available funding sources for the city or other agency to acquire the Project Site, and the Draft EIR fully evaluated the no project alternative, which was not identified as the environmentally superior alternative, in compliance with CEQA.

We Advocate Through Environmental Review v. County of Siskiyou (2022) 78 Cal.App.5th 683 (We Advocate), in which the court held that the project objectives in the EIR were impermissibly narrow, is similarly not applicable. In that case, Crystal Geyser had purchased a water bottling plant that had previously been owned and operated by Dannon and sought to return the plant to production.⁵⁵ The EIR described the project as renovations to a former bottling plant for the production of sparkling water, flavored water, juice beverages, and teas, which would require several permits from the county and city.⁵⁶ The court found that the EIR largely defined the project objectives as operating the existing Plant building as proposed, which were so narrowly drawn that only the proposed project could satisfy most of the project objectives. The EIR included the following eight objectives: (1) “operate a beverage bottling facility and ancillary uses to meet increasing demand,” (2) “site the proposed facility at the Plant previously operated by [Dannon] to take advantage of the existing building, production well, and availability and high quality of existing spring water on the property,” (3) to “utilize the full production capacity of the existing Plant building based on its current size,” (4) to “initiate operation of the Plant as soon as possible to meet increasing market demand,” (5) to “minimize environmental impacts...by utilizing existing facilities and infrastructure to the extent possible,” (6) to “modify the existing facilities at the Plant in a manner that incorporates sustainable building and design practices, recycling efforts, and other conservation methods, in order to reduce water use,” (7) to “withdraw groundwater in a sustainable manner that does not result in negative effects on nearby springs or wells, the underlying shallow or deep aquifers, or the surrounding environment,” and (8) to “create new employment opportunities for the local and nearby communities, promote sustainable economic development, provide for adequate services and infrastructure to support the project, and contribute to the County's tax base.”⁵⁷ The EIR

⁵⁵ We Advocate, 78 Cal.App.5th at 687.

⁵⁶ *Id.* at 688.

⁵⁷ *Id.* at 691–692.

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elsewhere defined the term “Plant” to mean the “former bottling plant in unincorporated Siskiyou County.”⁵⁸ The court held that the project objectives were “so narrow as to preclude any alternative other than the project.”⁵⁹ The court explained that “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.”⁶⁰ To the contrary, the Project objectives in the Draft EIR for the Project are different than the artificially narrow objectives in *We Advocate*. The Project objectives consist of, among others, modernizing and enhancing production facilities, optimizing the currently underutilized 25-acre site by providing an adequate mix of state-of-the-art production facilities, rehabilitating the existing Historic-Cultural Monument, and enhancing the iconic entertainment production studio. These objectives, which could be potentially met by a variety of different development scenarios, as demonstrated by the analysis in Section V, Alternatives, of the Draft EIR, were not overly narrow as in the *We Advocate* case and allowed for a meaningful consideration of alternatives in accordance with CEQA. The commenter does not provide any evidence in support of its incorrect assumption.

CPC Comment No. 7-5

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 ...

⁵⁸ *Id.* at 692.

⁵⁹ *Id.*

⁶⁰ *Id.*

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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 support’s [sic] 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.

Response to CPC Comment No. 7-5

Refer to Section XII, Statement of Overriding Considerations, of the Findings of Fact for the Project included in the LOD. In accordance with CEQA Guidelines Section 15093(a), the benefits of the Project include economic, social, technological and other benefits at a local, regional, and statewide level. The Statement of Overriding Consideration includes a detailed list of specific benefits of the Project that (i) outweigh the adverse environmental impacts of the Project, and (ii) justifies adoption of the Project and certification of the completed EIR.

Contrary to the commenter’s assertion, the Statement of Overriding Considerations is supported by substantial evidence; refer to Appeal Response No. 1-15 of the VTTM Appeal Responses regarding the materials that were incorporated into the LOD by reference. The economic benefits are supported by economic studies prepared by the Los Angeles Economic Development Corporation dated June 2021 and April 2024 which analyzed the economic effects of the Project. These studies are a part of the administrative record and referenced in the Statement of Considerations on page 106 of the LOD.

The flawed statement of overriding considerations for the project in *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683 (Woodward Park) is distinguishable. In that case, the statement of overriding considerations was “dependent on

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assumptions contradicted by the EIR.”⁶¹ The statement of overriding considerations engaged in a serious misrepresentation, claiming that the proposed project would have economic benefits superior to those of the three alternatives considered in the EIR because those alternatives “generally propose no development or development to a lesser degree.”⁶² However, the three alternatives in the EIR were in fact as large as or larger than the proposed project, and the record contained no reason to think their economic benefits would be smaller. The court explained that “[although] the statement was not required to contain a quantitative fiscal analysis of the economic costs and benefits of the project, it still must contain a weighing and balancing analysis not dependent on assumptions contradicted by the EIR.”⁶³

With respect to the Wilshire Community Plan and Mobility Plan, this comment repeats comments made by the Commenter in their appeal justification. Refer to Appeal Response No. 4-33 of the VTTM Appeal Responses. As stated therein, Section IV.H, Land Use and Planning, and Appendix I of the Draft EIR provides a detailed analysis of the Project’s consistency with adopted plans and regulations applicable to the Project, including the Mobility Plan 2035 and the Wilshire Community Plan. The analysis demonstrates that the Project would not conflict either of these plans. The Erratum, which evaluates the refinements to the Project, confirms this conclusion; refer to Section 2.2.8 therein.

CPC Comment No. 7-6

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 [sic] informed public review.

⁶¹ Woodward Park, 150 Cal.App.4th at 720.

⁶² *Id.* at 719.

⁶³ *Id.*



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Response to CPC Comment No. 7-6

Refer to Response to CPC Comment Nos. 7-1 through 7-5 above. As demonstrated therein, the environmental analysis meets the requirements of CEQA and the Commenter has provided no evidence to the contrary. Further, the commenter fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5. Thus, recirculation is not required.



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CPC Comment Letter No. 8 (Latham & Watkins, September 10, 2024)

Maria P. Hoyer
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Los Angeles, CA 90071-1560

CPC Comment No. 8-1

On behalf of The Grove, LLC, we respectfully request that the Planning Commission recommend denial of the requested General Plan Amendment, Zone Change and Height District Change, Specific Plan, Sign District, Annexation, and related certification of the Final Environmental Impact Report and adoption of the Environmental Findings, Statement of Overriding Considerations and Mitigation Monitoring Program for the TVC 2050 Project.¹

¹ We incorporate by reference our September 13, 2022, comments on the Draft EIR, The Grove's May 14, 2024, letter prior to the Advisory Agency hearing, our letter of September 3, 2024, to this Commission regarding the related appeal of VTT 83387, and all opposition comments submitted on the Draft EIR and to the Advisory Agency and Planning Commission regarding the Project.

Response to CPC Comment No. 8-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to CPC Comment Nos. 8-2 through 8-20 below for responses to the specific issues raised by the Commenter.

With respect to the three letters incorporated by reference by the Commenter, refer to Response to Comment Nos. 26-1 through 26-E.7-1 of Section II, Responses to Comments, of the Final EIR; Response to Comment Nos. 3-1 through 3-11 of the May 2024 Response Memorandum, included as Attachment 1]; and Appeal Response Nos. 1-1 through 1-15 of the VTTM Appeal Responses, respectively.

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CPC Comment No. 8-2

The Project remains unclear. While the City Planning Department staff reports and EIR say it is a “studio project,” the proposed Project entitlements do not actually require continuation and development of a working studio. The City’s Municipal Code–based development regulations would be superseded by a Specific Plan that was not made available to the general public until just before release of the Final EIR. The proposed Specific Plan over-broadly defines permitted uses and fails to adequately regulate development of the Project site. Statements made in the staff reports and EIR are inconsistent with the provisions of the Specific Plan. The EIR did not assess the range of unregulated uses that would be permitted under the Specific Plan and the City did not adequately respond to the EIR comments from hundreds of community members. The City and applicant need to decide on a project and start the process over. The Planning Commission cannot and should not recommend approval of the TVC 2050 Project.

Response to CPC Comment No. 8-2

This comment makes general statements about the Project Description, Specific Plan, and permitted uses. Refer to Response to CPC Comment Nos. 8-3 through 8-6 below for a discussion of the Project Description and Response to CPC Comment Nos. 8-7 through 8-11 below for a discussion of the Specific Plan.

CPC Comment No. 8-3

I. THE PROJECT DESCRIPTION IS NOT STABLE AND FINITE

A. The Missing and Ever-Changing Specific Plan

For over two years, the community and neighbors around the Project site have been asking a simple question: what is the Project? And for more than two years, the City has not provided a consistent answer to that question. The Draft EIR did not include an accurate, stable, and finite project description. The Specific Plan, which *is the Project*, was not released to the public during the public review period. The Draft EIR supposedly evaluated a “conceptual” plan that the developer was not bound to build. As such the public did not and could not understand what might be developed and the City did not have an adequate

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project description upon which to base its evaluation of the potential environmental impacts of the Project.

Pursuant to CEQA, “[a]n 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, 193). “Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal ... and weigh other alternatives in the balance.” (*Id.*, pp. 192–93). The City has failed this fundamental CEQA tenet.

Response to CPC Comment No. 8-3

This comment repeats comments made by the commenter that were addressed in the Final EIR and VTTM Appeal Report. Refer to Section F, The Project Description is Accurate, Stable and Finite, of Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment Nos. 26-2, and 26-5 to 26-24 in the Final EIR, as well as Response to Comment Nos. 5-5, 5-9, 5-14, and 5-26, above. As discussed therein, the Project Description is accurate, stable, and finite; all plans in an EIR or other CEQA document are inherently conceptual; and the Draft Specific Plan was not required to be included as part of the EIR. The project description in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 (Inyo), which the court determined was not accurate, stable and finite, is distinguishable here. In Inyo, the city had been ordered to prepare an EIR for a project involving pumping of groundwater for export from the Owens Valley via two above-ground aqueducts, but the EIR as prepared had a much narrower description of the project as involving only the relatively small increase in pumping of water for unanticipated uses in Inyo and Mono Counties.⁶⁴ Moreover, throughout the EIR process, the project description varied, with the result that the “small-scale groundwater project described at the outset was dwarfed by the ‘recommended project’ ultimately endorsed” that dealt with “important, large-scale phases of the city aqueduct management program.”⁶⁵ The court concluded the agency’s selection of a “narrow project as the launching pad for a vastly wider proposal

⁶⁴ Inyo, 71 Cal.App.3d at 189, 195.

⁶⁵ *Id.* at 196–199.

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frustrated CEQA's public information aims.”⁶⁶ Here, there were no similar upward fluctuations in the project description during the EIR process, nor is the initial project description a misleadingly small fragment of the ultimately approved project. To the contrary, the Project in this case has only been reduced and limited from the start of the City process including, among others, breadth, intensity, permitted uses, operational restrictions and implementation procedures. As discussed in Response to Comment No. 9-11 of the Final EIR, the Inyo case also states that project that is ultimately approved and built may deviate from the project description in the EIR, as the CEQA process “is not designed to freeze the ultimate proposal in the precise mold of the initial project,” and “new and unforeseen insights may emerge during [the environmental] investigation, evoking revision of the original proposal.”⁶⁷

CPC Comment No. 8-4

The City has been consistent about one thing: the Project was and is the adoption of the TVC 2050 Specific Plan.² The Draft EIR refers to the Specific Plan and its supposed regulations over 270 times.

However, the Draft EIR did not include a copy of the Specific Plan for public review, even though the Specific Plan was necessary to guide the City's environmental review and for the public's understanding of the Project. The City's planning website, which hosted several other initial submittal documents, failed to provide the Specific Plan alongside the Draft EIR. As the City Planning Department's own staff reports reflect, this refusal to provide the public with a copy of the proposed Specific Plan persisted despite repeated requests by the community to obtain the Specific Plan prior to and during the Draft EIR comment period.

⁶⁶ *Id.* at 199-200.

⁶⁷ *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal. App. 5th 281 (quoting *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193, 199). See also *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, 1179-83 (where the approval of a revised project that was a variant of an alternative first included in the final EIR did not render the project description unstable, require recirculation, impede informed decision making, or prejudice the petitioners challenging the final EIR and project approval).

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It was not until October 2023 that the City Planning Department finally released to the public a “Preliminary Draft of the TVC 2050 Specific Plan.” This was more than a year after the Draft EIR was circulated and just a month before release of the Final EIR. And then, six months after that, in April 2024, the City released yet another modified version of the TVC 2050 Specific Plan. Thus, after failing to provide a copy of the Specific Plan during the Draft EIR comment period, in the almost two years after the Draft EIR comment period closed, the City has released two different versions of the Specific Plan. And none of the versions are consistent with what was analyzed in the Draft EIR.

- ² The opening sentence of the Project Description in the Notice of Preparation and Initial Study states “The Project would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the modernization and expansion of media production facilities within the Television City Studio campus.” The opening statement of the Notice of Completion and Availability of the Draft Environmental Impact Report states “The Project would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and modernization and expansion of media production facilities within the 25-acre Television City studio.” The first sentence of the Draft EIR’s Project Description states “The TVC 2050 Project (Project) would establish the TVC 2050 Specific Plan (Specific Plan) to allow for the continuation of an existing studio use and modernization and expansion of media production facilities within the approximately 25-acre Television City Studio studio....” The project description on the City’s website for the Project states “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 (Project Site).” Topical Response No. 1 of the Final EIR states that “[t]he nature of the Project is a proposed specific plan and the Draft EIR evaluated a conceptual development scenario, as a specific development plan did not exist when the Draft EIR was prepared.”

Response to CPC Comment No. 8-4

This comment repeats comments made by the commenter, which the City has already addressed in the Final EIR and VTTM Appeal Report. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment Nos. 26-5, 26-6 and 26-12 in the Final EIR regarding the fact that a Draft Specific Plan was not required to be included as part of the Draft or Final EIR, the physical aspects of the Draft Specific Plan are fully accounted for in Section II, Project Description, of the Draft EIR and in the associated impact analyses throughout the Draft EIR. Refer also to Response to CPC Comment No. 8-3, above.

As discussed in Appeal Response No. 4-29 in the VTTM Appeal Responses, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since



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2021 as part of the administrative record. Although not required by CEQA or City policy, in response to public comments on the Draft EIR, including the commenter, the Preliminary Draft Specific Plan was made publicly available on October 13, 2023. The City's release of a Preliminary Draft Specific Plan over seven months before the joint Hearing Officer and Deputy Advisory Agency hearing on May 15, 2024, substantially exceeds the City's public notice requirements, which are the only requirements governing circulation of a proposed land use ordinance.

Notably, despite the commenter's repetitive comments about the publication of the Specific Plan, nowhere in their comments has the commenter identified any element of the Preliminary Draft Specific Plan or subsequent drafts of the Specific Plan that was required to be disclosed and analyzed in the EIR or Erratum which was not analyzed, or any element that was not consistent with the EIR or Erratum. The Final EIR included a detailed chart comparing the Draft EIR and the Preliminary Draft Specific Plan that was made publicly available on October 13, 2023, included as Appendix FEIR-2 of the Final EIR, which showed that all physical aspects of the Preliminary Draft Specific Plan were disclosed and analyzed in the Draft EIR, and the Draft EIR discussed these aspects in the same amount of detail as the Preliminary Draft Specific Plan. In fact, the commenter's statement that the Specific Plan is mentioned over 270 times in the Draft EIR demonstrates how extensively the Specific Plan is discussed throughout the Draft EIR. The commenter has provided no evidence of inconsistency between (1) the description and analyses of the specific plan in the Draft EIR, Final EIR and Erratum and (2) any versions of the Draft Specific Plan released by the City.

CPC Comment No. 8-5

This lack of transparency and the delayed release of crucial documents highlight the City's failure to provide a clear and stable project description, a fundamental requirement under CEQA. Moreover, the Project analyzed in the Draft EIR is not consistent with the (now) proposed Specific Plan, rendering the EIR analysis for the Project (including the Specific Plan) inadequate under CEQA. The City must redo the environmental analysis to study the Project that is actually going to be built, and recirculate it for public review and comment.

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Response to CPC Comment No. 8-5

This comment repeats comments made by the commenter, which have already been addressed. Refer to Response to CPC Comment Nos. 8-3 and 8-4 above regarding the Project Description and Draft Specific Plan. Appendix FEIR-2 of the Final EIR provides a clear demonstration of how the development parameters within the Preliminary Draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further, the Modified Draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR and Erratum fully evaluated the physical parameters of the proposed Specific Plan.

Refer to Response to Comment No. 9-4 of the Final EIR and Appeal Response Nos. 4-29 and 6-3 in the VTTM Appeal Responses regarding recirculation. As stated therein, an erratum is commonly used by a lead agency to make changes or additions to an EIR, which ultimately becomes a part of the certified EIR if approved. Recirculation is only required if an erratum includes “significant new information” as provided in CEQA Guidelines Section 15088.5. As observed by the California Supreme Court, “the final EIR will almost always contain information not included in the draft EIR” given CEQA’s statutory requirements of circulation of the draft EIR “at the earliest possible time[,]” soliciting public comments, and providing detailed responses to comments prior to the certification of the final EIR, and “[r]ecirculation was intended to be an exception, rather than the general rule.”⁶⁸ A fundamental principle of CEQA is that EIRs should be prepared as early as feasible in the planning process to allow for public participation.⁶⁹ “The CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project.”⁷⁰ The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, which is exactly how CEQA is supposed to work.

⁶⁸ *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1124, 1129, 1132.

⁶⁹ CEQA Guidelines § 15004(b).

⁷⁰ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. *In Residents Against Specific Plan 380 v. County of Riverside* (2017) 9 Cal.App.5th 941, the court held that changes to the configuration of a master plan project which resulted in an overall reduction in the scale of development did not require recirculation because the changes did not cause impacts beyond those studied in the EIR.

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The Commenter has not provided any evidence that any of the criteria triggering recirculation have been met.

CPC Comment No. 8-6

B. The City Repeats the *Millennium Hollywood* CEQA Mistakes

The City is repeating the same mistakes that led to judicial rebuke of the City's CEQA process in the *Millennium Hollywood* case: failing to provide an accurate, stable, and finite project description.

In *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, the Court of Appeal upheld the trial court's decision that the City's CEQA review of the *Millennium Hollywood* project was grossly inadequate due to the EIR's failure to provide an accurate, stable, and finite project description. The EIR for the *Millennium Hollywood* project described several potential development scenarios without detailing the final arrangement, density, siting, or massing characteristics, ostensibly to offer the applicant "flexibility." Instead, the EIR in the *Millennium Hollywood* case presented only an "illustrative scenario" to demonstrate a "potential development program."

The Court of Appeal found this approach unacceptable. The Court rejected the City's argument that analyzing and mitigating the worst-case scenario environmental effects sufficed under CEQA. By not providing a project description that evaluated what may actually be built, the EIR prevented effective public participation and informed decision-making.

Similarly, the City's descriptions of the TVC 2050 Project fail to meet the requirement of a stable or finite project description. The opening line of virtually every description of the Project circulated by the City is the adoption of the TVC Specific Plan. (See *supra*, note 2). The Final EIR repeats that "[t]he nature of the Project is a proposed specific plan and the Draft EIR evaluated a conceptual development scenario, as a specific development plan did not exist when the Draft EIR was prepared." (FEIR, II-71). The TVC 2050 Specific Plan was not made available to the public as part of the Draft EIR. The inclusion of "illustrative and conceptual plans" (FEIR, II-73) in the Draft EIR, without the development regulations by which that plan could be developed, failed to provide the public with an accurate project description because it was repeatedly stated throughout the Draft EIR and on these

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“illustrative and conceptual plans” that the Project developer was not bound by those plans, and little other information was included. It was clear that the Municipal Code would not govern development of the Project, but what would take its place remained a mystery. The failure to provide in the Draft EIR a clear and stable project description cannot now be remedied by trying (and failing) to redefine the project through the most recent version of the TVC 2050 Specific Plan.

The City attempts to distinguish *Millennium Hollywood* by arguing that the *Millennium Hollywood* project involved an individual building development project rather than a specific plan project, suggesting that larger projects with greater impacts like the TVC 2050 Project can remain undefined while smaller projects must have clear descriptions.³

The City acknowledges its uncertainty about what will be built, stating it had to make a “good faith effort at forecasting what is expected to occur if the Project is approved.” (FEIR, II-73). The EIR makes clear that the City has no idea what may be built. In the same breath that the City acknowledges that “analyzing a set of environmental impacts, instead of analyzing the environmental impacts for a defined project, was not consistent with CEQA,” (quoting *Millennium Hollywood*) it states that “the Draft EIR also analyzed maximum impact scenarios” and “any future development ... which is beyond the scope of the impacts evaluated in the EIR, would be subject to additional discretionary City review and approval.” (FEIR, II-73). Thus, the City repeats the same error as in *Millennium Hollywood*. The City tries to absolve itself by “analyzing” a “Conceptual Site Plan” in addition to the “maximum impact scenarios” (i.e., “environmental impact envelopes.”). However, it is clear that “a specific development plan” did not exist when the Draft EIR was prepared.

The City tries to have it both ways. On the one hand, it distances the Project from the Specific Plan, noting that the Specific Plan is simply “an entitlement associated with the Project” included in a “list of the entitlements sought” and thus need not be “included in the EIR.” (FEIR, II-68). On the other hand, it states “the Project is a proposed specific plan ... as a specific development plan did not exist when the Draft EIR was prepared.” (FEIR, II-71). Which is it? The public still does not know.

Whether the Project is the establishment of a Specific Plan, which needed to be provided for public review and comment in conjunction with the Draft EIR, or a specific defined studio

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project that cannot be analyzed using “maximum impact scenarios,” the City did not comply with CEQA.

The EIR must be revised and recirculated to include an actual project description, including the Specific Plan with actual development regulations, and other related documents, and re-analyze all impact areas to understand the impacts of what will actually be built.

³ The Millenium Hollywood project was almost 1.2 million square feet of development and involved multiple buildings and historic structures, not that dissimilar to the TVC 2050 Project. The approvals sought for the TVC 2050 Project are fundamentally not different than the approvals requested for the *Millennium Hollywood* project.

Response to CPC Comment No. 8-6

This comment repeats previous comments, including comments by the commenter, which the City has already addressed in the Final EIR. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment Nos. 9-13 through 9-16 of the Final EIR regarding how the Project Description is accurate, stable, and finite and how the Project Description is distinguishable from the project description at issue in the Millennium case. Refer also to Response to CPC Comment Nos. 5-22, 5-23, 8-3, and 8-4, above. The project description in Millennium was legally inadequate because it was impossible for the public to know what uses would be built and at what density. Television City has been a studio for over 70 years, and the Draft Specific Plan will ensure that the Project Site will continue to operate as a studio in the future.

In addition, this comment includes a number of incorrect claims and mischaracterizations, which are addressed below.

Contrary to the commenter’s assertion, incorporating Project refinements in response to public comments, including comments from the commenter, does not equate to redefining the Project.

The commenter’s claim that the Final EIR suggested that larger projects with greater impacts can remain undefined while smaller projects must have clear descriptions is patently false. As stated in the Final EIR, CEQA Guidelines Section 15146 provides that “[t]he degree

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of specificity required in an EIR will correspond to the degree of specificity involved in the *underlying activity* which is described in the EIR.” As the court in Dry Creek explained, “[t]he degree of specificity required depends on the *type of project*. There must be sufficient information to understand the environmental impacts of the proposed project. The EIR must achieve a balance between technical accuracy and public understanding.”⁷¹ Accordingly, the Final EIR explains that the degree of specificity required under CEQA is dependent on the underlying activity – i.e., the nature or type of project. Nowhere in the Final EIR does it state that the degree of specificity is dependent on the size of the project, as the commenter incorrectly claims. The Millennium project, an individual building project, and this Project, a specific plan project, are fundamentally different types of projects, contrary to the commenter’s claims. In fact, CEQA Guidelines Section 15146 (Degree of Specificity) expressly distinguishes between these two types of projects, stating that “[a]n EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a...comprehensive zoning ordinance” (CEQA Guidelines Section 15146(a)).

The commenter argues that the City acknowledged its uncertainty about what will be built by stating that it made a “good faith effort at forecasting what is expected to occur if the Project is approved.” However, this is exactly what CEQA requires. As stated in CEQA Guidelines Section 15144, “[d]rafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.”

Regarding recirculation, the Draft EIR was completed in full compliance with CEQA, and recirculation of the Draft EIR is not required. CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring “significant new information” that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse effect or feasible way to mitigate or avoid such an effect. The commenter fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

⁷¹ Dry Creek, 70 Cal.App.4th at 28.

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CPC Comment No. 8-7

II. THE PROPOSED SPECIFIC PLAN IS NOT AS DESCRIBED IN THE STAFF REPORT AND THE EIR DOES NOT ACTUALLY REGULATE DEVELOPMENT

The proposed Specific Plan now being considered by the City (that was not available to the public during the Draft EIR review process) is basically a blank check for the development of up to 1,724,000 square feet of commercial development or more to be built either immediately or over a 20-year period, whatever the developer decides. The Project may include studios, or it may not. It is all up to the developer. The City Planning Department staff reports and the EIR describe requirements that are not consistent with the Specific Plan.

The Specific Plan would supersede the City's Municipal Code regardless of whether its regulations are more restrictive or more permissive than the Code.

Contrary to other zones in the City, the Specific Plan does not enumerate permitted uses. Rather, the Specific Plan would allow any uses "consistent with" five broadly defined land use categories. The Specific Plan labels these five land use categories as "Studio Land Uses" and the staff reports and EIR say that the Project is a studio project. ***To be clear, there is nothing in the Specific Plan that requires actual studio uses on the Project site.***

The Specific Plan does not require that all of the five "Studio Land Uses" exist on the Project site. There is no requirement for operating studio uses. There is no requirement for media content creation to occur. Purely office and retail uses could be developed.

The five "Studio Land Uses" include General Office, Production Office, Production Support, Sound Stage and Retail. But do not be misled by the labels—at most a tangential relationship with anything related to media creation is required.

The City Planning Department's staff reports state that "the production office and general office ... would be utilized to support the existing on-site studio and production uses only, and would not be leased out to unrelated third parties." (CEQA Staff Report, p. A-33). The staff report for VTT-83387 similarly states that the "permitted office uses would operate

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as ancillary uses” and “there is no intent by the Project to develop general office space unrelated to studio uses and operations.” (VTT-83387 Staff Report, Exhibit D.1, pp 26–27).

However, the office uses are independent land use categories and “General Office” is defined to include “general offices uses, *which may or may not include those office uses associated with or in furtherance of Production Activity.*” (emphasis added). So, General Office can be any office use.

Production Office is defined to include “those office uses associated with *or in furtherance of* Production Activity ...” (emphasis added). Production Activity is defined to include the creation, development, production, acquisition, reproduction, recording, processing, editing, synchronizing, duplication, transmission, reception, viewing and other use of visual, digital, print and/or aural works, products, services, rights, and communications. Taken together, this means that any office that is “*in furtherance of*” any one of the above-listed activities would be considered “Production Office.” And the Specific Plan is silent on how the City would (or could) regulate that the office uses are being used “*in furtherance of*” any of those activities. There is no requirement that the Production Office use be directly related to Production Activity let alone Production Activity on the Project site. In effect, the Specific Plan would allow 1,250,000 million square feet of any office uses on the Project site. This represents the largest use by far on the Project site.⁴

If, as the City and applicant have stated, the office uses are to be ancillary and related to studio operations, then the Specific Plan must be revised to require a minimum amount of actual media content creation uses on the TVC site to support the office uses.

Production Support, which is only 215,440 square feet of the overall 1,724,000 million square feet allowed, includes uses only tangentially related to operation of a studio, such as “museum storage and display” and “retail associated with studio/production uses where goods are displayed, sold and/or services, including studio tours and related activities, and other similar uses.” So, Production Support space could be all museum, studio tours and retail space. Retail space should be included within the total floor area permitted for “Retail” under the Specific Plan.

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Even the Sound Stage land use, which similarly is only 238,560 square feet of the overall 1,724,000 million square feet proposed under the Specific Plan, is not required to be used for movie or television filming. The Specific Plan defines it merely as “[a] Studio Land Use that includes permanent buildings for Production Activities and which may contain Set/Facades.” It does not exclude Production Office or Production Support uses (which are also structures for Production Activities) from being categorized as Sound Stage. As defined, the Sound Stage land use can include, for example, live audience shows, esports events, and concerts.

Essentially, the proposed Specific Plan would permit 1,724,000 million square feet of office and retail uses with only a subset of those uses possibly having a tangential relationship with any media content creation. Just because you call it Studio Land Uses does not make it so. The EIR did not analyze impacts from the broad range of uses allowed under the “Studio Land Uses” as defined.

⁴ As shown in Table II-9 of the Final EIR, General Office and Production office represent 74% of the Project square footage. Only 19% would be devoted to Sound Stage and only 6% to Production Support. And as discussed below, it is not clear those land uses would ensure the actual production of media on the Project site.

Response to CPC Comment No. 8-7

This comment repeats comments which have already been addressed by the City. Refer to Response to CPC Comment No. 8-3 above regarding the Project Description, which is accurate, stable, and finite and fully complies with CEQA. The Project is a fixed and finite studio project that will continue the existing studio use established over 70 years ago and would permit only five land uses – sound stage, production support, production office, general office, and retail. Since the initial entitlement application for the Project was filed in March 2021, the Project has only been a studio project. The only changes that have been made to the Project were refinements and further limitations made in direct response to community and stakeholder feedback, all of which has been fully disclosed and analyzed in the EIR and Erratum. There are fixed plans, renderings, design standards and streetscape requirements in the Draft Specific Plan, and any substantial change would require further discretionary approval. Further, as discussed in Appeal Response No. 4-25, notably, the Draft Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans

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in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Draft Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively under the Draft Specific Plan. Any development proposal that does not substantially comply with the Initial Development Plans would require a new discretionary approval by the City and CEQA compliance review.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the buildout timeline.

Refer to Topical Response No. 3, Permitted On-Site Uses, and Response to Comment Nos. 26-14 and 26-122 of the Final EIR, as well as Response to CPC Comment No. 3-8 above regarding the proposed studio uses and definitions, which are based on and consistent with adopted studio specific plans, as well as the requirement in the Draft Specific Plan regarding studio-related general office uses. Also refer to Appeal Response No. 2-13 in the VTTM Appeal Responses included as Exhibit D.1 of the VTTM Appeal Report and May 2024 Response Memorandum dated August 7, 2024, included as Attachment 2 of this document, which explains that general office is an integral studio use that is included in all major studios throughout the City. Also refer to the memorandum from the Applicant included in Appendix FEIR-4 of the Final EIR. In addition, please note that the Technical Modifications included corrections to the portions of the staff reports that stated general office would be an ancillary use, which was an error. Regarding the text from page 26 of Exhibit D.1 of the VTTM Appeal Report quoted in this comment, page 1 of the Technical Modifications revised that text as follows:

[...] In addition, collectively, the permitted ~~office~~ uses would ~~operate as ancillary uses and~~ help facilitate and support the studio and the primary studio land uses that already occur on-site. General office, as defined by the Specific Plan, is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide an increase in the use over the existing condition [...]

The definitions of the studio uses are consistent with what was analyzed in the EIR and Erratum. General office is an existing use at the Project Site and at other studios

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throughout southern California, and the Project would continue this existing use. Further, the definition of general office in the Draft Specific Plan is based on the definitions of general office in approved studio specific plans, including the Paramount Pictures Specific Plan and Universal Studios Specific Plan.⁷² Notably, the general office definition in the Draft Specific Plan is more production-focused than in these approved specific plans, given that the definition encompasses production office as well as the studio-related general office requirement. The Paramount Pictures Specific Plan defines general office as. “A Land Use Category that includes all office uses other than Production Office, including but not limited to”⁷³ The Universal Studios Specific Plan defines general office as “A Land Use Category that includes all office uses other than Studio Office.”⁷⁴ The draft TVC Specific Plan defines general office as, “A Studio Land Use that includes general office uses, which may or may not include those office uses associated with or in furtherance of Production Activity, including but not limited to”

Regarding the definition of production office and production activity, these definitions are also based on and are consistent with the definitions in the Paramount Pictures and Universal Studios Specific Plans, which both similarly define production office as office associated with production activity, which is also similarly defined to include “creation”; “development”; “production”; “acquisition”; “reproduction”; “recording”; “processing”; “editing”; “synchronizing”; “duplication”; “transmission”; “reception”; “viewing”; and “other use of visual, digital, print and/or aural works, products, services, rights, and communications.”⁷⁵ The definition of production office in the Draft Specific Plan as “office uses associated with or in furtherance of Production Activity” ensures that this use will be related to production

⁷² Paramount Pictures Specific Plan, City of Los Angeles Ordinance No. 184539, <https://planning.lacity.gov/odocument/9eae5e02-0544-4bba-9d2d-96367165d695>; Universal Studios Specific Plan, Los Angeles County Ordinance No. 2013-0010, https://planning.lacounty.gov/wp-content/uploads/2022/10/Universal-Studios_specific-plan-approved-final_Ordinance.pdf.

⁷³ Paramount Pictures Specific Plan, Section 2.3, p. 10.

⁷⁴ Universal Studios Specific Plan, Section 4, p. 19.

⁷⁵ Paramount Pictures Specific Plan, Section 2.3, p. 11; Universal Studios Specific Plan, Section 4, p. 20, 21.

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activities.⁷⁶ Thus, the commenter's statement that the Draft Specific Plan would allow 1,250,000 square feet of any office uses is incorrect.

The Draft Specific Plan defines production support as, "A Studio Land Use primarily used for the support of Production Activities and employee services, which includes, but is not limited to ...," which is based on and consistent with the definition in the Paramount Pictures Specific Plan ("A Land Use Category primarily used for the support of Production Activities and employee services, including without limitation ..."). Thus, production support would only include production-related activities and uses. The definition of production support appropriately includes retail associated with the on-site studio uses and studio tours, as all of these activities are studio-related. The retail land use, on the other hand, is limited to those Neighborhood Retail uses identified in Section 13.07 C of the Code.

The definition of sound stage as "permanent buildings for Production Activities which may contain Sets/Façades" (emphasis added) is an accurate description of this studio use, as sound stages are single-volume buildings used for production activities (i.e., creation, development, production, etc.). The Draft Specific Plan defines five Studio Land Uses, each of which is a separate and distinct studio use. Thus, contrary to the commenter's assertion, the sound stage use does not include any other Studio Land Use such as production office or production support, as these "office" and "support" uses are different than a sound stage.

In addition, refer to Response to Comment Nos. 26-14, 26-31, and 412-5 of the Final EIR. As discussed therein, audience shows and e-sports would be permitted under the sound stage use, consistent with existing conditions. Further, the Project does not include a concert venue.

Refer to Response to Comment Nos. 9-13 and 26-16 of the Final EIR, as well as Response to CPC Comment No. 4-4, above, regarding the mix of uses and demands of the entertainment industry. As discussed in the VTTM Appeal Report (Exhibit E, May 2024 Hearing Response Memorandum, pages 3-4), the Project meets its studio purpose by providing a state-of-the-art studio with a net increase of approximately 143,020 square feet

⁷⁶ "Furtherance" (i.e., the act of furthering) is defined in the Merriam Webster dictionary as "to help forward" or "promote."

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of sound stages, with a land use exchange provision that would allow an additional 100,000 square feet of sound stages in exchange for other permitted land uses. Refer to Response to Comment No. 5-15 in the Final EIR regarding the Project's studio purpose. For comparative reference, sound stages comprise approximately 12 percent of the total floor area under the Paramount Pictures Specific Plan (Ordinance No. 184539), which is less than the approximately 14 percent of sound stage floor area proposed in the Draft Specific Plan.

CPC Comment No. 8-8

The EIR did not analyze these unlimited and unrestricted uses. For example, inexplicably the EIR claims that the helipad does not have to be analyzed because the proposed helipad uses will be consistent with prior helipad uses on site.

The Final EIR claims that the helipad will be at the same location and have five helicopter trips per year during the hours of 9:00 am and 9:00 pm. (FEIR Appendix 15). However, the Specific Plan says the helipad uses could be located "anywhere within the Specific Plan area" and includes no other regulation of helipad uses. It could be located immediately adjacent to the existing residential uses at Broadcast Center Apartments.

Response to CPC Comment No. 8-8

This comment is similar to comments received on the Draft EIR. As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the Project proposes five land uses that are all related to operation of a studio: sound stage, production support, production office, general office, and a limited amount of retail. The other types of uses cited by the commenter are related ancillary uses and facilities as stated on pages II-15 to II-16 of Section II, Project Description, of the Draft EIR. All of these uses are directly related to, and in support of, a working studio. Further, the environmental analysis in the EIR and Erratum accounts for all permitted ancillary uses. In addition, these ancillary uses are further limited by the location of buildings set forth in the Initial Development Plans that will be attached to the final Specific Plan ordinance and any substantial change would require discretionary review.

There is no law or policy that requires a specific plan to regulate the location, quantity, duration, and/or operation of permitted ancillary uses. Ancillary uses that are not regulated

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by the Draft Specific Plan, such as the helipad and special events, would continue to be regulated by existing applicable regulations, consistent with existing conditions. This is consistent with other approved specific plans. For example, the Universal Studios Specific Plan permits over 70 uses, including ancillary uses such as communication facilities, emergency medical facilities, utilities, recreational facilities, fitness centers, and special events, but does not include development regulations or standards for many of the permitted uses.⁷⁷ In addition, the most recently adopted District NoHo Specific Plan permits all C2 uses as well as additional uses listed in the Draft Specific Plan, but does not include regulations for all of the permitted uses.⁷⁸

Refer to Response to Comment Nos. 16-87 and 26-15 of the Final EIR regarding the helipad. As discussed therein, the Project would include the continued operation of a helipad in the same general location and in accordance with existing applicable regulatory requirements. Contrary to the commenter's assertion, the environmental impacts from the helipad were fully analyzed in the EIR including the Erratum, which concluded that impacts related to the helipad would be less than significant. These analyses are consistent with CEQA and City policy. As discussed in the Erratum, under the Modified Project, the helipad would remain within the central portion of the Project Site, but at a higher elevation. Specifically, the helipad would be located approximately 180 feet higher than and 140 feet north of the existing location from a vertical and horizontal perspective, respectively. It would also be approximately 45 feet higher than the location proposed under the Original Project. Refer to the analysis in the technical expert report included as Appendix G of the Erratum. As discussed therein, raising the helipad to a higher elevation would increase the vertical distance between the helipad and surrounding uses, which would result in a reduced noise level, as compared to existing conditions. The report concluded that, as with the Original Project, operation of the helipad under the Modified Project would result in less than significant impacts.

As stated consistently throughout the EIR including the Erratum, operation of the helipad under the Project would be consistent with existing conditions and would comply with all existing applicable regulatory requirements. Detailed information about the existing

⁷⁷ See Section 6 of the Universal Studios Specific Plan.

⁷⁸ District NoHo Specific Plan, Section 5.1.

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helipad operations is included in Appendix FEIR-15 of the Final EIR. As stated therein, this information was provided by Jeff Mapes, Vice President of Facilities Operations at Television City, and Michael Klausman, President of Television City, who has worked at Television City since 1971. Further, the relocation of the existing helipad under the Modified Project would require additional approvals from the Federal Aviation Administration and Department of Aeronautics. Moreover, any future changes to the location or operation of the helipad beyond what was studied in the EIR including the Erratum would require CEQA compliance review. Thus, contrary to the commenter's assertion, the Draft Specific Plan would not allow the helipad to be located anywhere within the Project Site by-right.

Regarding special events, as discussed in Topical Response No. 3, Permitted On-Site Uses, of Section II, Responses to Comments, of the Final EIR, temporary, non-regular events that have occurred on the Project Site prior to the adoption of the Draft Specific Plan, including production-related and non-production-related events, such as premieres, charitable events, community events, commercial events, and non-commercial events, and other special events defined in LAMC Section 41.20.1(a), would continue to be governed by the LAMC consistent with existing conditions. No deviation or modification to the existing Temporary Special Event permit process through the LADBS, the Division 5 review process overseen by the City of Los Angeles Fire Department, or any other potential review by the Department of City Planning, Bureau of Street Services, or the Los Angeles Police Department is allowed under the Draft Specific Plan.

CPC Comment No. 8-9

While allowing a virtually unlimited range of permitted uses, the Specific Plan includes minimal design and operational regulations. New building heights are based on five height zones with maximum heights ranging from 58 to 225 feet above a defined Project grade, rather than the Municipal Code definition of grade. Four of the five height zones allow the entire zone to be developed to the maximum height. Minimal building setbacks are provided, and active uses, including Basecamp, parking, and vehicle circulation, among others, are permitted in the setbacks.

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Response to CPC Comment No. 8-9

The comment that the Draft Specific Plan would allow an unlimited range of permitted uses is incorrect. Refer to Response to CPC Comment Nos. 8-7 and 8-8 above regarding permitted uses.

