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December 3, 2024

Councilmember John S. Lee
Councilmember Heather Hutt
Councilmember Katy Yaroslavsky
Councilmember Imelda Padilla
Councilmember Kevin de Leon
Planning and Land Use Management Committee
Los Angeles City Council
200 North Spring Street
Los Angeles, California 90012-4801

Re: TVC 2050 Project (Case Numbers VTT-83387; CPC-2021-4089-AD-GPA-ZC-HD-SP-SN; CPC-2021-4090-DA; and ENV-2021-4091-EIR, collectively the “Project”)

Dear Honorable Councilmembers,

On behalf of The Grove, LLC, we respectfully request that the Planning and Land Use Management Committee recommend denial of the TVC 2050 Project.

Specifically, the Committee should: (i) recommend **granting the appeals** of the Vesting Tentative Tract Map 84487 and denial of the map; (2) recommend **denial** of TVC’s many rezoning and legislative requests (General Plan Amendment, Zone Change and Height District Change, Specific Plan, Sign District, and Annexation); and (3) recommend **not certifying** the Final Environmental Impact Report.

There are six appeals of the Planning Commission’s approval of VTT-83387.¹ Substantial comments submitted to the City identify serious issues with the processing and approval of the tract map, the lack of regulation in the proposed Specific Plan and Sign District, and the inadequate CEQA review for the TVC 2050 Project.²

¹ Appellants include The Grove, LLC, Mayer Beverly Park Limited Partnership, Neighbors for Responsible TVC Development, A.F. Gilmore Company, Save Beverly Fairfax, and Beverly Wilshire HOA.

² 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 letters of September 3, 2024 and

The Grove supports the modernization and expansion of a working studio at TVC. It makes sense for the City and its own business – but The Grove has serious, valid concerns regarding the adequacy of the EIR and the scope of the proposed Project approvals that continue to be ignored. If the City approves the Project without correcting the Specific Plan and Environmental Impact Report (EIR) to address these comments and concerns, the Project will have a significant adverse impact on The Grove and community and violate state law and the Municipal Code.

There is a complete disconnect between the Project's EIR and proposed Specific Plan, a disconnect the public is only now coming to understand because the City withheld release of the proposed Specific Plan for over two years.

The EIR includes numerous assumptions, and statements of the “intentions” and “objectives” of the Project as a basis to draw impact conclusions that are not included anywhere as regulations or mandates. These assumptions, intentions, and objectives must become rules. If they do not, then the EIR's impact conclusions are baseless and unsupported.

To support the City's own statements and analyses in the EIR and comply with CEQA, the City must adopt corresponding regulations in the Specific Plan, enforceable Project Design Features, or Mitigation Measures. Otherwise, the City must revise the EIR to adequately reflect the environmental impacts of the Project without these controls and recirculate the EIR for public review. The following are just some of the unsupported assumptions.

- Sound Stage is the base unit from which all other uses are organized³
- Basecamp uses are ancillary to sound stage⁴
- Mobility Hub located at southwest corner of the site is accessed solely from Fairfax Avenue⁵
- No change in the existing number and size of special events⁶
- Limited daily audience members⁷

September 10, 2024, to the City Planning Commission, our October 15, 2024, letter to the CPC clerk, and all opposition comments and appeals submitted on the Project and Draft EIR, to the Advisory Agency, the Planning Commission and the City Council regarding the Project.

³ FEIR, p. II-498.

⁴ FEIR, p. II-149.

⁵ FEIR, p. II-109-112.

⁶ FEIR, p. II-149.

⁷ FEIR pp. II-145-148.

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- Operational trucks enter from Fairfax Avenue and Beverly Boulevard⁸
- Construction workers enter from Beverly Boulevard⁹
- Construction haul and material delivery trucks enter from Fairfax Avenue¹⁰
- Employees will have key cards to enter vehicular gates¹¹
- Helipad will be retained in approximately the same location with no increased use from existing conditions;¹²
- No permanent dewatering¹³

Attached as **Attachment A** is a detailed explanation of deficiencies in the EIR and proposed Project entitlements, including technical reports and other illustrative exhibits.

Thank you for your attention to these important issues.

Sincerely,



Maria Hoyer
of LATHAM & WATKINS LLP

cc

Vincent P. Bertoni, Planning Director
Paul Caporaso, Major Projects, City Senior Planner
Hydee Feldstein Soto, City Attorney

Enclosures

⁸ FEIR, Appendix FEIR-9, p. 941 (p. 979 of PDF).

⁹ FEIR Appendix FEIR-9, p. 872 (p. 910 of PDF).