The Draft Specific Plan includes operational regulations in Section 6, which includes regulations related to hours of operation, access, Mobility Hub and childcare, as well as design regulations in Appendix D, Design Standards, of the Draft Specific Plan. There is no law or policy that requires a specific plan to include certain design and operational regulations. Further, the regulations in the Draft Specific Plan are consistent with other approved specific plans in the City.

Refer to Response to Comment No. 9-16 of the Final EIR and Appeal Response No. 2-22 of the VTTM Appeal Responses regarding building heights. It is common for specific plans to include subareas with specific height limits in each subarea, as was done in the Paramount Pictures Specific Plan, Universal Studios Specific Plan, and District NoHo Specific Plan. As stated therein, building heights and setbacks are disclosed and analyzed in the Draft EIR and Erratum. Further, as discussed in the Erratum, the building height limits were reduced and the required setbacks (frontages) and setbacks were increased in response to community feedback. The building height limits and setback and setback requirements are discussed in Table 1 and on pages 15 to 17 of the Erratum. Refer to Response to Comment No. 26-7 of the Final EIR regarding Project Grade.

The comment that minimal setbacks are provided is incorrect. Refer to Response to Comment Nos. 16-56 and 26-8 of the Final EIR regarding the required setbacks, and that the uses contemplated in the setback areas exist today and would not change in the future.

CPC Comment No. 8-10

The Specific Plan access regulations would allow unlimited large truck traffic on a narrow Collector Street (The Grove Drive) and private alley, and rideshare pick-up and drop-off at the private alley, increasing safety hazards to pedestrians, bicyclists, and passenger vehicles in conflict with City plans and policies. The Specific Plan must regulate the TVC site access consistent with the transportation analyses of the EIR.



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Response to CPC Comment No. 8-10

This comment is similar to comments received on the Draft EIR. Refer to Response to Comment No. 9-29 and Topical Response No. 12, Safety and Congestion, of the Final EIR regarding traffic and safety. As discussed therein, impacts regarding traffic hazards would be less than significant.

Refer to Response to Comment Nos. 9-29, 26-168, 26-169 and 162-3 of the Final EIR. As stated therein, the Project's use of The Grove Drive would not conflict with City plans and policies and would not result in significant safety hazards.

For the Modified Project, impacts related to traffic hazards were analyzed in Section 2.2.11.3 of the Erratum and Appendix C (Supplemental Transportation Assessment) of the Erratum. The Modified Project reduces overall trip generation and does not materially change access. Therefore, it would result in an improvement in safety, to the extent that additional trips reduce safety. This is discussed on page 6 of Appendix C to the Erratum.

As discussed in the Erratum, the Modified Project includes minor changes to Project Site access, and these changes would not materially affect the anticipated distribution of vehicle traffic on streets around the Project Site (Erratum p. 70). As concluded in the Supplemental Transportation Assessment (Appendix C of the Erratum), the changes in access and circulation would not change traffic patterns on surrounding streets or result in new geometric design hazards.

Topical Response No. 10, Trip Generation, of the Final EIR provides details regarding specific types of trips, including trucks (subsection E). Also refer to Response to Comment No. 26-141 of the Final EIR regarding truck trips, which represent approximately 3 percent of the total vehicle trips associated with the Project. Further, the number of trucks would be reduced under the Modified Project due to the reduction in floor area.

Access regulations are included in Section 6.1.B of the Draft Specific Plan and Section 3.C of Appendix D (Design Standards). These regulations require a driveway access plan to be submitted to the Los Angeles Department of Transportation (LADOT) Development Review Section for review and approval prior to the construction of any project pursuant to

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the Draft Specific Plan, and prior to any change to the driveway access, or location of a Mobility Hub. This is consistent with the LADOT-approved Transportation Assessment Letter for the Project (Appendix M.2 of the Draft EIR), which states that any changes to the Project's site access, circulation scheme, or loading/unloading areas require separate review and approval by LADOT. The access points shown in the Initial Development Plans are consistent with the analysis in the Erratum, and any substantial change would require a discretionary Project Compliance approval and additional CEQA compliance review.

CPC Comment No. 8-11

In addition, while the staff reports and EIR describe the "Mobility Hub" as fronting and being accessed from Fairfax Avenue,⁵ the Specific Plan would allow the location of and access to the Mobility Hub to be anywhere on the TVC site for an indefinite period of time. The Specific Plan must be revised to require that the Mobility Hub access from Fairfax Avenue and 1st Street.

⁵ "[A] Mobility Hub would be located on the southwest corner of the Project Site along Fairfax Avenue ..." (CEQA Staff Report, p. A-14). "Regarding the Mobility Hub, as discussed on page 17 of the Erratum, the Mobility Hub operations would continue to be located within the southwestern portion of the Project Site." (VTT 83387 Staff Report, Exhibit E, Letter from Applicant's counsel to City Planning dated May 38, 2024). "Mobility Hub operations would continue to be located within the southwestern portion of the Project Site ... Additionally, the shuttles would enter via the driveway south of the Mobility Hub (a right-turn movement from Fairfax Avenue) and exit via the signalized intersection at 1st Street (a left-turn movement to Fairfax Avenue). This would improve operations for all vehicles using the Mobility Hub and the 1st..." (Erratum Section 2.1.4, p. 17).

Response to CPC Comment No. 8-11

Refer to Topical Response No. 7, Mobility Hub, and Response to Comment No. 35-24 of the Final EIR regarding the proposed Mobility Hub, which is proposed in the southwest corner of the Project Site. As discussed in the Erratum, the location of the Mobility Hub would be the same under the Modified Project, which is reflected in the Initial Development Plans that include the Mobility Hub in the southwest corner of the Project Site.

In addition, Section 6.1.C of the Draft Specific Plan establishes additional regulations for the Mobility Hub. Specifically, Section 6.1.C states that if the Specific Plan is developed in a single phase, then the Mobility Hub shall be incorporated into the design of the building

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in the southwestern portion of the Project Site (as shown in Appendix A [Initial Development Plans]). If the Specific Plan is developed in multiple phases, the functions of the Mobility Hub may be temporarily located within the internal circulation network of the Project Site, but must be relocated to the permanent Mobility Hub location in the southwest portion of the Project Site prior to the issuance of a Certificate of Occupancy for a building in the southwest portion of the Project Site.

CPC Comment No. 8-12

With the broad range of permitted uses that are inadequately regulated in the Specific Plan, the City should maintain strict oversight of the Project through discretionary development review processes. Instead, the Specific Plan exempts a number of activities from the definition of “Project,” including changes of use, and allows for administrative review of any Project that is in “substantial conformance” with the conceptual site plans and/or the minimal design guidelines.

The Specific Plan fails to regulate development of the Project site adequately and is not in conformance with public necessity, convenience, general welfare, or good zoning practice. The Planning Commission should recommend denial.

Response to CPC Comment No. 8-12

Refer to Response to CPC Comment No. 8-7 above regarding the Specific Plan and its regulatory processes.

The Draft Specific Plan excludes the following from the definition of a “Project”: “A change in use within or between any building, structure, or improvement, provided that the new use is a permitted use, does not involve a Land Use Exchange per Section 5.2.E, is not a change between Studio Land Use categories set forth in Table 5.2.B, and does not exceed the permitted Floor Area under Table 5.2.B.” Any such change in use would be limited to the five permitted studio uses and the maximum floor area limits for each use and, therefore, would be within the scope of analysis in the EIR including the Erratum. The Draft Specific Plan is consistent with longstanding zoning practice in the City of Los Angeles. Standalone changes of use commonly occur throughout the City of Los Angeles with no new CEQA review required. For example, a mixed-use building in the C2 Zone and not located in an

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applicable specific plan or other specialized overlay might include a ground floor commercial tenant space in which a change of use from restaurant to retail occurs with no new CEQA review. In addition, the most recently adopted specific plan in the City, the District NoHo Specific Plan includes the same change in use exclusion from the definition of a “Project.”⁷⁹ Should a future proposal involve introduction of a use not allowed by the Draft Specific Plan, the proposal would be subject to the discretionary entitlement review process set forth by the Draft Specific Plan (such as a Project Compliance, Project Adjustment, Project Exception, Planning Director’s Interpretation, and/or other entitlements as applicable). A request for such an entitlement would then be subject to new CEQA review.

Further, as discussed in Appeal Response No. 4-25 of the VTTM Appeal Responses, notably, the Draft Specific Plan would only allow a single, specific development plan to be approved administratively, which is much less flexible than other adopted and proposed specific plans in the City. Only proposals that substantially comply with the Initial Development Plans (Appendix A) of the Draft Specific Plan, which are the same as the Initial Development Plans attached as Appendix A to the Erratum, would be processed administratively under the Draft Specific Plan. The Initial Development Plans include a site plan, floor plans, elevations and renderings. Any development proposal that does not substantially comply with the Initial Development Plans would require a new discretionary approval by the City and CEQA compliance review.

The City Planning Commission found that the Project and proposed legislative actions, including, among others, the Draft Specific Plan, is in conformance with the public necessity, convenience, general welfare and good zoning practice; refer to pages F-19 to F-25 of the City Planning Commission Determination Letter for Case No. CPC-2021-4089 dated October 3, 2024.

⁷⁹ City of Los Angeles Ordinance No. 188,144, p. 9, https://clkrep.lacity.org/onlinedocs/2023/23-1264-S1_ord_188144_4-22-24.pdf.

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CPC Comment No. 8-13

III. THE CITY FAILED TO RESPOND TO COMMENTS ON THE DRAFT EIR ADEQUATELY

In addition to the lack of a stable and definite Project description, the lack of regulation in the Specific Plan and failure of the EIR to analyze the range of permitted uses, the City failed to address many other significant issues raised in the comments on the Draft EIR adequately. (CEQA Guidelines §15088(c) [requiring “good faith, reasoned analysis” in response to comments, describing disposition of significant environmental issues raised and reasons why specific suggestions were not accepted; “[c]onclusory statements unsupported by factual information will not suffice.”]; *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 940; *Covington v. Great Basin Unified Air Pollution Control Dist.* (2019) 43 Cal.App.5th 867, 878). Despite the numerous concerns highlighted by hundreds of community members, the Final EIR does not provide sufficient responses or revisions to rectify the deficiencies identified in the Draft EIR. The following are just a few of the key issues that remain unresolved in the Final EIR.

Response to CPC Comment No. 8-13

Section II, Responses to Comments, of the Final EIR provided detailed responses to the 608 public comment letters received on the Draft EIR in accordance with CEQA Guidelines Section 15088. This section of the Final EIR is 2,869 pages long, 668 of which are responses to comments made by the Commenter. Refer to Response to Comment Nos. 26-1 through 26-E.7-1 therein. Specific issues raised by the Commenter are addressed in Response to CPC Comment Nos. 8-14 through 8-19 below.

CPC Comment No. 8-14

The Project floor area excludes key areas such as the basecamp, outdoor production area, and underground spaces, leading to a flawed assumption that impacts would decrease solely based on a reduction in floor area. This issue affects several impact areas studied in the EIR, including air quality, greenhouse gas emissions, and energy use, and must be corrected to provide an accurate estimate of the impacts from the Project. The City’s response to this issue in Topical Response 2 of the Final EIR, claiming that all potential environmental impacts are accounted for regardless of whether they are considered to be within the

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definition of floor area, is belied by the fact that the Errata assumes impacts would decrease based solely on a decrease in Project floor area. Moreover, the permitted uses are not constrained in any meaningful way by the Specific Plan. This makes it impossible to identify or analyze the possible impacts of the Project accurately.

Response to CPC Comment No. 8-14

This comment is similar to comments received on the Draft EIR. Refer to Topical Response No. 2, Definition of Floor Area is Appropriate, and to Response to Comment Nos. 5-7, 26-16, 26-121, and 26-122 of the Final EIR regarding the basis for the definition of floor area, how the Draft EIR does not underestimate the size of the Project, how all of the proposed areas, uses and activities have been accounted for in the impact analyses in the EIR regardless of whether they meet the definition of floor area, and how no active production activities would be located in the parking and basecamp areas below Project Grade. As discussed in Response to Comment Nos. 26.E-1-28, 26-76, and 26-50 of the Final EIR, respectively, the air quality, greenhouse gas and energy analysis in the EIR accounted for all proposed uses and activities, including basecamp, outdoor production activities, and parking, regardless of the definition of floor area under the Draft Specific Plan.

The Erratum analyzed a total reduction in floor area of 150,000 square feet consisting of a reduction of 111,440 square feet of sound stages, an increase of 111,440 square feet of production support, and a reduction of 150,000 square feet of general office. As explained in the Erratum, the decrease in floor area led to a decrease in basecamp, outdoor production activity, and parking areas, as shown in Table 1 of the Erratum. The Erratum concluded that impacts would be less than or similar to the Project as analyzed in the Draft EIR. While the reduction in floor area, and associated reduction in basecamp, outdoor production activity and parking areas, is the primary driver of the reduced impacts, the Erratum includes a detailed analysis of each impact area and technical memoranda to confirm its findings. For example, with respect to water supply impacts, the Erratum states on page 73 that “[a]s demonstrated by the Utilities Technical Memorandum, with the reduction in overall floor area and basecamp uses, the exchange of sound stage floor area for production support floor area, and the increase in landscaping and existing floor area to remain, the Modified Project would result in a reduced water demand. Thus, the commenter’s assertion that the Erratum assumed impacts would decrease based solely on a decrease in Project floor area is incorrect.

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Refer to Response to CPC Comment Nos. 8-7, 8-8, and 8-12, above, regarding the permitted uses and regulatory process under the Draft Specific Plan.

CPC Comment No. 8-15

The Final EIR fails to address potential vehicle queueing on The Grove Drive. If cars and trucks entering the site queue on public streets, they could create pedestrian safety hazards, increase cut-through traffic in residential neighborhoods, and impact emergency response times. The Final EIR merely states that queueing on The Grove Drive would not increase more than existing conditions because drivers could enter the site from Beverly or Fairfax. **First**, since there is no existing driveway on The Grove Drive, and the proposed Project now includes two new driveways on The Grove Drive, it is factually inaccurate to suggest that queueing on The Grove Drive would not increase when there is zero today. **Second**, there is no explanation of whether or how drivers entering from Beverly or Fairfax driveways could reach the proposed parking garage located adjacent to The Grove Drive. In addition, there is no analysis of how drivers circling on The Grove Drive, Third Street, Fairfax, and Beverly, would increase traffic and VMT impacts. The Erratum also added a second driveway on The Grove Drive, adding to the concern that the Project is a moving target and there has not been a comprehensive analysis of traffic and safety impacts from these iterative changes. In addition to these potential traffic and safety impacts that the City failed to study, vehicle queueing has potential air quality and greenhouse gas emission impacts that are not analyzed in the EIR.

Response to CPC Comment No. 8-15

Contrary to the commenter's assertion, the Final EIR addressed all comments, including comments from the commenter in Comment Letter No. 35 of the Final EIR, related to queueing and makes no claim that queueing on The Grove Drive would not increase. As stated in Response to Comment No. 35-147 of the Final EIR, the "additional queues along The Grove Drive caused by Project vehicles do not represent a safety or operational effect because The Grove Drive Project entrance would be signalized, and if the northbound queue from Beverly Boulevard reaches the Project driveway, the traffic signal will regulate vehicles leaving the Project Site until capacity on The Grove Drive is available to accommodate the additional Project vehicles." Refer also to Section A, Queueing at Project Driveways, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 26-171,

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26-169, and 26-E.4-17 of the Final EIR and Response to CPC Comment No. 8-10 above regarding queuing and The Grove Drive. Further, under the Modified Project, queue storage space would be increased at both the Fairfax Avenue signalized driveway (to the Mobility Hub) and The Grove Drive signalized driveway (to automobile parking). Additionally, traffic volumes would be reduced. Therefore, there would only be improvements in driveway queuing compared to the results of the Processing Time and Queuing Memorandum (Appendix FEIR-7 to the Final EIR).

Refer to Section E, Pedestrian Safety at Project Driveways, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 9-29 and 26-E.4-3 regarding pedestrian safety and hazards.

Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR regarding the non-CEQA analysis of cut-through traffic included in the EIR. Refer to Response to Comment No. 26-149 regarding emergency response.

Contrary to the commenter's assertion, the Final EIR explains, including in the responses to the commenter's comments, that the proposed parking structure could be accessed from any of the signalized driveways; refer to Response to Comment No. 26-168 of the Final EIR.

The comment regarding "circling" vehicles is repetitive of the commenter's previous comments on the Draft EIR; refer to Response to Comment No. 26-163 of the Final EIR.

The City's planning and transportation experts determined that it was not necessary to update the non-CEQA queuing and neighborhood traffic analysis due to the minor modifications to Project access with the Modified Project identified in the Erratum. Both the driveway that was removed on the Southern Shared Access Drive as well as the one that was added on The Grove Drive ultimately provide access to The Grove Drive. Both are low-volume driveways, and the passenger vehicle traffic that was previously assumed to use the driveway on the Southern Shared Access Drive was shifted to the main signalized driveway on The Grove Drive. There would be no material change to the broader trip distribution pattern, and with the reduction in overall trips under the Modified Project, potential

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neighborhood cut-through traffic volumes would be less when compared to the neighborhood traffic analysis conducted for the Original Project.

Further, the EIR and Erratum analyzed the air quality and greenhouse gas impacts related to Project vehicle trips in accordance with CEQA in Section IV.A, Air Quality, and IV.E, Greenhouse Gas Emissions, of the Draft EIR, as confirmed in Appendix FEIR-9, Confirmatory Air Quality, GHG, and Energy Analysis in Response to Public Comments, of the Final EIR, and Sections 2.2.1, Air Quality, and 2.2.5, Greenhouse Gas Emissions, of the Erratum.

CPC Comment No. 8-16

The VMT analysis is flawed. It does not assume the worst-case maximum allowable buildout for each of the five uses, and the assumptions about employees on-site and guests are questionable. Much of this flawed analysis is a result of the EIR's reliance on an unstable project description, and flawed assumption regarding trip lengths that are unsupported. (CEQA Guidelines §15064.3(b)(4)). The assumed trip lengths are flawed because they improperly rely on the City's VMT calculator, guidance for which states that it is not designed to evaluate VMT impacts of land use plans (such as Specific Plans), or of "regional-serving retail projects, entertainment projects, or event centers." The VMT analysis is fundamentally flawed and must be redone based on an accurate, stable project description, and using accurate trip length calculations for the proposed uses.

Response to CPC Comment No. 8-16

This comment is similar to comments received on the Draft EIR, including comments by the commenter, that the City has already addressed in the Final EIR. Refer to Section C, Assumptions in the VMT Analysis, of Topical Response No. 8, Vehicle Miles Traveled, and Response to Comment Nos. 26-31, 26-E.4-11, and 35-141 of the Final EIR regarding trip lengths and employee and visitor trip assumptions. As stated therein, the trip counts and VMT reductions in the Draft EIR are not flawed. Rather, the trip counts and VMT analysis in the Draft EIR were completed in accordance with LADOT procedures and CEQA.

Further, as approved by the City and LADOT, the EIR and Erratum appropriately used the VMT Calculator for the CEQA transportation analysis. Refer to Section A,

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Appropriateness of Using VMT Calculator, of Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR, and Response to CPC Comment No. 5-13, above.

Refer to Response to CPC Comment No. 8-3, above, regarding the accurate, stable and finite Project Description.

CPC Comment No. 8-17

The impacts on historic resources such as the Gilmore Adobe and Farmers Market are dismissed without sufficient mitigation measures. Because the Project description is unstable, and the exact locations or heights of buildings are unknown, it is impossible for the Final EIR to adequately address potential impacts to these historic resources.

Response to CPC Comment No. 8-17

This comment is similar to comments received on the Draft EIR. Refer to Section E, Impacts to Historical Resources in the Vicinity of the Project Site, of Topical Response No. 5, Historical Resources, of the Final EIR, and Response to CPC Comment No. 1-12, above, regarding the Draft EIR's comprehensive analysis of potential impacts to off-site historical resources, including The Original Farmers Market, Gilmore Adobe, Fairfax Theater, Chase Bank, and Air Raid Siren No. 25. The Draft EIR concluded that impacts would be less than significant, which was confirmed in the Erratum. The analysis of impacts to historical resources accounts for the proposed building locations and heights.

CPC Comment No. 8-18

The cumulative impacts analysis does not adequately consider a 20-year buildout scenario. Instead, the EIR identified related projects **assuming a buildout year of 2026** (which is less than two years away and it is not feasible to achieve such a buildout), failing to consider potential impacts from foreseeable development in the area through 2043. The EIR's conclusion that the Project's contribution to cumulative impacts would be less than significant is not supported by substantial evidence.



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Response to CPC Comment No. 8-18

This comment is similar to comments received on the Draft EIR, including by the Commenter. Refer to Response to Comment Nos. 5-12, 9-24, 26-48, 26-134, and 26-159 of the Final EIR. As stated therein, the Draft EIR analyzed the Project's impacts associated with a long-term buildout for each of the 13 environmental impact areas analyzed in Section IV of the Draft EIR.

CPC Comment No. 8-19

Due largely to the inadequate and unstable Project description, the EIR's analysis of alternatives fails to include a meaningful consideration of alternatives because it is impossible to compare the Project to alternatives when it is still not clear what exactly the Project is. (CEQA Guidelines §15003(a); *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392). Comments on the Draft EIR suggested feasible alternatives to reduce the Project's significant impacts from noise and vibration and air quality, as well as additional significant adverse impacts that the EIR failed to disclose, yet these were dismissed in the Final EIR without adequate analysis. The reduced density alternatives and environmentally superior alternative were rejected in the EIR as failing to meet Project objectives, yet less impactful alternatives need not meet all project objectives if they are feasible and would accomplish most objectives and substantially lessen the significant environmental effects of a project. (*Center for Biological Diversity, Inc. v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1370 n.19).

Response to CPC Comment No. 8-19

This comment repeats comments made by the Commenter in their Draft EIR comment letter.

Refer to Response to CPC Comment No. 8-3 above regarding the Project Description.

Refer also to Topical Response No. 16, Project Alternatives Analysis, and Response to Comment Nos. 9-8, 9-36, 26-178, and 26-180 of the Final EIR for a discussion of how the Draft EIR presented a reasonable range of alternatives to avoid or substantially lessen the

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significant impacts of the Project while focusing on attaining the Project objectives, and how each such alternative was deemed infeasible.

Contrary to this comment, there were no additional significant adverse impacts that the EIR failed to disclose, and this comment letter similarly does not identify any such impacts.

The facts of *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376 (Laurel Heights) are not applicable to the Project. In Laurel Heights, the lead agency analyzed the environmental impacts associated with the relocation of a university biomedical research facilities to a newly acquired building in a residential area.⁸⁰ The Supreme Court determined that the EIR's discussion of alternative locations for the project was inadequate in violation of CEQA Guidelines Section 15126, as the EIR merely included a conclusory statement that any alternatives were infeasible without providing supporting analysis.⁸¹ Within a scant one and one-half pages of the 250-page EIR, the agency "stated the obvious conclusion that the 'no project' alternative, i.e., no relocation to Laurel Heights, would not have the environmental effects identified in the EIR. It then stated in a mere two-sentence paragraph that '... no alternative sites on ... campus were evaluated as possible candidates for the location of the basic science units of the School of Pharmacy.'" ⁸² The EIR similarly concluded that there were no sites off-campus that could accommodate the facility.⁸³ The Supreme Court stated that this was "merely an admission that such alternatives were not considered," and opined that "[i]t defies common sense for the Regents to characterize this as a discussion of any kind; it is barely an identification of alternatives, if even that."⁸⁴ The Supreme Court held that the Regents must include their

⁸⁰ *Id.* at 388–389.

⁸¹ *Id.* at 403–404.

⁸² *Id.* at 403.

⁸³ *Id.*

⁸⁴ *Id.*

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analytic route so that the public can be fully informed, rather than simply expecting the public to trust them.⁸⁵

Unlike in Laurel Heights, the Draft EIR for the Project analyzed alternatives to the Project in compliance with CEQA and included detailed explanations as to why such alternatives were rejected, supported by substantial evidence. The Draft EIR engaged in meaningful analysis of the alternatives and comprehensively informed the public of its findings within the Draft EIR, and provided the public with detailed analyses supported by multiple technical studies upon which it based its decision in Section V, Alternatives, and Appendix P of the Draft EIR.

CPC Comment No. 8-20

These examples highlight the City's failure to resolve critical issues raised during the Draft EIR comment period, resulting in an incomplete and legally insufficient environmental review. The City must revise and recirculate the EIR to comply with CEQA's requirements.

Based on the foregoing, we respectfully request that the Planning Commission recommend denial of the Project's requested actions and vacate the Advisory Agency's certification of the EIR. On behalf of our client, we thank you for your consideration.

Response to CPC Comment No. 8-20

Refer to Response to CPC Comment Nos. 8-1 through 8-19 above. As demonstrated therein, the Commenter has not provided substantial evidence that any of the criteria triggering recirculation have been met.

⁸⁵ *Id.* at 404–405.



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CPC Comment Letter No. 9 Sheppard, Mullin, Richter & Hampton LLP, September 10, 2024

Lauren K. Chang
obo Broadcast Center
Sheppard, Mullin, Richter & Hampton LLP
333 S. Hope St., Fl. 43
Los Angeles, CA 90071-1422

CPC Comment No. 9-1

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp., which owns and operates the Broadcast Center Apartments ("Broadcast Center") at 7660 Beverly Boulevard ("BC Site"), located adjacent to the site of the TVC 2050 Project (the "Project") as currently proposed by Television City Studios, LLC, which we understand is controlled by Hackman Capital Partners ("Hackman").

This letter provides further support for our client's appeal of the Advisory Agency's approval of Vesting Tentative Tract Map No. 83387 ("VTTM") for the Project that covers an approximately 25-acre site located at 7716-7860 Beverly Boulevard (the "Project Site") in the City of Los Angeles (the "City").

We relatedly submitted a September 3, 2024 letter to you ("September 3 Letter") with respect to unlawful aspects of the Final Environmental Impact Report ("FEIR") and Erratum No. 1 ("Erratum") prepared for the Project that supported the Advisory Agency's approval of the VTTM.

As a reminder, the BC Site is adjacent to the Project Site at both its western and southern boundaries. It also borders Beverly Boulevard to the north and The Grove Drive to the east. Broadcast Center affiliates also own nearby Palazzo West, Palazzo East and Villas at Park La Brea, which collectively provide, including the approximately 500 Broadcast Center residents, housing for more than 3,000 residents who live in close proximity to the Project Site and would be significantly impacted by the Project.



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One of our client's primary concerns, as neighboring property owners with a significant number of residents who will be affected by the Project, is that they were not provided adequate notice or given an opportunity to be heard at the public hearing regarding the VTTM that was approved by the Advisory Agency. The VTTM that was approved by the Advisory Agency was not the VTTM that was available to the public for review and considered at the public hearing. In addition, Broadcast Center continues to have no idea what Hackman might actually develop on the Project Site. This concern extends to the VTTM for the Project, which provides limited details and was approved despite substantive informational gaps and clear procedural errors.

As noted in our appeal justification letter and in the eight other appeals regarding the VTTM (collectively, the "Appeals"),¹ the Advisory Agency's approval of the VTTM was unlawful for several reasons.

¹ We hereby incorporate by reference the eight other appeals of the Advisory Agency's approval of the VTTM and certification of the FEIR.

Response to CPC Comment No. 9-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. With respect to the appeal filed by the commenter, refer to Appeal Response Nos. 3-1 through 3-3 of the VTTM Appeal Responses. Refer to Response to Comment Nos. 5-1 through 5-32 above for responses to the Commenter's September 3, 2024, Letter. New comments raised by the Commenter related to the VTTM approval are addressed in Response to CPC Comment Nos. 9-2 through 9-11 below.

CPC Comment No. 9-2

First, the Department of City Planning ("Planning") and Advisory Agency did not follow the required procedures for a vesting tentative tract map approval. For example, Planning admits (without justification) to circulating an outdated version of the VTTM, dated March 26, 2021 (the "2021 VTTM"), to the City departments making up the "Subdivision Committee" (the "Subdivision Committee"), despite having received from Hackman a copy of a revised VTTM one day prior to the circulation of the 2021 VTTM to the Subdivision Committee

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(“March 2024 VTTM”). Why would Planning circulate an older version of the map to the Subdivision Committee if a new version reflecting modifications to the Project was available? Worse still, only the 2021 VTTM was made available to the public and considered in the staff report prepared by Planning for the public hearing on the proposed VTTM on May 15, 2024. The Advisory Agency then approved the March 2024 VTTM,² which had not been made available to the public prior to the public hearing, in the Letter of Determination dated May 28, 2024 (the “VTTM Determination”). Also, the March 2024 VTTM attached to the VTTM Determination was stamped “Submitted for Filing” on May 17, 2024, two days after the May 15, 2024 public hearing occurred.

Second, the March 2024 VTTM does not contain the necessary information required for a **vesting** tentative tract map by the Los Angeles Municipal Code (“LAMC”) Sections 17.06 B and 17.15 B(1)(b).

Third, the Advisory Agency’s findings that the March 2024 VTTM is consistent with the General Plan cannot be made and violate the California Subdivision Map Act (California Government Code § 66410 *et seq.*, the “Map Act”).

These issues are discussed in more detail below. Based on these concerns, our client respectfully requests that the City Planning Commission (“CPC”) grant the Appeals and take the following actions at the September 12, 2024 public hearing for the Project:

1. Reject the Advisory Agency’s approval of the March 2024 VTTM, pursuant to LAMC Sections 17.54 A and 13 B.7.3(G).
2. Require Hackman to correct the March 2024 VTTM to include the missing information mandated by LAMC Sections 17.06 B and 17.15 B(1)(b).
3. Require Planning to circulate a corrected version of the March 2024 VTTM for review and consideration by the Subdivision Committee as necessitated by LAMC Sections 17.03 B and 17.04 B.
4. Require the Advisory Agency to hold a new public hearing to consider the corrected version of the March 2024 VTTM.

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- ² For purposes of this letter, we are assuming that the March 2024 VTTM provided to the City by Hackman on March 27, 2024 is the same as the VTTM that the City ultimately approved, which was stamp dated May 17, 2024 two days after the public hearing occurred. We are basing this assumption on statements from Planning on pages A-3 to A-4 of “Appeal Report” for the CPC (the “Appeal Report”). We do not have a copy of the March 2024 VTTM that Hackman transmitted to the City.

Response to CPC Comment No. 9-2

This introductory comment outlines the comments in the remainder of the letter. Refer to Response to CPC Comment Nos. 9-3 through 9-8 below for a discussion of VTTM procedural requirements; Response to Comment No. 9-9 below for a discussion of the information included in the VTTM; and Response to Comment No. 9-10 below for a discussion of the VTTM’s consistency with the General Plan. As demonstrated therein, the comments do not raise procedural or substantive concerns to justify the appeal or warrant reconsideration or recirculation of the tract map and EIR.

CPC Comment No. 9-3

I. The Advisory Agency Failed to Follow the Procedural Requirements of the LAMC and Unlawfully Approved the March 2024 VTTM.

This is very straightforward. The March 2024 VTTM was not available to the public or the Subdivision Committee prior to the Advisory Agency’s approval, which is in direct conflict with the processes and procedures required by the LAMC and state law. As such, the approval of the March 2024 VTTM is void.

To start with, LAMC Section 17.03 B states that “[e]very Tentative Map shall be considered by the Advisory Agency at a public meeting.” This requirement was not met. The Advisory Agency approved a map that was stamp-dated two days after the hearing occurred. So the March 2024 VTTM was not considered by the Advisory Agency at a public meeting. Only the 2021 VTTM was considered by the Advisory Agency and available for public comment at and prior to the May 15, 2024 public hearing. Only the 2021 VTTM was contemplated in the Staff Report prior to the public hearing. The March 2024 VTTM was not mentioned in the Staff Report at all, despite Planning’s statement that it received the March 2024 VTTM prior to the public hearing, prior to circulation of the 2021 VTTM to the Subdivision Committee and prior to release of the Staff Report.

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Response to CPC Comment No. 9-3

This comment is similar to previous comments that were already addressed in the VTTM Appeal Responses. Refer to the VTTM Topical Response and Appeal Response Nos. 1-7 and 3-3 in the VTTM Appeal Report, as well as Response to CPC Comment Nos. 3-2 and 3-3, above. As stated therein, the Project's Original VTTM and Updated VTTM complied with all applicable regulations of the LAMC because they are substantially identical in that they both demonstrate compliance with the technical requirements of the LAMC.

As stated on page A-3 of the VTTM Appeal Report, following the publication of the Final EIR in November 2023, refinements were made to the Project in response to feedback from the community. On February 23, 2024, a Project Refinements Letter and associated Modified Project plans were submitted to City Planning and incorporated into the public record for the Project. These refinements reduced the size of the Project, including by decreasing the proposed floor area, height, and massing of the Project, among other refinements (referred to as the "Modified Project"). Materials reflecting these refinements were submitted to the Department of City Planning on March 27, 2024 (prior to the May 15, 2024, public hearing), including an updated draft VTTM dated March 25, 2024, with updated building footprints to reflect the Modified Project plans. Given that the Modified Project resulted in minor rearrangements of building footprints (i.e., minor, isolated instances of building footprints overlapping two internal lot lines), an updated VTTM with adjustments to the proposed interior lot lines was provided by the Applicant to reflect the changes. Specifically, the Original VTTM proposed a rectangular Ground Lot 1 totaling 184,078 square feet in land area, measuring approximately 152 feet from the northern lot line to the southern lot line and approximately 1,212 feet from the eastern lot line to the western lot line. The Updated VTTM adjusted the westernmost 285.1 feet of Ground Lot 1's southern lot line by 41.5 feet to the south (an approximately 5.6% adjustment) and the easternmost 316.6 feet of Ground Lot 1's southern lot line by 41.2 feet to the south (an approximately 5.6% adjustment). The inner 610.3 feet of Ground Lot 1's southern lot line remained unchanged from the Original VTTM (a 0% adjustment). Overall, these slight adjustments result in an irregularly shaped Ground Lot 1 totaling 209,238 square feet of land area in the Updated VTTM.

The staff report for the Hearing (Staff Report) discussed the Modified Project and the refinements made, and incorporated all Project plans, including the Modified Project plans

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included in the Erratum, by reference. The architectural plans for the Modified Project include a number of sheets such as a site plan, floor plan, elevations, and renderings, all of which provide details regarding the proposed buildings' envelopes, size, floor area, heights, and identified locations of accessory improvements including vehicular driveways, landscaped areas, fences, and walls. The Modified Project and associated plans with building outlines were discussed in detail in the Staff Report.

During the Hearing, the Applicant confirmed on the record that they had submitted an updated VTTM (the Updated VTTM) to City Planning, which was limited to minor adjustments to interior lot lines to reflect the Modified Project plans. The minor adjustments to interior lot lines in the Updated VTTM were not material and thus did not require recirculation to the full Subdivision Committee. Additional revisions to the VTTM were discussed with Bureau of Engineering—Permit Case Management Division (a member of the Subdivision Committee) regarding withdrawal of the merger along Fairfax Avenue, and confirmation of the modified dedication and improvement along The Grove Drive. Components of these items were updated in a written transmittal from Bureau of Engineering on May 10, 2024, with the final Conditions of Approval removing the Fairfax Avenue request and identifying a modified dedication and improvement standard along The Grove Drive. Irrespective of whether City Planning stamped the Original VTTM or the Updated VTTM, the Conditions of Approval require that a future VTTM be submitted to City Planning to confirm all elements of the approval and the map are correctly incorporated. The commenter fails to provide evidence to demonstrate how the Original VTTM and Updated VTTM are materially different in any regard that would otherwise require recirculation to the Subdivision Committee.

The actions that were considered by the Deputy Advisory Agency at the May 15, 2024, hearing included, among other things, a proposed VTTM for the merger and re-subdivision of four parcels into three lots pursuant to LAMC Section 17.15. The subject matter of the hearing was consistent with the description in the Hearing Notice and staff report, and a minor non-material update to a tentative map does not affect the subject of the hearing. In fact, it is commonplace for modifications to be made to a proposed entitlement before, during and/or after a hearing, such as modifications to the waivers and dedications or conditions of approval, which occurred in this case. For example, during the hearing, Quyen Phan, the Subdivision Committee representative, requested that a condition be added requiring that all existing easements or drainage sanitary sewers be shown on the final map. Importantly, the Updated VTTM is not the final map, and the version of the map that was attached to the DAA

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LOD is not final, as any version of the map would need to be updated in the final map to comply with the approved conditions and other approved entitlements.

The Deputy Advisory Agency's determination dated May 28, 2024, which included the Updated VTTM, was not a final decision; rather, this decision is appealable to the City Planning Commission and also further appealable to the City Council, which would each consider the tract map de novo (considering the whole of the project with no deference given to the decision of the initial decision-maker). The public is provided 10 days to appeal under the LAMC; as stated in bold on the first page of the DAA LOD, the last day to file an appeal was June 7, 2024. Nine appeals were received, including from the commenter, which were considered by the City Planning Commission on September 12, 2024. By the time of the September 12, 2024, hearing, the DAA LOD, which included the Updated VTTM, had been available for over 15 weeks. Further, as discussed in Appeal Response No. 1-1, each appellate body decision is de novo, with no deference given to the initial decision maker, and must be based on the record before the initial decision maker as well as any other evidence or testimony presented at or before the appellate body's hearing (LAMC Section 13A.2.8(E)(1)). Based on the whole of the record, the City Planning Commission unanimously voted to deny all of the appeals and sustain the decision of the Deputy Advisory Agency dated May 28, 2024; refer to the City Planning Commission Letter of Determination for Case No. VTT-83387-1A dated October 3, 2024 (CPC LOD). As stated in the CPC LOD, the City Planning Commission's decision is further appealable to the City Council, and the last day to file an appeal was October 15, 2024. Six appeals were filed, including from the commenter, which will be considered by the City Council de novo at a future public hearing.

CPC Comment No. 9-4

The Advisory Agency's comments at the hearing and Hackman's acknowledgement at the hearing that the 2021 VTTM would be revised, without the public having access to the March 2024 VTTM, is insufficient to meet the public hearing requirement under the LAMC. The City even admitted that the 2021 VTTM was the subject of discussion during the public hearing and the March 2024 VTTM was not reviewed until the "advisement period following the hearing."³ See Appeal Response No. 1-10 on page 10 of Exhibit D.1 to the Appeal Report.

³ The City does not specify who or what department(s) reviewed the March 2024 VTTM during the advisement period. Did the Subdivision Committee review the March 2024 VTTM prior to approval?



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Response to CPC Comment No. 9-4

The Deputy Advisory Agency considered the proposed 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 at the May 15, 2024, public hearing in accordance with all applicable regulations, including the LAMC and Subdivision Map Act. As stated in Appeal Response No. 1-10 of the VTTM Appeal Responses, the plans for the Modified Project were provided to the Department of City Planning on March 27, 2024, which included an updated VTTM (Updated VTTM). These plans were available to the public prior to the May 15, 2024, public hearing and referenced by this commenter in its May 14, 2024, comment letter. Refer to the VTTM Topical Response for details regarding compliance with the processes and procedures applicable to VTTMs set forth in the LAMC and regarding consistencies between the Original VTTM and Updated VTTM. As shown therein, there is no material difference between the Original VTTM and Updated VTTM other than minor interior lot line adjustments to reflect the Modified Project plans, which were explained by the City and the Applicant at the May 15, 2024, public hearing.

Given there was no material difference, the Department of City Planning determined that additional circulation to the members of the Subdivision Committee was not required. Further, there is no provision in the LAMC that requires additional circulation as it is common for minor changes to be made to a map subsequent to its initial submittal and prior to final approval. The LAMC expressly acknowledges and allows for these types of revisions to the map and/or its conditions up until the closure of the public comment period. In this case, the public process was extended for a week (to the close of business on May 22, 2024) by the Deputy Advisory Agency to allow for additional time for the submittal of documentation by the Applicant, City departments and/or interested parties. During this time, no comments were received from the public regarding the Updated VTTM that was discussed during the hearing. Four examples of the City's standard process include the following:

- (1) Prior to the Deputy Advisory Agency Hearing, the Applicant met with the Bureau of Engineering, Department of City Planning, and LADOT on April 25, May 2, May 3, May 10, May 14, May 17, May 20, and May 22, 2024 with regard to the Updated VTTM and clarification of various suggested conditions of approval. The Applicant transmitted written correspondence to the Bureau of Engineering on May 6, 2024 clarifying the Applicant's request (specifically the withdrawal of the requested

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merger along Fairfax Avenue). The result of this correspondence was a revised report submitted to Department of City Planning by the Bureau of Engineering on May 10, 2024, which is referenced on page 6 of the [City's staff report for the Deputy Advisory Agency Hearing].

- (2) During the May 15, 2024 hearing, Jonathan Lonner on behalf of the Applicant stated that the Updated VTTM "was submitted to City Planning showing the updated outlines of the Modified Project. However, as those do not impact the geometries or external lot lines of the vesting tentative tract map, it did not require updating or recirculation" and further explained that "as referenced in the Staff Report, specifically Condition 7 of the Bureau of Engineering specific conditions, a revised tract map must be submitted to the Planning Department and Public Works prior to the submittal of the final map for re-review."⁸⁶ Subsequently at the public hearing, the Deputy Advisory Agency asked members of the Subdivision Committee and the Hearing Officer if they had any outstanding comments or questions on the tract map. In response, Subdivision Committee representative Quyen Phan stated that with the additional condition requested (see no. (3) below), that concludes their comment on the tract map, and the Hearing Officer stated that City Planning had no further questions or clarifications on the tract map.
- (3) During the Deputy Advisory Agency Hearing, after on-going discussion with the Applicant, Bureau of Engineering Subdivision Committee representative Quyen Phan asked that an additional condition (not included in the City Staff Report) be added to the ultimate Letter of Determination for the tract map. The result of this was the agreement by the Applicant that they had no objections to the condition being added to the VTTM Letter of Determination.
- (4) Subsequent to the Deputy Advisory Agency Hearing, but within the advisement period, the Applicant met with Department of City Planning on May 17, 2024, to discuss the Updated VTTM and elements of the dedication and improvement conditions along The Grove Drive. This meeting again allowed for clarification of

⁸⁶ Jonathan Lonner is a Principal of Burns & Bouchard, an expert on entitlement and tract map applications since 1999. Refer to the Burns & Bouchard, Inc. expert memorandum included in Appendix FEIR-22 (Expert Memos) of the Final EIR for additional details regarding Jonathan Lonner's qualifications.

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the Applicant's request so that the Deputy Advisory Agency could coordinate with LADOT and Bureau of Engineering on appropriate conditions of approval. The result of this meeting was denial of the Applicant's requested dedication via easement, and confirmation of the Applicant's original requested modified sidewalk improvement width.

As the City has clarified, the Updated VTTM was the basis for discussion with members of the Subdivision Committee prior to the hearing, during the hearing and during the advisement period identified by the Deputy Advisory Agency following the hearing. As discussed above, neither the Subdivision Committee nor City Planning had questions or comments in response to the discussion of the Updated VTTM during the hearing. The Updated VTTM is included within the LOD and is consistent with the Modified Project and the Erratum. Additionally, as stated previously, the Conditions of Approval require a future VTTM be submitted to City Planning to confirm all elements of the final approvals and the map are incorporated. Also refer to Response to CPC Comment Nos. 3-3 and 9-3, above.

CPC Comment No. 9-5

Next, LAMC Section 17.03 B requires that the Advisory Agency "shall not act on a tentative map until 39 days has elapsed from the filing of the map, unless reports have been received from each member of the Subdivision Committee."⁴ This requirement was not met. The March 2024 VTTM was never sent to the Subdivision Committee. Only the 2021 VTTM was circulated to the Subdivision Committee, even though Planning had an opportunity to circulate the March 2024 VTTM. As Planning acknowledged, Hackman provided the City with the March 2024 VTTM, dated March 25, 2024, on March 27, 2024, one day prior to Planning circulating the 2021 VTTM to the Subdivision Committee on March 28, 2024. Planning failed to circulate the March 2024 VTTM to the Subdivision Committee for their consideration.

Relatedly, LAMC Section 17.04 also requires the Subdivision Committee to "meet with the Advisory Agency and to make recommendations upon all Tentative Maps ... and such other matters as are presented to the Advisory Agency." This requirement also was not satisfied. The March 2024 VTTM was not sent to the Subdivision Committee prior to the public hearing, even though the City apparently had a copy of this map, which reflected the updated project scope.

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⁴ See also LAMC § 17.06 A.1.

Response to CPC Comment No. 9-5

Contrary to the Commenter's claims, all requirements regarding circulation of the VTTM to the Subdivision Committee occurred. Refer to the VTTM Topical Response in the VTTM Appeal Report regarding how the VTTM satisfied all circulation requirements and timelines required by the LAMC and the Subdivision Map Act.

Refer to Response to CPC Comment Nos. 9-4 and 9-6 regarding compliance with LAMC requirements pertaining to VTTM circulation and review by the Subdivision Committee.

CPC Comment No. 9-6

Planning also acknowledged that the March 2024 VTTM was never circulated to the Subdivision Committee (see Appeal Report on pages A-8 to A-9). Planning argues that the March 2024 VTTM did not require recirculation to the Subdivision Committee because (1) the differences between the March 2024 VTTM and 2021 VTTM are not material in nature regarding the "technical requirements of LAMC Sections 17.06 B and C" and (2) these minor changes do not rise to the level of a "Revised Tentative Map" under LAMC Section 17.02.

These statements, however, are not supported by the evidence. First, the March 2024 VTTM included entirely new building envelopes, approximate locations of buildings and driveway locations. As discussed in more detail below, these relate to informational requirements in the LAMC Section 17.15 B(1)(b) for vesting tentative tract maps. The City ignores the substantive differences between the two maps with respect to LAMC Section 17.15 B(1)(b) by focusing solely on LAMC Section 17.06. Second, the March 2024 VTTM, included as part of the VTTM Determination, is stamped as a "Revised Tentative Map," which implies that it was in fact a revised map. How can the City now state that it does **not** constitute a revised tentative map?

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Response to CPC Comment No. 9-6

As the City has already explained in the VTTM Topical Response, since the Original VTTM and Updated VTTM contain no material change with respect to code requirements, and the associated merger and re-subdivision remained consistent across both maps, the Updated VTTM does not constitute a “Revised Tentative Map,” which is defined by Section 17.02 of the LAMC as “[a] map involving a revised arrangement of the streets, alleys, easements or lots within property for which a tentative map has been previously approved or a modification of the boundary of the property.” The Updated VTTM does not meet this definition as no tentative map was previously approved and there was no modification of the boundary of the property. There is no provision in the LAMC that requires additional circulation as it is common for minor changes to be made to a map subsequent to its initial submittal and prior to final approval. Even in the case of modifications to an approved tentative map, no public circulation or additional public hearing is required. As stated in the Los Angeles Bureau of Engineering’s technical guidance on tentative subdivisions, after an initial action on a tentative map, any of the conditions may be modified if approved by the Advisory Agency, and the reasons for the modification can vary from hardship to a change in circumstance. Therefore, recirculation of the Updated VTTM to the Subdivision Committee was not required because it was determined that no changes to Subdivision Committee reports or recommendations would occur as a result of minor refinements to the VTTM. Further, all reports from the Subdivision Committee were publicly available prior to the Deputy Advisory Agency hearing.

Refer to the VTTM Topical Response, as well as Response to CPC Comment No. 3-4, above, regarding how the VTTM included all of the information required by the LAMC. The Commenter continues to rely on a faulty interpretation of Section 17.15 B.1 (b) of the LAMC that was addressed on page A-10 of the VTTM Appeal Report, specifically regarding which details must be displayed on a map. Moreover, a clerical tool such as a stamp does not imply the City has made a formal code interpretation. The Commenter should also refer to the City’s Response to Appeal Comments for a full analysis regarding the Project’s compliance with all applicable regulations of the LAMC.



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CPC Comment No. 9-7

We emailed Planning on May 8, 2024, prior to the public hearing on May 15, 2024, to confirm if the 2021 VTTM would be considered by the Advisory Agency, or if the 2021 VTTM had been, or was going to be, revised for consistency with the Project, as modified in April 2024. Planning provided an email response on May 9, 2024 that the hearing would be held on the 2021 VTTM “as it is the map that was circulated to the various departments.”

Why did the City not provide the public (and the Subdivision Committee) with the VTTM it intended to approve prior to the public hearing, especially if the City received a copy of the updated map from Hackman on March 27, 2024? This email exchange with Planning directly contradicts Appeal Response No. 3-3 on page 52 of Exhibit D.1 to the Appeal Report, prepared by Eystone Environmental, which states that the revised VTTM “was made part of the public record and considered by the Deputy Advisory Agency at the May 15, 2024, public hearing.” This is false. The City cannot now state that the March 2024 VTTM was incorporated into the public record for consideration by the Advisory Agency at the public hearing. Appeal Response No. 3-3 also contradicts the statement in Appeal Response No. 1-10 that the 2021 VTTM was the “basis for discussion with members of the Subdivision Committee during the hearing” and that the March 2024 VTTM was “reviewed during the advisement period following the hearing.” If the City cannot coherently articulate which version of the VTTM was considered at the May 15, 2024 public hearing, then how could the public have any idea?

Response to CPC Comment No. 9-7

Refer to Response to CPC Comment Nos. 9-4 and 9-6 above regarding the Subdivision Committee’s review and circulation of the Original VTTM and the Updated VTTM. The Commenter appears to be conflating the designee of the Director of Planning acting in his or her capacity of the Advisory Agency pursuant to Section 553 of the City Charter with the Subdivision Committee established pursuant to Section 17.04 of the LAMC (now known as Section 13B.7.1 C.1 of Chapter 1A of the LAMC). These are two separate entities. There is no contradiction or error in simultaneously identifying that the Subdivision Committee reviewed and prepared reports for the Deputy Advisory Agency in response to the circulation of the Original VTTM and that the designee of the Director of Planning in his or her capacity of the Advisory Agency would consider approval of the Updated VTTM at the



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public hearing. Refer to Response to CPC Comment No. 9-6 above for analysis regarding the Updated VTTM, which does not constitute a Revised Tentative Map and did not need to be recirculated to the Subdivision Committee prior to the action of the Deputy Advisory Agency.

Further, after the Deputy Advisory Agency's approval of the VTTM was appealed to the City Planning Commission, the City Planning Commission then denied the appeals and approved the very same Updated VTTM approved by the Deputy Advisory Agency. During the appeal and public noticing process leading up to the City Planning Commission hearing, there has been no ambiguity over which map the City Planning Commission would consider.

CPC Comment No. 9-8

These errors not only violate the City's own processes and procedures, but also the procedural requirements of the Map Act. Both the subdivider and neighboring owners must be given notice and an opportunity to be heard on a tentative map application as a matter of statutory right under California Government Code section 66451.3. In addition, as a matter of procedural due process, the neighboring owners, including Broadcast Center, must have an opportunity to see the map the City intends to approve prior to its approval. Here, the public did not lay eyes on the March 2024 VTTM until May 28, 2024, when the VTTM Determination was issued. And, as stated previously, the March 2024 VTTM approved in that VTTM Determination was date-stamped two days after the public hearing occurred.

For these reasons alone, the Advisory Agency's approval of the March 2024 VTTM was unlawful. Additional reasons follow.

Response to CPC Comment No. 9-8

Refer to Response to CPC Comment Nos. 3-3 and 9-3 through 9-7 above. As discussed therein, the Deputy Advisory Agency met all required public noticing and review requirements set forth by the LAMC and Subdivision Map Act. This includes the notice requirements under Government Code Section 66451.3.

Additionally, it should be noted that technical clarifications or refinements do not automatically trigger new or lengthened public review processes. This can occur in many

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forms, including the VTTM refinements occurring to reflect the Modified Project analyzed in the Erratum. Other examples include instances when Letters of Determination issued by the Deputy Advisory Agency include Conditions of Approval requiring technical revisions for tentative maps that must be submitted to a respective agency for review prior to clearance of said condition in the Bureau of Engineering's Map Status Tracking System. These changes to a tentative map are a prerequisite to approval and recording of a Final Map but would not trigger new public review processes. Following the finalization of the tentative map, the public again has an opportunity to review the Final Map at a public hearing held by the City Council prior to approval and recording of the Final Map. Refer to Response to CPC Comment No. 9-6 above for additional information regarding compliance with all applicable circulation requirements to the Subdivision Committee and clerical stamping of VTTM versions.

CPC Comment No. 9-9

II. The March 2024 VTTM Does Not Include All of the Information Required By the LAMC for a Vesting Tentative Tract Map.

The March 2024 VTTM does not contain all of the information required by the LAMC for a vesting tentative tract map. In particular, LAMC Section 17.15 B(1) contains additional requirements for vesting tentative tract map that do not apply to non-vesting tentative tract maps, including that "[t]he plan of building envelope shall be submitted, showing the height, size, number of units and approximate location of buildings, driveways and any proposed exterior garden walls." The March 2024 VTTM approved for the Project does not include this information.

In response, Planning claims on page A-10 of the Appeal Report that these requirements are not required to be shown on the map itself and could be provided as part of the entitlement plans submitted for the planning application. Planning further states that the architectural plans submitted by Hackman are sufficient to meet this requirement.

This is unpersuasive for several reasons. First of all, it is unclear what plans Planning refers to. The entitlement plans that Hackman submitted with the 2021 VTTM were submitted in June 2021 ("Application Plans"). Are these the "architectural plans" that Planning relies on?

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Or is Planning referring to the “Modified Initial Development Plans” attached as Appendix A to the Erratum?

Second, LAMC Section 17.15 B(1)(b) does not state that its informational requirements can be met by entitlement plans submitted concurrently with a project application. The City’s own form ([CP-6110](#) [7.25.2024]), which lists the “Technical Map Requirements” for vesting tentative tract maps, requires applicants to include the building envelope information on the map itself. To quote the form: “In addition to the information requested for the Tentative Map, a Vesting Tentative Map requires the following information: ... Building envelope showing height, size, number of units, location of buildings, driveways, and exterior garden walls.”

Third, as stated in our September 3 Letter, both the Application Plans and the Modified Initial Developments Plans are entirely “conceptual” and “illustrative” in nature. These architectural plans are not fixed and just “illustrate one possible development scenario.” As an example, based on the elevations on Sheet A2 of the Modified Initial Development Plans (Site Elevation—East [The Grove Drive]), the height of each illustrative soundstage is approximately **70 feet** and the height of the illustrative office building is approximately **104 feet**. But these illustrative buildings are located in Height Subarea B, which has a base height limit of 88 feet, but allows a maximum height of **145 feet** in 40% of Subarea B. This cannot possibly meet the requirements of LAMC Section 17.15 B(1)(b), which requires the vesting tentative tract map to show the **actual** building heights. Hackman cannot provide illustrative improvements to comply with LAMC Section 17.15 B(1)(b). Rather, it must provide a VTTM that includes specific, fixed improvements. Hackman’s failure to include any improvements on the March 2024 VTTM, and the absence of an accurate, stable and finite Project, violates LAMC Section 17.15 B(1)(b) and leaves the public, including Broadcast Center, without any idea of the project to which the March 2024 VTTM relates.

Furthermore, the depiction of the Project in the March 2024 VTTM is inconsistent with the Project described in the FEIR, the Erratum and the proposed Specific Plan. Notably absent from the March 2024 VTTM are the multiple new driveways conceptually proposed on Fairfax Avenue, Beverly Boulevard and The Grove Drive and conceptually depicted in the “Conceptual Site Plan” in Figure 1 of the Erratum. The March 2024 VTTM only shows one driveway off of Beverly Boulevard. The March 2024 VTTM also does not show the private streets proposed on the Project Site, including the two new onsite project streets that would

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border the southern and western boundaries of the BC Site. This critical information is required by LAMC Section 17.06 B.14. How could the Subdivision Committee and Advisory Agency properly consider the Project's impacts on Broadcast Center and the surrounding areas and assess consistency with the Mobility Element without this information in the VTTM? In fact, it could not.

Response to CPC Comment No. 9-9

Refer to the VTTM Topical Response and Appeal Response Nos. 1-8 and 3-3 in the VTTM Appeal Report regarding the information required to be included in the VTTM. Notwithstanding, as stated on page A-10 of the VTTM Appeal Report, "[t]he Project provided architectural plans in conjunction with its entitlement application that contained all the information related to the height, size, density, and locations of buildings, driveways, and fences and walls, in addition to iterations reflecting updates to the Project's design, including but not limited to the Modified Project." In other words, both the entitlement application plans and all subsequent updated plans included this information including specific fixed building height measurements and proposed driveways. Refer to Response to CPC Comment No. 5-14 above for detailed information regarding the sequence of plans submitted to the City and incorporated into the record and the information contained therein. It is unclear where the commenter's confusion arises regarding the sequence of Project plans that have been utilized in conjunction with the VTTM application. On May 13, 2021, the Applicant filed the VTTM with the City Planning Department, which was deemed complete by the City on June 3, 2021.

The commenter also ignores page A-2 of the City Appeal Report, which identifies the function and purpose of the subdivision process. In part, the City's response states that "the Project is not granted rights to develop a specific buildings or structures through the approval of the VTTM. Rather, the Project must seek approval of all applicable and associated entitlements and permits, primarily through the Department of City Planning and the LADBS, to secure the rights to develop the Project Site and the subdivision on which it is situated." Thorough and complete analysis of the buildings and structures that may be built out on the Project Site as authorized not by the VTTM but instead by the various land use ordinances (Specific Plan, Sign District, Zone Change, etc.) was provided in the EIR and Erratum certified by the Deputy Advisory Agency in conjunction with their approval of the VTTM.

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The commenter cites text within forms issued by the Department of City Planning that are not applicable to the Project. The Project was filed and deemed complete on June 3, 2021 prior to the effective date of the Processes and Procedures Ordinance (PPO). Form No. CP-6110 was updated in response to implementation of the PPO, and a subsequent revised version was published to the City Planning Department's website on July 25, 2024. The commenter refers to that version of Form No. CP-6110. However, the Project submitted a City Planning Application on May 13, 2021, which was deemed complete by the Department of City Planning on June 3, 2021, both milestones occurring prior to the effective date of the PPO on January 22, 2024. The Project is fully compliant with all applicable forms and policies, including the prior iteration of Form No. CP-6110 that is applicable to the Project, which states "Vesting requires the following information: (a) building envelope showing height, size, number of units, location of buildings, driveways, and exterior garden walls." The City has consistently interpreted this applicable version of CP-6110 to not require that this information be displayed on the VTTM itself, rather only that the information needs to be provided such as in the architectural plans submitted with the Project application. Further, it should be noted that forms are generally intended to assist with staff implementation of the LAMC and are not intended to provide superseding interpretations of the text of the LAMC.

Finally, VTTM compliance with all applicable requirements of the LAMC was discussed in detail on pages A-6 through A-8 of the VTTM Appeal Report. Refer to Response to CPC Comment Nos. 5-7, 5-9, 5-14, and 5-18, above, regarding the Project plans and accurate, finite and stable Project Description. Refer to Appeal Response No. 4-22 in the VTTM Appeal Report regarding building height adjacent to Broadcast Center Apartments.

The comment that the Updated VTTM is inconsistent with the Final EIR, Erratum, and Draft Specific Plan is incorrect. Refer to Appeal Response Nos. 1-10 and 1-11 of the VTTM Appeal Report.

The comment that the Project contains private streets is incorrect. Refer to Response to Comment No. 35-5 of the Final EIR.

The environmental impacts of the Project, including potential impacts to Broadcast Center Apartments, were fully analyzed in the EIR and Erratum in accordance with CEQA.



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The EIR and Erratum were incorporated into and formed the basis of the Deputy Advisory Agency's approval in the DAA LOD.

Refer to Response to CPC Comment No. 3-9, above, regarding the Project's consistency with the Mobility Plan.

CPC Comment No. 9-10

III. The March 2024 VTTM Violates Requirements in the Map Act.

As stated in our appeal justification letter, the Advisory Agency's findings that the March 2024 VTTM is consistent with the City's General Plan are unsupported, inaccurate and unlawful. Section 66474 of the California Government Code (a provision of the Map Act) requires the City to deny a vesting tentative tract map request if "the proposed map is not consistent with applicable general and specific plans as specified in Section 65451." LAMC Section 17.05 C includes a consistent requirement that "[e]ach Tentative Map shall substantially conform to all other elements of the General Plan."

The City's response that the appellant "does not provide any evidence of inconsistency and in fact does not identify any specific objective or policy with which the subdivision would conflict" is not a good-faith, reasoned response. There is no question that the current land use designations for the Project Site in the Wilshire Community Plan do not permit the Project as proposed, which is why multiple general plan amendments are required for the Project. Specifically, the Project requires general plan amendments to: (1) change the land use designations of the Project Site from Community Commercial, Limited Commercial, and Neighborhood Commercial to Community Commercial, (2) 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, and (3) add a footnote establishing the "TVC Zone" as a corresponding zone to the Community Commercial land use designation.

The conditions of approval highlighted by the City in Appeal Response No. 1-11 on page 11 of Exhibit D.1 to the Appeal Report do not cure this violation. The City claims that Condition of Approval Nos. 50, 10.N and 10.J are evidence that the City "approved the VTTM contingent upon approval of the General Plan Amendment ..." This is not accurate. In fact, none of these conditions relate to the General Plan at all. There is simply no evidence

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whatsoever to support the City's finding that the March 2024 VTTM, as approved, is consistent with the City's General Plan. This violates both the Map Act and LAMC requirements.

In addition, the March 2024 VTTM omits a note that the subdivision is inconsistent with the existing zoning. This violates California Government Code section 66498.3(a) (a provision of the Map Act), which mandates that "[w]henver the subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map."

Response to CPC Comment No. 9-10

In response to public comments, including from the commenter, the proposed land use designation under the General Plan Amendment was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the Project Site. The potential impacts related to land use and planning under the Modified Project are evaluated on pages 54 through 59 of the Erratum, which concluded that, like the Original Project, the potential impacts would be less than significant, and the Modified Project would not result in a new significant impact or substantially increase the severity of a previously identified impact presented in the EIR. As discussed in the responses to comments in the Final EIR, the Project Site's general plan land use designation does not provide specific development standards such as permitted uses or floor area; rather, the Project Site is subject to the development standards set forth by its zone and height district designations.

As stated in the VTTM Appeal Responses, the commenter has provided no specific General Plan objective or policy that the Project is in conflict with. The commenter should also note that requesting a General Plan Amendment to change land use designations applicable to the Project Site in tandem with a VTTM does not by virtue cause that VTTM to be in conflict with the General Plan. Such interpretation ignores decades of City precedent related to General Plan Amendments for revisions to land use designations granted in conjunction with VTTM approvals. Both the Deputy Advisory Agency and the City Planning Commission made findings in the affirmative that the VTTM is consistent with the General Plan and enumerated various goals, objectives, and policies contained within the Plan that

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the VTTM furthers. See pages 110 through 112 of the Deputy Advisory Agency's Letter of Determination and pages F-90 through F-92 of the CPC's Letter of Determination.

Condition of Approval No. 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"), Condition of Approval No. 10.N ("Provide a copy of CPC cases CPC-2021-4090-DA, CPC-2021-4089-AD-GPA-ZC-HD-SP-SN ... Show compliance with all the conditions/requirements of the CPC cases as applicable), and Condition of Approval No. 10.J ("Obtain Zone Change to change the zone to the proposed TVC Zone and show compliance with zoning conditions prior to obtaining Zoning clearance") of the VTTM collectively provide compliance with the Subdivision Map Act. Final City Council action to approve the requested General Plan Amendment must be provided to clear the conditions of the VTTM, a prerequisite to recording the Final Map. If City Council approval of the General Plan Amendment does not occur, the Applicant would have to seek a Map Modification to revise or remove some or all of the Conditions of Approval should the Applicant continue to seek recordation of a new Final Map applicable to the Project Site.

The Project involves a Zone Change from various zone classifications to a unified TVC Zone, and assigns the TVC Zone to an unincorporated area to be annexed by the City of Los Angeles. Accordingly, the approved VTTM identifies both the existing zone classifications and the proposed TVC Zone in conformance with the requirements of both the LAMC and the Subdivision Map Act.

CPC Comment No. 9-11

For all of these many reasons, we respectfully request on behalf of our client that the CPC grant all of the Appeals and take the actions specified in the introduction of this letter. We also request that the CPC direct Planning to revise and recirculate the Draft Environmental Impact Report for the Project to address the numerous and unresolved deficiencies identified in the hundreds of comment letters submitted by our clients and other members of the public.



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Response to CPC Comment No. 9-11

Refer to Response to CPC Comment Nos. 9-3 through 9-10 above. As demonstrated therein, none of the comments that have been received justify granting of the appeals or constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5.



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CPC Comment Letter No. 10 (Caledonia Hanson, August 2024)

Caledonia Hanson

CPC Comment No. 10-1

My name is Caledonia Hanson, and I was part of the original Illumination Training at TVC in 2021. At the time, I was nearly a year into homelessness. Like many others when the pandemic hit, I lost my work and apartment, exhausting my savings just to survive. Living out of my bags and working grueling jobs that took a toll on my body, I had no idea how this would impact my career in the film industry.

As a member of Women in Media, I received an email encouraging applications for Illumination within three categories. I applied for the production design workshop, not expecting much. When I found out I was selected, I was at work, and the relief had me slumped on the bathroom floor, feeling the first glimmer of hope for my future since I lost everything.

That summer, I drove back to Los Angeles, using my savings to stay in a hotel near the studio. We were tasked with learning and creating props and set dressing for Women in Media's second Camaraderie that year—a project I had been a production designer for and was thrilled to return to even as just a helping hand.

The only hesitation I had, which I never hid but didn't fully express, was that I'm disabled. I have a rare disease that leaves my joints prone to dislocation, and I've had multiple surgeries to address the damage. I wasn't sure how I'd be received, but I refused to let anyone make decisions for me.

I needn't have worried. No one hovered over me to ensure I wouldn't make a mistake with electric tools. No one questioned my ability to mold foam, work with insulation, or tackle any task set out for us. No one batted an eye at my cane or spoke down to me for doing things differently. It was the first time in my (then) 12+ year career in the industry that I felt seen as the professional I am, not a liability.



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TVC's commitment to providing opportunities for underserved groups in entertainment is central to their mission to diversify the industry. Through the Illumination Training, they have empowered over 250 underrepresented people like myself, offering hands-on learning and networking opportunities with industry professionals. Learning from industry veterans and gaining real-world experience at TVC studios was pivotal in equipping me with the skills and confidence to know that my career, and my life, would be okay—no matter how long it took.

I wholeheartedly support TVC's growth and dedication to becoming a trailblazer for people like me and others who would otherwise face gatekeeping, harassment, and judgment for being, anything other than able-bodied, cis, hetero, white men. Their plan isn't just beneficial for people like me but for communities within LA struggling to find work and dealing with the impact of the city's long-standing failure to maintain historic infrastructure and flow of traffic.

I'll see you at the hearing and look forward to being one of many pushing TVC's mission forward as someone whose life they changed for the better.

Response to CPC Comment No. 10-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.



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CPC Comment Letter No. 11 (Entertainment Union Coalition, September 9, 2024)

Thom Davis
President
California IATSE Council
c/o Entertainment Union Coalition
12021 Riverside Dr.
North Hollywood, CA 91607-3726

Rebecca Rhine
Associate National Executive Director
Directors Guild of America
c/o Entertainment Union Coalition
12021 Riverside Dr.
North Hollywood, CA 91607-3726

Edward J. Duffy
Vice President/Business Agent
Teamsters Local 399
c/o Entertainment Union Coalition
12021 Riverside Dr.
North Hollywood, CA 91607-3726

Alex Aguilar
Business Manager/Secretary-Treasurer
LiUNA! Local 724
c/o Entertainment Union Coalition
12021 Riverside Dr.
North Hollywood, CA 91607-3726



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Kerri Wood Einertson
National Director, Government Affairs & Public Policy
SAG-AFTRA
c/o Entertainment Union Coalition
12021 Riverside Dr.
North Hollywood, CA 91607-3726

CPC Comment No. 11-1

On behalf of the over 160,000 working men and women that the Entertainment Union Coalition (California IATSE Council, Directors Guild of America, LiUNA! Local 724, SAG-AFTRA, and Teamsters Local 399) represents, who live and work in California, primarily in the Los Angeles area, we are writing to express our strong support for the Television City (TVC) Project.

Our industry and---most importantly for us---our members are facing a challenging future with film and television production declining precipitously in the City of Los Angeles. Work is scarce and a significant number of our members, and their families, face losing their health coverage and their homes because there is so little production here. By way of illustration, the September 5 *Production Weekly* lists 121 productions in the US and around the world—with only 5 of them filming in Los Angeles/CA. Attached is a recent article from *The Ankler*, an industry trade publication, highlighting the situation.

That is why TVC is so important at this moment. It represents a concrete commitment to supporting and growing our city's signature industry and preserving the legacy of this iconic studio by building production facilities to meet today's production needs.

Without our members films and television productions would not exist—they are the directors, actors, cast and crew who bring their diverse talents and skills to every production. Their labor has made Los Angeles the entertainment capital of the world for over 100 years. Most are not faces you see on the screen or read about in magazines, but their contributions are essential. They raise their families here, pay taxes here, and send their kids to school here. Now many of them are considering leaving Los Angeles, taking with them one of the biggest economic drivers of our economy. They aren't choosing to leave Los Angeles, but in order to take care of themselves and their families they will have to.



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We need projects like Television City that show our city is committed to keeping jobs and work in Los Angeles. We strongly believe that investments like the TVC Project are critical to ensuring continued work for our members and protecting the viability of hundreds of small businesses who exist as a result of production work in this city.

When the Olympic torch was passed from Paris to Los Angeles, the visual representation of Los Angeles was the "Hollywood" sign. That was appropriate because the world associates our city with that iconic symbol and the films and television productions they enjoy on the screen. We can't afford for that to be a sign from a bygone era.

We fully support the Television City Project and urge the City of Los Angeles to process its quick approval.

[attachment missing]

Response to CPC Comment No. 11-1

This comment expressing support for the Project is noted for the record and will be made available to the decision-makers for their review and consideration.



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CPC Comment Letter No. 12 (Form Letter to City Planning, undated)

Form Letter

submitted by constituents to cpc@lacity.org

CPC Comment No. 12-1

I am writing to express my concern about the redevelopment of Television City at Beverly and Fairfax.

We believe there can be a win-win solution that allows for a viable studio without undue burden on the community. The developer's proposed project is just 25% studio and 75% office compound.

Eliminating the surplus 550,000 square feet of office space unrelated to studio use would honor the developer's stated intention to revitalize the studio and their commitment to "being a good neighbor for the long term."

I am particularly concerned about the following features:

Response to CPC Comment No. 12-1

This introductory comment expressing opposition to the Project is noted for the record and will be made available to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to CPC Comment Nos. 12-2 through 12-6 below, all of which were addressed in the Final EIR.

Refer to Appeal Response No. 2-13 in the VTTM Appeal Responses. As discussed therein, general office is a core and necessary studio use, and the proportion of general office floor area is consistent with other modern studios to meet the demand of the entertainment industry.

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CPC Comment No. 12-2

I'm concerned about the traffic that will inevitably come with the large redevelopment project. Large construction equipment will clog roads. Using alternative means of transportation, like public transit, is unrealistic at this time, and employees who depend on major streets would rely on cutting through residential neighborhoods to find parking and shortcuts.

Response to CPC Comment No. 12-2

The Project's transportation impacts were fully analyzed in Section IV.K, Transportation, of the Draft EIR and Section 2.2.11 of the Erratum, and were determined to be less than significant. The Final EIR also included detailed responses to public comments on traffic and access and topical responses on a number of transportation-related topics, including traffic congestion, public transit use, cut-through traffic, and off-site parking.

Refer to Topical Response No. 14, Construction Vehicle Impacts, of the Final EIR regarding construction vehicles and the proposed Construction Traffic Management Plan (CTMP).

Refer to Section B, Level of Service, of Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 9-29 and 16-36 of the Final EIR regarding the non-CEQA LOS analysis in the Transportation Assessment (Appendix M.1 of the Draft EIR) related to traffic congestion.

Refer to Topical Response No. 11, Transportation Demand Management, and Response to Comment No. 107-4 of the Final EIR for a discussion of the potential effectiveness of transit and TDM.

Refer to Topical Response No. 9, Neighborhood Traffic Management Plan, of the Final EIR regarding the non-CEQA analysis of cut-through trips in the Transportation Assessment.

Refer to Topical Response No. 13, Parking, of the Final EIR regarding the adequacy of the on-site parking supply to accommodate the peak parking demands of the Project and prevent spillover parking.



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CPC Comment No. 12-3

I'm concerned about the immense scale of the redevelopment project. With the project spanning nearly two million square feet, its impact on residential communities is alarming. It's not just the sheer size, but also the potential disruption to local services and street life that worries me deeply.

Response to CPC Comment No. 12-3

Refer to Response to Comment No. 11-3 of the Final EIR and Appeal Response No. 1-11 of the VTTM Appeal Responses for a discussion of the Project's scale. The Project would not disrupt local services and street life, contrary to this comment's assertion.

CPC Comment No. 12-4

I'm concerned about the potential environmental repercussions of a project of this magnitude on our community. Given that 20-ton trucks will be constantly transporting dirt, waste, and hazardous materials, over a 20-year construction timeline, coupled with the emissions they produce, it's inevitable that the environmental quality and the residents' quality of life in Beverly-Fairfax will be negatively impacted.

Response to CPC Comment No. 12-4

This comment raises the issues of truck operations, including hazardous materials transport and emissions, and the Project's construction timeline, which were addressed in the Final EIR.

Refer to Topical Response No. 14, Construction Vehicle Impacts, and Response to Comment No. 9-22 of the Final EIR regarding construction haul routes, truck trips, and the proposed CTMP.

Refer to Response to Comment No. 511-2 of the Final EIR regarding hazardous materials transport.

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Refer to Response to Comment Nos. 53-2 and 79-3 of the Final EIR regarding emissions from construction trucks, including dust.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the construction timeline.

CPC Comment No. 12-5

The existing infrastructure and emergency response services currently in place are simply not adequate to support a development the size of TVC 2050. The Environmental Impact Report admits traffic and project uses WILL impact response times for fire, medical and police response and increase the demands for these services.

Response to CPC Comment No. 12-5

This comment raises the issues of existing infrastructure and emergency response, which were addressed in the Final EIR.

Regarding infrastructure, as demonstrated in the analysis of utilities included in Section IV.M of the Draft EIR and Section 2.2.13 of the Erratum, adequate utilities infrastructure would be available to accommodate the Project, and impacts would be less than significant. Refer to Response to Comment No. 100-2 of the Final EIR regarding emergency infrastructure.

The Project's impacts related to public services were fully evaluated in the EIR and Erratum, and were determined to be less than significant. Refer to Section IV.J of the Draft EIR and Section 2.2.10 of the Erratum. Also refer to Section D, Emergency Access, of Topical Response No. 12, Safety and Congestion, of the Final EIR for a discussion of emergency access and vehicle response times. As discussed therein, both the Los Angeles Fire Department and Los Angeles Police Department have reviewed the Project as part of the CEQA process and concluded that there would be adequate fire public services to serve the Project; refer to Appendix K and Appendix L of the Draft EIR.



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CPC Comment No. 12-6

We're already exhausted by the noise and disruption of special events at the Motion Picture Museum. The TVC proposal sets no limits at all on special events—or on 24/7 operation of a helipad for VIPs.

Response to CPC Comment No. 12-6

This comment regarding special events and helipad operations were already addressed in the Final EIR.

Refer to Response to Comment No. 35-140 of the Final EIR regarding special events, which would continue to occur consistent with existing conditions and existing applicable regulations.

Refer to Response to Comment Nos. 16-87 and 26-15 of the Final EIR regarding the continued operation of the helipad. As discussed therein, the helipad would continue to operate for studio-purposes consistent with existing conditions.

CPC Comment No. 12-7

Everything about this is awful and a bad idea, please please please DO NOT do this. Thank you for your time and attention to this important issue.

Response to CPC Comment No. 12-7

This comment concludes the letter. Refer to Response to CPC Comment Nos. 12-1 through 12-6 above for responses to the specific issues raised by the commenters, all of which were previously addressed in the Final EIR.



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CPC Comment Letter No. 13 (Miracle Mile Residential Association, undated)

Hana Kawano
Miracle Mile Residential Association
P.O. Box 361295
Los Angeles, CA 90036-9495

CPC Comment No. 13-1

My name is Hana Kawano. I'm a board member of the Miracle Mile Residential Association or M-M-R-A, and I'm here to present our appeal of this project.

MMRA represents roughly 7,000 households of which about 70% are rent stabilized multifamily units. We are south of Wilshire Blvd bounded by Fairfax, La Brea and San Vicente, 1 mile south of Television City.

Response to CPC Comment No. 13-1

This introductory comment is noted for the record and will be made available to the decision-makers for their review and consideration. Refer to Response to CPC Comment Nos. 13-2 through 13-4 below.

CPC Comment No. 13-2

After examining the Applicant's statements, MMRA finds the TVC 2050 proposal has neither merit nor need. Applicant calls it a studio. It is not. In fact, their proposed Specific Plan, describes it as an office complex. 95 percent of the proposed new floor area is office space. Only 3 percent is studio space. Let me repeat: 95 percent office space, 3 percent studio space.

What is the reality for office space in LA? This year vacancies hit an all-time record, with 24% of L.A.'s offices sitting empty. (1)

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For example, the Gas Company Tower recently went into receivership. Per the L.A. Times, the owners struggled to keep tenants before finally selling for half the value of the debt on the building—a loss of \$145 million. (2)

Every published office vacancy report we could find points to the same trend—there’s a glut of office space and no need for more. (3)

Response to CPC Comment No. 13-2

This comment expressing the commenter’s opinions is noted for the record and will be made available to the decision-makers for their review and consideration. As discussed in Response to Comment No. 5-6 of the Final EIR, the underlying purpose of the Project is to maintain Television City as a studio use and to modernize and enhance production facilities to meet both the existing and unmet demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot.

Refer to Appeal Response No. 2-13 in the VTTM Appeal Responses as well as Response to CPC Comment No. 4-4 above regarding the proposed general office use and the mix of uses required for modern studios.

CPC Comment No. 13-3

So, why is Hackman Capital coming to the city and asking for an open-ended, blank check for up zoning? Why is Hackman telling you this is a studio complex when it’s not? That’s an important question, and, respectfully, this committee and our city council should be asking it very carefully.

We believe the answer is they’re looking for city entitlements that will bail out what they already know is an upside down investment. How do we know? Because, in the fine print of their Specific Plan is a clause that would allow “Proposed uses not listed” ... “similar to and not more objectionable to the public welfare than the uses provided in ... the Specific Plan.” This switch would be at the sole discretion of the then-Planning Director, whoever that might be.

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With a Specific Plan that allows almost any interpretation of “similar” use, plus 20 year entitlement and no public scrutiny, Hackman could cut its losses by selling the property and cashing in on the open-ended, blank check entitlements. Or it could switch from today’s lure of a studio to tomorrow’s lure of a sports arena, a theme park, an entertainment venue. Recall the fine print: Proposed uses not listed! And no public scrutiny! What could possibly go wrong?

Response to CPC Comment No. 13-3

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Response to Comment No. 5-6 of the Final EIR regarding the Project’s studio purpose. As discussed consistently throughout the 2021 entitlement application materials, 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum, the Project is a studio Project. The Project is intended to allow for the continuation and modernization of a working studio that is over 70 years old; there is no uncertainty that this site will remain a studio use, and all of the elements of the proposed Project are intended to support this overarching goal.

Contrary to this comment, the Draft Specific Plan would only permit studio-related uses. As explained in Response to Comment No. 5-6 and Topical Response No. 3, Permitted On Site Uses of the Final EIR, the permitted uses on-site will only include the five studio uses discussed throughout the Draft EIR (i.e., sound stage, production support, production office, general office, and retail) and associated ancillary uses, and these uses have all been addressed in the EIR. The C2 zone uses (which are currently permitted) have been removed from the list of permitted uses within Section II, Project Description, of the Draft EIR; refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR.

Refer to Response to CPC Comment Nos. 3-8 and 4-6, above, regarding Section 5.1.D of the Draft Specific Plan. In addition, the Draft Specific Plan includes a regulatory framework for implementation of the Project, including, among other things, mandatory review processes by the City for implementation of the proposed Project. Future changes that are substantially different than the Initial Development Plans or are beyond the scope of impacts evaluated in the EIR would require additional discretionary City review and approval, as well as potential CEQA compliance review.



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CPC Comment No. 13-4

Recall Downtown L.A.'s graffiti towers. When construction began luxury towers seemed like a good idea. Now, it's abandoned, a \$3.8 million burden on the city and ultimately, us the taxpayers. (4)

So, MMRA asks this committee to interrogate very closely the claims of this applicant.

If you've got to hide an office complex behind the cloak of a studio—don't build it.

If you don't know what you need to build and need 20 years to figure it out—don't build it.

If you need 20 years for the next big thing to dictate what you should build—don't build it.

Commissioners, Protect the City of Los Angeles and all who live here. Don't allow TVC to proceed unless scaled back to not require a general plan amendment. To the extent that you want to approve this project, all entitlements should be non-renewable, non-transferable and sunset in 3 years. And no permission to change with the sole approval of the City's planning director.

And above all, Hackman does not merit or need a massive, blank check incentive to cash in on the value of city entitlements.