¹⁰ *Ibid.*

¹¹ FEIR, Appendix FEIR-7, p. 2.

¹² FEIR, p. II-537-40.

¹³ FEIR, pp. IV-12-13.

Attachment A

Detailed Analysis of Concerns with EIR, Specific Plan

The Specific Plan Does Not Require an Operating Studio. While repeatedly referred to as a studio project, the proposed Project entitlements do not require a working studio at the Project site. The EIR states that the Specific Plan will permit five studio land uses. However, a review of the proposed Specific Plan definitions and regulations show that the Project does not have to include active studio production. It could, for example, purely be an office project. The City waives this off as a ridiculous comment. The Final EIR claims with no support that there's "no uncertainty that this site will remain a studio use."¹ If there is such certainty, then the City should have no objection to revising the Specific Plan to reflect that "certainty." It currently does not.

The disconnect between the Project and the EIR was made clear when the City finally released the draft Specific Plan over two years after releasing the Draft EIR. Had the City included the proposed Specific Plan with the Draft EIR, as it should have done, the unsupported nature of the EIR analyses and conclusions would have been evident to the EIR preparers and the public. Instead of now correcting the Specific Plan and/or revising and recirculating the EIR, the City goes to great lengths to try and explain that inclusion of the Specific Plan with the Draft EIR was not required, that the "relevant" sections of the Specific Plan were discussed in the EIR and that the EIR accounted for potential physical environmental impacts of all proposed uses. All of which are incorrect.

The proposed Specific Plan would supersede the City's Municipal Code-based development regulations. The Specific Plan thus defines the Project. Without disclosing all of the regulations in the Specific Plan it is not possible to assess if all of the potential physical environmental impacts of the proposed Specific Plan have been accounted for in the EIR.

For example, the EIR says that Basecamp uses are ancillary to Sound Stage and do not generate their own impacts apart from Sound Stages, and that there will be no offsite productions using the Basecamps.² However, there is no specific condition or requirement that this be the case. There is nothing in the Specific Plan or MMP that requires the Basecamp uses to correspond to any specific amount of Sound Stage development or that Basecamp only be used when a Sound Stage is in use. The Specific Plan allows an unlimited amount of Basecamp uses anywhere on the Project site and excludes Basecamp from the definition of Floor Area.³ Thus, no further future City Planning review of Basecamp uses would be required. And as the EIR notes, unlike other studios, this is not an owner-user facility. The Project is free to use Basecamp separately from Sound Stages. Maybe the Sound Stages do not require a Basecamp. In that case, the open space and subterranean square footage for Basecamp would be available for other independent uses that have not been accounted for in the analysis. The EIR does not analyze an unrestricted amount of Basecamp uses that is not required to be tied to any corresponding Sound

¹ FEIR, p. II-70 (Topical Response No. 1).

² FEIR, p. II-539.

³ TVC 2050 Modified Draft Specific Plan, pp. 7, 13 (April 2024).

Stage use. If, as the EIR claims, Basecamp will only be used together with Sound Stage operations, then the Project should be so conditioned. It is not. The assumptions underlying the analysis are unreasonable, unsupported, and grossly understated with respect to air quality, greenhouse gas (GHG) emissions, vehicle trips, noise, and all other impact areas that are premised on site usage and occupancy.

The Final EIR claims that the draft Specific Plan “includes the same elements that could result in a physical impact on the environment that were fully disclosed and analyzed in the Draft EIR” and refers to Appendix FEIR-2, Comparison Chart of the Draft EIR and the Preliminary Draft Specific Plan, to support this statement.⁴ However, the information included in Appendix FEIR-2 is only a subset of the Specific Plan regulations that could affect the environmental analysis. For example, the Draft EIR did not provide the definition of the five permitted land uses. Definitions were added in Final EIR Section III, Revisions, Clarifications, and Corrections to the Draft EIR.⁵ Yet even those definitions are incomplete when compared to the proposed Specific Plan.

The Specific Plan definitions allow for a broader range of uses than are described in the EIR. For example, the Specific Plan defines “Production Support” as including “retail associated with studio/production uses where goods are displayed, sold and/or services, including studio tours and related activities, and other similar uses.”⁶ This is much broader than how the EIR characterizes “Production Support” and would permit uses that are not within the scope of the EIR’s analyses. Just one example of such a use is something like the “Netflix House” that has opened in Texas and Pennsylvania. The Netflix House is “an experiential entertainment venue to immerse fans in popular Netflix titles”⁷ The EIR analysis of Production Support impacts is not reflective of more intensive, outward facing uses such as a Netflix House, yet the Specific Plan as proposed would permit it. For example, the trip generation rate for Production Support is the lowest of all the rates for proposed uses (4.14 trips/1,000 sf), reflective of the internal serving purpose of Production Support.⁸ By allowing new studio tours and Retail uses under Production Support⁹ the EIR understates the related impacts in areas such as air quality, noise, and traffic.