Respectfully submitted, Hana Kawano

Miracle Mile Residential Association

Citations:

1. <https://www.theatlantic.com/ideas/archive/2024/03/urban-doom-loop-american-cities/677847/>

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2. <https://www.latimes.com/business/story/2024-03-28/los-angeles-office-skyscraper-faces-foreclosure-sale> and <https://www.globest.com/2024/03/28/brookfield-sells-l-a-office-for-half-its-debt/?slreturn=20240910140610>

3. <https://www.visualcapitalist.com/visualizing-1-billion-square-feet-of-empty-office-space/>

4. <https://www.businessinsider.com/abandoned-chinese-office-complex-los-angeles-oceanwide-plaza-2024-2>

<https://www.nytimes.com/2024/03/03/us/graffiti-downtown-la-skyscraper.html>

<https://www.nbclosangeles.com/local-2/downtown-la-graffiti-towers-vandalism/3341074/>

Response to CPC Comment No. 13-4

This comment restates the commenter's opposition to the Project and provides links to the articles cited in CPC Comment No. 13-2. Refer to Response to Comment No. 9-24 of the Final EIR regarding the buildout timeline. Refer to Response to CPC Comment Nos. 13-1 to 13-3 above for responses to the specific issues raised in this comment letter. This comment is noted for the record and will be made available to the decision-makers for their review and consideration.

Attachments

Attachment 1

Economic Considerations Regarding Production Demand

To: Stephanie Eyestone (Eyestone Environmental)
From: Brian Glodney¹
Re: Economic Considerations Regarding Production Demand
Date: November 1, 2024

Spanning over 100 years, the entertainment industry and demand of its production content has a long and diverse history in Los Angeles. Throughout that 100+ year history, there have been multiple peaks and valleys in which the demand for production has ebbed and flowed. Some of these shifts have been as a result of a new technology such as the introduction sound or color, some have been because of labor disputes and resolutions, and others have been spurred by innovation in consumption such as the home television or streaming. It is easy to point to the high-points, but more importantly it is important to better understand the lows and their associated recoveries as well.

Labor disputes have been at the core of numerous stagnations in production and this latest dual-strike of SAG-AFTRA and Writers Guild of America in 2023 is no different. For example, three of the most recent major strikes involving the writers; Writers Guild of America in 2007, 1988, and 1981, all saw stagnation or limited growth during the year(s) following their conclusion. However, in the long-view, the production activity has recovered and continued to grow and evolve with the industry contributing over \$115 billion to the regional economy. Similarly, the falloff of production activity from the recession of 2007 saw a temporary reduction for limited window with activity returning to average within 3 years.

The industry is a key and vital component of the local, regional, and state economy. Much has been written and said about California's tax incentives for productions and how they are found to be lacking in comparison to competitive markets both nationally and internationally. While it is true that other locations offer more enticing incentives to lure production away from Los Angeles and California more broadly, both the mayor of Los Angeles, Mayor Bass, and the Governor of California, Governor Newsom, have made strong moves in bolstering the local competitive market. Mayor Bass announced her Executive Directive No.8 in August of 2024 which directs City departments to facilitate and streamline film permitting and studio development. Similarly in October of 2024, Governor Newsom announced a more than doubling of the annual California film credit from \$330 million to \$750 million. Both these actions by local and state leaders, highlight the political support

¹ Mr. Glodney is an Executive Vice President with Hackman Capital Partners, the applicant for the TVC Project. Mr. Glodney's resume is included in Attachment A to this memorandum along with the resumes of the executive team at MBS, which is a subsidiary of Hackman Capital Partners experienced in the design and operation of studios throughout the world.

and monetary force behind ensuring the local entertainment industry remains competitive and at home.

The false assertion that production demand is in peril if it does not continue to exceed “peak demand” is misguided. In fact, it is unreasonable to assume that businesses will fail simply because their industry is experiencing a return to normal economic activity after experiencing a peak in economic activity. This is precisely the case of the 2022 “peak of peak TV” demand that many have indicated could be a precipice before a cataclysmic decline. As illustrated by other post-strike or post-peak metrics, the industry has continued to rebound and sustain at pre-peak levels with continued growth year over year and a return to “normal.”

Attachment 2

May 2024 DAA and HE Hearing
Response Memorandum



MEMORANDUM

TO: Paul Caporaso
City of Los Angeles Department of City Planning

FROM: Eystone Environmental

SUBJECT: TVC 2050 Project—Response to Public Comments Received May 2024
ENV-2021-4091-EIR, VTT-83387,
CPC-2021-4089-AD-GPA-ZC-HD-SP-SN, CPC-2021-4090-DA

DATE: August 7, 2024

cc: Milena Zasadzien and Mindy Nguyen, Department of City Planning

In accordance with the California Environmental Quality Act (CEQA), a comprehensive Draft Environmental Impact Report (EIR) was prepared for the TVC 2050 Project (Project). The Draft EIR was circulated for public review and comment from July 14, 2022, through September 13, 2022, an extended 60-day comment period, which exceeded the 45-day comment period required by CEQA. Following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was prepared in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. Further, the EIR and Erratum were prepared in accordance with CEQA and City policy.

A joint public hearing for the Project with the Deputy Advisory Agency and Hearing Officer was held on May 15, 2024. In association with this joint hearing, the City received eight written comment letters from the following commenters:

- Ronald Benson
- Carstens, Black & Minter on behalf of Save Beverly Fairfax
- Caruso (The Grove, LLC)



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- Keith Nakata
- Loeb & Loeb on behalf of the A.F. Gilmore Company
- Park La Brea Impacted Residents Group (PLBIRG)
- Sheppard Mullin on behalf of AIR Communities
- Carstens, Black & Minter on behalf of Beverly Wilshire Homes Association

These comments letters are included as Attachment A to this memorandum. The comments within these comment letters are generally duplicative of the comments received regarding the Draft EIR, and most of the issues raised in these comments have been thoroughly responded to as part of the Final EIR. Preliminary responses to new issues raised in these letters were provided in May 2024. This memorandum provides responses to the issues raised in these letters, most of which have been comprehensively addressed in the Final EIR. Responses related to transportation are based on input from Gibson Transportation Consulting, Inc., responses related to dewatering are based on input from Geosyntec Consultants, and responses related to geology and soils are based on input from Geotechnologies. In addition, the information regarding how office uses are necessary for a studio to meet the demands of the modern entertainment industry was provided by the Applicant (refer to Attachment C). As demonstrated by the responses below, these comments do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Specifically, these comment letters do not disclose any new significant impacts or a substantial increase in the severity of an impact already identified in the EIR, nor do the comment letters contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible alternative or mitigation measure that the Applicant has declined to adopt.



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Comment Letter No. 1

May 16, 2024
Ronald Benson

Comment No. 1-1

Why has Hackman Capital Partners misrepresented this project as a boon for the movie studio industry when the primary program is office space that will burden the neighborhood with overdevelopment and endless disruption of community life for up to 20 years?

Response to Comment No. 1-1

Refer to Response to Comment No. 1-3 below, Appendix C to the Appeal Responses , and Response to Comment Nos. 9-13 and 26-16 of the Final EIR regarding the need for office space in modern studios.

Comment No. 1-2

I am an architect who has lived in the Beverly Fairfax neighborhood for over 39 years. I was the manager for the executive project architect for the Hollywood & Highland development of over 2,000,000 sf completed in 2001 and I know first hand how construction the scale of TVC 2050 will have on its neighborhood.

I consider the proposed TVC 2050 Project as a devastating attack on our community, that will create irreparable damage to the qualify [sic] of life for one of City's [sic] most important historic and cultural destinations for museums, shopping, restaurants, entertainment, and architecture.

Regardless of the Final EIR's mitigation measures, which purport to resolve the project's negative impacts, I believe that this document represents an administrative abstraction to satisfy governance procedures that cannot properly address the community's daily real and ever lasting life experiences.



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Response to Comment No. 1-2

The commenter's opinion is noted for the record and will be forwarded to the decision-makers for their review and consideration.

The EIR including the Erratum includes an exhaustive review of the Project's potential environmental impacts, in many instances going above and beyond the minimum requirements of CEQA and City policy, and incorporate feasible mitigation measures to reduce potentially significant impacts (refer to Section IV, Mitigation Monitoring Program, of the Final EIR). The Draft and Final EIR include detailed technical appendices demonstrating the comprehensive environmental analysis of both construction and operation of the Project, and the Erratum also includes supplemental technical analyses supporting its conclusions. The Project's rigorous environmental analysis meets or exceeds all substantive requirements of CEQA, and, as discussed above, the public was afforded ample opportunity for review and comment.

Refer to Response to Comment Nos. 2-4, 2-13, and 2-22 in the Appeal Responses regarding the Project's compatibility with the surrounding community.

Comment No. 1-3

The developer has promoted TVC 2050 as a savior to the movie studio industry because it will provide new production and studio workspace. However, this is misleading because the project is primarily programmed as office space. Production and General Office spaces total up to 1,275,000 square feet or 3.6 times the area of Sound Stages and over 75% of the new development area. This is a staggering misrepresentation of what is required as office support space for studio functions. Specifically, 550,000 square feet or 44% of the total office space is designated as General Office space unrelated to studio production support and available to be leased to completely unrelated businesses. The request for excessive new office space development is yet another way that the developer has packaged the project for added profit at the expense of the community. Therefore, the proposed gross overdevelopment of office spaces is a primary target for reduction in making the project a more responsible and civically humane development.



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Response to Comment No. 1-3

The commenter's opinions regarding the proposed development program are noted for the record and will be forwarded to the decision-makers for their review and consideration.

As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the Project would be limited to five permitted studio land uses: sound stage, production support, production office, general office, and a limited amount of retail. Collectively, the permitted uses help facilitate and support the studio and the primary studio land uses that already occur on-site. General office is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide an increase in the use over the existing condition. Refer to Appendix C of the Appeal Responses. All modern studio campuses are comprised of a large percentage of office. Comparatively, the percentage of general and production office as a percentage of total program is as follows: approximately 78 percent for Sunset Bronson, approximately 83 percent for The Culver Studios, approximately 67 percent for Paramount Pictures, approximately 75 percent for Sunset Gower, and approximately 73 percent for the TVC Project. Refer to Response to Comment Nos. 9-13 and 26-16 in the Final EIR related to the proposed mix of studio uses, which is needed to meet the demands of the modern entertainment industry. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

As stated throughout the EIR, the primary purpose of the Project is to continue the existing studio use. The Project meets this purpose by providing a state-of-the-art studio with a net increase of approximately 143,020 square feet of sound stages with a land use exchange provision that would allow an additional 100,000 square feet of sound stages in exchange for decreases in the floor area of other permitted land uses, such as general office. Refer to Response to Comment No. 5-15 in the Final EIR regarding the Project's studio purpose. For comparative reference, sound stages comprise approximately 12 percent of the total floor area under the Paramount Pictures Specific Plan (Ordinance No. 184539), which is less than the approximately 14 percent of sound stage floor area proposed in the TVC Specific Plan.



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Comment No. 1-4

The current oversized program for TVC 2050 would have an overwhelmingly oppressive impact on surrounding roadways and adjacent communities that are already choked with traffic.

Response to Comment No. 1-4

The Project's transportation impacts were fully analyzed in Section IV.K, Transportation, of the Draft EIR and Section 2.2.11 of the Erratum, and were determined to be less than significant. It is also noted that under SB 743, the transportation impact analysis shifted from vehicular delay (i.e., LOS) to VMT. Thus, congestion and driver delay are not CEQA impacts. Refer to Section B, Level of Service, in Topical Response No. 12, Safety and Congestion, and Response to Comment Nos. 9-29 and 16-36 in the Final EIR regarding the non-CEQA LOS analysis in the Transportation Assessment.

Comment No. 1-5

The construction buildout would be the first wave of a prolonged 20 year assault on the neighborhood that would easily overwhelm immediate and surrounding primary and smaller residential streets during construction as the Specific Plan permits a maximum of up to 1,626,180 square feet of of [sic] new development including the demolition of up to 495,860 square feet of existing media production facilities. It is inconceivable how the scale of this construction activity, and the massive number of associated haul routes required for the transport of new and waste materials to and from the site, could be accommodated without completely disrupting the neighborhood for a seemingly indeterminate number of years.

The fact that the buildout could extend for 20 years under the development agreement is an unconscionable request for power by the developer that would destroy the peace of mind and welfare of an entire community for decades. The developer has admitted that construction will cause delays for emergency responders which would seriously compromise the health and well being of citizens and have critical impact in potentially life-and-death situations.



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Response to Comment No. 1-5

Refer to Response to Comment No. 9-24 of the Final EIR regarding the 20-year buildout. As discussed therein, the Applicant intends to complete construction of the Project within the 32-month timeframe evaluated in the EIR, but is seeking a 20-year Development Agreement which could extend out the buildout to 2043 should market conditions warrant. To be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR and Erratum.

The Specific Plan square footages discussed in this comment were associated with the Original Project. As discussed above, following the publication of the Final EIR, refinements were made in response to community feedback to reduce the size of the Project, including by reducing the floor area, among other refinements (referred to as the "Modified Project"). The Modified Project floor area is included in Table 2 of the Erratum, which matches the floor area in the Draft Specific Plan for the Modified Project dated April 5, 2024 (refer to Table 5.2.B therein).

With respect to the haul routes, refer to Topical Response No. 14, Construction Vehicle Impacts, and Response to Comment Nos. 26-24, 107-2, and 124-6 of the Final EIR. As discussed therein, the Project haul routes were fully evaluated in the EIR.

Refer to Topical Response No. 12, Safety and Congestion, Section D, Emergency Access, and Response to Comment Nos. 26-147 and 35-150 of the Final EIR regarding emergency response. As discussed in Section IV.K, Transportation, of the Draft EIR, a Construction Traffic Management Plan would be implemented as Project Design Feature TR-PDF-1, which would ensure the adequate circulation and emergency access would be maintained throughout construction. Refer to Topical Response No. 12, Safety and Congestion, and Response to Comment No. 9-29 of the Final EIR regarding safety hazards.

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Comment No. 1-6

The developer has taken the absurdly arrogant position of proposing excessive development in each of its alternative schemes for the sole purpose of maximizing the monetization of one of Hollywood's most prized architectural landmarks. In comparison, the Specific Plan for Paramount Studios permits 122% of the site for development while TVC 2050 proposes 180% of the site which is grossly incompatible with the surrounding residential neighborhood.

Furthermore, the project proposes building to height limits that are unprecedented for the general area. Structures along the eastern edge will be 26 feet or higher than Broadcast Center Apartments and TVC office tower will be approximately 225 feet tall or 100 feet higher than the tallest buildings in the area located at Park La Brea—overshadowing the 1950's [sic] TV City landmark building which will become an insignificant ornament amongst the crowd of high rise buildings. Additionally, the developer proposes to raise the building height ground level datum from the site's lowest point along Fairfax Avenue to create a 16 foot high base for the 88 ft. high residential towers along Fairfax Avenue decimating any sense of pedestrian scale within the existing residential context.

Response to Comment No. 1-6

Comments similar to this comment were fully responded to as part of the Final EIR.

Refer to Response to Comment No. 5-15 of the Final EIR regarding the underlying purpose of the Project to maintain Television City as a studio use and to modernize and enhance production facilities to meet both the existing unmet and future anticipated demands of the entertainment industry, keep production activities and jobs in Los Angeles, upgrade utility and technology infrastructure, and create a cohesive studio lot.

Refer to Response to Comment Nos. 11-3 and 26-7 in Section II, Responses to Comments, of the Final EIR and pages 15 through 17 and 58 of the Erratum regarding how the size and height of the Project is compatible with the surrounding general area, the height of surrounding development, the proposed maximum height limits, and Project Grade. Also note that there are existing and proposed developments ranging in height from 75 feet

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(8070 Beverly Boulevard) to 530 feet (5350 Wilshire Boulevard) within approximately 1 mile of the Project Site. The perimeter of the Project Site is proposed to have 4 buildings with an 88-foot base height and a one-story penthouse up to 103 feet in height, which is less than or equal to the height of other developments in the area, such as the Academy Museum of Motion Pictures (approximately 128 feet in height), 6300 3rd Street (approximately 100 feet in height), and 640 Curson Avenue (approximately 245 feet in height). The Park La Brea development, which is located less than 0.4 miles from the Project Site, has 18 approximately 147-foot-tall buildings, while the Project proposes only 5 such buildings taller than 100 feet, and the majority of Project buildings would be 88 feet or less in height. In addition, the tallest component of the Project, at 225 feet, would occupy less than approximately 3 percent of the total Project Site area and would be located in the center of the Project Site over 300 feet from adjacent uses—further in distance than it is tall.

Further, as discussed in the Erratum, all properties surrounding the Project Site are zoned for commercial uses, not residential uses as suggested by the comment. The closest residential use is the mixed-use six-story Broadcast Center Apartments building located immediately east of the Project Site, which is zoned C2 (Commercial). With the exception of Broadcast Center Apartments, surrounding residential areas are separated from the Project Site by major thoroughfares such as Beverly Boulevard and Fairfax Avenue and the dense commercial uses that line them. In addition, within the eastern portion of the Project Site, buildings have been moved further to the west (ranging from approximately 60 feet to 100 feet from the Shared Eastern Property Line), away from the Broadcast Center Apartments, and the sound stages have been relocated primarily to the southeastern portion of the Project Site. In addition, the required setback along the Shared Eastern Property Line west of the Broadcast Center Apartments has been increased from 30 feet to 45 feet. Further, building heights have been reduced, and the taller building heights are located within the central portion of the Project Site.

The commenter also makes inaccurate comparisons with the Paramount Pictures Specific Plan. Similar to the EIR Land Use Compatibility Findings (dated September 6, 2016) for the Paramount Pictures Specific Plan, the proposed Project uses “are substantially similar in terms of land use type to the existing studio-related uses” and “compatible with the varied land uses that characterize the Project area.” Additionally, it should be noted that the Project



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would increase the sound stage floor area by 143,000 square feet, or approximately 150 percent, which clearly illustrates a Project commitment to providing a state-of-the-art studio.

Refer to Response to Comment No. 26-7 of the Final EIR regarding Project building heights and impacts to the Primary Studio Complex.

Comment No. 1-7

The proposed development of TVC 2050 will stand for generations as an object lesson for what is possible within the context of a one [sic] of the City's most important historic communities. I urge you to stand with the community in preserving its heritage as a cultural center and its quality of life for the current and long term.

Thank you for your consideration and your efforts to dramatically reduce the offensive scale of the proposed TVC 2050 project.

Response to Comment No. 1-7

Project impacts related to historical resources were evaluated in Section IV.B, Cultural Resources, of the Draft EIR and determined to be less than significant.



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Comment Letter No. 2

May 14, 2024

Amy Minter

obo Save Beverly Fairfax

Carstens, Black & Minter LLP

2200 Pacific Coast Hwy., Ste. 318

Hermosa Beach, CA 90254-2702

Comment No. 2-1

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

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reasons, Save Beverly Fairfax respectfully opposes certification of the FEIR and requests that the EIR be recirculated to address these issues.

Response to Comment No. 2-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 2-2 through 2-42, below.

Refer to the Applicant's May 8, 2024, response letter to the April 17, 2024, letter from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax (Response to Save Beverly Fairfax April 2024 Letter) and Response to Comment No. 9-4 of the Final EIR. As discussed therein, the commenter fails to provide evidence of significant new information, and the public was provided ample opportunity to review the environmental impacts of the Project; accordingly, recirculation is not required. The publication of the Erratum, modified Draft Specific Plan, and draft Sign District on April 5, 2024—40 days prior to the Hearing Officer/Deputy Advisory Agency hearing—was substantially earlier than required by typical City procedures. Further, as discussed in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR, neither CEQA nor City policy requires a draft specific plan or sign district to be included in an EIR, and the EIR, including the Erratum disclosed and analyzed all physical elements of the Draft Specific Plan and Draft Sign District required by CEQA.

Comment No. 2-2

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.

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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.

Response to Comment No. 2-2

The comments regarding the release of the Draft Specific Plan and Sign District were fully responded to as part of the Final EIR. Refer to Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and to Response to Comment No. 5-3 in Section II, Responses to Comments, of the Final EIR. As discussed therein, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Further, neither CEQA nor City policy requires a draft specific plan itself to be included in the Draft or Final EIR, and the commenter fails to provide any evidence to the contrary. Nonetheless, in response to public comments, drafts of the proposed Specific Plan dated October 2023 and April 2024 and a draft of the proposed Sign District dated April 2024 were made publicly available on the Department of City Planning’s website for informational purposes.

The EIR including the Erratum, disclosed and analyzed all physical elements of the proposed entitlements, including the Draft Specific Plan, among others, as required by CEQA. Refer to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR, which provides a clear demonstration of how the development parameters within the Draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further,

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the Draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR including the Erratum fully evaluated the physical parameters of the Specific Plan.

Comment No. 2-3

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.)

Response to Comment No. 2-3

The Final EIR provided comprehensive responses to all comments on the Draft EIR in Section II, Responses to Comments, which is nearly 3,000 pages long. Responses to the commenter’s comments are included on pages II-269 to II-311 of the Final EIR. In addition to responses to individual comments, the Final EIR also includes topical responses which address the main topics discussed in the comment letters, including the Project description and uses. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, and Topical Response No. 3, Permitted On-Site Uses, of the Final EIR. The EIR, including the Erratum, fully complies with CEQA, and the commenter fails to provide any evidence to the contrary. This comment incorrectly states that the Project would permit more than 50 types of uses. As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, the Project proposes five land uses that are all related to operation of a studio:



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sound stage, production support, production office, general office, and a limited amount of retail. The other types of uses cited by the commenter and described in the Final EIR (e.g., sleeping facilities, fitness center, medical facilities, restaurants, and the sale of alcohol beverages) are ancillary supporting uses and facilities as stated on page III-11 of Section III, Revisions, Clarifications and Corrections to the Draft EIR, of the Final EIR. All of these uses are directly related to, and in support of, a working studio.

Regarding the timing of development, refer to Response to Comment No. 9-24 of the Final EIR.

Comment No. 2-4

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.

Response to Comment No. 2-4

Refer to Topical Response No. 1.E, Land Use Exchange Program, and to Response to Comment Nos. 9-13 and 9-14 of Section II, Responses to Comments, of the Final EIR, as well as the Response to Save Beverly Fairfax April 2024 Letter regarding the land use exchange program. As discussed therein, the proposed land use exchange program is



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limited and fixed and was fully disclosed and analyzed in the EIR including the Erratum. The land use exchange program would not allow for any increases in office floor area. Further, a discretionary Project Compliance approval and future CEQA compliance review would be required for any future development proposal that involves a land use exchange.

The commenter claims that it is not clear where the land use exchange limits are in the Project Description. However, this comment is directly undermined by the commenter's comment on the Draft EIR regarding the land use exchange (Comment No. 9-14 in the Final EIR), which references the specific page of Section II, Project Description, of the Draft EIR, page II-16, which discusses the land use exchange program and shows that no increases in production office, general office or retail floor area would be permitted.

Comment No. 2-5

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.

Response to Comment No. 2-5

The comment regarding the conceptual plan is similar to previous comments on the Draft EIR, which were fully responded to as part of the Final EIR. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, Section F, The Project Description is Accurate, Stable and Finite, and to Response to Comment Nos. 5-5 and 9-12 of Section II, Responses to Comments, of the Final EIR. As stated therein, any plans included in an EIR or other CEQA document are inherently conceptual, and approved plans would be further finalized during the building permit process, which occurs after a project's EIR is certified. The Specific Plan would include a regulatory framework for implementation of the Project that includes the Conceptual Site Plan. Specifically, the Initial Development Plans attached to the April 2024 Draft Specific Plan incorporate the Conceptual Site Plan included in Figure 1 of the Erratum. Future changes that are substantially different than the

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Project as depicted in the Conceptual Site Plan or are beyond the scope of impacts evaluated in the EIR including the Erratum would require additional discretionary City review and approval, as well as potential CEQA compliance review.

Comment No. 2-6

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. 32nd 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.

Response to Comment No. 2-6

This comment was responded to in Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR. As discussed therein, the CEQA Guidelines

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require four items to be included in a project description, including the location and boundaries of the project, the project objectives, a general description of the project's technical, economic, and environmental characteristics, and a statement briefly describing the intended uses of the EIR. (CEQA Guidelines Section 15124; refer to Final EIR, p. II-63). The commenter's assertion that more information was needed is incorrect and not supported by CEQA. In fact, CEQA Guidelines Section 15124 states that a project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The EIR provided all of the information needed for evaluation and review of the environmental impacts, and the commenter fails to provide any evidence to the contrary.

Refer to the Response to Save Beverly Fairfax April 2024 Letter (pages 5-6) regarding the land use exchange program. As discussed therein and in the Final EIR, a land use exchange program does not automatically render a project description unstable, and the details of the land use exchange program and the EIR's comprehensive analysis of the land use exchange program is reviewed and discussed in Topical Response No. 1. (Final EIR, p. II-69 to II-70.)

The commenter mischaracterizes the Final EIR's discussion of the differences between the TVC Project description and the description of the Millennium project in *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, 18. As stated on page II-71 of the Final EIR, "the project at issue in the *Millennium* case is not similar to the Project because *Millennium* involved an individual building development project rather than a specific plan project. In addition, the Project Description is distinguishable in all material respects from the project description at issue in *Millennium*." The numerous differences between the project description in the Millennium case and the Project description for the TVC Project were discussed in Topical Response No. 1 at pages II-71 through II-75 of the Final EIR. Also refer to Response to Comment No. 9-13 in the Final EIR for further discussion.

Refer to Topical Response No. 1 and Response to Comment Nos. 5-5 and 26-12 of the Final EIR and Response to Comment No. 2-5, above, regarding the conceptual nature

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of all site plans in an EIR, and the level of detail required for analysis within a draft EIR for a specific plan project. The Specific Plan would only permit projects that substantially conform with the Initial Development Plans (which match the Conceptual Site Plan) to be processed administratively. Any development that does not substantially conform to the Initial Development Plans, and any development involving a land use exchange, would require a discretionary Project Compliance approval and future CEQA compliance review.

Comment No. 2-7

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 914.) 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.)

Response to Comment No. 2-7

As stated throughout the EIR, including the Draft EIR, Final EIR, and Erratum, the purpose of the Project is to maintain Television City as a studio use and to modernize and enhance production facilities within the Project Site. An operationally feasible balance of studio and studio-related uses is required for a successful modern studio. As discussed in the Final EIR, the existing studio currently includes substantially more production support floor area than is needed to support the studio, with very little sound stage area, and this imbalance of studio uses has resulted in an inefficient and underutilized studio campus. The optimal balance of studio and studio-related uses has changed over time and will continue

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to change as the needs of the entertainment industry continue to evolve. Accordingly, the Project is proposing a limited land use exchange program.

As discussed in Topical Response No. 1.E, Land Use Exchange Program, of the Final EIR, and the Response to Save Beverly Fairfax April 2024 Letter (pages 5-6), production support uses and/or sound stage uses may be increased to up to 450,000 square feet in exchange for equivalent decreases in the floor area of one or more of the other permitted land uses. (Final EIR, p. II-69 to II-70.) A future development proposal that involves a land use exchange would require additional discretionary City review and approval and additional CEQA compliance review. Further, retention and development of sound stages is directly aligned with the studio objectives of the Project and the current needs of the entertainment industry. Specifically, as discussed on page IV.K-77 of Section IV.K, Transportation, of the Draft EIR and in Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR, a balance of sound stages and production support uses are necessary for a functioning studio campus and in order to meet the Project objectives set forth in Section II, Project Description, of the Draft EIR. Also refer to Response to Comment Nos. 9-13 and 26-16 of the Final EIR regarding the mix of studio uses.

As stated in Response to Comment No. 9-15 of the Final EIR, the environmental impacts associated with renovation of sound stages, including those related to construction activities, were fully accounted for in the Draft EIR. Further, as discussed in the Erratum and the findings adopted in the Letter of Determination dated May 28, 2024 (page 86), which incorporate the Erratum by reference, two existing medium-format sound stages located on the second level of the HCM that were initially proposed to be demolished in the Original Project would be retained in the Modified Project, thereby increasing the floor area being retained within the HCM and reducing the impacts associated with such demolition. In total, the Modified Project would retain six existing sound stages within the Primary Studio Complex. 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.

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Comment No. 2-8

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.

Response to Comment No. 2-8

This comment is similar to comments on the Draft EIR, which were addressed in the Final EIR. As discussed in Topical Response No. 1.B, The Project Description Includes Sufficient Information and Detail to Evaluate the Project's Environmental Impacts, of the Final EIR, the Specific Plan includes height zones, frontages (setbacks) and stepbacks that will dictate the height and massing of potential future buildings. (Final EIR, p. II-65.) These height zones, setbacks and stepbacks are not variable. The Specific Plan would only allow for development consistent with the proposed height zones, setbacks and stepbacks set forth in the Specific Plan and substantial modifications would require future discretionary review by the City for conformance with the Certified EIR and the Specific Plan and future CEQA compliance review. Refer to Response to Comment Nos. 9-16, 11-3 and 26-7 in the Final EIR regarding Project height.

In addition, contrary to the commenter's unsupported claim, there is no uncertainty as to where the maximum 225-foot height limit would be permitted. As discussed in Table 1 and on page 15 of the Erratum, the 225-foot maximum height limit would only be permitted in Subarea D, which was reduced to a footprint of approximately 30,000 square feet (less than 3 percent of the Project Site) located in the center of the approximately 25 acre Project Site. The height subareas are shown in Figure 9 on page 16 of the Erratum.

Further, as discussed in the Erratum, the building height limits were reduced and the required setbacks (frontages) and stepbacks were increased in response to community feedback. The building height limits and setback and stepback requirements are discussed in Table 1

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and on pages 15 to 17 of the Erratum. These requirements match those in the Draft Specific Plan dated April 2024. Thus, the height limits and setback and stepback requirements are fixed, contrary to commenter's assertion.

Comment No. 2-9

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])

Response to Comment No. 2-9

Regarding the comments related to the design standards included as Appendix D of the Draft Specific Plan (Design Standards), the EIR including the Erratum disclosed and analyzed all of the elements of the Project required CEQA, and the Design Standards are not necessary for the CEQA environmental analysis of the Project. As discussed in the EIR, the Project is an employment center project located on an infill site within 0.5 miles of an existing major transit stop pursuant to Senate Bill (SB) 743 (Public Resources Code Section 21099); thus, aesthetics impacts associated with the Project are determined to be less than significant. The discussion of the Design Standards in the EIR was consistent with CEQA, and additional detailed design information was not required to be included in the EIR. Also refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR for a detailed discussion of how the Project Description is accurate, stable and finite and provides all of the necessary information to allow for a thorough analysis of the Project's impacts in accordance with CEQA. Although not required by CEQA or City policy, the Design Standards were made publicly available for informational purposes in response to public comments and do not address any CEQA impacts. In addition, the Design Standards are consistent with the design standards previously disclosed in the EIR.

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Finally, this comment overstates the exemptions under the Design Standards. The Design Standards provide differing standards based on the type of studio use with limited exemptions from certain architectural design standards for building uses. For example, sound stages have specific technical and operational requirements with regard to providing appropriate privacy measures, limiting visual opacity, providing open, clear and flexible interior space without impediment or idiosyncratic physical deviation, and eliminating outside light and sound intrusion, that are inconsistent with façade articulation and transparency standards.

Comment No. 2-10

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.

Response to Comment No. 2-10

Contrary to this comment, Response to Comment No. 9-19 of the Final EIR is responsive to Comment No. 9-19. Under CEQA, the responses to comments in an EIR should be limited to “environmental issues” (see CEQA Guidelines Section 15088(a)). Accordingly, Response to Comment No. 9-19 discusses the Draft EIR’s comprehensive and conservative analysis of environmental impacts associated with rooftop decks. As discussed therein, the location of rooftop decks would be on top of the buildings shown in the Conceptual Site Plan and these rooftop deck locations were specifically disclosed and analyzed in the EIR. The Draft EIR also conservatively assumed that rooftop decks would be located along the perimeter of the Project Site for analysis purposes. As concluded in the Draft EIR, Final EIR, and Erratum, potential noise impacts associated with use of the rooftop

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decks would be less than significant. Furthermore, substantial modifications to the Conceptual Site Plan would require future review by the City for conformance with the Certified EIR and the Specific Plan and would also require future CEQA compliance review.

Comment No. 2-11

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.

Response to Comment No. 2-11

The Draft EIR included sufficient information regarding parking in accordance with CEQA, contrary to this comment. Response to Comment No. 9-20 of the Final EIR refers the commenter to Topical Response No. 13, Parking, of the Final EIR (beginning on page II-178 of the Final EIR), which provides detailed information about the Project’s parking supply and demand. As discussed in Response to Comment No. 9-20, the Draft EIR evaluated all potential environmental impacts associated with parking, the exact location of the on-site parking supply is not necessary for a legally sufficient EIR, and modification to the locations of parking areas would not result in any additional environmental impacts. Further, this comment mischaracterizes Response to Comment No. 9-20, which states that “[u]nder SB 743, the adequacy of a new developments parking supply, including the shared/reduced parking process, is not a CEQA consideration” (emphasis added).

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Also note that as part of the Project modifications in response to public comments, parking supply was reduced commensurate with the reduction in Project development density (which would result in a commensurate reduction in employee levels and overall Project Site activity levels). The Project's parking supply would continue to balance parking demand with transportation demand management (TDM) goals.

The case cited in this comment, *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, is not applicable here. In that case, the court held that the EIR was inadequate due to the failure to identify the actual or potential amount of water available for the project. The EIR relied heavily on incomplete State Water Project entitlements in analyzing the cumulative impact of past, present and probable future projects, but the State Water Project allotments that were relied upon were demonstrably illusory.¹ The draft EIR made no attempt to calculate the difference between the entitlements and actual water supply and also failed to suggest that the entitlements could not be taken at face value.² Further, the final EIR did not respond adequately to concerns about the reliability of SWP resources, but rather only “obliquely acknowledge[d] that the entitlements may not be all they seem” in a response to a comment.³ The only discussion in the EIR regarding the uncertainty of the State Water Project allotment was in an appendix added to the final EIR shortly before certification.⁴ The court determined that this did not constitute the good faith reasoned analysis that is required in response to comments.⁵

Here, the Draft EIR fulfilled CEQA's informational purpose by disclosing all of the elements of the Project required by CEQA and providing a comprehensive analysis of the

¹ *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 721.

² *Id.* at 721-23.

³ *Id.* at 723.

⁴ *Id.* at 723-24.

⁵ *Id.*

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Project. Unlike in *Santa Clarita*, the environmental analyses in the Draft EIR are supported by substantial evidence, and Response to Comment No. 9-20 contained a similar level of detail as the comment and demonstrated a good faith analysis as to how the matter was addressed and analyzed in accordance with CEQA Guidelines Section 15088.

Comment No. 2-12

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.

Response to Comment No. 2-12

Neither CEQA nor City policy require an EIR's analysis to be limited to a single haul route. As discussed in Response to Comment No. 9-22 of the Final EIR, each of the three haul routes was adequately disclosed and evaluated in the Draft EIR and was approved by LADOT. For example, refer to pages IV.I-41 through IV.I-43 of Section IV.I, Noise, of the Draft EIR for a detailed analysis of potential off-site noise impacts associated with use of each of the haul routes. As stated on page 31 of the Erratum, the construction activities, including the haul routes, for the Modified Project would be consistent with those in the Draft EIR. Contrary to the comment, the Applicant does not need to select one haul route. Rather, these routes can be used to effectively manage hauling activities. Three routes were selected to comprehensively analyze the potential haul routes and ensure all associated environmental impacts with any of the potential haul routes were evaluated in the Draft EIR. The commenter has provided no evidence that the analysis of the three haul routes is lacking. Refer to Topical Response No. 14, Construction Vehicle Impacts, and Response to Comment Nos. 107-2 and 124-6 of the Final EIR for more information regarding the haul routes.

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Comment No. 2-13

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 [sic] 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.



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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.

Response to Comment No. 2-13

Refer to the Response to Save Beverly Fairfax April 2024 Letter regarding how the EIR disclosed and analyzed all physical elements of the Draft Sign District, and neither CEQA nor City policy require a draft sign district ordinance to be included in an EIR. As discussed on page II-63 of the Final EIR, CEQA Guidelines Section 15124 requires four items to be included in a project description, all of which were included in the Project Description. Further, the Draft Sign District was made publicly available on April 5, 2024, over five months before the City Planning Commission hearing to consider the Draft Sign District and other Project entitlements, which substantially exceeds both the City's and CEQA's requirements.

In some instances, the proposed Sign District would permit future sign permits issued by the Department of Building and Safety to be cleared by the Director of the Department of City Planning (Director) without requiring a new discretionary entitlement and preparation of additional CEQA review. The signs that are eligible for the Director sign-off process are within the scope of the Sign District analyzed in full by the EIR, including the Erratum. Signage outside of the scope of eligibility for the Director sign-off process would be required to file a discretionary entitlement and conduct associated CEQA review as required therewith. Therefore, no new signage will be introduced to the Project Site that was not analyzed pursuant to CEQA. The commenter provides no specific information identifying that the analysis contained in the EIR, including the Erratum, is inadequate to account for signage proposed under the Sign District, including those signs eligible for a Director sign-off.

Regarding aesthetic impacts, as discussed in the responses to the commenter's comments on the Draft EIR (specifically, Response to Comment No. 9-17 of the Final EIR), pursuant to SB 743, the Project's aesthetic impacts are not considered significant impacts on the environment and, therefore, do not require evaluation under CEQA.

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The comment regarding heat island effects is repetitive of comments on the Draft EIR. Refer to Response to Comment No. 16-68 of the Final EIR. With regard to tree removal and carbon sequestration, this comment has been addressed in Response to Comment No. 26-E.1-39 of the Final EIR. As discussed therein, the Project would include 28,900 square feet of public-facing open space along the Project Site boundary which would include landscaping with drought tolerant native tree and shrub species, shade trees, and would incorporate existing street tree and plant selections where feasible. The Project would also be consistent with the City of Los Angeles Green Building Code, as further discussed in Section IV.E, Greenhouse Gas Emissions, of the Draft EIR. Based on these and other measures incorporated into the EIR, there is no evidence to suggest that the Project will result in an increase in temperature or loss of carbon sequestration sources.

Contrary to the commenter's assertion, the EIR analyzed the impacts of the proposed Sign District on historical resources. Refer to pages III-78 to IIII-79 of Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, and page 40 and Appendix B (page 10) of the Erratum.

Comment No. 2-14

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

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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

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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.)

Response to Comment No. 2-14

This comment is similar to comments that were addressed in the Final EIR. As discussed in Response to Comment No. 9-34 of the Final EIR, the proposed project design features (PDFs) are not intended to be mitigation and do not "mitigate" any significant impacts but are integral features of the Project (i.e., they are part of the Project that is analyzed in the

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Draft EIR). Furthermore, as is the case with every EIR published by the City, the proposed PDFs are included in the Project's Mitigation Monitoring Program (MMP; Section IV of the Final EIR), along with details about the enforcement and monitoring agencies, timing, and action indicating compliance. Implementation of the MMP would be required as part of the Conditions of Approval for the Project. As stated on page IV-1 of the MMP, "this MMP is designed to monitor implementation of the PDFs and MMs identified for the Project." In addition, "the evaluation of the Project's impacts in the EIR takes into consideration the project design features ..." (MMP, p. IV-1). The commenter also claims that the EIR did not evaluate the efficacy of the PDFs in the areas of noise, hazardous materials, air quality impacts, geology, and police and emergency services. However, as discussed throughout the EIR, including the technical reports in those impact areas, the efficacy of both the PDFs and the mitigation measure were evaluated. For example, Acoustic Engineering Services (AES) has determined that the PDFs related to noise within Section IV.I, Noise, of the Draft EIR (and also included in the MMP) would be implemented and effective and has incorporated the PDFs into the noise analysis. Similarly, Geosyntec Consultants, Eystone Environmental, and Geotechnologies have determined that the PDFs related to hazards, air quality, and geology, respectively, within the Draft EIR and MMP would also be effectively implemented and have incorporated the PDFs into the impact analyses. Accordingly, the PDFs are fully described, and their effectiveness in reducing or avoiding potential impacts are analyzed in the Draft EIR, consistent with CEQA and *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 (per *Lotus*, concluding that an impact is less than significant without describing how avoidance and minimization measures of the project design prevent or minimize the impact is not legally adequate).

Comment No. 2-15

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

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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.

Response to Comment No. 2-15

Refer to Response to Comment No. 9-34 of the Final EIR. For each mitigation measure and PDF, the MMP provides details of the enforcement and monitoring agencies, timing, and action indicating compliance. Also, as correctly stated in the MMP, the City may determine whether the actual mitigation measure or PDF being implemented at the Project Site is in “substantial conformance” with the mitigation measures and PDFs provided in the MMP, which is standard language used in MMPs throughout the City and State. A determination of substantial conformance with previously approved CEQA documents does not trigger additional CEQA review, and any future modification or deletion of a mitigation measure or PDF would be required to comply with CEQA. Specifically, Section 4 of the MMP provides that “[a]fter 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” (MMP pages 2-3). A modification or deletion would only be permitted if “the enforcing department or agency, or the decision maker for a subsequent

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discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 through 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 PDFs or MMs” (MMP page IV-3).

Comment No. 2-16

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.

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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.

Response to Comment No. 2-16

This comment correctly identifies that the SCAQMD comment letter noted that the nearest sensitive receptors to the Project are located within 25 feet and as such localized air quality impacts were addressed in the Draft EIR. As discussed in Response to Comment Nos. 16-12 and 16-35 of the Final EIR, the Project is not expected to worsen air quality in the region, as construction and operational localized air quality impacts would be less than SCAQMD's significance criteria for all pollutants. SCAQMD's localized significance thresholds represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or State ambient air quality standard. Additionally, a quantitative HRA, which includes an analysis of carcinogenic and non-cancer risks (such as respiratory issues), was developed in response to SCAQMD's comments on the Draft EIR and was included in Appendix FEIR-10 of the Final EIR. As discussed on pages IV.A-72 and IV.A-73 of the Draft EIR, and further confirmed by the results of the HRA, the Project would not generate substantial toxic air contaminant (TAC) emissions or result in significant contributions to human health hazards in the Project area.

This comment again disputes the methodology used in the Draft EIR to evaluate the Project's regional pollutant emissions and human health based on portions of two specific examples of a quantitative assessment of regional pollutant emissions and human health. These specific methodologies were considered and the City respectfully disagrees with the commenter's opinion that they are applicable to the Project for the reasons described in Response to Comment No. 11-26 of the Final EIR. Furthermore, the City as the Lead Agency has the discretion to select the appropriate thresholds of significance and methodologies for

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evaluating a project's impacts including potential impacts related to regional emissions and human health based on substantial evidence (City of Los Angeles, Department of City Planning, Air Quality and Health Effects, October 2019). The Draft EIR analysis of the Project's regional emissions and human health was conducted consistent with this guidance document. Furthermore, pages IV.A-80 to IV.A-82 in Section IV.A, Air Quality, of the Draft EIR provide a discussion of the connection between significant regional emissions and human health effects.

The Draft EIR was completed in full compliance with CEQA, and recirculation of the Draft EIR is not required. As discussed in the Response to Save Beverly Fairfax April 2024 Letter, CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring "significant new information" that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse effect or feasible way to mitigate or avoid such an effect. The commenter fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

Comment No. 2-17

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.

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Response to Comment No. 2-17

As discussed in Response to Comment No. 1-2 of the Final EIR, CARB has not yet released a formal Tier 5 proposal—rather, a number of concepts have been presented with the intention to solicit feedback from engine manufacturers and other stakeholders.⁶ Page 13 of the SCAQMD presentation referenced above acknowledges that electrification/hybridization requirements could be included within Tier 5 emission standards, which would support the Governor’s Executive Order (directing CARB to develop and propose a full transition to Zero Emissions [ZE] by 2035, wherever feasible). Consistent with SCAQMD’s recommendation, the City has revised Mitigation Measure AIR-MM-1 to commit to using Tier 5 construction equipment where commercially available. The commenter’s assertion that “it is unlikely that even Tier 5 equipment will be the cleanest technology available in 2043” is speculative given that Tier 5 emission standards have yet to be established. Refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR. SCAQMD’s comment included language for use of Tier 5 equipment “if available and feasible.” “Commercially available” was included in Mitigation Measure AIR-MM-1 in an effort to include more enforceable language. With regard to Tier 5 emissions compliant equipment being “commercially available”, the Project would be required to include in construction bid documents, purchase orders, and contracts the use of Tier 5 emissions compliant equipment. If Tier 5 equipment is not available, documentation will be provided to the lead agency demonstrating that no commercially available Tier 5 is available. Further, as set forth in the approved MMP, Mitigation Measure AIR-MM-1 would apply throughout the entirety of Project construction, including both a single-phase and long-term construction timeline, and the enforcement agencies for Mitigation Measure AIR-MM-1 include both the City and SCAQMD.

Comment No. 2-18

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

⁶ See www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/combined-construction-carb-amp-aqmp-presentations-01-27-21.pdf?sfvrsn=8.

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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 16 [“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.

Response to Comment No. 2-18

To further clarify the information included in Response to Comment No. 1-5 of the Final EIR regarding the locations of proposed generators, the Project is not proposing to place seven new generators in close proximity to residential uses. This was an analytical tool (assumption) submitted to the SCAQMD in the HRA Protocol (the Quantitative HRA is included as Appendix FEIR-10 of the Final EIR) to conservatively analyze the proposed generators since the precise locations have not been confirmed. As concluded therein, the Project’s health risk impacts would be less than significant. In practice, generators are typically located as close as possible to the area (e.g., buildings) that they would service during a power outage in order to diminish voltage drop and deliver reliable electricity. Similar to existing conditions, emergency generators would be anticipated to be spread throughout the Project Site. Nevertheless, as stated in Response to Comment No. 1-3, since the seven new generators could be located within 50 meters (approximately 170 feet) of residential uses, the Project will be required to comply with the new requirements in Table 1 of SCAQMD Rule 1470. Further, a new PDF (i.e., Project Design Feature AIR-PDF-2) was included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR requiring all new generators to meet the new emission standards included in Table 1 of SCAQMD Rule 1470 and USEPA Tier 4 Final standards regardless of whether the generator is within 50 meters of sensitive land uses. This essentially reduces diesel particulate emissions from 0.15 grams per brake horsepower-hour to 0.01 grams per brake horsepower-hour (approximately a 93 percent reduction in emissions). Thus, the condition of approval requested in this comment is not warranted.

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Comment No. 2-19

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

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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.

Response to Comment No. 2-19

As discussed in Response to Comment 3-7 of the Final EIR, per Project Design Feature GEO-PDF-1, the proposed below-grade parking structures will be designed to resist the hydrostatic pressure such that a permanent dewatering system (post-construction dewatering system) will not be required. Temporary dewatering will be conducted only during construction of the below-grade parking structures. The responses to the comments in the Final EIR related to dewatering were prepared by Geosyntec licensed geologists. As discussed therein, temporary construction dewatering is routinely used to manage and control groundwater levels at construction sites to facilitate construction of underground structures, such as below-grade parking structures. The Dewatering Simulation and Analysis for Temporary Excavation and Underground Parking Structure Construction Report (Dewatering Report), included in Appendix FEIR-13 of the Final EIR, provided an estimate of the volume of water that would be extracted as part of construction dewatering. Once the final construction plans are completed, a dewatering specialty contractor will be selected to plan and implement a temporary dewatering program. Dewatering contractors are able to

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provide turnkey dewatering services (e.g., National Pollutant Discharge Elimination System [NPDES] permitting assistance, dewatering plans, drilling and well construction, and dewatering equipment including water treatment options). The dewatering contractor will implement a dewatering approach based on the configuration of the individual buildings shown in the construction plans during the building permit process; there will be no need to reconfigure the Project's buildings for the dewatering effort. The dewatering contractor will select appropriate equipment based on the needs of the Project. As described in the Site Summary Report (Appendix G.1 of the Draft EIR), assessments of groundwater quality have been evaluated at the Project Site so the dewatering contractor will know when treatment of the extracted water will be required prior to discharge. Extracted groundwater will be treated in accordance with applicable regulations.

Response to Comment No. 11-25 in the Final EIR describes the process a dewatering specialty contractor would use to finalize a dewatering design prior to submittal to local jurisdiction agencies for review and approval, and the commenter's statement that the EIR has not yet addressed these items is incorrect. The Dewatering Report provided the results of three-dimensional computer numerical groundwater modeling that estimated the quantity of groundwater that would be extracted during construction dewatering efforts and evaluated the lateral and vertical extent and depth of groundwater drawdown. Results of the modeling were then reviewed by Geotechnologies to evaluate whether the groundwater drawdown would have subsidence effects on the surrounding properties adjacent to the excavation given the long-term water level fluctuations due to seasonal changes and regulatory approved activities recorded from monitoring wells in the vicinity of the Project Site. Geotechnologies determined that dewatering and subsidence impacts would be less than significant. This evaluation, while preliminary, is sufficient for the current stage of the entitlement process. Defining the exact methods for dewatering prior to Project entitlement approval and the preparation of final construction plans is premature and not reasonable. Response to Comment No. 11-25 in the Final EIR also explains that there are currently no supply (i.e., pumping) wells within 1 mile of the Project Site and thus the dewatering will not interfere with other active pumping.

This comment mischaracterizes Response to Comment No. 11-25. As stated in Response to Comment No. 11-25, there are many temporary dewatering methodologies

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available, each of which are suited towards the individual capacities and experiences of the respective specialty contractors. Prior to construction commencement, a suitable specialty contractor is selected to perform a final evaluation of dewatering conditions. This study is far more detailed than the dewatering evaluation conducted for CEQA purposes and allows the selected specialty contractor to prepare a detailed dewatering method specific to the conditions of a particular building site. The specific method of dewatering is chosen after a project is approved during the regulatory building permit process, considering the following variables, among others: depth of intrusion that is required for each building foundation, the hydraulic properties of the soils in which the excavations occur, the potential to mobilize any existing groundwater contaminants, the potential for ground subsidence and/or liquefaction to occur, proximity to any existing production wells, and the volume of water to be dewatered on a daily basis.

As stated above, Response to Comment No. 11-25 in the Final EIR describes the process a dewatering specialty contractor would use to finalize a dewatering design prior to submittal to local jurisdiction agencies for review and approval. The numerical modeling conducted for the Project estimated the quantity of water removed by dewatering and the resulting drawdown, after which Geotechnologies determined that the dewatering and subsidence would be less than significant. Once final construction plans are completed, the dewatering contractor will conduct additional field tests to refine the requirements for the temporary construction dewatering strategy and prepare a dewatering plan. All shoring design, infiltration cut-off methods, if required, and dewatering methods will be designed and included in the dewatering plan and submitted to the local jurisdiction, which includes the Los Angeles Department of Building and Safety (LADBS) Grading Division, Los Angeles Regional Water Quality Control Board (LARWQCB) and/or Los Angeles City Sanitation (LASAN) for review and approval and will be performed, inspected, and monitored to comply with the applicable regulatory requirements.

In accordance with LAMC Section 99.04.305.4, extracted groundwater would be reused on-site, if feasible to do so. However, it is not anticipated that extracted groundwater would be reused on-site due to the volume and general water quality. Any discharge of groundwater during Project construction would comply with the applicable NPDES permit or industrial user sewer discharge permit and applicable LARWQCB requirements. If extracted

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water is discharged under an NPDES permit it is a discharge to the waters of the United States, so the water would be discharged to a storm drain and either returned to the ground as recharge or it would be discharged to the ocean. As stated above, assessments of groundwater quality have been evaluated at the Project Site and reported in the Site Summary Report, so the dewatering contractor will know when treatment of the extracted water will be required prior to discharge. Extracted groundwater will be treated in accordance with applicable regulations.

As the dewatering will be limited to temporary dewatering during construction, and the proposed construction will eliminate the need for permanent dewatering, there will be no long-term impact on the water table in the vicinity of the Project due to ongoing dewatering. Dewatering and subsidence impacts would be less than significant and no mitigation is required.

Comment No. 2-20

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.

Response to Comment No. 2-20

This comment makes a general statement about the adequacy of the transportation analysis in the Draft EIR. Refer to Response to Comment Nos. 2-22 through 2-31 below for responses to the specific issues raised by the commenter.

Comment No. 2-21

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

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impacts, including transportation impacts, because the true impacts of the project cannot accurately be assessed until the project has a stable definition.

Response to Comment No. 2-21

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR for a detailed discussion of how Section II, Project Description, of the Draft EIR is accurate, stable, and finite and provides all of the necessary information to allow for a thorough analysis of Project impacts in accordance with CEQA.

Comment No. 2-22

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.

Response to Comment No. 2-22

Refer to the Response to Save Beverly Fairfax April 2024 Letter. As discussed therein, the Erratum was released on April 5, 2024, several weeks in advance of the May 15, 2024, joint public hearing, which was substantially earlier than typically required by City procedures.

Section 2.2.11, Transportation, of the Erratum (pages 67-71) includes a detailed analysis of the Modified Project's transportation impacts and includes a Supplemental Transportation Assessment prepared by Gibson Transportation Consulting, Inc., included as Appendix C. As demonstrated therein, as with the Original Project, the Modified Project would have less than significant transportation impacts during both construction and operation, and the Modified Project would not result in a new significant transportation impact or an increase in the severity of a previously disclosed transportation impact in the EIR. Additionally, as discussed further below, the commenter has not provided substantial evidence that the Project's transportation analysis is inadequate.

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Comment No. 2-23

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.

Response to Comment No. 2-23

These comments on trip lengths were extensively addressed in Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR, beginning on page II-125. As described therein, the trip lengths assumed in the City's VMT Calculator are based directly on the City's travel demand model, which is not only the primary source of trip lengths throughout the City but is also the basis for the City's VMT thresholds of significance. This is consistent with the OPR Technical Advisory, which states that the same model used to develop thresholds should be used to conduct the project-level VMT analysis to ensure an "apples-to-apples" comparison. The VMT Calculator assumptions were extensively summarized beginning on page IV.K-30 of the Draft EIR, consistent with the requirements of CEQA Guidelines Section 15064.3, subdivision (b)(4).

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Comment No. 2-24

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.) 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. [sic]) The EIR must make decisions about the analysis of the project before it.

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Response to Comment No. 2-24

Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR (beginning on page II-115) discusses in detail the appropriateness of using the VMT Calculator for the Project's VMT analysis. The VMT Calculator is designed to analyze the potential VMT impacts of development projects, including mixed-use projects, based on the amount and location of the development, along with evaluating potential VMT reductions due to TDM features. The Project would allow up to 1,724,000 square feet of total development involving five studio land uses (sound stage, production support, production office, general office and retail) with a limited amount of flexibility regarding the relative amounts of each land use. The VMT analysis was conducted both for the Project as proposed in the Conceptual Site Plan as well as for the outer bounds of the land use exchange permitted with the Project, as discussed on page IV.K-77 of the Draft EIR. There is nothing about the Project's implementation through a Specific Plan that invalidates the use of the VMT Calculator, and the City's Transportation Assessment Guidelines makes a clear distinction between development projects and land use plans by listing general plans and community plans (both of which cover large areas and do not propose specific development) as examples of land use plans. For example, the transportation analysis for the recently approved District NoHo Specific Plan project utilized the VMT Calculator.⁷

Comment No. 2-25

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, [sic] e.g., sound stage, production support, production office, general office, audience participation, etc. In the

⁷ District NoHo Project Draft EIR (Case No. ENV-2019-7241-EIR).

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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.

Response to Comment No. 2-25

The comment mischaracterizes the responses in the Final EIR. Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR correctly states that the Project is not an event center or regional-serving entertainment venue. As stated on page II-122 of the Final EIR, event center and entertainment venues are different than the existing studio uses and the proposed continuation of those studio uses. Page II-122 references Section 2.2.4 of the TAG, which states that trips associated with event centers and entertainment venues "are typically discretionary trips made by individuals" as opposed to the employment-based land uses proposed on the Project Site. By definition, employee trips are not discretionary trips, and the Project is not a regional-serving entertainment venue.

The EIR, including the Erratum, includes extensive empirical data and other information demonstrating that the vast majority of Project trips are employee trips. Topical Response No. 10, Trip Generation, of the Final EIR provides details regarding the numbers of other types of trips, including visitors (subsection B) and trucks (subsection E). Also refer to Response to Comment Nos. 9-32 and 106-2 of the Final EIR regarding Project trips and the number of employees and visitors.

Topical Response No. 8, Vehicle Miles Traveled, of the Final EIR clearly describes the VMT analyzed in the VMT Calculator as being Home-Based Work Attraction VMT (beginning on page II-116 of the Final EIR), which are trips by employees from home to the Project Site. Based on the Modified Project VMT Analysis (Appendix C of the Erratum), the Modified Project would generate 46,867 Home-Based Work Attraction VMT accounting for the basic bicycle infrastructure included in the Project's design as TDM features. There would be three other types of VMT produced:

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- Non-Home-Based Other Production (11,846 VMT)—VMT originating at the Project Site destined for somewhere other than home. These trips consist of employees traveling to a business meeting, an off-site filming location, or lunch.
- Home-Based Other Attraction (16,440 VMT)—Non-employee VMT originating at home and ending at the Project Site. Examples include retail customers and Project Site visitors (including office visitors and studio audience members) traveling from home.
- Non-Home-Based Other Attraction (11,633 VMT)—Non-employee VMT originating from somewhere other than home and ending at the Project Site. Examples include retail customers and Project Site visitors traveling from a non home destination (such as on the way home from work).

Thus, of the 86,786 total VMT generated by the Project, 58,713 VMT (68 percent) is directly attributable to employees. The remaining 32 percent is from retail visitors, office visitors, and studio audience members, contrary to the comment which claims over 46 percent of Project VMT is non-employee VMT.

While the letter glosses over the fact that the VMT Calculator provides an “apples to apples comparison” between significance thresholds and Project-level VMT analysis, this is a critical point. The VMT Calculator’s assumptions regarding how much of total VMT is attributable to Home-Based Work Attraction trips is consistent between development of the thresholds and the Project analysis. For the Project’s analysis using the Custom Land Use feature of the VMT Calculator (used to represent all but the retail land use proposed at the Project Site), the attraction and production characteristics were set consistent with the VMT Calculator’s intrinsic values for the General Office land use, and therefore the percentages of other trip types were consistent with what the VMT Calculator would have produced for a pure office project.

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Comment No. 2-26

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.)

Response to Comment No. 2-26

Contrary to the comment's assertion, the Final EIR does not state that trip distribution is a non-CEQA impact. Rather, Response to Comment No. 9-31 on page II-301 of the Draft EIR states that with the passage of SB 743, *driver delay* (i.e., LOS) is not considered a transportation impact under CEQA. Further, Response to Comment No. 9-31 on p. II-301 of the Final EIR adequately describes the factors considered in developing Project trip distribution assumptions, including existing employee zip code information, general traffic patterns, locations of residential areas from which potential future employees and visitors of the Project would be drawn, the operating conditions and characteristics of the local street system, access to regional freeways, and proposed driveways to the Project Site. The base assumptions, including the trip distribution for the Project-related trips, were identified as part

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of the study approach and were outlined in the Memorandum of Understanding dated June 25, 2021, which was reviewed and approved by LADOT and is attached as Appendix A to the Transportation Assessment. Response to Comment No. 9-31 of the Final EIR included sufficient detail consistent with the level of detail in Comment No. 9-31, in accordance with CEQA Guidelines Section 15088.

The EIR, including the Erratum, analyzed the impacts of Project trips on air quality, noise, and traffic safety. Refer to Sections IV.A, Air Quality, IV.I, Noise, and IV.K, Transportation, of the Draft EIR, and Sections 2.2.1, Air Quality, 2.2.9, Noise, and 2.2.11, Transportation, of the Erratum. The trip distribution's effect on these analyses is de minimis as explained in the EIR:

- **Air Quality:** Operational emissions measured for air quality impacts “are generated by the increase in motor vehicle trips to and from the Project Site associated with operation of the Project.” (Draft EIR p. IV.A-43.) “SCAQMD’s CalEEMod model was used to estimate Project emissions during operation ... Project-related VMT [was] provided using the LADOT VMT Calculator.” (Draft EIR p. IV.A-44.) As such, this analysis is based on trips and trip lengths and is not affected by Project trip distribution. Additionally, an off-site operational analysis considers CO “hot spots” if a project intersection exceeds 400,000 vehicles per day (see Draft EIR p. IV.A-71). The busiest intersection in the Project vicinity (La Brea Avenue and Beverly Boulevard) experiences approximately 65,000 daily trips, and the Project only represents a fraction of that total. Therefore, the Project generates too few trips to affect off-site operational air quality.
- **Noise:** The transportation noise analysis provided in Section IV.I of the Draft EIR was analyzed using the Federal Highway Administration Traffic Noise Model and trip data from the Project’s Transportation Assessment that was approved by LADOT, which is provided in Appendix M.1 of the Draft EIR.⁸ The trip data included volumes at each of the Project’s entry points. The noise analysis, presented in Section IV.I of the Draft EIR, analyzed off-site mobile noise at 18 road

⁸ Draft EIR page IV.I-24.

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segments near the Project Site with the results provided in Tables IV.I-16 and IV.I-17 therein. The threshold of significance is a Project-related increase in noise of 3 dBA or 5 dBA depending on the type of adjacent use. However, the highest identified Project-related increase in noise was 1.0 dBA on The Grove Drive adjacent to the Project Site. No other location exceeded 0.3 dBA. The regional trip distribution pattern does not affect the amount of traffic traveling on road segments adjacent to the Project Site, as all of those trips must pass adjacent to the Project Site to and from Project access points. While the regional distribution does affect the amount of vehicles passing road segments further away from the Project Site, the Project's effects on noise levels at non-adjacent road segments are 10 percent or less of the impact thresholds based on the distribution patterns used in the Draft EIR, which indicates that even an extremely unrealistic distribution (i.e., one in which all Project trips were assigned along a particular route) would not result in significant noise impacts at these segments.⁹

- **Traffic Safety:** The Initial Study, included in Appendix A of the Draft EIR, provided an analysis of the Project's potential impacts related to hazards due to a geometric design feature or incompatible uses on pages 73–74, based on the methodology set forth in the TAG, and concluded that impacts would be less than significant; refer also to pages VI-31 to VI-32 in Section VI, Other CEQA Considerations, of the Draft EIR and pages IV.K-78 to IV.K-79 in Section IV.K, Transportation, of the Draft EIR. Also refer to Topical Response No. 12, Safety and Congestion, of the Final EIR. As discussed therein, congestion and collisions are not CEQA impacts (Final EIR p. II-171). Nonetheless, the Project would implement various improvements in the vicinity of the Project Site that would improve traffic flow and traffic safety and support the City's Vision Zero safety program (Final EIR p. II-172).

⁹ As provided in the Draft EIR Appendix M.1, Figure 19A, the regional trip distribution ranges from 15 percent (to/from the southwest area) to 35 percent (to/from the northeast area). Assuming an extremely unrealistic assumption that all Project trips would be on a non-adjacent roadway segment; i.e., 3rd Street (between Fairfax Ave. and Ogden Ave.), the traffic noise level (with the increase in trip distribution from 15 percent to 100 percent) would increase from 0.2 dBA to 0.9 dBA, which would still be below the 3-dBA significance threshold.

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Comment No. 2-27

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.

Response to Comment No. 2-27

The City's VMT analysis methodology, which is consistent with recommended practice from the State's *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Governor's Office of Planning and Research, December 2018), is based on home-based work VMT per employee for an employment-based development like the Project. As stated in the *Technical Advisory*, "when a trip-based method is used to analyze an office project, the focus can be on home-based work trips." As described in Response to Comment No. 20-3 of the Final EIR, the four non-retail land uses of the Project were analyzed using the VMT Calculator's custom land use feature using trip purpose characteristics consistent with an office building.

The VMT Calculator – like the travel demand forecasting model on which it is based – calculates other types of VMT as well, but these other types are not a factor in the metric on which the thresholds of significance are based. Some of these non-factored VMT are employee VMT (e.g., non-home-based other production VMT is typically made up of employees) and some are based on visitors, deliveries, etc. Importantly, these other types of VMT are not unique to the Project. A standard office building of equivalent size to the proposed Project and located in the same place, analyzed using the VMT Calculator, would generate similar total VMT and similar amounts of non-factored VMT as the Project.

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Importantly, and in accordance with the *Technical Advisory*, the City's thresholds of significance and the calculation of the Project's VMT per employee are both based on the same home-based work VMT calculations. The exclusion of other types of VMT from the calculation of an impact are consistent with standard practice and CEQA requirements.

Comment No. 2-28

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

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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

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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%20Street%20Design%20Guide.pdf)), will have on traffic safety and other secondary impacts.

Response to Comment No. 2-28

Refer to Response to Comment No. 9-29 and Topical Response No. 12, Safety and Congestion, of the Final EIR regarding traffic and safety. As discussed therein, impacts regarding traffic hazards would be less than significant.

For the Modified Project, impacts related to traffic hazards were analyzed in Section 2.2.11.3 of the Erratum and Appendix C of the Erratum. The Modified Project reduces overall trip generation and does not materially change access. Therefore, it would result in an improvement in safety, to the extent that additional trips reduce safety. This is discussed on page 6 of Appendix C to the Erratum.

Contrary to the commenter's assertion, the traffic hazard analysis was comprehensive and conducted in accordance with LADOT's Transportation Assessment Guidelines (TAG). The TAG methodology utilized is discussed on pages IV.K-33 to IV.K-44 of the Draft EIR and Section 4C of the Transportation Assessment. The Transportation Assessment lists the various factors considered in the analysis on page 124, including (1) the relative amount of pedestrian activity at Project access points; (2) design features/physical configurations that affect the visibility of pedestrians and bicyclists to drivers entering and exiting the site and the visibility of cars to pedestrians and bicyclists; (3) the type of bicycle facilities the project driveway(s) crosses and the relative level of utilization; (4) the physical conditions of the site and surrounding area, such as curves, slopes, walks, landscaping or other barriers that could result in vehicle/pedestrian, vehicle/bicycle, or vehicle/vehicle impacts; (5) the Project location, or Project-related changes to the public right-of-way, relative to proximity to the High Injury Network or a Safe Routes to School program area; and (6) any other conditions, including the approximate location of incompatible uses that would substantially increase a transportation hazard.

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While the Modified Project would not include any pedestrian access from the Southern Shared Access Drive, it would maintain the existing pedestrian gate along the south alley (west of the Southern Shared Access Drive) which aligns with the only public pedestrian access to The Grove and The Original Farmers Market to the south. There is no public pedestrian access to or from the south side of the Southern Shared Access Drive, and there is no reason pedestrians would walk along the Southern Shared Access Drive to access the Project Site rather than using the pedestrian access point on The Grove Drive. Therefore, the elimination of previously proposed pedestrian access points along the Southern Shared Access Drive would not impact pedestrian safety.

As discussed in the Erratum, the Modified Project includes minor changes to Project Site access, and these changes would not materially affect the anticipated distribution of vehicle traffic on streets around the Project Site (Erratum p. 70). As concluded in the Supplemental Transportation Assessment (Appendix C of the Erratum), the changes in access and circulation would not change traffic patterns on surrounding streets or result in new geometric design hazards.

The Modified Project does not “mainly direct truck traffic to Fairfax Blvd” as asserted in this comment. Rather, it continues to distribute truck traffic to Fairfax Avenue, Beverly Boulevard, and The Grove Drive. As stated on page 62 of the Erratum, Modified Project truck distribution is estimated to be 23 percent along Fairfax Avenue, 67 percent along Beverly Boulevard, and 10 percent along The Grove Drive. By comparison, the Project as analyzed in the Draft EIR assumed a truck distribution of approximately 20 percent along Fairfax Avenue, 53 percent along Beverly Boulevard, and 27 percent along The Grove Drive. Note that The Grove Drive not only has truck access to the new second driveway but also via the Southern Shared Access Drive. Further, the number of trucks would be reduced under the Modified Project due to the reduction in floor area, and, therefore, even the small percentage increase in trucks on Fairfax Avenue would not result in an increase in truck trips on Fairfax Avenue compared to the Original Project. Therefore, there is no need for additional safety analysis of truck trips on Fairfax Avenue.

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As discussed on page II-171 of Topical Response No. 12, Safety and Congestion, of the Final EIR, consistent with LADOT policies, measures to help alleviate queue exceedances have been included in the Project's transportation improvement program in the form of TDM strategies and traffic signal and operational improvements along the High Injury Network corridors, including Transportation Systems Management improvements (Project Design Feature TR-PDF-4) and Vision Zero improvements (Project Design Feature TR-PDF-3) that have been reviewed and approved by LADOT. The operational effects of the additional queuing have been fully disclosed in the Transportation Assessment in Table 19, and LADOT's review did not find this small increase in queues to be a safety hazard. It is customary that streets at times will have queues, and queues do not themselves present safety or hazard issues. Refer to Response to Comment No. 26-E.4-18 for further discussion of queues. Also, refer to Response to Comment No. 2-26, above, for a discussion of how air quality and noise impacts are measured. Queue lengths at intersections are not a factor in either analysis.

Further, under the Modified Project, queue storage space would be increased at both the Fairfax Avenue signalized driveway (to the Mobility Hub) and The Grove Drive signalized driveway (to automobile parking). Additionally, traffic volumes would be reduced. Therefore, there would only be improvements in driveway queuing compared to the results of the Processing Time and Queuing Memorandum (Appendix FEIR-7 to the Final EIR).

Contrary to the commenter's assertion, noting that LADOT and other City departments will have review and approval authority over the design of Project driveways does not constitute improper deferral of analysis of project impacts. All development projects go through a building permit design review process (separate from and later than the entitlement process) that has the potential to modify driveway locations, curb radii, queuing space, control methodology, etc. in accordance with the Manual of Policies and Procedures Section 321, Driveway Access, Circulation Design Guidelines (LADOT, Modified 2023).

Also refer to Topical Response No. 12, Safety and Congestion, Section D, Emergency Access, beginning on page II-173 of the Final EIR, which discusses emergency response times relating to fire access.

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Comment No. 2-29

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.)

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Response to Comment No. 2-29

As discussed in Topical Response No. 9, Neighborhood Traffic Management Plan, beginning on page II-130 of the Final EIR, a project's effect on automobile delay (including neighborhood traffic) is not an environmental impact under CEQA, and, therefore, there is no significant impact under CEQA and accordingly no mitigation is required. Nonetheless, a non-CEQA analysis of potential effects on neighborhood traffic is included in Section 5C of the Transportation Assessment, included as Appendix M.1 of the Draft EIR. As discussed therein, to minimize the Project's potential effects on cut-through trips, a Neighborhood Traffic Management Plan (NTMP) would be implemented. The Project would provide funding to implement neighborhood protection measures in accordance with the City's long-standing process of preparing an NTMP. The implementation of NTMP measures requires the approval of a majority of the affected residents, typically based on their experience with cut-through traffic after the approval of a project, and therefore cannot be identified or approved during the entitlement process.

Neighborhood traffic improvements, when properly designed according to state and federal standards for geometric design, signing, and stripping, do not result in traffic safety hazards. By their very nature, they reduce traffic volumes and/or traffic speeds on neighborhood streets to make them safer for pedestrians, bikers, and drivers alike.

The potential collection of baseline neighborhood traffic data at a later date is not a CEQA issue. The goal of the baseline count is to be able to later determine the direct effect of Project traffic on the neighborhood streets by comparing with counts collected after Project completion. As such, the baseline counts should be collected as late as possible prior to the commencement of Project construction so as to minimize the potential for external effects on the neighborhood traffic volumes. As the neighborhood traffic analysis and the NTMP are not CEQA issues, there is no CEQA imperative for the baseline data to be consistent with the EIR. These counts will be collected and reported to the City prior to the start of Project construction.

Refer to Response to Comment No. 2-26 above regarding how the EIR including the Erratum analyzed the impact of Project trips on air quality, noise, and transportation. As

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noted therein, the air quality analysis is not based on traffic on specific streets, and the Project's highest measured effect on noise (on a street adjacent to the Project Site) is a fraction of the threshold for a significant impact, and thus would be substantially lower on any street that might carry relatively minute levels of cut-through traffic. Further, contrary to the comment, no mitigation is required, as the EIR including the Erratum concluded that all environmental impacts during Project operation would be less than significant.

There is no need to update the non-CEQA neighborhood traffic analysis due to the minor modifications to Project access with the Modified Project identified in the Erratum. Both the driveway that was removed on the Southern Shared Access Drive as well as the one that was added on The Grove Drive ultimately provide access to The Grove Drive. Both are low-volume driveways, and the passenger vehicle traffic that was previously assumed to use the driveway on the Southern Shared Access Drive was shifted to the main signalized driveway on The Grove Drive. There would be no material change to the broader trip distribution pattern, and with the reduction in overall trips under the Modified Project, potential neighborhood cut-through traffic volumes would be less when compared to the neighborhood traffic analysis conducted for the Original Project.

Comment No. 2-30

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

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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.

Response to Comment No. 2-30

Refer to Section IV.J.1, Public Services—Fire Protection, of the Draft EIR and Response to Comment No. 26-147 of the Final EIR for a discussion of the LAMC requirements, including the response distance requirements under LAMC Section 57.507.3.3, and the Project Site's distance from the nearest fire station. As discussed therein, in instances where a Project is outside of the recommended response distance, per LAMC Sections 57.507.3.3 and 57.512.2, the Project would be required to include automatic fire sprinkler systems in all structures, in addition to the fire protection features listed in LAFD's inter-departmental correspondence regarding the Project (see Appendix K of the Draft EIR). The automatic fire sprinkler requirement addresses the distance issue. In addition, LAFD concludes in its correspondence that "inclusion of the above listed recommendations, along with any additional recommendations made during later reviews of the proposed project will reduce the impacts to an acceptable level." LAFD and the City conducted a comprehensive review of the Project and impacts on fire public services, and the language quoted above is standard language that LAFD includes in their response letters. Refer also to Response to Comment No. 9-35 as well as the Confirmatory Fire Public Services Technical Memorandum included in Appendix FEIR-12 of the Final EIR which confirms impacts related to fire protection would be less than significant.

Under CEQA, mitigation measures are only imposed to reduce significant environmental impacts. CEQA Guidelines Section 15126.4 states that "[a]n EIR shall describe feasible measures which could minimize significant adverse impacts," and

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“[m]itigation measures are not required for effects which are not found to be significant.”¹⁰ As stated above, the Project’s impacts related to fire public services would be less than significant, and no mitigation measures are required.

As discussed in Response to Comment No. 35-132 of the Final EIR, fire protection features listed in LAFD’s inter-departmental correspondence (Appendix K of the Draft EIR) were not included as Project design features in the Draft EIR because they are a form of regulatory compliance. As discussed on pages IV.J.1-24 and IV.J.1-25 of Section IV.J.1, Public Services—Fire Protection, of the Draft EIR, the Project would implement all applicable Los Angeles Building Code and Fire Code requirements regarding structural design, building materials, site access, fire flow, storage, and management of hazardous materials, alarm and communications systems, etc., including the requirements set forth in the written correspondence from LAFD included in Appendix K of the Draft EIR. Compliance with applicable Building Code and Fire Code requirements for specific building designs would be confirmed as part of LAFD’s fire/life safety plan review and fire/life safety inspection per LAMC Section 57.118 prior to the issuance of a building permit. As discussed on page IV.J.1-25 of the Draft EIR, compliance with applicable regulatory requirements, including LAFD’s fire/life safety plan review and fire/life safety inspection, would ensure that adequate fire prevention features that reduce the demand on LAFD facilities and equipment are provided. As such, compliance with LAFD procedures and Fire Code requirements would minimize the potential for incidents requiring an emergency response by LAFD and, therefore, reduce the need for a new fire station or the expansion, consolidation, or relocation of an existing fire station.

Refer to Response to Comment No. 16-17 of the Final EIR regarding the EIR’s analysis of consistency with the LAMC.

Refer to Topical Response No. 12, Safety and Congestion, Section D, Emergency Access, of the Final EIR for further discussion of traffic congestion as it relates to emergency

¹⁰ CEQA Guidelines Section 15126.4(a)(1), (3).

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access, including emergency response times. As described therein, as part of the non-CEQA transportation analysis, Section 5B of the Transportation Assessment (Appendix M.1 of the Draft EIR) details the LOS operations at the 31 study intersections selected for operational evaluation. As shown in Table 18 of the Transportation Assessment, upon anticipated Project completion in 2026, several intersections on arterial streets would operate at LOS E or F before and after the addition of Project trips. The Project would not cause any location to change from LOS D or better to LOS E or F during either peak hour.

Comment No. 2-31

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.

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(*Laurel Heights Improvement Assn.*, *supra*, 47 Cal.3d 376, 394.) The EIR must clarify the parking plan for the Project and adequately analyze it.

Response to Comment No. 2-31

Refer to Response to Comment No. 9-20 of the Final EIR regarding how the EIR included all information required by CEQA and the level of detail required for a specific plan project. The EIR comprehensively analyzed the environmental impacts of the Project in accordance with CEQA; refer, for example, to Response to Comment No. 26-141 of the Final EIR regarding the EIR's analysis on on-site vehicle noise during operation, which would be less than significant, and to Response to Comment No. 26-E.1-17 of the Final EIR regarding the EIR's analysis of on-site vehicle air quality impacts during operation, which would be less than significant.

Under Public Resources Code Section 21099(b)(2), which was enacted as part of SB 743 and applies to projects in transit priority areas, “[u]pon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any.” Under the certified guidelines, except for roadway capacity projects, “a project's effect on automobile delay shall not constitute a significant environmental impact.” (CEQA Guidelines Section 15064.3(a).) CEQA “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,” but does make clear that “the adequacy of parking for a project shall not support a finding of significance pursuant to this section.” (Public Resources Code Section 21099(b)(3); see *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 697 [“The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is.”].)

This comment discusses the Project's parking supply and congestion, which are not impacts under CEQA, but fails to identify any secondary impacts. The comment does not

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provide any explanation or evidence demonstrating that the Modified Project's parking supply will increase congestion or that such purported congestion would result in a secondary impact. Further, this comment does not provide any evidence demonstrating that recirculation is required under CEQA.

Refer to Topical Response No. 13, Parking, of the Final EIR for a detailed discussion of the Project's parking demand and how the proposed supply is sufficient to meet the demand. Subsection C of Topical Response No. 13 describes why spillover parking to surrounding neighborhoods and properties is unlikely, including because of the convenience and sufficiency of the proposed parking supply. The Modified Project is estimated to reduce employment by approximately 1,000 trips (see page 69 of Erratum No. 1 to the Final EIR) which is a reduction of nearly 13 percent. The reduction of 370 parking spaces, by contrast, only represents approximately 7 percent of the originally proposed 5,300 parking spaces. Therefore, the ratio of parking spaces to employees would increase with the Modified Project.

Comment No. 2-32

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

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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.

Response to Comment No. 2-32

In response to public comments, including from the commenter, the proposed land use designation under the General Plan Amendment was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the Project Site. The potential impacts related to land use and planning under the Modified Project are evaluated on pages 54 through 59 of the Erratum,

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which concluded that, like the Original Project, the potential impacts would be less than significant, and the Modified Project would not result in a new significant impact or substantially increase the severity of a previously identified impact presented in the EIR. Note that the comment incorrectly states that two of the existing parcels are designated Neighborhood Commercial. Rather, one of the existing parcels is designated Neighborhood Commercial, which is less than approximately 15 percent of the existing Project Site.

The land use impacts associated with the proposed Community Commercial land use designation were analyzed in Section 2.2.8.2 of the Erratum, which confirmed that the Project is consistent with the Community Commercial designation, and impacts would be less than significant. The Project is proposing an FAR of approximately 1.61:1, which represents a minor increase from the existing 1.5:1 FAR (an approximately 7 percent increase). Generally, parcels designated Community Commercial are developed with FARs ranging from 1.5:1 to 3:1.¹¹ The proposed FAR is consistent with and on the lower end of the general FAR range for properties designated as Community Commercial. Notably, located directly to the south of the Project Site are The Grove and The Original Farmers Market, which are high-intensity commercial uses situated on parcels all designated Community Commercial. In addition, all properties surrounding the Project Site are zoned for commercial uses, not residential uses as suggested by the comment. The closest residential use is the mixed-use six-story Broadcast Center Apartments building located immediately east of the Project Site, which is zoned C2 (Commercial) and has an FAR of approximately 2:1. With the exception of Broadcast Center Apartments, surrounding residential areas are separated from the Project Site by major thoroughfares such as Beverly Boulevard and Fairfax Avenue and the dense commercial uses that line them. As documented in the EIR and LOD, the potential impacts to adjacent properties related to the General Plan Amendment have been thoroughly analyzed.

The comment regarding the floor area definition is repetitive of comments on the Draft EIR. Refer to Topical Response No. 2, Definition of Floor Area is Appropriate, and Response to Comment Nos. 5-7 and 26-121 of the Final EIR. As discussed therein, the proposed

¹¹ *General Plan Framework Element, Chapter 3—Land Use.*

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Specific Plan's floor area definition is based on the LAMC definition, with a few additional clarifications to account for the unique nature of studio uses and functions, as has been done in other approved specific plans for studios in Los Angeles, and the EIR analyzed the full scope of the physical impacts on the environment from the Project, including basecamp areas, in accordance with CEQA regardless of how floor area is defined. Contrary to the commenter's assertion, the Specific Plan's floor area definition does not constitute a conflict with the General Plan.

Further, this comment does not provide any evidence demonstrating that recirculation is required under CEQA.

Comment No. 2-33

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.

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(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 percent 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.

Response to Comment No. 2-33

As discussed above in Response to Comment No. 2-32, in response to public comments, including from the commenter, the General Plan land use designation for the Project Site is proposed to be changed to Community Commercial rather than Regional Commercial. Refer to Response to Comment No. 2-32, above, regarding the Modified Project’s consistency with the Framework Element objectives, goals and policies for



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properties designated Community Commercial. As discussed on page 57 of the Erratum, the Project would be consistent with Objective 3.9 of the Framework Element.

Chapter 3 of the Framework Element contains general guidance regarding the types of land uses to be contained in the Community Center (i.e., Community Commercial) designation. The Project is consistent with the Framework Element because the Project is “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.” The focus of such community-serving uses (as described in the Framework Element) includes utilization of existing development patterns to locate new project elements that promote and activate pedestrian activity, utilization of small shuttles, local buses and automobiles as well as the encouragement of major transportation hubs. These elements are proposed within the Project and utilized to increase opportunities for employment, thereby incentivizing short- and long-term employees to live near their jobs. Each of these Project features is consistent with the policy goals of the General Plan and Framework Element. The majority of the Project Site (approximately 60 percent), which has operated as a studio for over 70 years, is currently designated Community Commercial, and the Project would continue the existing studio use and unify the entire Project Site under the Community Commercial land use designation.

As discussed in Response to Comment No. 1-6, above, none of the properties surrounding the Project Site, including the Broadcast Center Apartments, are residentially zoned. Refer to page 58 of the Erratum for a discussion of the Modified Project’s consistency with Framework Element Policy 3.9.6.

The commenter fails to cite any provision within the Framework Element of the General Plan to substantiate that the Project is not consistent with the proposed Community Commercial land use designation.

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Comment No. 2-34

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.)

Response to Comment No. 2-34

The comments regarding the definition of floor area and Project Grade are similar to previous comments on the Draft EIR, which were fully responded to in the Final EIR. With respect to the definition of floor area, refer to Topical Response No. 2, Definition of Floor Area is Appropriate, of the Final EIR.

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With respect to Project Grade, refer to Response to Comment No. 26-7 of the Final EIR.

The Draft Specific Plan excludes the following from the definition of a “Project”: “A change in use within or between any building, structure, or improvement, provided that the new use is a permitted use, does not involve a Land Use Exchange per Section 5.2.E, is not a change between Studio Land Use categories set forth in Table 5.2.B, and does not exceed the permitted Floor Area under Table 5.2.B.” Any such change in use would be limited to the five permitted studio uses and the maximum floor area limits for each use and, therefore, would be within the scope of analysis in the EIR including the Erratum. The Draft Specific Plan is consistent with longstanding zoning practice in the City of Los Angeles. Standalone changes of use commonly occur throughout the City of Los Angeles with no new CEQA review required. For example, a mixed-use building in the C2 Zone and not located in an applicable specific plan or other specialized overlay might include a ground floor commercial tenant space in which a change of use from restaurant to retail occurs with no new CEQA review. In addition, the most recently adopted specific plan in the City, the District NoHo Specific Plan (Ordinance No. 188,144) includes the same change in use exclusion from the definition of a “Project.”¹² The commenter seems to misunderstand that a zoning ordinance inherently contemplates all uses it allows, as is the case with the Draft Specific Plan, which will include its own list of allowable uses and will be adopted in compliance with CEQA. Should a future proposal involve introduction of a use not allowed by the Specific Plan, a future applicant would be subject to the discretionary entitlement review process set forth by the Specific Plan (such as a Project Compliance, Project Adjustment, Project Exception, Planning Director’s Interpretation, and/or other entitlements as applicable). A request for such an entitlement would then be subject to new CEQA review. Further, the definition of “Project” in the Specific Plan need not be consistent with the definition of a “Project” contained in the State CEQA Guidelines.

¹² City of Los Angeles Ordinance No. 188,144, p. 9, available at https://clkrep.lacity.org/onlinedocs/2023/23-1264-S1_ord_188144_4-22-24.pdf.

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As identified by the commenter, the Draft Specific Plan proposes to change a procedural regulation contained in various provisions of Section 13B.4 of Chapter 1A of the LAMC, specifically to change the decision making and appellate authority on entitlement requests from the Area Planning Commission to the City Planning Commission. This modification of jurisdiction has occurred in other specific plans in the City of Los Angeles, including the District NoHo Specific Plan, and is typically done when future projects within a specific plan area are generally expected or understood to be of citywide importance or significance. Given the characteristics of the Project, the change of jurisdiction from the Area Planning Commission to the City Planning Commission on procedures related to Specific Plan implementation is appropriate.

Comment No. 2-35

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.

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(*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.)

Response to Comment No. 2-35

This comment makes a general statement about the adequacy of the EIR's alternatives analysis and incorrectly claims the alternatives analysis did not meet the requirements of CEQA. Refer to Final EIR Topical Response No. 16, Project Alternatives Analysis, for a discussion of how the Draft EIR analyzed a reasonable range of alternatives to avoid or substantially lessen the significant impacts of the Project while focusing on attaining the Project objectives, and how each such alternative was deemed infeasible. As stated therein, what constitutes a "reasonable range" of alternatives will vary with the facts of each project and should be guided only by the purpose of offering substantial environmental advantages over the project proposal which may be feasibly accomplished in a successful manner considering the economic, environmental, social, and technological factors involved (PRC Sections 21002, 21061.1; CEQA Guidelines Section 15364).

Refer also to Response to Comment Nos. 2-36 through 2-40 below for additional issues raised by the commenter related to alternatives.

Comment No. 2-36

2. Project's [sic] 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:

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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



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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 [sic] 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.

Response to Comment No. 2-36

Refer to Final EIR Topical Response No. 16, Project Alternatives Analysis, for a discussion of how the Draft EIR analyzed a reasonable range of alternatives to avoid or substantially lessen the significant impacts of the Project while focusing on attaining the Project objectives, and how each such alternative was deemed infeasible. In addition to the No Project Alternative, these alternatives include a range of different land use types, different land use configurations and densities, and shifting of building heights. Specifically, Alternative 2 represents development in accordance with the existing zoning and land use regulations, with a corresponding reduction in floor area and reduction in the amount of grading and export to address the construction-related impacts of the Project. Alternative 3 represents a further reduction in overall development and parking above grade and an associated overall reduction in above-grade construction activity. Alternative 4 includes a mix of uses, including residential uses, taller buildings oriented along Fairfax Avenue, and a reduced amount of grading and export. Alternative 5 includes the same overall amount of development and uses as the Project but with a substantially reduced amount of grading and export. As such, a reasonable range of alternatives has been considered to address the construction-related impacts of the Project.

With respect to the claim that the Project would result in impacts not identified in the EIR, as demonstrated in Response to Comment Nos. 2-1 through 2-35 above, the commenter has not demonstrated that the Project would result in additional impacts that were not evaluated in the EIR or considered in the alternatives analysis.

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Refer also to Response to Comment No. 2-37 below for a discussion of Project Objectives and Response to Comment Nos. 2-38 through 2-40 below for additional discussion of the three alternatives the commenter claims were inappropriately deemed infeasible.

Comment No. 2-37

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.)



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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.)

Response to Comment No. 2-37

This comment claims that the Project objectives are narrow but does not identify any specific objective or provide any evidence that the objectives are narrow. Refer to Topical Response No. 16, Project Alternatives Analysis, of the Final EIR, at page II-206, for a discussion of the Project objectives. As discussed therein, the Project's specific objectives address maintaining the Project Site as a studio facility; rehabilitating and preserving historical resources; promoting economic growth; contributing to Los Angeles' status as a creative capital; optimizing an underutilized site; concentrating development and height toward the center of the Project Site; providing adequate access, staging and parking; providing for basecamp areas; providing multi-modal transportation solutions; creating a model for environmental sustainability; providing an architecturally distinct development; and permitting a reasonable return on investment while generating tax and property revenues to the City. These objectives address a range of issues and are not impermissibly narrow. Furthermore, the Project objectives do not impede the development and evaluation of a reasonable range of alternatives in conformance with the requirements of CEQA. Rather, the Draft EIR includes an analysis of five alternatives to the Project, as well as a discussion of why other alternatives were rejected as infeasible and not subject to additional analysis. The commenter has provided no evidence to support their claim.

Further, the cases referenced in this comment are not applicable to the Project. For example, in *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, the city "failed to make a specific finding regarding the infeasibility of the reduced-size

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alternative,” and the record did not contain any financial analysis to support such a finding. On that record, the court found that an agency could not blindly accept a developer’s claim that it would not build a reconfigured project (*Id.* at pp. 1355–1356). Here, the Deputy Advisory Agency adopted specific findings about the infeasibility of the alternatives (refer to the Letter of Determination dated May 28, 2024, pages 80 to 98), cited supporting evidence, and City staff independently reviewed this evidence. *Preservation Action Council* is thus distinguishable.

Comment No. 2-38

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

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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.

Response to Comment No. 2-38

Refer to Topical Response No. 16, Project Alternatives Analysis, of the Final EIR regarding Alternative 5. As discussed in detail in Section V, Alternatives, of the Draft EIR, Alternative 5 would reduce the Project-level and cumulative construction-related regional air quality impacts related to NO_x 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_x 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. 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, or would not meet the objectives as well as the

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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. Also refer to Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 5.

Further, the EIR including the Erratum includes a detailed description of the Project, which allowed for a comparative analysis between the Project and the alternatives. Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR.

Comment No. 2-39

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

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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.

Response to Comment No. 2-39

The comment regarding the development program is similar to previous comments on the Draft EIR. Refer to Response to Comment No. 35-162 of the Final EIR. As with the comments on the Draft EIR, this commenter fails to provide any evidence that Alternative 2 is improper under CEQA. As discussed in Section V, Alternatives, of the Draft EIR, 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 a Floor Area Ratio (FAR) of 1.49:1, which is less than the 1.5:1 FAR limit under existing zoning. Alternative 2 assumes the construction of an estimated 856,986 square feet of new studio-related general office uses in a 15-story office building (there is no height limit under the existing zoning regulations). No demolition would occur under Alternative 2. As shown in Figure V-1 of the Draft EIR, the HCM, Viewshed Restoration Area, and existing development cover most of the Project Site, and the only remaining developable area is along the western and northeastern portions of the Project Site. Alternative 2 was designed to present a reasonable range of alternatives, while still being a viable alternative that is designed to meet the underlying purpose of the Project. The types of uses and locations for development within the Project Site are reasonable given the mix of land uses required for modern studios and the constraints on development this scenario would represent, and the commenter has provided no evidence to the contrary.

The commenter asserts that Alternative 2 is environmentally superior to the proposed Project because the length of construction would be less and therefore the duration of the significant and unavoidable air quality, noise and vibration impacts associated with construction would be less than the proposed Project. However, that assertion is first inconsistent with the CEQA significance thresholds used by the City, as the lead agency, to

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evaluate the Project's construction impacts. CEQA affords the lead agency discretion in selecting significance thresholds. (Refer to CEQA Guidelines Section 15064(b).) As explained in the Draft EIR (p. I-6), the City uses Appendix G in the State CEQA Guidelines as the basis for its significance thresholds for CEQA review documents. In addition, the City's 2006 CEQA Thresholds Guide informs the application of the significance thresholds in Appendix G to development projects in the City. (Draft EIR, p. I-6.)

With respect to the significance thresholds for air quality and noise impacts, Appendix G expressly encourages local lead agencies to use standards set by regulatory agencies. For example, Appendix G states with respect to air quality impacts that "where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon." With respect to significance thresholds for noise impacts, Appendix G states that lead agencies should evaluate "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies." Those directives are consistent with CEQA Guidelines Section 15064.7(c), which provides that "when adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies."

As explained in the Draft EIR, the City adopted significance thresholds for air quality impacts based on standards set by SCAQMD. (Draft EIR, p. IV.A-32 to IV.A-38.) With respect to construction noise impacts, the Draft EIR explained that the City uses significance thresholds from the 2006 CEQA Thresholds Guide and the Los Angeles Municipal Code, as well as from the Federal Transit Administration concerning vibration impacts. (Draft EIR, p. IV.I-29 to IV.I-31.)

The EIR evaluated the air quality and noise impacts associated with the construction of Alternative 2 consistent with the above significance thresholds. Refer to pages V-32 through V-61 of the Draft EIR. As analyzed therein, 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

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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. Also, in addition to not being the environmentally superior alternative, Alternative 2 would be less effective than the Project in meeting the underlying purpose and objectives of the Project “as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity.” (Draft EIR, p. V-59.)

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, regarding the adequacy of the Project Description.

Comment No. 2-40

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.

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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.

Response to Comment No. 2-40

As discussed in Section V, Alternatives, of the Draft EIR, at page V-88, 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. Thus, Alternative 3 is not the environmentally superior alternative, contrary to the commenter's assertion.

As discussed in Section V, Alternatives, of the Draft EIR at pages V-89 and V-90, Alternative 3 would be less effective than the Project in meeting the underlying purpose of the Project as a result of the reduced amount of development under this alternative, which would reduce on-site synergies and production capacity. As further discussed in the Letter of Determination dated May 28, 2024 (page 86), 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

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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 percent 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. Alternative 3 would only partially meet several of the Project objectives or would not meet the objectives as well as the Project. Also refer to Appendix FEIR-4, Economic Considerations Memorandum, of the Final EIR for further details regarding the operational challenges of Alternative 3. As such, the EIR did not improperly reject Alternative 3 as claimed by the commenter, and the commenter has not provided substantial evidence to the contrary.

Comment No. 2-41

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.



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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

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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.

Response to Comment No. 2-41

The commenter claims that the Project Site does not include a legal helipad, which is incorrect. As discussed throughout the EIR, a helipad has been a permitted use on the Project Site since 1951 under Case No. ZA 11412, which involved the approval of a conditional use and zone variance to permit production uses as well as “all uses incident, necessary or appurtenant to” production. This was a blanket use approval that was intentionally written broadly to encompass all studio-related uses that were both known and unknown, including a helipad. This intent is made clear in the 1951 approval itself, which states that “since the field of television and telecasting is one which is still in its early stages of development and no one knows or can foresee with any great degree of certainty what the future holds or what activities will be necessary to successfully operate a major television studio, it is essential...that the developers of such a project be assured of authority to do whatever may be or may become reasonably necessary for its successful operation in the light of future progress and new scientific developments.” The existing helipad was approved in 1970 by the State of California Department of Aeronautics in 1970, and the helipad has been legally permitted since that time. A detailed memorandum on the existing helipad and its permit history (including, among other things, the 1951 approval) is included in Appendix FEIR-15 of the Final EIR. In addition, the 1970 permit is included as Attachment E to the Preliminary Responses from May.

Notably, although the helipad has been included in all Project plans, materials, and environmental analyses, including the 2021 entitlement application, 2021 Initial Study, 2022 Draft EIR, 2023 Final EIR, and 2024 Erratum, this is the first time that the commenter has raised any issue regarding the helipad. The Draft EIR discussed the existing helipad and Case No. 11412 in Section II, Project Description, and again in Section IV.F, Hazards and Hazardous Materials, Section IV.H, Land Use and Planning, Section IV.I, Noise, and Section IV.J.1, Public Services—Fire Protection. Neither of the commenter’s two previous comment letters on the Draft EIR discussed the helipad or Case No. 11412.

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The environmental impacts from the helipad were fully analyzed in the EIR including the Erratum, which concluded that impacts related to the helipad would be less than significant. These analyses are consistent with CEQA and City policy. As discussed in the Erratum, under the Modified Project, the helipad would remain within the central portion of the Project Site, but at a higher elevation. Specifically, the helipad would be located approximately 180 feet higher than and 140 feet north of the existing location from a vertical and horizontal perspective, respectively. It would also be approximately 45 feet higher than the location proposed under the Original Project. Contrary to the commenter's assertion, the modified location was analyzed in the Erratum. Refer to the analysis in the technical expert report included as Appendix G of the Erratum. As discussed therein, raising the helipad to a higher elevation would increase the vertical distance between the helipad and surrounding uses, which would result in a reduced noise level, as compared to existing conditions. The report concluded that, as with the Original Project, operation of the helipad under the Modified Project would result in less than significant impacts.

As stated consistently throughout the EIR including the Erratum, operation of the helipad under the Project would be consistent with existing conditions and would comply with all existing applicable regulatory requirements. Detailed information about the existing helipad operations is included in Appendix FEIR-15 of the Final EIR. As stated therein, this information was provided by Jeff Mapes, Vice President of Facilities Operations at Television City, and Michael Klausman, President of Television City, who has worked at Television City since 1971. Further, the relocation of the existing helipad under the Modified Project would require additional approvals from the Federal Aviation Administration and Department of Aeronautics. Moreover, any future changes to the location or operation of the helipad beyond what was studied in the EIR including the Erratum would require CEQA compliance review.

The commenter has not provided substantial evidence that the existing helipad is illegal or that the EIR failed to analyze impacts associated with its ongoing operation and new location.

Further, even if the commenter were correct, which they are not, that the existing helipad use is not legally permitted, the EIR appropriately compared the environmental

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impacts of the Project with the existing conditions baseline, which includes the existing helipad, in accordance with CEQA Guidelines Section 15125. A long line of decisions from the California Supreme Court and courts of appeals regarding Section 15125 make it clear that the environmental setting baseline includes all physical conditions that exist at the time the environmental review is commenced, even where the existing conditions were illegally developed, are in violation of current regulatory conditions, or were never reviewed under CEQA.¹³ Environmental review under CEQA is not the appropriate forum for determining the nature and consequences of prior conduct that occurred on a proposed project site.

Refer to Response to Comment No. 2-13, above, regarding the EIR's comprehensive analysis of the environmental impacts of the Sign District.

As discussed in Response to Comment No. 2-42, below, recirculation is not required.

Comment No. 2-42

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.

¹³ See *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (environmental setting includes existing physical conditions that were developed in violation of regulatory codes); *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1452-53 (measure of a project's environmental impact should not include the applicant's past unauthorized activities in the region); *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1278-80 (baseline for airport expansion was present-day airport operations, even though the airport had been operating and had expanded without a required permit for decades); *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 370-71 (baseline for proposed school playground use was the existing playground facility, even though prior construction of the facility may have violated the city's code); *Citizens for East Shore Parks v. State Lands Com.* (2011) 202 Cal.App.4th 549, 561 (baseline "must include existing conditions, even when those conditions have never been reviewed and are unlawful"); *Bottini v. City of San Diego* (2018) 27 Cal.App.5th 281, 303 (city council's decision to set a baseline in the past to measure the environmental impacts flowing from applicant's prior conduct was "legally erroneous").

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Response to Comment No. 2-42

This comment concludes the letter and requests recirculation. CEQA requires the recirculation of a draft EIR for additional public comment “[w]hen significant new information is added to an environmental impact report after notice has been given...” (Pub. Resources Code, § 21092.1). CEQA Guidelines Section 15088.5 provides further definition to the phrase “significant new information.” That statutory term is defined to include the following scenarios:

- (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 significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines Section 15088.5, subd. (a)(1)-(4).)

Consistent with CEQA Guidelines Section 15088.5, the courts have held that “[n]ew information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1129.) Recirculation is not required when the changes merely clarify, amplify, or make insignificant modifications to an adequate EIR.

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As demonstrated in Response to Comment Nos. 2-1 through 2-41, above, and based on the facts and analyses contained in the EIR including the Final EIR and Erratum, as well as subsequent responses to public comment received after the Draft EIR review period, there is no substantial evidence that (1) a new significant environmental impact would result from the Project or from a new mitigation measure that was not analyzed in the Draft EIR, (2) a substantial increase in the severity of an environmental impact would result from the Project that was not analyzed in the Draft EIR, or (3) the Applicant declined to adopt a feasible project alternative or mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts of the Project.

Further, CEQA Guidelines Section 15088.5(a)(4) requires recirculation of a draft EIR if “the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (*Mountain Lion Coalition v. Fish & Game Comm.* (1989) 214 Cal.App.3d 1043.) Following the holding in *Mountain Lion Coalition*, courts have required recirculation of a draft EIR when an EIR wholly failed to evaluate an entire impact area. As detailed in Response to Comment Nos. 2-1 through 2-41 above, the EIR did not omit the analysis of an entire impact area that has the potential for significant effects to the environment.

In sum, none of the criteria for recirculation has been met and the commenter has not provided substantial evidence to the contrary.



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Comment Letter No. 3

May 14, 2024
Chris Robertson
SVP, Planning & Development
Caruso
101 The Grove Dr.
Los Angeles, CA 90036-6221

Comment No. 3-1

The Grove, LLC appreciates the opportunity to comment again on the TVC Project. Please provide these comments to the Advisory Agency and Hearing Officer prior to their May 15, 2024, hearing, and include them in the administrative record. These comments supplement the comments submitted on the TVC Project Draft Environmental Impact Report ("Draft EIR").

Response to Comment No. 3-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration.

Refer to Response to Comment Nos. 26-1 through 26-E.7-1 on pages II-496 through II-1164 of Section II, Responses to Comments, of the Final EIR for responses to comments made on behalf of the commenter on the Draft EIR.

Comment No. 3-2

The Grove LLC strongly supports the entertainment industry and recognizes the importance of continuing to grow the industry in Los Angeles. However, the TVC Project, as proposed by Hackman Capital, fails to address many of the issues raised by us and others in response to the inadequate Draft EIR the City published last year.



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Response to Comment No. 3-2

This comment provides a general statement on the adequacy of the Draft EIR. The Draft EIR was prepared by the Los Angeles Department of City Planning, as Lead Agency, in accordance with CEQA and the CEQA Guidelines. As noted above, the City fully responded to comments made on the Draft EIR on behalf of the commenter in the Final EIR. Refer to Response to Comment Nos. 26-1 through 26-E.7-1 on pages II-496 through II-1164 of Section II, Responses to Comments, of the Final EIR.

Specific issues raised by the commenter are addressed in Response to Comment Nos. 3-3 through 3-11 below.

Comment No. 3-3

We respectfully request that the City continue the upcoming hearing. A continuance is crucial to allow the community time to review and comment on the recently disclosed modified project and proposed specific plan, signage plan and other entitlements.

The TVC Project requires a minimum of nine approvals. On April 5, the City unveiled thousands of pages of new information, including a **modified** project, the **modified** draft TVC 2050 Specific Plan with its seven appendices, the **modified** TVC 2050 Project Environmental Impact Report, which itself includes **modified** development plans and seven technical appendices, and the draft TVC 2050 Sign District. Much of this is new information that has not been shared previously with the community.

Response to Comment No. 3-3

Refer to the Appeal Responses regarding how the May 15, 2024, joint Deputy Advisory Agency and Hearing Officer hearing complied with all applicable procedures. The Deputy Advisory Agency considered all public comments, including this comment letter, and in their reasonable discretion did not continue the May 15, 2024, hearing. During the Hearing, the Deputy Advisory Agency stated that a decision was not going to be made at the Hearing, and that the decision was going to be taken under advisement and the record would

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be left open to allow the Deputy Advisory Agency to consult with other City departments and to review additional comments from the public and the Applicant. In this case, the public process was extended for one week (to the close of business on May 22, 2024) by the Deputy Advisory Agency to allow for additional time for the submittal of documentation by the Applicant, City departments and/or interested parties. Further, as stated in the hearing notice, staff report, and re-stated during the hearing, the Deputy Advisory Agency acted upon the VTTM and EIR only, and no decision was made on the remaining entitlements, which will be considered by the City Planning Commission and City Council at a later date.

In response to feedback from the community, including the commenter, refinements were made to the Project (referred to as the “Modified Project”) to reduce the size of the Original Project and remove the Regional Commercial land use designation request, among other refinements. The CEQA process is not designed to freeze the ultimate proposal in the precise mold of the initial project.¹⁴ The Erratum discloses and analyzes refinements that were made to the Project as the direct result of feedback from the community, including the commenter, which is exactly how CEQA is supposed to work. As detailed in the Erratum, the refinements to the Project are within the scope of the analysis in the EIR and the Erratum did not identify any new significant impacts or a substantial increase in the severity of any impact. The Erratum demonstrated that the Modified Project is within the envelope of impacts analyzed in the EIR, no additional impacts would result, and no new mitigation is required. There is no feasible Project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project. There was no new information that would preclude the public’s ability to comment on the potential impacts of the Project, and the public was provided ample opportunity to review and comment upon the Project’s potential environmental impacts.

Further, the release of the Draft Specific Plan and Sign District ordinances for the Modified Project substantially exceeded the requirements of CEQA and City policy. Refer to

¹⁴ County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 199.



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Topical Response No. 1, Clearly Defined Project Description and Specific Plan, of the Final EIR.

Regarding the number of approvals, it is typical for a project in the City to request multiple discretionary approvals. In fact, it is so common and necessary that the City adopted the Multiple Approval Ordinance, codified in LAMC Section 12.36 and 13A.2.C. Notably, the development of The Grove included 13 total entitlements, including 6 variances for deviations from the code, 1 conditional use permit, 5 conditional use permits for the sale and dispensing of alcoholic beverages for 24 establishments, and a zoning administrator determination.

Comment No. 3-4

The proposed TVC 2050 Specific Plan and TVC 2050 Sign District override the Los Angeles Municipal Code ("LAMC"), representing significant changes. These approvals define what can actually be built and are the "Project" under CEQA. The illustrative plans are just that, illustrative of one of many possible variations of what might actually be built. The TVC Project continues to be undefined and open to a myriad of changes under the Project documents. As such, the community really has no idea of what will be built, over what period of time, and how the facilities will be operated.

Response to Comment No. 3-4

Refer to Topical Response No. 1, Clearly Defined Project Description and Specific Plan, in Section II, Responses to Comments, of the Final EIR regarding the purpose of land use entitlements such as specific plans and sign districts. Specific plans and sign districts are common types of land use ordinances that provide a supplemental layer of development regulations that are more responsive and tailored to the existing conditions of a site than the base zoning regulations. While these ordinances include certain modifications to the code, they enact rules and regulations to limit, guide and clarify why those modifications are necessary. This is different than an exemption from the code, such as a variance, which requests a formal deviation from the code without the same process and guardrails.

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Refer to Topical Response No. 1 and Response to Comment Nos. 5-5 and 26-12 of the Final EIR and Response to Comment No. 2-5, above, regarding the conceptual nature of all site plans in an EIR, and the level of detail required for analysis within a draft EIR for a specific plan project.

Further, the Specific Plan would only permit projects that substantially conform with the Initial Development Plans (which match the Conceptual Site Plan analyzed in the Erratum) to be processed administratively. Any development that does not substantially conform to the Initial Development Plans, and any development involving a land use exchange, would require a discretionary Project Compliance approval and future CEQA compliance review.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the buildout timeline.

Comment No. 3-5

The City's response to the over six hundred comment letters to the TVC Project's Draft EIR was inadequate, often being conclusory, and lacking any evidentiary support.

For instance, the Specific Plan's allowance of "Special Events (as governed by the Code)" as ancillary uses with no further explanation or regulation is concerning. We commented that the nature and extent of these "Special Events" were undefined and that the related impacts were not analyzed. The City's response to the Draft EIR comment is that the EIR does not need to analyze them. That is incorrect. If Special Events are part of the TVC Project, the City must make a reasonable effort to assess the related traffic, air quality, noise, and other impacts on the community from these Special Events.

Response to Comment No. 3-5

This comment was fully responded to as part of the Final EIR. As discussed in Topical Response No. 3, Permitted On-Site Uses, of Section II, Responses to Comments, of the Final EIR, temporary, non-regular events that have occurred on the Project Site prior to the

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adoption of the proposed Specific Plan, including production-related and non-production-related events, such as premieres, charitable events, community events, commercial events, and non-commercial events, and other special events defined in LAMC Section 41.20.1(a), would continue to be governed by the LAMC consistent with existing conditions. No deviation or modification to the existing Temporary Special Event permit process through the Department of Building and Safety, the Division 5 review process overseen by the City of Los Angeles Fire Department, or any other potential review by the Department of City Planning, Bureau of Street Services, or the Los Angeles Police Department is allowed under the proposed Specific Plan.

Comment No. 3-6

Additionally, the Draft EIR failed to meet the basic requirement of describing the TVC Project. In Response to Comments, the City states that CEQA defines the project to be analyzed as the physical change to the environment. The City misses the point. Without a detailed Specific Plan and development plans, the extent of the physical change to the environment was not adequately disclosed and impacts were not analyzed.

The City's assertion that a Specific Plan is merely a regulatory document without the need for detailed information fails to address how the potential physical changes and their impacts are evaluated. The lack of clarity on permissible uses and the absence of meaningful operational limits for these uses, such as Special Events and audience participation shows, prevent informed decision-making.

Response to Comment No. 3-6

This comment is similar to the commenter's comments on the Draft EIR as well as the comments from Carstens, Black & Minter LLP on behalf of Save Beverly Fairfax, above, which were fully responded to as part of the Final EIR. Refer to Response to Comment Nos. 2-2, 2-5, 2-6, and 2-8 through 2-10, above. Refer also to Response to Comment Nos. 26-2 through 26-23 of the Final EIR. As explained therein, a draft Specific Plan was not required to be part of the EIR and all of the physical aspects of the proposed Specific Plan were fully disclosed and analyzed in the Draft EIR as demonstrated in Appendix FEIR-2, Comparison

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Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR. Refer also to Topical Response No. 3, Permitted On-Site Uses, of the Final EIR for a detailed discussion of the range of uses permitted by the Specific Plan, including the unique uses such as special events and live studio shows cited by the commenter.

The EIR including the Erratum comprehensively evaluated the physical environmental impacts of the Project, including the Specific Plan, among the other proposed entitlements, and determined that impacts during operation of the Project would be less than significant. Thus, no operational limitations such as those suggested by the commenter are required under CEQA. Nevertheless, this comment is noted for the administrative record.

Comment No. 3-7

For example, the Supplemental Transportation Assessment prepared by Gibson Transportation Consulting, dated February 2024, included with the Erratum states that the modified project trip generation for sound stages would be 41 cars entering and 62 cars exiting the project site during the afternoon peak hours. This presumably includes workers and visitors, including guest participation guests. There are, however, no limitations in the draft Specific Plan that ensure that the sound stage visitors and guests would be within those trips. And, as discussed above, the Special Events trips are nowhere to be found in the transportation analysis. Since the City is telling the public that the TVC Project impacts will be limited to those identified in the EIR, then the City must include regulations and conditions in the Specific Plan that limit the project accordingly. The EIR's conclusions are baseless absent such limitations.

Response to Comment No. 3-7

The trip generation estimate for sound stages for the Modified Project includes all typical trip types. As discussed in Topical Response No. 10, Trip Generation, of the Final EIR, the visitor trip generation estimates are based on average days—many days have fewer visitor trips and some days would have more. These trips are typically spread across the day rather than concentrated in any particular hour, so the effects of these trips during peak hours is limited. This is consistent with Sections 2.2.2 and 2.2.3 of the LADOT Transportation

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Assessment Guidelines and Section 3.1 of the City of Los Angeles VMT Calculator Documentation, where the calculation of both VMT and daily vehicle daily trips are based on averages, including daily averages based on annual totals.

Special events are discussed beginning on page II-148 of the Final EIR, which notes that special events would be permitted only on a case-by-case basis with special permits from the City, just as under existing conditions, and therefore no additional analysis is required as part of the EIR. Refer also to Response to Comment No. 3-5, above.

Comment No. 3-8

More generally, the Response to Comments section is filled with confusing crossreferences. [sic] The Erratum then changes the project and adds more information. There also appears to be a disconnect between the EIR's assumptions and the proposed approvals. It is not possible for the public and decisionmakers to make an informed assessment of the project and its impacts with this hodgepodge of information and unsubstantiated analyses. To provide meaningful and informed public review, the City should revise and recirculate the Draft EIR, analyzing the full scope of impacts based on the newly proposed project approvals and TVC Project scope.

Based on what we have been able to review of the modified project, Final EIR and Erratum, the information does little to address our concerns.

Response to Comment No. 3-8

This comment includes general arguments regarding the adequacy of the Final EIR and Erratum, but does not provide any specifics or evidence to support its arguments. This comment states Section II, Response to Comments, of the Final EIR, is "filled with confusing crossreferences" and claims there is a "disconnect between the EIR's assumptions and the proposed approvals." With respect to the first point, as noted by the commenter in Comment No. 3-5 above, over 600 public comment letters were received on the Draft EIR. Many of these letters raised similar issues or were entirely duplicative of other letters, and the use of cross references was appropriate. The Final EIR was completed in accordance with the

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requirements of CEQA. With respect to the second point, the commenter has provided no evidence to support their claim that there is a disconnect between the EIR's assumptions and proposed approvals. As such, a detailed response cannot be provided.

Notably, the commenter previously requested recirculation during the Draft EIR comment period for other reasons, likewise without any basis in law. However, CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring "significant new information" that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect.¹⁵ The refinements made to the Project in response to community feedback do not constitute "significant new information" under CEQA, the public was provided a meaningful opportunity to comment, and recirculation of the EIR is not required. The EIR including the Erratum includes an exhaustive review of the Project's potential environmental impacts, in many instances going above and beyond the minimum requirements of CEQA and City policy and guidelines. The Draft and Final EIR include detailed technical expert reports demonstrating the comprehensive environmental analysis of the Project, and the Erratum also includes supplemental technical expert analyses supporting its conclusions. The Project's rigorous environmental analysis meets or exceeds all substantive requirements of CEQA, and the public was afforded ample opportunity for review and comment. The commenter's arguments that certain aspects of this detailed analysis failed to comply with CEQA and require recirculation are without merit and are not supported by substantial evidence.

Comment No. 3-9

As we have noted previously, The Grove supports expanding and maintaining a thriving film and television studio at the Television City property. However, the TVC Project must minimize adverse impacts to the surrounding residential and business community. Unfortunately, from what we can glean from the documents, the TVC Project would have

¹⁵ CEQA Guidelines § 15088.5(a).

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significant impacts, particularly regarding traffic and access, which are not adequately disclosed in the EIR.

Response to Comment No. 3-9

This comment claims the Project would have additional impacts which were not disclosed in the EIR, but provides no detail beyond a reference to traffic and access. The Project's transportation impacts were fully analyzed in Section IV.K, Transportation, of the Draft EIR and Section 2.2.11 of the Erratum, and were determined to be less than significant. The Final EIR also included detailed responses to public comments on traffic and access and topical responses on a number of transportation-related topics. Refer to Final EIR Topical Response Nos. 7 through 15 (i.e., Mobility Hub, Vehicle Miles Traveled, Neighborhood Traffic Management Plan, Trip Generation, Transportation Demand Management, Safety and Congestion, Parking, Construction Vehicle Impacts, and Transportation Improvements). Without any specific issues raised, a more detailed response is not possible.

Under SB 743, the transportation impact analysis shifted from vehicular delay (i.e., LOS) to VMT. Thus, congestion and driver delay are not CEQA impacts. Refer to Topical Response No. 12, Safety and Congestion, of the Final EIR regarding the non-CEQA LOS analysis in the Transportation Assessment, as well as Project Site access (including emergency access). Also refer to Response to Comment No. 9-29 of the Final EIR regarding traffic and safety. As discussed therein, impacts regarding traffic hazards would be less than significant. The Modified Project reduces overall trip generation and does not materially change access. Therefore, it would result in an improvement in safety, to the extent that additional trips reduces safety. This is discussed on page 6 of Appendix C to the Erratum.

Comment No. 3-10

Given the lack of adequate response to our Draft EIR comments, we reiterate and incorporate those comments again here. The Draft EIR must be revised and recirculated. Failure to do so would violate CEQA.

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Response to Comment No. 3-10

This comment asserting that recirculation of the Draft EIR is required was responded to as part of the Final EIR. Refer to Response to Comment No. 9-4 of the Final EIR. Also refer to the Response to Save Beverly Fairfax April 2024 Letter. As discussed therein, CEQA does not require recirculation of an EIR unless significant new information changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect. (CEQA Guidelines Section 15088.5(a).) The Draft EIR was published over two years ago, the Final EIR was published five months ago, and the Erratum was published 40 days prior to the Hearing Officer/Deputy Advisory Agency hearing (earlier than required). Over 600 comment letters were received on the Draft EIR, which demonstrates that the Draft EIR encouraged public participation and meaningful consideration of the Project. As demonstrated by the Erratum, the refinements to the Project that reduced the size of the Project in response to public comments are within the scope of the analysis in the EIR and the Erratum did not identify any new impacts or a substantial increase in the severity of any impact. There was no significant new information that would preclude the public's ability to comment on the potential impacts of the Project. The public was provided ample opportunity to comment upon the Project's potential environmental impacts, and recirculation is not required under CEQA.

Comment No. 3-11

We appreciate your consideration of our request for a continuance and look forward to a more transparent and inclusive review process.

Response to Comment No. 3-11

Refer to Response to Comment No. 3-3 above regarding the request for a continuance.



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Comment Letter No. 4

May 15, 2024
Keith Nakata
811 N. Croft Ave.
Los Angeles, CA 90069-4232

Comment No. 4-1

Thank you for the opportunity to comment on this proposed Specific Plan and Project.

This letter is in regards to the Deputy Advisory Agency hearing on May 15, 2024 on the TVC 2050 Project. I currently oppose the project as proposed, despite the recent minor reductions re made by the developer, Hackman Capital Partners. I additionally do not support the approval of the Environmental Impact Report EIR for the project.

As a former 35 year film industry member, I support the continued use as a [sic] entertainment production facility, Television City has been a welcome part of the community for many years and as a local resident of the area, I pass the facility daily, but there is a need to balance the expansion with the negative impacts to the residents in the name of job creation.

Response to Comment No. 4-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 4-2 through 4-8, below.

Comment No. 4-2

The unnecessary expansion of 550,000 sq. ft. of "general office space" unrelated to entertainment production should be completely removed from the project. Not only is there a current glut of vacant office space post pandemic, but no sign of the need increasing within

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the window of the entitlement period proposed. We currently have plenty of vacant office in the Miracle Mile on Wilshire right along the Purple/D Line that will not require the use of shuttles to carry employees from the stations. The 550,000 Sq. [sic] ft. of “general office space” would be on top of the 700,000 sq. ft. of “production office space”. [sic] How either of these two uses would be differentiated or enforced seems remote. Hackman has never advertised this expansion as an “office park” but an actual entertainment industry facility despite their minor increases in sound stage square footage with the expansion. The shortages that have been widely written about for the film industry have been in soundstages for filming, not office space either production office space or general office space. The weakest aspect of this proposal is in real square footage increases in sound stage space despite the state tax incentives being offered to developers to build soundstages under the current state tax incentive program. The program has spurred a large number of proposals for new soundstages in the Los Angeles area, despite a slowdown in new production post strikes and consolidations in the streaming side of the industry .

Response to Comment No. 4-2

Refer to Response to Comment Nos. 2-21 and 7-3 of the Appeal Responses regarding the inclusion of general office as a core and necessary land use as component to a studio modernization project. In addition, the assertion by the commenter that “vacant office in the Miracle Mile on Wilshire” is suitable and desirable by media tenants located at Television City is false. Media tenants specifically seek out opportunities to co-locate their varied use requirements within one location to aide efficiency, connectivity, and security between the various components. This can be evidenced by the significant portion of general office provided at Sunset Bronson, NBC Universal Pictures, and The Culver Studios, for example. Additionally, having the required general office use demand satisfied by off-site locations, as proposed by the commenter, nearly 1 mile away or more, would add additional vehicle trips between those locations and Television City as employees would likely be shuttling back and forth between those uses daily, if not multiple times a day. In response to the commenter’s statement regarding “current state tax incentives,” this is not a CEQA issue, but nevertheless, there is no nexus between soundstage development and the accessibility of tax incentives or credits. The California Soundstage Filming Tax Credit Program does not provide benefits

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to support the construction of new sounds stages, but incentivizes productions to utilize newly constructed or newly renovated soundstages.

Comment No. 4-3

These economic uncertainties seem to call for a “go slow” [sic] approach, especially when mitigations cannot be guaranteed for a facility in the middle of a residential area unlike most studio operations that are based in more remote areas, industrial areas or near freeways that can handle the increases in truck and car traffic. Increases in Floor Area Ratio (FAR) should be reserved for projects that produce affordable housing projects, currently in short supply, not office buildings where there is a large amount of existing vacant space where owners have walked away from their properties.

TVC 2050 would co-exist next to historic multifamily neighborhoods, a well used park, a Holocaust Museum and a historic open-air market which attracts visitors from all over the world. Additionally, there is [sic] well known shopping center, The Grove [sic] with a reputation for having more visitors than Disneyland and speaks to the already congested conditions without the TVC expansion. It’s also within close proximity to a new LACMA and other museums such as the Academy Museum and you have a very complex mix of uses and hard to predict traffic patterns.

Response to Comment No. 4-3

This comment incorrectly states that the Project Site is in the middle of a residential area. As discussed on pages II-4 and II-5 of Section II, Project Description, of the Draft EIR, the Project Site is surrounded by a wide range of uses including commercial uses (e.g., The Grove and The Original Farmers market), residential uses (e.g., the multi-family residential Broadcast Center Apartments), hotels, and Pan Pacific Park.

In addition, most studios are not located in more remote areas, industrial areas, or near freeways. Television City, Paramount Pictures, Raleigh Studios, Sunset Gower Studios, Sunset Bronson Studios, Radford Studio Center, and Fox Studios were all established over 70 years ago, at a time when most communities were being newly

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established, and have long since seen significant changes in adjacent community use, intensity, and built form. Like Television City and the adjacent community that surrounds the Project Site, Sunset Gower Studios, Sunset Bronson Studios, and Paramount Pictures are all in urbanized Hollywood. The same may be said of Amazon Studios in Culver City, Manhattan Beach Studios in Manhattan Beach, and Fox Studios in West Los Angeles. All of the aforementioned studios and adjacent communities have a mix of uses, including residential, and are located in urbanized, infill locations, contrary to the suggestion that major production studios need be located in remote locations, far from residential uses.

With respect to the surrounding uses cited by the commenter, there are no designated historic multi-family neighborhoods that would be affected by the Project. Impacts to nearby residential uses, The Original Farmers Market, Pan Pacific Park, and Holocaust Museum are analyzed throughout the EIR including the Erratum. The Grove, a commercial shopping center, is not a sensitive use, although potential impacts that would affect this property, including but not limited to transportation and police and fire protection, were fully analyzed in the EIR. Lastly, the Los Angeles County Museum of Art and Academy Museum of Motion Pictures are located approximately 1 mile south of the Project Site.

Comment No. 4-4

We have additional issues with the proposed sign district for the expansion. The current site does not have any signage along the perimeter and that is the best environmental solution. Advertising signage only benefits Hackman Capital and provides zero benefits to the residential communities that surround the site. No guarantees have been provided to avoid the conversion to digital signage in the future, which we have seen in other sign districts and has additional negative impacts by impacting birds and disruption of human sleep patterns that the additional light emitted will generate and further distract drivers. Also, they will consume additional electrical resources of the DWP. It's a completely frivolous and unnecessary giveaway to the developer, ripe for exploitation.

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Response to Comment No. 4-4

This comment has been addressed in the Final EIR. As discussed in Topical Response No. 1.B, The Project Description Includes Sufficient Information and Detail to Evaluate the Project's Environmental Impacts, of the Final EIR, all environmental aspects of the Project (i.e., all aspects that may cause a physical impact on the environment), including, among other Project approvals, the proposed Sign District, were fully disclosed and analyzed in the Draft EIR. For example, a discussion of the elements of the proposed Sign District that are relevant to the land use impact analysis is included in Section IV.H, Land Use and Planning, of the Draft EIR. In particular, all signs would comply with LAMC requirements, including those related to lighting and energy use, and energy use associated with proposed signage has been accounted for in the air quality, energy, and GHG analyses. In addition, signage would be limited to that described on page 28 of the Erratum and set forth in the Specific Plan. Specifically, a total of approximately 31,375 square feet of signage is proposed around the Project Site perimeter, with the exception of the Shared Eastern Property Line. Within the Shared Eastern Property Line setback area, signage would be limited to smaller identification, informational, and directional signs located no more than 15 feet above Project grade. Digital displays would be prohibited along the Project Site exterior and interior signs may include digital displays intended solely for internal viewing. In addition, operation of digital displays in the Project Site interior would only be permitted to operate within 200 feet of the Broadcast Center Apartments between the hours of 7 A.M.–10 P.M. Furthermore, off-site signs would not be permitted as discussed on page II-31 of Section II, Project Description, of the Draft EIR. Also contrary to this comment, exterior signage would not be converted to digital signage as part of the Project. Overall, the Sign District has been accounted for in the impact analyses in the EIR including the Erratum, and no significant impacts would occur.

With respect to lighting impacts on birds, human sleep patterns, and driver safety, these are either not an issue at the Project Site or a matter of regulatory compliance. Specifically, as discussed in the Initial Study included in Appendix A, the Project Site is located in a highly urbanized area and does not support special status species or sensitive habitat, and does not serve as a wildlife movement corridor. With respect to light disrupting sleep, the City has not established specific limits beyond the LAMC illumination regulations



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which would apply to the Project. Lastly, lighted signs along roadways would be required to adhere to City regulations intended to protect driver safety.

Further, as discussed in the EIR, the Project is an employment center project located on an infill site within 0.5 miles of an existing major transit stop pursuant to Senate Bill 743 (Public Resources Code Section 21099); thus, aesthetics impacts associated with the Project are determined to be less than significant.

Comment No. 4-5

An additional area of concern is the protection of the Historic Resource Viewshed created under the Historic Cultural Monument designation granted to Primary Studio Complex and its [sic] Character Defining Features designed by the firm of Pereira and Luckman.

The expansion calls for demolishing and removing the majority of the current buildings on the site to allow for a larger and tighter configuration of buildings with the exception of the HCM protected Primary Studio Complex. Subarea A Viewshed Restoration Area extends 430 ft. along Beverly Blvd. and allows for structures limited to a height of 58 ft. In Specific Plan Section E. Viewshed Restoration Area Section 2. Allows [sic] for one-story buildings and structures of a similar size and height shall be permitted throughout Subarea A with only Administrative Review. This may not provide any guarantee of adequate opportunities for the public to view the historic resource as intended by the HCM designation from the street along Beverly Blvd. and behind the security fence, other than an occasional slit between new structures that could be constructed under this Specific Plan.

Section 4. states "A Project shall maintain clear and unobstructed views of the exterior viewshed features. However, this does not require continuous views of the exterior viewshed features along Beverly Boulevard for the entire width of the Viewshed Restoration Area."

Will this lead to specific points along Beverly Blvd. that the public can create their "Kodak Moments" like we know from Disneyland where the community now must go to view the most significant buildings from the community which were destroyed such as the Pan Pacific

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Auditorium and the Carthay Theater? This would be a terrible outcome for this Historic Cultural Monument and would show a complete disrespect to the community. This Specific Plan language is too vague and leaves the decision in the wrong hands to control the fate of what remains of this once majestic site.

Response to Comment No. 4-5

This comment was addressed as part of the Final EIR. Refer to Topical Response No. 5.C, Potential New Construction North of the Primary Studio Complex, of the Final EIR. As discussed therein, the Project incorporates an approximately 3.5-acre Viewshed Restoration Area located north of the Primary Studio Complex that was established by the HCM Findings. The Project's restoration of the viewshed along Beverly Boulevard would be ensured by the historic regulations and procedures discussed in the EIR and set forth in the Draft Specific Plan. Additionally, any new construction would be limited by the HCM designation, the HCM Findings, and the Cultural Heritage Ordinance. The HCM Findings make clear that construction within the Viewshed Restoration Area is limited and subject to review by the City. In addition, as shown in Figure 1 of the Erratum, the Viewshed Restoration Area along Beverly Boulevard has been enhanced as a focal point for the Project Site. In particular, marked surface parking and basecamp areas have been removed from this area and replaced with landscaped areas within the outdoor production activity areas while maintaining the HCM viewshed protection requirements. In addition, the Project would also include more visually transparent fencing along the northern perimeter so that the currently obstructed views of the Primary Studio Complex, including the main entry bridge, would be restored. As such, opportunities to view the HCM would be enhanced as a result of the Project.

Further, as shown in Figure 4 of the Erratum, the Initial Development Plans restore views of the Primary Studio Complex from Beverly Boulevard, consistent with the HCM designation. Moreover, under the Specific Plan, only development in substantial conformance with the Initial Development Plans would be processed administratively. Future changes in and around the HCM and Viewshed Restoration Area that are substantially different than the Initial Development Plans or are beyond the scope of impacts evaluated in the EIR including the Erratum would require additional discretionary review and approval,

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including review by OHR and the Department of City Planning, as well as additional CEQA compliance review.

With respect to the claim that the Specific Plan is too vague, as stated above in Response to Comment No. 2-2, the EIR, including the Draft EIR, Final EIR, and Erratum, disclosed and analyzed all physical elements of the proposed entitlements, including the Draft Specific Plan, among others, as required by CEQA. Refer to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR, which provides a clear demonstration of how the development parameters within the Draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further, the Draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR including the Erratum fully evaluated the physical parameters of the Specific Plan.

Comment No. 4-6

Other issues that need improvements include Special Events to be unlimited at a facility that is a 24 hour a day operation amounts to a “blank check” for Hackman Capital and could create unforeseen impacts that are impossible to measure and evaluate.

Response to Comment No. 4-6

As discussed above in Response to Comment No. 3-5, this comment was fully addressed in the Final EIR. As discussed therein, temporary, non-regular events that have occurred on the Project Site prior to the adoption of the proposed Specific Plan would continue to be governed by the LAMC consistent with existing conditions. No deviation or modification to the existing Temporary Special Event permit process through the Department of Building and Safety, the Division 5 review process overseen by the City of Los Angeles Fire Department, or any other potential review by the Department of City Planning, Bureau of Street Services, or the Los Angeles Police Department is allowed under the proposed Specific Plan.



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Comment No. 4-7

Regarding stormwater discharge at a level, reduced from a 90% impervious in the Original Project to a level of 83% impervious in the Amended Project seems inadequate for a site of this size. It illustrates a site which is pretty much paved over and should call for some sort of robust stormwater capture system to prevent this massive amount of rainwater runoff.

Response to Comment No. 4-7

The commenter's claim that stormwater capture from the Project Site would be reduced is incorrect. As discussed on page 2 of Appendix F of the Erratum, the Project Site is currently approximately 90 percent impervious (i.e., where drainage does not percolate the ground surface). With the Project and the increase in landscaped surfaces, the Project Site would be approximately 83 percent impervious after implementation of the Project, which would increase stormwater capture with an associated decrease in stormwater flows from the Project Site. In addition, through compliance with the City's Low Impact Development (LID) Ordinance, surface water quality would be improved as a result of the Project.

Comment No. 4-8

Plenty of unresolved and vague language about what will be built and when it will be built, which leaves the community with a high level of uncertainty about this site. This is exactly the opposite of why an environmental impact report was required to be created and to disclose the potential negative impacts.

Response to Comment No. 4-8

Refer to Final EIR Topical Response No. 1, Clearly Defined Project Description and Specific Plan, regarding how the Project Description was completed in full compliance with CEQA. The EIR including the Erratum describes all of the physical aspects of the proposed Project that are necessary to fully evaluate the potential impacts of the Project, including, but not limited to, permitted and proposed floor area; a land use exchange program; design and architecture; height zones; frontage areas; building stepbacks; other design elements,

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including screening and fencing; historic preservation elements; open space; landscaping; public realm enhancements; access; circulation; parking; lighting; signage; Project Site security; sustainability features; anticipated construction schedule; earthwork activities; and haul routes. The EIR including the Erratum discusses all of the physical elements of the proposed Specific Plan in the same amount of detail as the proposed Specific Plan itself. The level of detail included in the EIR including the Erratum complies with CEQA and is consistent with the level of detail in certified EIRs for other specific plans throughout Los Angeles.

As stated above in Response to Comment Nos. 2-2 and 4-5, the EIR, including the Draft EIR, Final EIR, and Erratum, disclosed and analyzed all physical elements of the proposed entitlements, including the Draft Specific Plan, among others, as required by CEQA. Refer to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR, which provides a clear demonstration of how the development parameters within the Draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further, the Draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR including the Erratum fully evaluated the physical parameters of the Specific Plan.

Refer to Response to Comment No. 9-24 of the Final EIR regarding the buildout timeline.



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Comment Letter No. 5

May 15, 2024
Allan J. Abshez
o/b/o A.F. Gilmore Company
Loeb & Loeb LLP
10100 Santa Monica Blvd., Ste. 2200
Los Angeles, CA 90067-4120

Comment No. 5-1

We are writing on behalf of our client, the A.F. Gilmore Company (the "Gilmore Company"), to provide general comments, supplementing its previous comments, regarding the proposed TVC 2050 Specific Plan and associated actions (the "Project") its CEQA review. After it has reviewed the Hearing Examiner's report and recommendations, the Gilmore Company will provide further comment to the City Planning Commission.

Response to Comment No. 5-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 5-2 through 5-7, below.

The commenter's previous comment letter was fully responded to in the Final EIR. Refer to Response to Comment Nos. 28-1 through 28-33 in Section II, Responses to Comments, of that document.

Comment No. 5-2

The proposed Final EIR for the Project fails to comply with the most basic requirements of CEQA, as reflected in the voluminous public comments provided to the City to date. The Final EIR fails to provide detailed, good faith, reasoned analysis in response to comments as required by CEQA; instead providing conclusory statements unsupported by factual

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information. *CEQA Guidelines Section 15088*. The Final EIR systematically engages in Project description, Project objective, definitional, data and analysis manipulation in order to avoid disclosing the environmental impacts of the Project (and in particular the unavoidable environmental impacts of the Project), as well as in order to avoid the analysis and implementation of feasible mitigation measures and alternatives. Accordingly, the Final EIR should not be certified by the City.

Response to Comment No. 5-2

This comment expresses the commenter's belief that the Final EIR is inadequate, but does not provide any specific examples beyond a passing reference to the Project's significant and unavoidable impacts which were fully disclosed in the EIR. As such, a specific response cannot be provided. However, following public review of the Draft EIR, the City published a comprehensive Final EIR in November 2023, which included responses to each comment within the 608 written comment letters received during the Draft EIR public comment period. In addition, in response to public comments, refinements to the Project were made, including, among other things, decreasing the proposed floor area, height, and massing of the Project. To address the Project refinements, an Erratum was prepared in April 2024. The Erratum clarified and refined the EIR and demonstrated that the proposed modifications to the Project would not result in new significant impacts or substantial increases in already identified significant impacts within the Draft EIR. Further, the EIR including the Erratum was prepared in accordance with CEQA and City policy.

Comment No. 5-3

Approval of the Project, including its Specific Plan and undisclosed development agreement, which would exempt the Project from the land use procedures, controls, opportunities for public review and input, and City Council oversight that otherwise apply throughout the City of Los Angeles for a period of 20 years would be fundamentally irresponsible. It would be particularly irresponsible for our public officials to approve and lock-in the applicant's proposal, which would overwhelm and fundamentally transform the Wilshire-Fairfax Community, ahead of an update to the Wilshire Community Plan, which is severely out of date. It is well established that the infrastructure serving the Wilshire Community Plan area

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is overburdened and insufficient to serve existing development. Approval of the Project would therefore conflict with the most central premises of the City's Community Planning process:

- Integrate land use, infrastructure, and transportation improvement;
- Direct growth to centers while preserving established residential neighborhoods;
- Create healthier, more livable neighborhoods and economically vital business districts that can provide more job and housing opportunities for city residents; and
- Facilitate improved design of new and renovated structures and public spaces.

The Project is being improperly rushed forward before a long overdue update to the Wilshire Community Plan, where the land use, infrastructure, and transportation needs of the Wilshire community for the next twenty years will be established. The Project is not located in a "center," but would effectively create an entirely new "center" in a location not contemplated or suitable for one. The Project and its uses would severely tax area infrastructure and transportation, which are already overburdened. The Project would overwhelm the existing residential neighborhoods that surround it, [sic] and would not respond to the community's most pressing need: affordable housing. Accordingly, consideration of the Project should be deferred and considered only in the context of an update to the Wilshire Community Plan.

Response to Comment No. 5-3

This comment is similar to comments on the Draft EIR which were fully addressed as part of the Final EIR. Nevertheless, responses are provided below.

Refer to Response to Comment No. 3-4, above, regarding the purpose of a specific plan and the procedural requirements under the proposed Specific Plan.

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Refer to Response to Comment No. 9-24 of the Final EIR regarding how the physical aspects of the Development Agreement were fully evaluated in the EIR, and neither CEQA nor City policy require a draft development agreement to be included in an EIR.

Refer to Topical Response No. 6, Wilshire Community Plan Update, and Response to Comment No. 11-29 of Section II, Responses to Comments, of the Final EIR. As discussed therein, CEQA requires an evaluation of a project's consistency with existing land use plans, and that evaluation is not affected by possible changes to an existing land use plan that may be adopted in the future. In accordance with CEQA Guidelines Section 15125, the Draft EIR and Erratum for the Project properly relied on information that is currently available to establish baseline conditions and, as such, used information from the existing Wilshire Community Plan, satisfying the requirement under CEQA Guidelines Section 15125(d) that an EIR "discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." An "applicable" plan is a plan that has already been adopted and thus legally applies to a project; draft plans need not be evaluated—an existing land use plan does not become "inapplicable" because of the passage of time. Statutory law contains no requirement that a general plan's land use element—which is the City's Wilshire Community Plan—be updated at any given interval or in connection with any given event (such as the approval of a new development project). Further, unlike certain General Plan elements such as the Housing Element, state law does not require that local jurisdictions regularly update their land use element within certain timeframes. An "applicable" plan under CEQA is a plan that has already been adopted and thus legally applies to a project; draft plans need not be evaluated. The Wilshire Community Plan is not currently being updated, nor has the City publicly notified or initiated an update to the Wilshire Community Plan, and the timing of such an update is unknown.

Section IV.H, Land Use and Planning, and Appendix I of the Draft EIR, and Section 2.2.8 of the Erratum, provide a detailed analysis of the Project's consistency with adopted plans and regulations applicable to the Project, including the General Plan Framework Element, Conservation Element, Mobility Plan 2035, the existing Wilshire Community Plan, LAMC, the Citywide Design Guidelines, and SCAG's 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020–2045 RTP/SCS). This analysis demonstrates that the Project would not conflict with applicable land use plans, policies or



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regulations adopted for the purpose of avoiding or mitigating an environmental effect. Furthermore, the Project has not been exempt from any of the land use controls or procedures of the City and the entitlement and environmental review process has proceeded in the same manner as other large development projects in the City.

Regarding infrastructure, as demonstrated in the analysis of utilities included in Section IV.M of the Draft EIR and Section 2.2.13 of the Erratum, adequate utilities infrastructure would be available to accommodate the Project, and impacts would be less than significant.

With respect to the claim that the Project would create a new “center,” which is incorrect, the Project Site Television City has operated as a studio facility for over 70 years and the Project does not involve a change in use (except for a small amount of neighborhood-serving retail). In response to public comments, including from the commenter, the proposed land use designation under the General Plan Amendment was changed from Regional Commercial to Community Commercial, which is the existing land use designation for approximately 60 percent of the Project Site.

Regarding transportation, as demonstrated in the analysis in Section IV.K of the Draft EIR and Section 2.2.11 of the Erratum, the Project would have less than significant impacts on transportation during both construction and operation.

Regarding housing, as is typical of studio environments, the land uses are centered around production operations, including associated parking, loading, storage, and related basecamp activities. The Project Site does not currently contain housing, and the Project does not propose residential uses. As discussed in Section II, Project Description, of the Draft EIR, the Project’s underlying purpose 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.



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Further, contrary to the commenter's assertion, the Project Site is not surrounded by residential neighborhoods. Rather, the Project Site is surrounded by commercially zoned properties.

Comment No. 5-4

The Project documentation conceals the actual height of its buildings, their size, and the Project's environmental and community planning impacts. The Project documentation admits that the applicant is requesting at least approximately 915,440 square feet of Production Support and Production Office Space (although the Project contains more than that by virtue of its improper exclusion of 'basecamp' square footage). In addition, the applicant requests an additional 550,000 square feet of "General Office" which, as the proposed Specific Plan expressly admits, need not have anything to do with production activities. Such proposed 550,000 square feet constitutes over 30% of the Project's admitted square footage. General Office is not a use historically associated with CBS Television City, is not consistent with or necessary to achieve studio-serving Project objectives (given the 915,440 square feet of Production Support and Production Office already proposed), and should be eliminated from the Project.

Response to Comment No. 5-4

As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, all of the permitted uses, including the general office uses, would be related to the continued operation of a studio within the Project Site. Contrary to the commenter's assertion, general office is an existing use at the Project Site. In addition, as discussed in Response to Comment No. 1-3, above, general office is a core and necessary land use required by modern media tenants and generally all major studio modernization projects provide an increase in the use over the existing condition. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

The comment regarding basecamp is similar to previous comments on the Draft EIR, which were responded to in the Final EIR. Refer to Topical Response No. 2, Definition of Floor Area is Appropriate, and Response to Comment Nos. 5-7 and 26-121 of the Final EIR.

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Comment No. 5-5

The applicant is seeking a 20-year development agreement, but there is no need for one and the applicant's request for a development agreement should be rejected. The applicant is not committing to develop the Project as proposed, or any Project whatsoever—on any timeframe. Given these facts, the Project should be recognized as an essentially a [sic] speculative real estate development play. Locking in development rights under the applicant's proposed Specific Plan (which exempts the Project for land use controls, oversight and public input that apply throughout the rest of the City of Los Angeles) over such an extended time period is unnecessary and would be wrong—particularly in view of the Project being rushed ahead of an update to the severely out-of-date Wilshire Community Plan. Indeed, if the requested development agreement were approved, the City would have no opportunity to reconsider the unprecedented rights granted, even if terribly negative impacts to the community occur. Accordingly, The [sic] proposed development agreement should be rejected, as should the Project's exemptions from land use controls, oversight and opportunities for public input that apply throughout the rest of city. Instead, the applicant should be required to: (1) process entitlements for construction if, when and as construction is actually proposed; and (2) complete construction within the time frames that apply to such entitlements—just as any other developer in the City of Los Angeles must do. There is no justification for granting the applicant the special privileges it is requesting.

Response to Comment No. 5-5

The comments regarding the proposed Development Agreement are similar to the commenter's comments on the Draft EIR and were addressed in the Final EIR. Refer specifically to Response to Comment Nos. 9-24, 28-7 and 268-2 in the Final EIR. As discussed therein, a development agreement is a voluntary contract between a local municipality, such as a city or county, and a property owner whose land is located within the municipality's jurisdiction. A development agreement contains the obligations of both parties and lays out the various standards and conditions that will control development of the subject property. As explained in the Final EIR, the component of the proposed Development Agreement that is relevant to the environmental analysis under CEQA is its 20-year term, which was discussed throughout the EIR, including the Draft EIR, Final EIR, and Erratum.

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Other provisions of the Development Agreement would be contractual issues between the City and the Applicant, which do not constitute physical impacts on the environment. The Draft EIR conservatively assumed a 32-month construction duration that includes overlapping activities and construction phases and more intense activities on a daily basis. The 32-month timeframe is preferred by the Applicant, who intends to complete construction of the Project within this timeframe, subject to market conditions. However, as stated on page II-36 in Section II, Project Description, of the Draft EIR and throughout the Draft EIR, the Applicant is seeking a Development Agreement with a term of 20 years, which could extend the full buildout year to approximately 2043. As with most development projects, market conditions will ultimately influence the buildout timeframe for the Project. As such, to be comprehensive and account for all potential impacts associated with the Project, an analysis of the impacts associated with a 20-year buildout is also included for each of the environmental topics studied in the Draft EIR. Please note that a 20-year buildout scenario does not mean 20 years of construction, as the scope of the Project is the same regardless of the buildout duration. A long-term buildout scenario involves multiple, non-overlapping construction phases with periods of no construction in between phases.

Further, neither CEQA nor the City require the buildout limitations requested in this comment, and the commenter provides no authority in support of its request. In fact, a California court recently rejected a claim that an EIR for a specific plan project must include information about the sequencing or scheduling of development or impose restrictions on its timing; see *Santa Rita Union School District v. City of Salinas* (2023) 94 Cal.App.5th 298. In that case, the court held that CEQA did not require a specific plan EIR to evaluate phasing of project buildout over time, as opposed to leaving the pace of the proposed development to individual landowners and market conditions; the city had no obligation to phase decades-long projects such as land use plans; and CEQA did not require an analysis of individual phases, but rather, allowed the city to analyze the whole project, including with less detail when the sequence and pace of construction were largely unknown at the time the EIR was prepared.

With respect to the Specific Plan, the Draft Specific Plan would only allow the Initial Development Plans attached therein as Appendix A to be approved administratively. The Initial Development Plans match the plans attached as Appendix A to the Erratum. Any



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changes that are substantially different or are beyond the scope of impacts evaluated in the EIR including the Erratum would require additional discretionary City review and approval, as well as future CEQA compliance review. The proposed Draft Specific Plan and MMP would regulate development of the Project Site and provide for the implementation of all applicable PDFs and mitigation measures associated with any development activities during and beyond the term of the Development Agreement.

With respect to the Community Plan, refer to Response to Comment No. 5-3 above. This comment was addressed as part of the Final EIR. Refer to Topical Response No. 6, Wilshire Community Plan Update, and Response to Comment No. 11-29 of Section II, Responses to Comments, of the Final EIR. As discussed therein, CEQA requires an evaluation of a project's consistency with existing land use plans, and that evaluation is not affected by possible changes to an existing land use plan that may be adopted in the future. The Wilshire Community Plan is not currently being updated, nor has the City publicly notified or initiated an update to the Wilshire Community Plan, and the timing of such an update is unknown. The EIR therefore meets the requirements of CEQA Guidelines Section 15125 by including an analysis of the Project's potential to conflict with the existing Wilshire Community Plan.

Comment No. 5-6

In this regard, we note that the entire entitlement process has been distorted by the City accepting, as a unprecedented planning objective, the following: "Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant's fiduciary responsibilities and sustained economic viability and growth ..." Neither the applicant's investment nor its fiduciary responsibilities have been disclosed to the public or have been part of the public process. Moreover, this improper objective explains why the Project and its process are fundamentally flawed; specifically the fact that the Project is a speculative development play, that it is grossly oversized and inappropriate for its location, why it is being rushed ahead of a long overdue update to the Wilshire Community Plan, why the City's CEQA review has failed, and why the applicant is requesting a 20-year development agreement. The City of Los Angeles has no responsibility to grant the applicant 'a reasonable, risk-adjusted return on its investment.' Nor does the City have any responsibility

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to consider the applicant's 'fiduciary responsibilities,' or to ensure that the applicant receives 'sustained viability and growth.' By rejecting the Specific Plan and development agreement, and by requiring the applicant to proceed with redevelopment of its property by way of project-specific entitlements as discussed above, the City should correct this defect.

Response to Comment No. 5-6

This comment is similar to previous comments that were addressed in the Final EIR. Refer to Topical Response No. 4, Appropriateness of Economic Objective, of the Final EIR. As discussed therein, CEQA does not prohibit a public agency from adopting an economic project objective. Rather, including an economic objective is appropriate under CEQA, and it accurately discloses the reality of any private development project, namely that the project must be economically viable so that its development is feasible. Furthermore, the Project includes 12 Project objectives, and in accordance with CEQA Guidelines Section 15126.6, all Project objectives are broad enough to allow for a reasonable consideration of alternatives that reduce environmental impacts. As detailed by the Applicant in the Economic Considerations Memorandum included as Appendix FEIR-4 of the Final EIR, the Project has been designed to feasibly achieve all of the Project objectives, including but not limited to the objective to develop and economically viable project. Thus, the Project objectives included in the EIR comply with CEQA.

Refer to Response to Comment No. 5-3 above regarding the Wilshire Community Plan and Response to Comment No. 5-5 above regarding the Development Agreement and Specific Plan.

Refer to Response to Comment No. 1-6 above regarding the size and location of the Project.

Comment No. 5-7

In addition, we also note that while a 20-year development agreement is a core request from the applicant, no development agreement has been made available for public review or comment. Thus, the public is being deprived of the opportunity to review and comment on

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the terms and conditions of the development agreement, including but not limited to whether the City of Los Angeles is being offered sufficient consideration for approval of the vested rights that would be granted to the applicant. A proposal for a development agreement must be heard by the City's Planning Commission. *Government Code Section 65867*. Accordingly, the Hearing Examiner hearing for the Planning Commission should be continued until after the proposed development agreement is made available for public review, and no hearing should be held before the Planning Commission until after the proposed development agreement has been released to the public. We look forward to reviewing the Hearing Examiner's report and recommendations to the Planning Commission, and to providing further comment.

Response to Comment No. 5-7

Neither CEQA nor City policy requires a draft development agreement to be included in an EIR.¹⁶ As stated in the responses to comments in the Final EIR, a draft Development Agreement will be made publicly available on the Department of City Planning's website prior to the Planning Commission hearing on the Project. The commenter references Government Code Section 65867, which establishes notice requirements for a hearing on a development agreement. The notice must include "the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing" (Government Code Section 65094). The notice published on April 19, 2024, for the May 15, 2024, hearing complies with these requirements and expressly identified the proposed entitlements, including, among others, the Development Agreement, in the explanation of the matter. As stated in the hearing notice, the Deputy Advisory Agency would be acting upon the VTTM and EIR only, and no decision would be made on the remaining entitlements, including, among others, the Development Agreement,

¹⁶ See, e.g., *Native Sun/Lyon Communities v. City of Escondido* (1993) 15 Cal.App.4th 892, in which the court concluded that an EIR was sufficient where the proposed development agreement was referenced in the project description but the contents of the agreement were not discussed in the EIR, because the reference in the project description "alerted persons interested in [the agreement] to its relevance in the decisionmaking process." *Id.* at p. 910.



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which will be considered by the City Planning Commission and City Council at a later date. Refer to Response to Comment No. 5-5 above for further discussion of the Development Agreement.



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Comment Letter No. 6

May 15, 2024
Barbara Gallen
President
Park La Brea Impacted Residents Group
info@plbirg.org

Sandra Dashiel
Vice President
Park La Brea Impacted Residents Group
info@plbirg.org

Comment No. 6-1

Park La Brea Impacted Residents Group, PLBIRG, is an all-volunteer group that has advocated for and manifested hundreds of thousands of dollars of funding to install more pedestrian crosswalks and safety infrastructure in the area, including the signalized crosswalk on 6th Street at Spaulding, and two upcoming crosswalk installations in the vicinity of 3rd and Fairfax.

Response to Comment No. 6-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment No. 6-2 below.

Comment No. 6-2

PLBIRG opposes the TVC 2050 redevelopment project as currently proposed. We support modernizing the studio to make it world class. We support more jobs for writers, actors, directors, production crews and production company staff. We do NOT support any proposal



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to upzone TVC to make room for a massive 550,000 sq. ft. diversification into general real estate development that has nothing to do with entertainment industry jobs.

The TVC 2050 proposal has been framed as: You are either “for” having a modernized studio providing thousands of production related jobs—or you are “against” that.

This false “either/or” narrative was manufactured to keep in the shadows the actual issue.

The proposal will result in a more modern, more ecological studio and production complex ... that stays essentially the same size. A small world class studio with an enormous shell game of an office complex wrapped around it.

Hackman isn’t asking the City to amend the General Plan to get an extra 550,000 sq. feet of non-production-related space to rent co-working space to locals who will walk to work. They want that amendment to get carte blanche to salvage their purchase of TVC. Before Covid, A. I. and out-of-state tax incentives changed the LA production landscape, Hackman might originally have intended to expand the studio, but now they’re trying to recoup their investment by NOT expanding studio and production space! Instead they’re bringing in a gigantic Trojan Horse could mean a 550,000 sq. foot theme park, medical offices complex, a concert venue, helicopter Air Taxi business—anything but actual offices in a city where office space is going begging—and all of the traffic, congestion and as-yet-undetermined impacts associated with a 20 year timetable to find the third parties with deep enough pockets to partner on lucrative uses that are far afield from Hackman’s studio expertise.

Councilmember Yaroslavsky, please hold TVC 2050 to the promised updated studio with necessary production offices only, and jettison the 550,000 sq. feet of non-studio/non-production related space that mortgages our residential community’s survival.

Response to Comment No. 6-2

As discussed in Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, all of the permitted uses, including the general office uses, would be related to the continued



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operation of a studio within the Project Site. In addition, as discussed in Response to Comment No. 1-3, above, general office is a core and necessary land use required by modern media tenants and generally all major studio modernization projects provide an increase in the use over the existing condition. Further, general office has always been included as a part of the Project; refer to the 2021 entitlement application; 2021 Initial Study; 2022 Draft EIR; 2023 Final EIR; and 2024 Erratum. There is no intent by the Project to develop general office space unrelated to the entertainment industry. Contrary to the commenter's claim, no theme park, medical office complex, concert venue, or helicopter air taxi business is proposed.



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Comment Letter No. 7

May 14, 2024
Jack H. Rubins
o/b/o AIR Communities
Sheppard, Mullin, Richter & Hampton LLP
333 S. Hope St., Fl. 43
Los Angeles, CA 90071-1422

Comment No. 7-1

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp. ("AIR Communities"), which owns and operates the Broadcast Center Apartments ("Broadcast Center") located at 7660 Beverly Boulevard. AIR Communities and its affiliates, which not only own Broadcast Center, but also nearby Palazzo West, Palazzo East and the Villas at Park La Brea, collectively provide housing for more than 3,000 residents in close proximity to the proposed TVC 2050 Project ("Project").

Response to Comment No. 7-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 7-2 through 7-4, below.

The commenter's previous comment letter was fully responded to in the Final EIR. Refer to Response to Comment Nos. 35-1 through 35-177 in Section II, Responses to Comments, of that document.

Comment No. 7-2

On behalf of our client, we have previously submitted a lengthy and detailed comment letter dated September 13, 2022 ("DEIR Comment Letter"), regarding the severe deficiencies in the Draft Environmental Impact Report ("DEIR") for the Project, including that (1) the DEIR

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included a nebulous and wholly unstable project description that provided no meaningful basis for environmental review and (2) the City failed to make available to the public the proposed TVC 2050 Specific Plan (the “Specific Plan”) for the Project during the comment period for the DEIR.

Response to Comment No. 7-2

As noted above, the commenter’s previous comments were addressed in detail in the Final EIR. Refer to Final EIR Response to Comment Nos. 35-1 through 35-177.

With respect to the Project Description, refer to Final EIR Topical Response No. 1, Clearly Defined Project Description and Specific Plan, for a discussion that demonstrates how Section II, Project Description, of the Draft EIR is accurate, stable, and finite and fully complies with CEQA.

With respect to the Specific Plan, as explained in Final EIR Response to Comment Nos. 5-3 and 35-10, and Topical Response No. 1, a draft Specific Plan was not required to be part of the EIR and all of the physical aspects of the Preliminary Draft Specific Plan were fully disclosed and analyzed in the Draft EIR as demonstrated in Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR. In addition, as explained in Response to Comment Nos. 5-6 and 9-13 and Topical Response No. 3, Permitted On-Site Uses, of the Final EIR, consistent with the Project’s studio objectives, the permitted uses on-site will only include the five studio uses and associated ancillary uses, and these uses have all been addressed in the Draft EIR.

Comment No. 7-3

On October 13, 2023, more than a year after the public comment period ended, the City released, for “informational purposes,” a “Preliminary Draft” of the Specific Plan that in some respects is markedly different from the Specific Plan described in the Draft EIR. Then, on or around November 21, 2023, the City released the Final Environmental Impact Report (“FEIR”) for the Project that includes voluminous new data and analyses.

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Months later, on April 5, 2024, the City released a package of new documents related to proposed modifications of the Project, including a further revised draft of the Specific Plan, an Erratum to the FEIR and a draft sign district ordinance.

AIR Communities and its representatives are still reviewing the Final EIR and project modification documents, which includes thousands of pages of new materials (the responses to comments in the Final EIR alone are 2,870 pages long). However, our preliminary observations are that (1) the project description continues to be neither accurate, finite nor stable, (2) even if the revised project description was accurate, finite and stable, the Draft EIR must be fully revised and recirculated, (3) the FEIR failed to adequately respond, or in some cases respond at all, to many of the technical issues raised in the DEIR Comment Letter, and (4) the text of the current draft of the Specific Plan is problematic in numerous respects. Our client intends to submit detailed comments regarding the FEIR and other documents and issues associated with the Project.

Response to Comment No. 7-3

This comment makes a number of broad claims about the adequacy of the EIR, each of which was addressed in prior responses, but does not provide new information. Each of the commenter's claims is nevertheless addressed below.

First, with respect to the Project Description and availability of the Specific Plan, refer to Response to Comment No. 7-2 above. Also refer to Response to Comment No. 3-3, above, regarding how the CEQA process is not designed to freeze the ultimate proposal in the precise mold of the initial project, refinements were made to the Project and Specific Plan in response to feedback from the community, and these refinements were fully analyzed in the Erratum, which demonstrated that the Modified Project is within the scope of impacts analyzed in the EIR, no additional impacts would result, and no new mitigation is required. This comment claims that the Project Description continues to be neither accurate, finite nor stable, and the text of the Draft Specific Plan is problematic, but does not provide any specifics or evidence to support its claims. Thus, no further response can be provided.

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With respect to recirculation, as demonstrated in Final EIR Response to Comment Nos. 35-10 through 35-168, the Draft EIR has been completed in full compliance with CEQA and recirculation is not required. CEQA sets forth a clear legal threshold for recirculation of an EIR, requiring “significant new information” that changes the EIR in a manner that deprives the public of a meaningful opportunity to comment on a substantial adverse effect or feasible way to mitigate or avoid such an effect. The commenter fails to provide any evidence that would meet the statutory requirements for recirculation under Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5.

With respect to the claims that the Final EIR failed to respond to technical issues raised during public comment and issues with the Specific Plan, the commenter has not provided any specific examples and, as such, a detailed response cannot be provided. As demonstrated above and throughout previous responses to the commenter, both the EIR and Specific Plan processes comply with the requirements of CEQA and the City. The commenter has not provided any evidence to the contrary.

Comment No. 7-4

Having said this, AIR Communities appreciates the changes in the project design made by the developer in an effort to address AIR Communities’ concerns regarding the Project’s impact on Broadcast Center and its other properties, and further appreciates the Council Office’s role in that process. However, our client still has significant concerns regarding several aspects of the Project that would detrimentally affect its residents, including its proposed and potential density and height in close proximity to Broadcast Center, the new road adjacent to Broadcast Center and noise and traffic issues. These concerns have been communicated to the developer’s team. AIR Communities remains engaged in the process and welcomes further project revisions to ameliorate the Project’s impact on its residents and the broader community.

Response to Comment No. 7-4

The environmental impacts of the Project, including impacts to the Broadcast Center Apartments, were fully analyzed in the EIR including the Erratum in accordance with CEQA.



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This comment stating the commenter's clients' appreciation for changes made to the Project design, but also noting they still have concerns, is noted for the record and will be forwarded to the decision-makers for their review and consideration.



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Comment Letter No. 8

May 14, 2024
Michelle Black
o/b/o Beverly Wilshire Homes Association
Carstens, Black & Minter LLP
2200 Pacific Coast Hwy., Ste. 318
Hermosa Beach, CA 90254-2702

Comment No. 8-1

Attachment 2

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

Response to Comment No. 8-1

This introductory comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. Specific issues raised by the commenter are addressed in Response to Comment Nos. 8-2 through 8-12, below. It is noted that these comments are generalized versions of the comments made in Letter No. 2, which was submitted on behalf of Save Beverly Fairfax by the same law firm. Refer to Response to Comment Nos. 2-1 through 2-42 above, as well as the Responses to the Save Beverly Fairfax April 2024 Letter.

Comment No. 8-2

First and foremost, we are disappointed with the City's piecemealed release of environmental review documents relating to the Project. As discussed in our previous comments, the Specific Plan was not publicly available during the draft EIR comment period, preventing the public and decisionmakers from reviewing those documents together. This is critical, as the

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EIR relies heavily on design and other standards contained in the Specific Plan for its conclusions that the Project will not have significant impacts.

Response to Comment No. 8-2

The comments regarding the release of the draft Specific Plan and Sign District were fully responded to as part of the Final EIR. Refer to Topical Response No. 1.D, CEQA and City Policy Do Not Require the Proposed Specific Plan or Sign District to be Included in the EIR, and to Response to Comment No. 5-3 in Section II, Responses to Comments, of the Final EIR. Refer also to Response to Comment No. 2-2 above. As discussed therein, an initial draft of the Specific Plan that was provided by the Applicant has been publicly available since 2021 as part of the administrative record. Further, neither CEQA nor City policy requires a draft Specific Plan itself to be included in the Draft or Final EIR, and the commenter fails to provide any evidence to the contrary. Nonetheless, in response to public comments, drafts of the proposed Specific Plan dated October 2023 and April 2024 and a draft of the proposed Sign District dated April 2024 were made publicly available on the Department of City Planning's website for informational purposes.

The EIR, including the Draft EIR, Final EIR, and Erratum, disclosed and analyzed all physical elements of the proposed entitlements, including the draft Specific Plan, among others, as required by CEQA. Refer to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR, which provides a clear demonstration of how the development parameters within the draft Specific Plan dated October 2023 are fully consistent with those set forth in Section II, Project Description, of the Draft EIR. Further, the draft Specific Plan dated April 2024 matches the parameters analyzed in the April 2024 Erratum. As such, the EIR including the Erratum fully evaluated the physical parameters of the Specific Plan.

Comment No. 8-3

Since the draft EIR comment period, the Project has been modified, but these modifications were only disclosed to the public in April 2024—five months after the release of the final EIR. For example, the Sign District details were just disclosed for the first time, two years after the

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close of DEIR comments. Consequently, the public has been unable to review the modifications to the Project and to understand the potential environmental impacts of these changes.

Response to Comment No. 8-3

The Erratum, modified draft Specific Plan, and draft Sign District were released in on April 5, 2024, 40 days prior to the Hearing Officer/Deputy Advisory Agency hearing, which was substantially earlier than required by CEQA or typical City procedures. The Erratum provided a detailed analysis demonstrating the Modified Project would result in similar or reduced environmental impacts as compared to the Original Project. In addition, Section II, Project Description of the Draft EIR provided a general description of proposed signage and that description is consistent with the proposed Sign District that was released in April 2024.

Comment No. 8-4

We ask the City to recirculate the EIR ***and all of its pieces*** with updated analyses.

Second, the City's reliance on an Addenda has no basis in the California Environmental Quality Act (CEQA). The April 5, 2024 notice sent to Project stakeholders, states, "The Erratum outlines modifications and reductions proposed for the TVC 2050 Project, which were made in response to community input." But an "erratum" is not a CEQA process. When an agency modifies an environmental impact report prior to certification, CEQA requires **recirculation** of an EIR. (CEQA Guidelines § 15088.5.) Recirculation is required whenever "significant new information" is added to the EIR prior to certification. (CEQA Guidelines § 15088.5(a).) Certification has not yet occurred. Moreover, there is significant new information in the form of Project changes (relocation of lane access to the mobility hub, elimination of hundreds of parking spaces, a new zoning designation). The Erratum contains a multitude of new technical and expert reports purporting to address the Project's impacts (Appendices B through H) relating to historic resources, transportation, geotechnical impacts, hazards, utilities, noise, and fire access. Instead of inventing a new process, the City must recirculate the revised EIR for public comments, and the City must respond to those public comments with good faith, reasoned analysis as required by CEQA.

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Response to Comment No. 8-4

Refer to Response to Comment No. 2-42 above. Recirculation is triggered by a very specific set of circumstances which has not been met with this Project. Specifically, the preparation of an Erratum alone does not warrant recirculation and none of the comments received constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, for each environmental topic covered under CEQA, the Erratum demonstrates that the environmental impacts of the Modified Project would be similar to or less than those set forth in the Draft EIR. In addition, these comment letters do not disclose any new significant impacts or a substantial increase in the severity of an impact already identified in the EIR, nor do the comment letters contain significant new information that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project or a feasible alternative or mitigation measure that the Applicant has declined to adopt.

Comment No. 8-5

Finally, the FEIR fails to either address or resolve the issues Beverly Wilshire Homes Association raised in its detailed 2022 comments on the TVC 2050 Project. The Project Description remains unstable, which cascades into a failure to adequately disclose, analyze, and mitigate the Project's environmental impacts.

Response to Comment No. 8-5

The commenter's 2022 comments were fully addressed in the Final EIR. Refer to Response to Comment Nos. 11-1 through 11-31 in Section II, Responses to Comments, of that document.

With respect to the claim the Project Description is unstable, refer to Response to Comment No. 11-10 of the Final EIR. As explained therein, the physical aspects of the proposed Specific Plan were fully accounted for in Section II, Project Description, of the Draft EIR, as demonstrated in Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, of the Final EIR. In addition, as also explained in Response

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to Comment No. 5-6 and Topical Response No. 3, Permitted On-Site Uses, the permitted uses on-site will only include the five studio uses discussed throughout the Draft EIR (i.e., sound stage, production support, production office, general office, and retail) and associated ancillary uses, and these uses have all been fully evaluated in the EIR. The commenter has not provided any evidence to the contrary.

Comment No. 8-6

The EIR defers its analysis of dewatering impacts to future reports and processes.

Response to Comment No. 8-6

Refer to Response to Comment No. 2-17 above. Contrary to the commenter's assertion, the analysis of the Project's dewatering impacts is not deferred in the EIR. Among other things, per Project Design Feature GEO-PDF-1, the proposed below-grade parking structures will be designed to resist the hydrostatic pressure such that a permanent dewatering system (post-construction dewatering system) will not be required. Temporary dewatering will be conducted only during construction of the below-grade parking structures. Temporary construction dewatering is routinely used to manage and control groundwater levels at construction sites to facilitate construction of underground structures, such as below-grade parking structures. As stated above, Response to Comment No. 11-25 in the Final EIR describes the process a dewatering specialty contractor would use to finalize a dewatering design prior to submittal to local jurisdiction agencies for review and approval. Furthermore, the potential impacts associated with dewatering equipment, including impacts related to noise and air quality were also fully addressed in the EIR.

Comment No. 8-7

It does the same with regard to traffic and traffic congestion management plans ***that will not even be prepared after Project approval*** outside the gaze of the public.

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Response to Comment No. 8-7

This comment appears to be addressing the proposed NTMP. Refer to Response to Comment No. 2-25 above. Because cut-through traffic and traffic congestion (i.e., level of service) is no longer a CEQA issue, the concept of deferral is not applicable. Nonetheless, a non-CEQA analysis of potential effects on neighborhood traffic is included in Section 5C of the Transportation Assessment, included as Appendix M.1 of the Draft EIR. As discussed therein, to minimize the Project's potential effects on cut-through trips, a NTMP would be implemented. The Project would provide funding to implement neighborhood protection measures in accordance with the City's long-standing process of preparing an NTMP. The implementation of NTMP measures requires the approval of a majority of the affected residents, typically based on their experience with cut-through traffic after the approval of a project, and therefore cannot be identified or approved during the entitlement process.

Comment No. 8-8

The EIR also fails to fully analyze and mitigate air quality impacts, especially those affecting the nearest sensitive receptors—the surrounding community.

Response to Comment No. 8-8

This comment claims the EIR fails to analyze or mitigate air quality impacts, but provides no evidence to support this claim. The air quality analysis in Section IV.A, Air Quality, of the Draft EIR correctly identified and analyzed impacts to sensitive receptors consistent with SCAQMD LST methodology. Additionally, in response to comments on the Draft EIR, a quantitative HRA is included as Appendix FEIR-10 of the Final EIR, which confirms the Draft EIR's conclusion that health risks to nearby sensitive receptors from the Project would be below the applicable significance thresholds and impacts would be less than significant.



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Comment No. 8-9

As discussed further in the letter submitted by Save Beverly Fairfax, the EIR also fails to adequately analyze the newly disclosed sign district

Response to Comment No. 8-9

Refer to Response to Comment No. 2-13 above. As discussed therein, the EIR disclosed and analyzed all physical elements of the Draft Sign District, and neither CEQA nor City policy require a draft sign district ordinance to be included in an EIR. Further, the Draft Sign District was made publicly available on April 5, 2024, over five months before the City Planning Commission hearing to consider the Draft Sign District and other Project entitlements, which substantially exceeds both the City's and CEQA's requirements.

Comment No. 8-10

or acknowledge the illegality of helipad use on the site.

Response to Comment No. 8-10

Refer to Response to Comment No. 2-37 above. As discussed throughout the EIR, a helipad has been a permitted use on the Project Site since 1951 under Case No. ZA 11412, which involved the approval of a conditional use and zone variance to permit production uses as well as "all uses incident, necessary or appurtenant to" production.

Comment No. 8-11

The Beverly Wilshire Homes Association shares in the concerns detailed in the Save Beverly Fairfax letter.

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Response to Comment No. 8-11

This comment states that the Beverly Wilshire Homes Association shares the concerns detailed in the Save Beverly Fairfax Letter (Letter No. 2). Refer to Response to Comment Nos. 2-1 through 2-42 above.

Comment No. 8-12

Project review is not complete. Neither the public nor the City's decisionmakers can really know what the Project proposes and what the impacts to the community will be. All we know is that it will permit well over one million square feet of new development in what is already one of the most congested and developed corridors in the City. The Beverly Wilshire Homes Association urges the City not to certify the FEIR and to require recirculation of the EIR before proceeding with the Project.

Response to Comment No. 8-12

A comprehensive description of the Project and analysis of the potential environmental impacts of the Project was provided in the Draft EIR. In addition, as discussed in Response to Comment No. 8-4, above, for each environmental topic covered under CEQA, the Erratum demonstrates that the environmental impacts of the Modified Project would be similar to or less than those set forth in the Draft EIR. No substantial evidence has been provided to support the comment that recirculation of the EIR is required. Rather, the decision-makers have been provided with the information needed to consider approval of the Project. This comment is nevertheless noted for the record and will be forwarded to the decision-makers for their review and consideration.

Attachments

Attachment A

Comment Letters

May 16, 2024

RE: TVC 2050 Project

Why has Hackman Capital Partners misrepresented this project as a boon for the movie studio industry when the primary program is office space that will burden the neighborhood with overdevelopment and endless disruption of community life for up to 20 years?

Dear Mr. Caporaso,

I am an architect who has lived in the Beverly Fairfax neighborhood for over 39 years. I was the manager for the executive project architect for the Hollywood & Highland development of over 2,000,000 sf completed in 2001 and I know first hand how construction the scale of TVC 2050 will have on its neighborhood.

I consider the proposed TVC 2050 Project as a devastating attack on our community, that will create irreparable damage to the quality of life for one of City's most important historic and cultural destinations for museums, shopping, restaurants, entertainment, and architecture.

Regardless of the Final EIR's mitigation measures, which purport to resolve the project's negative impacts, I believe that this document represents an administrative abstraction to satisfy governance procedures that cannot properly address the community's daily real and ever lasting life experiences.

The developer has promoted TVC 2050 as a savior to the movie studio industry because it will provide new production and studio workspace. However, this is misleading because the project is primarily programmed as office space. Production and General Office spaces total up to 1,275,000 square feet or 3.6 times the area of Sound Stages and over 75% of the new development area. This is a staggering misrepresentation of what is required as office support space for studio functions. Specifically, 550,000 square feet or 44% of the total office space is designated as General Office space unrelated to studio production support and available to be leased to completely unrelated businesses. The request for excessive new office space development is yet another way that the developer has packaged the project for added profit at the expense of the community. Therefore, the proposed gross overdevelopment of office spaces is a primary target for reduction in making the project a more responsible and civically humane development.

The current oversized program for TVC 2050 would have an overwhelmingly oppressive impact on surrounding roadways and adjacent communities that are already choked with traffic.

The construction buildout would be the first wave of a prolonged 20 year assault on the neighborhood that would easily overwhelm immediate and surrounding primary and smaller residential streets during construction as the Specific Plan permits a maximum of up to 1,626,180 square feet of new development including the demolition of up to

495,860 square feet of existing media production facilities. It is inconceivable how the scale of this construction activity, and the massive number of associated haul routes required for the transport of new and waste materials to and from the site, could be accommodated without completely disrupting the neighborhood for a seemingly indeterminate number of years.

The fact that the buildout could extend for 20 years under the development agreement is an unconscionable request for power by the developer that would destroy the peace of mind and welfare of an entire community for decades. The developer has admitted that construction will cause delays for emergency responders which would seriously compromise the health and well being of citizens and have critical impact in potentially life-and-death situations.

The developer has taken the absurdly arrogant position of proposing excessive development in each of its alternative schemes for the sole purpose of maximizing the monetization of one of Hollywood's most prized architectural landmarks. In comparison, the Specific Plan for Paramount Studios permits 122% of the site for development while TVC 2050 proposes 180% of the site which is grossly incompatible with the surrounding residential neighborhood.

Furthermore, the project proposes building to height limits that are unprecedented for the general area. Structures along the eastern edge will be 26 feet or higher than Broadcast Center Apartments and TVC office tower will be approximately 225 feet tall or 100 feet higher than the tallest buildings in the area located at Park La Brea - overshadowing the 1950's TV City landmark building which will become an insignificant ornament amongst the crowd of high rise buildings. Additionally, the developer proposes to raise the building height ground level datum from the site's lowest point along Fairfax Avenue to create a 16 foot high base for the 88 ft. high residential towers along Fairfax Avenue decimating any sense of pedestrian scale within the existing residential context.

The proposed development of TVC 2050 will stand for generations as an object lesson for what is possible within the context of a one of the City's most important historic communities. I urge you to stand with the community in preserving its heritage as a cultural center and its quality of life for the current and long term.

Thank you for your consideration and your efforts to dramatically reduce the offensive scale of the proposed TVC 2050 project.

A handwritten signature in black ink that reads "Ronald Benson". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Ronald Benson, Architect



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May 14, 2024

Via Email (paul.caporaso@lacity.org)

Deputy Advisory Agency
City of Los Angeles
Department of City Planning
c/o Paul Caporaso
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Los Angeles, CA 90012
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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. 32nd 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.) 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), 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



VIA EMAIL

May 14, 2024

Paul Caporaso
City Planner
Major Projects
221 N. Figueroa Street, Room 1350
Los Angeles, California 90012

Re: TVC 2050 Project, 7716-7860 Beverly Boulevard, Los Angeles, CA 90036; CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; CPC-2021-4090-DA; VTT-83387; ENV-2021-4091-EIR, SCH No. 2021070014 (collectively, the “TVC Project”)

Dear Mx. Caporaso,

The Grove, LLC appreciates the opportunity to comment again on the TVC Project. Please provide these comments to the Advisory Agency and Hearing Officer prior to their May 15, 2024, hearing, and include them in the administrative record. These comments supplement the comments submitted on the TVC Project Draft Environmental Impact Report (“Draft EIR”).

The Grove LLC strongly supports the entertainment industry and recognizes the importance of continuing to grow the industry in Los Angeles. However, the TVC Project, as proposed by Hackman Capital, fails to address many of the issues raised by us and others in response to the inadequate Draft EIR the City published last year.

We respectfully request that the City continue the upcoming hearing. A continuance is crucial to allow the community time to review and comment on the recently disclosed modified project and proposed specific plan, signage plan and other entitlements.

The TVC Project requires a minimum of nine approvals. On April 5, the City unveiled thousands of pages of new information, including a *modified* project, the *modified* draft TVC 2050 Specific Plan with its seven appendices, the *modified* TVC 2050 Project Environmental Impact Report, which itself includes *modified* development plans and seven technical appendices, and the draft TVC 2050 Sign District. Much of this is new information that has not been shared previously with the community.

The proposed TVC 2050 Specific Plan and TVC 2050 Sign District override the Los Angeles Municipal Code (“LAMC”), representing significant changes. These approvals define what can actually be built and are the “Project” under CEQA. The illustrative plans are just that, illustrative of one of many possible variations of what might actually be built. The TVC Project continues to be undefined and open to a myriad of changes under the Project documents. As such, the community really has no idea of what will be built, over what period of time, and how the facilities will be operated.

The City’s response to the over six hundred comment letters to the TVC Project’s Draft EIR was inadequate, often being conclusory, and lacking any evidentiary support.

For instance, the Specific Plan’s allowance of “Special Events (as governed by the Code)” as ancillary uses with no further explanation or regulation is concerning. We commented that the nature and extent of these “Special Events” were undefined and that the related impacts were not analyzed. The City’s response to the Draft EIR comment is that the EIR does not need to analyze them. That is incorrect. If Special Events are part of the TVC Project, the City must make a reasonable effort to assess the related traffic, air quality, noise, and other impacts on the community from these Special Events.

Additionally, the Draft EIR failed to meet the basic requirement of describing the TVC Project. In Response to Comments, the City states that CEQA defines the project to be analyzed as the physical change to the environment. The City misses the point. Without a detailed Specific Plan and development plans, the extent of the physical change to the environment was not adequately disclosed and impacts were not analyzed.

The City’s assertion that a Specific Plan is merely a regulatory document without the need for detailed information fails to address how the potential physical changes and their impacts are evaluated. The lack of clarity on permissible uses and the absence of meaningful operational limits for these uses, such as Special Events and audience participation shows, prevent informed decision-making.

For example, the Supplemental Transportation Assessment prepared by Gibson Transportation Consulting, dated February 2024, included with the Erratum states that the modified project trip generation for sound stages would be 41 cars entering and 62 cars exiting the project site during the afternoon peak hours. This presumably includes workers and visitors, including guest participation guests. There are, however, no limitations in the draft Specific Plan that ensure that the sound stage visitors and guests would be within those trips. And, as discussed above, the Special Events trips are nowhere to be found in the transportation analysis. Since the City is telling the public that the TVC Project

impacts will be limited to those identified in the EIR, then the City must include regulations and conditions in the Specific Plan that limit the project accordingly. The EIR's conclusions are baseless absent such limitations.

More generally, the Response to Comments section is filled with confusing cross-references. The Erratum then changes the project and adds more information. There also appears to be a disconnect between the EIR's assumptions and the proposed approvals. It is not possible for the public and decisionmakers to make an informed assessment of the project and its impacts with this hodgepodge of information and unsubstantiated analyses. To provide meaningful and informed public review, the City should revise and recirculate the Draft EIR, analyzing the full scope of impacts based on the newly proposed project approvals and TVC Project scope.

Based on what we have been able to review of the modified project, Final EIR and Erratum, the information does little to address our concerns.

As we have noted previously, The Grove supports expanding and maintaining a thriving film and television studio at the Television City property. However, the TVC Project must minimize adverse impacts to the surrounding residential and business community. Unfortunately, from what we can glean from the documents, the TVC Project would have significant impacts, particularly regarding traffic and access, which are not adequately disclosed in the EIR.

Given the lack of adequate response to our Draft EIR comments, we reiterate and incorporate those comments again here. The Draft EIR must be revised and recirculated. Failure to do so would violate CEQA.

We appreciate your consideration of our request for a continuance and look forward to a more transparent and inclusive review process.

Sincerely,

Chris Robertson

Chris Robertson
SVP, Planning & Development

cc: Councilmember Katy Yaroslavsky

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May 15, 2024

RE: 7716-7860 Beverly Blvd.
Los Angeles, CA 90036
ENV-2021-4091-EIR
CPC-2021-4089-AD-GPA-ZC-SP-SN
CPC-2021-4090; VTT-83387

Mr. Caporaso,

Thank you for the opportunity to comment on this proposed Specific Plan and Project.

This letter is in regards to the Deputy Advisory Agency hearing on May 15, 2024 on the TVC 2050 Project. I currently oppose the project as proposed, despite the recent minor reductions made by the developer, Hackman Capital Partners. I additionally do not support the approval of the Environmental Impact Report EIR for the project.

As a former 35 year film industry member, I support the continued use as a entertainment production facility, Television City has been a welcome part of the community for many years and as a local resident of the area, I pass the facility daily, but there is a need to balance the expansion with the negative impacts to the residents in the name of job creation.

The unnecessary expansion of 550,000 sq. ft. of “general office space” unrelated to entertainment production should be completely removed from the project. Not only is there a current glut of vacant office space post pandemic, but no sign of the need increasing within the window of the entitlement period proposed. We currently have plenty of vacant office in the Miracle Mile on Wilshire right along the Purple/D Line that will not require the use of shuttles to carry employees from the stations. The 550,000 Sq. ft. of “general office space” would be on top of the 700,000 sq. ft. of “production office space”. How either of these two uses would be

differentiated or enforced seems remote. Hackman has never advertised this expansion as an “office park” but an actual entertainment industry facility despite their minor increases in sound stage square footage with the expansion. The shortages that have been widely written about for the film industry have been in soundstages for filming, not office space either production office space or general office space. The weakest aspect of this proposal is in real square footage increases in sound stage space despite the state tax incentives being offered to developers to build soundstages under the current state tax incentive program. The program has spurred a large number of proposals for new soundstages in the Los Angeles area, despite a slowdown in new production post strikes and consolidations in the streaming side of the industry. These economic uncertainties seem to call for a “go slow” approach, especially when mitigations cannot be guaranteed for a facility in the middle of a residential area unlike most studio operations that are based in more remote areas, industrial areas or near freeways that can handle the increases in truck and car traffic. Increases in Floor Area Ratio (FAR) should be reserved for projects that produce affordable housing projects, currently in short supply, not office buildings where there is a large amount of existing vacant space where owners have walked away from their properties.

TVC 2050 would co-exist next to historic multifamily neighborhoods, a well used park, a Holocaust Museum and a historic open-air market which attracts visitors from all over the world. Additionally, there is well known shopping center, The Grove with a reputation for having more visitors than Disneyland and speaks to the already congested conditions without the TVC expansion. It’s also within close proximity to a new LACMA and other museums such as the Academy Museum and you have a very complex mix of uses and hard to predict traffic patterns.

I have additional issues with the proposed sign district for the expansion. The current site does not have any signage along the perimeter and that is the best environmental solution. Advertising signage only benefits Hackman Capital and provides zero benefits to the residential communities that surround the site. No guarantees have been provided to avoid the conversion to digital signage in the future, which we have seen in other sign districts and has additional negative impacts by impacting birds and disruption of human sleep patterns that the additional light emitted will generate and further distract drivers. Also, they will consume additional electrical resources of the DWP. It’s a completely frivolous and unnecessary giveaway to the developer, ripe for exploitation.

An additional area of concern is the protection of the Historic Resource Viewshed created under the Historic Cultural Monument designation granted to Primary Studio Complex and it’s Character Defining Features designed by the firm of Pereira and Luckman.

The expansion calls for demolishing and removing the majority of the current buildings on the site to allow for a larger and tighter configuration of buildings with the exception of the HCM protected Primary Studio Complex. Subarea A Viewshed Restoration Area extends 430 ft. along Beverly Blvd. and allows for structures limited to a height of 58 ft. In Specific Plan Section E. Viewshed Restoration Area Section 2. Allows for one-story buildings and structures of a similar size and height shall be permitted throughout Subarea A with only Administrative Review. This

may not provide any guarantee of adequate opportunities for the public to view the historic resource as intended by the HCM designation from the street along Beverly Blvd. and behind the security fence, other than an occasional slit between new structures that could be constructed under this Specific Plan.

Section 4. states "A Project shall maintain clear and unobstructed views of the exterior viewshed features. However, this does not require continuous views of the exterior viewshed features along Beverly Boulevard for the entire width of the Viewshed Restoration Area."

Will this lead to specific points along Beverly Blvd. that the public can create their "Kodak Moments" like we know from Disneyland where the community now must go to view the most significant buildings from the community which were destroyed such as the Pan Pacific Auditorium and the Carthay Theater? This would be a terrible outcome for this Historic Cultural Monument and would show a complete disrespect to the community. This Specific Plan language is too vague and leaves the decision in the wrong hands to control the fate of what remains of this once majestic site.

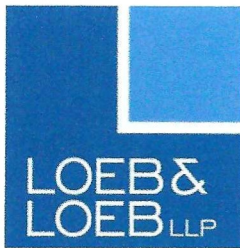
Other issues that need improvements include Special Events to be unlimited at a facility that is a 24 hour a day operation amounts to a "blank check" for Hackman Capital and could create unforeseen impacts that are impossible to measure and evaluate.

Regarding stormwater discharge at a level, reduced from a 90% impervious in the Original Project to a level of 83% impervious in the Amended Project seems inadequate for a site of this size. It illustrates a site which is pretty much paved over and should call for some sort of robust stormwater capture system to prevent this massive amount of rainwater runoff.

Plenty of unresolved and vague language about what will be built and when it will be built, which leaves the community with a high level of uncertainty about this site. This is exactly the opposite of why an environmental impact report was required to be created and to disclose the potential negative impacts.

Sincerely,

Keith Nakata



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May 15, 2024

Paul Caporaso
Staff Planner
Department of City Planning
City of Los Angeles
221 N. Figueroa Street, Suite 1350

Re: Hearing Examiner Comments; May 15, 2024; TVC 2050 SPECIFIC PLAN

Dear Paul Caporaso:

We are writing on behalf of our client, the A.F. Gilmore Company (the "Gilmore Company"), to provide general comments, supplementing its previous comments, regarding the proposed TVC 2050 Specific Plan and associated actions (the "Project") its CEQA review. After it has reviewed the Hearing Examiner's report and recommendations, the Gilmore Company will provide further comment to the City Planning Commission.

The proposed Final EIR for the Project fails to comply with the most basic requirements of CEQA, as reflected in the voluminous public comments provided to the City to date. The Final EIR fails to provide detailed, good faith, reasoned analysis in response to comments as required by CEQA; instead providing conclusory statements unsupported by factual information. *CEQA Guidelines Section 15088*. The Final EIR systematically engages in Project description, Project objective, definitional, data and analysis manipulation in order to avoid disclosing the environmental impacts of the Project (and in particular the unavoidable environmental impacts of the Project), as well as in order to avoid the analysis and implementation of feasible mitigation measures and alternatives. Accordingly, the Final EIR should not be certified by the City.

Approval of the Project, including its Specific Plan and undisclosed development agreement, which would exempt the Project from the land use procedures, controls, opportunities for public review and input, and City Council oversight that otherwise apply throughout the City of Los Angeles for a period of 20 years would be fundamentally irresponsible. It would be particularly irresponsible for our public officials to approve and lock-in the applicant's proposal, which would overwhelm and fundamentally transform the Wilshire-Fairfax Community, ahead of an update to the Wilshire Community Plan, which is severely out of date. It is well established that the infrastructure serving the Wilshire Community Plan area is overburdened and insufficient to serve existing development. Approval of the Project would therefore conflict with the most central premises of the City's Community Planning process:

- Integrate land use, infrastructure, and transportation improvement;
- Direct growth to centers while preserving established residential neighborhoods;
- Create healthier, more livable neighborhoods and economically vital business districts that can provide more job and housing opportunities for city residents; and
- Facilitate improved design of new and renovated structures and public spaces.

The Project is being improperly rushed forward before a long overdue update to the Wilshire Community Plan, where the land use, infrastructure, and transportation needs of the Wilshire community for the next twenty years will be established. The Project is not located in a “center,” but would effectively create an entirely new “center” in a location not contemplated or suitable for one. The Project and its uses would severely tax area infrastructure and transportation, which are already overburdened. The Project would overwhelm the existing residential neighborhoods that surround it, and would not respond to the community’s most pressing need: affordable housing. Accordingly, consideration of the Project should be deferred and considered only in the context of an update to the Wilshire Community Plan.

The Project documentation conceals the actual height of its buildings, their size, and the Project’s environmental and community planning impacts. The Project documentation admits that the applicant is requesting at least approximately 915,440 square feet of Production Support and Production Office Space (although the Project contains more than that by virtue of its improper exclusion of ‘basecamp’ square footage). In addition, the applicant requests an additional 550,000 square feet of “General Office” which, as the proposed Specific Plan expressly admits, need not have anything to do with production activities. Such proposed 550,000 square feet constitutes over 30% of the Project’s admitted square footage. General Office is not a use historically associated with CBS Television City, is not consistent with or necessary to achieve studio-serving Project objectives (given the 915,440 square feet of Production Support and Production Office already proposed), and should be eliminated from the Project.

The applicant is seeking a 20-year development agreement, but there is no need for one and the applicant’s request for a development agreement should be rejected. The applicant is not committing to develop the Project as proposed, or any Project whatsoever – on any timeframe. Given these facts, the Project should be recognized as an essentially a speculative real estate development play. Locking in development rights under the applicant’s proposed Specific Plan (which exempts the Project for land use controls, oversight and public input that apply throughout the rest of the City of Los Angeles) over such an extended time period is unnecessary and would be wrong – particularly in view of the Project being rushed ahead of an update to the severely out-of-date Wilshire Community Plan. Indeed, if the requested development agreement were approved, the City would have no opportunity to reconsider the unprecedented rights granted, even if terribly negative impacts to the community occur. Accordingly, The proposed development agreement should be rejected, as should the Project’s

exemptions from land use controls, oversight and opportunities for public input that apply throughout the rest of city. Instead, the applicant should be required to: (1) process entitlements for construction if, when and as construction is actually proposed; and (2) complete construction within the time frames that apply to such entitlements – just as any other developer in the City of Los Angeles must do. There is no justification for granting the applicant the special privileges it is requesting.

In this regard, we note that the entire entitlement process has been distorted by the City accepting, as a unprecedented planning objective, the following: “Permit a reasonable, risk-adjusted return on investment commensurate with the Project Applicant’s fiduciary responsibilities and sustained economic viability and growth...” Neither the applicant’s investment nor its fiduciary responsibilities have been disclosed to the public or have been part of the public process. Moreover, this improper objective explains why the Project and its process are fundamentally flawed; specifically the fact that the Project is a speculative development play, that it is grossly oversized and inappropriate for its location, why it is being rushed ahead of a long overdue update to the Wilshire Community Plan, why the City’s CEQA review has failed, and why the applicant is requesting a 20-year development agreement. The City of Los Angeles has no responsibility to grant the applicant ‘a reasonable, risk-adjusted return on its investment.’ Nor does the City have any responsibility to consider the applicant’s ‘fiduciary responsibilities,’ or to ensure that the applicant receives ‘sustained viability and growth.’ By rejecting the Specific Plan and development agreement, and by requiring the applicant to proceed with redevelopment of its property by way of project-specific entitlements as discussed above, the City should correct this defect.

In addition, we also note that while a 20-year development agreement is a core request from the applicant, no development agreement has been made available for public review or comment. Thus, the public is being deprived of the opportunity to review and comment on the terms and conditions of the development agreement, including but not limited to whether the City of Los Angeles is being offered sufficient consideration for approval of the vested rights that would be granted to the applicant. A proposal for a development agreement must be heard by the City’s Planning Commission. *Government Code Section 65867*. Accordingly, the Hearing Examiner hearing for the Planning Commission should be continued until after the proposed development agreement is made available for public review, and no hearing should be held before the Planning Commission until after the proposed development agreement has been released to the public.



We look forward to reviewing the Hearing Examiner's report and recommendations to the Planning Commission, and to providing further comment.

Sincerely,



Allan J. Abshez
Partner

cc: Councilmember Katy Yaroslavsky

May 15, 2024

Councilmember Katy Yaroslavsky / CD 5

Via Email: katy.yaroslavsky@lacity.org
vrescalvo@gmail.com

Re: Television City 2050 Proposal

Dear Councilmember Yaroslavsky:

Park La Brea Impacted Residents Group, PLBIRG, is an all-volunteer group that has advocated for and manifested hundreds of thousands of dollars of funding to install more pedestrian crosswalks and safety infrastructure in the area, including the signalized crosswalk on 6th Street at Spaulding, and two upcoming crosswalk installations in the vicinity of 3rd and Fairfax.

PLBIRG opposes the TVC 2050 redevelopment project as currently proposed. We support modernizing the studio to make it world class. We support more jobs for writers, actors, directors, production crews and production company staff. We do NOT support any proposal to upzone TVC to make room for a massive 550,000 sq. ft. diversification into general real estate development that has nothing to do with entertainment industry jobs.

The TVC 2050 proposal has been framed as: You are either “for” having a modernized studio providing thousands of production related jobs – or you are “against” that.

This false “either/or” narrative was manufactured to keep in the shadows the actual issue.

The proposal will result in a more modern, more ecological studio and production complex...that stays essentially the same size. A small world class studio with an enormous shell game of an office complex wrapped around it.

Hackman isn't asking the City to amend the General Plan to get an extra 550,000 sq. feet of non-production-related space to rent co-working space to locals who will walk to work. They want that amendment to get carte blanche to salvage their purchase of TVC. Before Covid, A. I. and out-of-state tax incentives changed the LA production landscape, Hackman might originally have intended to expand the studio, but now they're trying to recoup their investment **by NOT expanding studio and production** space! Instead they're bringing in a gigantic Trojan Horse could mean a 550,000 sq. foot theme park, medical offices complex, a concert venue, helicopter Air Taxi business – anything but actual offices in a city where office space is going begging -- and all of the traffic, congestion and as-yet-undetermined impacts associated with a 20 year timetable to find the third parties with deep enough pockets to partner on lucrative uses that are far afield from Hackman's studio expertise.

Councilmember Yaroslavsky, please hold TVC 2050 to the promised updated studio with necessary production offices only, and jettison the 550,000 sq. feet of non-studio/non-production related space that mortgages our residential community's survival.

Sincerely,

Barbara Gallen, President
Sandra Dashiel, Vice President

May 14, 2024

Our File Number: 85XT-361787

BY EMAIL

Mr. Paul Caporaso
Planning Assistant
City of Los Angeles
Department of City Planning
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Los Angeles, California 90012
Email: paul.caporaso@lacity.org

Re: Joint Hearing for Proposed TVC 2050 Project (VTT-83387,
CPC-2021-4089-AD-GPA-ZC-SN-SP, CPC-2021-4090-DA
and ENV-2021-4091-EIR)

Dear Mr. Caporaso:

This firm represents Mayer Beverly Park Limited Partnership, an affiliate of Apartment Income REIT Corp. ("AIR Communities"), which owns and operates the Broadcast Center Apartments ("Broadcast Center") located at 7660 Beverly Boulevard. AIR Communities and its affiliates, which not only own Broadcast Center, but also nearby Palazzo West, Palazzo East and the Villas at Park La Brea, collectively provide housing for more than 3,000 residents in close proximity to the proposed TVC 2050 Project ("Project").

On behalf of our client, we have previously submitted a lengthy and detailed comment letter dated September 13, 2022 ("DEIR Comment Letter"), regarding the severe deficiencies in the Draft Environmental Impact Report ("DEIR") for the Project, including that (1) the DEIR included a nebulous and wholly unstable project description that provided no meaningful basis for environmental review and (2) the City failed to make available to the public the proposed TVC 2050 Specific Plan (the "Specific Plan") for the Project during the comment period for the DEIR.

On October 13, 2023, more than a year after the public comment period ended, the City released, for "informational purposes," a "Preliminary Draft" of the

Specific Plan that in some respects is markedly different from the Specific Plan described in the Draft EIR. Then, on or around November 21, 2023, the City released the Final Environmental Impact Report ("FEIR") for the Project that includes voluminous new data and analyses.

Months later, on April 5, 2024, the City released a package of new documents related to proposed modifications of the Project, including a further revised draft of the Specific Plan, an Erratum to the FEIR and a draft sign district ordinance.

AIR Communities and its representatives are still reviewing the Final EIR and project modification documents, which includes thousands of pages of new materials (the responses to comments in the Final EIR alone are 2,870 pages long). However, our preliminary observations are that (1) the project description continues to be neither accurate, finite nor stable, (2) even if the revised project description was accurate, finite and stable, the Draft EIR must be fully revised and recirculated, (3) the FEIR failed to adequately respond, or in some cases respond at all, to many of the technical issues raised in the DEIR Comment Letter, and (4) the text of the current draft of the Specific Plan is problematic in numerous respects. Our client intends to submit detailed comments regarding the FEIR and other documents and issues associated with the Project.

Having said this, AIR Communities appreciates the changes in the project design made by the developer in an effort to address AIR Communities' concerns regarding the Project's impact on Broadcast Center and its other properties, and further appreciates the Council Office's role in that process. However, our client still has significant concerns regarding several aspects of the Project that would detrimentally affect its residents, including its proposed and potential density and height in close proximity to Broadcast Center, the new road adjacent to Broadcast Center and noise and traffic issues. These concerns have been communicated to the developer's team. AIR Communities remains engaged in the process and welcomes further project revisions to ameliorate the Project's impact on its residents and the broader community.

Very truly yours,



Jack H. Rubens

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP



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May 14, 2024

Via Email (paul.caporaso@lacity.org)

Paul Caporaso
City of Los Angeles, Department of City Planning
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Los Angeles, CA 90012
paul.caporaso@lacity.org

Re: Comments on FEIR and “Erratum” 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 the Beverly Wilshire Homes Association regarding the final environmental impact report (FEIR), Erratum, Draft TVC Specific Plan and Draft TVC Sign District prepared for the TVC 2050 Project.

First and foremost, we are disappointed with the City’s piecemealed release of environmental review documents relating to the Project. As discussed in our previous comments, the Specific Plan was not publicly available during the draft EIR comment period, preventing the public and decisionmakers from reviewing those documents together. This is critical, as the EIR relies heavily on design and other standards contained in the Specific Plan for its conclusions that the Project will not have significant impacts. Since the draft EIR comment period, the Project has been modified, but these modifications were only disclosed to the public in April 2024 – five months after the release of the final EIR. For example, the Sign District details were just disclosed for the first time, two years after the close of DEIR comments. Consequently, the public has been unable to review the modifications to the Project and to understand the potential environmental impacts of these changes. We ask the City to recirculate the EIR ***and all of its pieces*** with updated analyses.

Second, the City’s reliance on an Addenda has no basis in the California Environmental Quality Act (CEQA). The April 5, 2024 notice sent to Project stakeholders, states, “The Erratum outlines modifications and reductions proposed for the TVC 2050 Project, which were made in response to community input.” But an “erratum” is not a CEQA process. When an agency modifies an environmental impact report prior

to certification, CEQA requires **recirculation** of an EIR. (CEQA Guidelines § 15088.5.) Recirculation is required whenever “significant new information” is added to the EIR prior to certification. (CEQA Guidelines § 15088.5(a).) Certification has not yet occurred. Moreover, there is significant new information in the form of Project changes (relocation of lane access to the mobility hub, elimination of hundreds of parking spaces, a new zoning designation). The Erratum contains a multitude of new technical and expert reports purporting to address the Project’s impacts (Appendices B through H) relating to historic resources, transportation, geotechnical impacts, hazards, utilities, noise, and fire access. Instead of inventing a new process, the City must recirculate the revised EIR for public comments, and the City must respond to those public comments with good faith, reasoned analysis as required by CEQA.

Finally, the FEIR fails to either address or resolve the issues Beverly Wilshire Homes Association raised in its detailed 2022 comments on the TVC 2050 Project. The Project Description remains unstable, which cascades into a failure to adequately disclose, analyze, and mitigate the Project’s environmental impacts. The EIR defers its analysis of dewatering impacts to future reports and processes. It does the same with regard to traffic and traffic congestion management plans that ***will not even be prepared after Project approval*** outside the gaze of the public. The EIR also fails to fully analyze and mitigate air quality impacts, especially those affecting the nearest sensitive receptors – the surrounding community. As discussed further in the letter submitted by Save Beverly Fairfax, the EIR also fails to adequately analyze the newly disclosed sign district or acknowledge the illegality of helipad use on the site. The Beverly Wilshire Homes Association shares in the concerns detailed in the Save Beverly Fairfax letter.

Project review is not complete. Neither the public nor the City’s decisionmakers can really know what the Project proposes and what the impacts to the community will be. All we know is that it will permit well over one million square feet of new development in what is already one of the most congested and developed corridors in the City. The Beverly Wilshire Homes Association urges the City not to certify the FEIR and to require recirculation of the EIR before proceeding with the Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle Black", with a stylized flourish at the end.

Michelle Black

Attachment B

Consultants Providing Technical Responses

From: Andy Simons <ASimons@Geosyntec.com>

Sent: Wednesday, May 22, 2024 11:36 AM

To: Stephanie Eyestone Jones <s.eyestone@eyestoneeir.com>

Cc: Lisa Hall <LHall@Geosyntec.com>

Subject: Response to Public Comment Associated with Deputy Advisory Agency and Hearing Officer Hearing

Dear Ms. Eyestone Jones,

Geosyntec has reviewed the memorandum prepared by Eyestone Environmental titled "Response to Public Comment Associated with Deputy Advisory Agency and Hearing Officer Hearing" and confirms that the section regarding dewatering impacts has been drafted and reviewed by Geosyntec and is technically accurate.

Thank you,
Andy

Andy Simons, PG (CA)

Senior Geologist

Geosyntec Consultants, Inc.

211 E Ocean Boulevard, Suite 300

Long Beach, CA 90802

Office: 562.257.1403 Mobile: 714.334.8697

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Please consider the environment before printing this e-mail. Thank you.

From: Jonathan Chambers <jchambers@gibsontrans.com>
Sent: Wednesday, May 22, 2024 10:43 AM
To: Stephanie Eyestone Jones <s.eyestone@eyestoneeir.com>
Subject: TVC Responses to Comments

Stephanie,

Gibson Transportation Consulting (GTC) has reviewed the memorandum prepared by Eyestone Environmental titled "Response to Public Comment Associated with Deputy Advisory Agency and Hearing Officer Hearing." We confirm that the sections regarding transportation impacts including parking, VMT, trip distribution, and traffic safety were drafted and reviewed by GTC and are technically accurate.

Thanks,

Jonathan Chambers
Senior Associate

Gibson Transportation Consulting, Inc.
655 N. Central Avenue, Suite 920
Glendale, CA 91203
www.gibsontransportation.com
(714) 450-0148 mobile
(213) 683-0088 office

From: Stan Tang <stang@geoteq.com>
Sent: Wednesday, May 22, 2024 11:07 AM
To: Stephanie Eyestone Jones <s.eyestone@eyestoneeir.com>
Subject: Review of Memorandum

Stephanie,

Geotechnologies has reviewed the memorandum prepared by Eyestone Environmental and titled "Response to Public Comment Associated with Deputy Advisory Agency and Hearing Officer Hearing" and confirms that the sections regarding dewatering impacts and stormwater capture have been drafted and reviewed by Geotechnologies and are technically accurate.

Stan Tang

Principal Engineer

Geotechnologies, Inc.

439 Western Ave.

Glendale, CA 91201

T: (818) 240-9600

M: (818) 266-5197

stang@geoteq.com

Attachment C

Input from Applicant Regarding Office Uses

From: Brian Glodney <bglodney@hackmancapital.com>

Sent: Wednesday, May 22, 2024 4:11 PM

To: Stephanie Eyestone Jones <s.eyestone@eyestoneeair.com>

Subject: TVC - Television City Hearing Officer Hearing Clarifications: Demand for general office within a studio

To: Stephanie Eyestone (Eyestone Environmental)

Re: Television City Hearing Officer Hearing Clarifications: Demand for general office within a studio

Collectively, the permitted uses help facilitate and support the studio and the primary studio land uses that already occur on-site. General office is a core and necessary land use required by modern media tenants, and all major studio modernization projects generally provide an increase in the use over the existing condition. All modern studio campuses are comprised of a large percentage of office.

Comparatively, the percentage of general and production office as a percentage of total program is as follows: approximately 78 percent for Sunset Bronson, approximately 83 percent for The Culver Studios, approximately 67 percent for Paramount Pictures, approximately 75 percent for Sunset Gower, and approximately 73 percent for the TVC Project. There is no intent by the Project to develop general office space unrelated to the entertainment industry.

Cheers.



Brian Glodney

Executive Vice President, Planning + Development

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Culver City, CA 90232

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bglodney@hackmancapital.com

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