⁴ FEIR, p. II-710.

⁵ FEIR, p. III-3.

⁶ TVC 2050 Modified Draft Specific Plan, p. 8 (April 2024).

⁷ Etan Vlessing, *Netflix Plans Immersive Experiences in Texas, Pennsylvania*, THE HOLLYWOOD REPORTER (June 18, 2024, 8:48 AM), <https://www.hollywoodreporter.com/business/business-news/netflix-plans-immersive-experiences-in-texas-pennsylvania-1235925646>; Henry Goldblatt, *Netflix House Will Let you Experience Your Favorite Shows, Movies in Real Life*, TUDUM BY NETFLIX (June 20, 2024), <https://www.netflix.com/tudum/articles/netflix-house>.

⁹ Interestingly, for the CalEEMod inputs, the EIR identifies half the production support as retail and half as industrial park. The 50/50 split seems arbitrary, and the allocation was not done for other analyses. Further, all sound stages have assembly areas for audience members, and the EIR

There are similar issues with the definition of Sound Stage and Production Activity.¹⁰ The City acknowledges that these broad definitions could allow such non-production uses as an e-sport tournament at the Project site. E-sport events can have thousands of in person attendees.¹¹ There are e-sport venues being constructed that can include spectators ranging from 200 to more than 15,000.¹² The Ultimate “Weapons Grade” Studio in Huntington Beach is 20,000 square feet with a seating capacity of 300, similar to the existing sound stages at the Project site.¹³ While the overall square footage of Sound Stage and Production Support is capped under the Specific Plan, **there is no cap on seating or audience capacity for events.** There is nothing that would restrict a future owner from combining Sound Stage square footage and constructing a larger spectator venue. The EIR does not analyze the impacts of virtually unlimited spectator/audience participation at the Project site, which could drastically change the impacts conclusions in traffic, air quality, GHG and noise.

According to the EIR, the Project analyzed in the EIR is as described in Section II, Project Description, of the Draft EIR.¹⁴ That description lacks essential elements of the Project that are discernable only from reviewing the Specific Plan. Thus, the EIR fails as an informational document and fails to analyze all the potential impacts of the Project.

The EIR Obscures the Extent of Air Quality Impacts. The Draft EIR concluded that Project construction would result in a significant and unavoidable regional air quality impact, but localized emissions impact would be reduced to less-than-significant levels with the incorporation of Mitigation Measures, and that toxic air contaminant (TAC) emissions impacts were less than significant without mitigation.¹⁵ The Draft EIR concluded the Project’s operational air quality impacts would be less than significant without mitigation.¹⁶ And during possible concurrent construction and operations the Draft EIR determined that air quality impacts would result in significant and unavoidable impacts related to NO_x and VOC, but localized impacts would be less than significant with implementation of mitigation.¹⁷

does not explain why using the industrial park CalEEMod factor was appropriate for that type of use

¹⁰ FEIR, p. III-3.

¹¹ FEIR, pp. II-531, II-788; Carlos de la Barrera et al, *Developing the Esports Arenas of the Future*, HOK AND SAP (2019), p. 6 (citing to recent tournament with more than 50,000 fans in a stadium) <https://www.sportsdestinations.com/sports/indoor-arenas-facilities/developing-esports-arenas-future-16891>.

¹² Seth Jenn et al, *eSports Venues: A New Sport Business Opportunity*, 10 J. APPLIED SPORT MANAGEMENT 1 (2018), <https://trace.tennessee.edu/jasm/vol10/iss1/8>.

¹³ *Ibid.*

¹⁴ FEIR, p. II-1168.

¹⁵ DEIR, IV.A.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

In response to substantial comments regarding the inaccuracies in the Draft EIR's methodology, assumptions, and conclusions, the Final EIR redoes the Project's air quality analysis, adding a **1071 page** "Confirmatory Analysis."¹⁸ This analysis makes numerous custom assumptions and includes "project design features" to attempt to show that the conclusions in the Draft EIR are confirmed. But the assumptions are unsupported and clearly wrong, and some project design features are actually mitigation measures. The new analysis does not disclose the Project's unmitigated impacts and whether they change conclusions in the Draft EIR. And the new analysis arrives at mitigated impacts calculations that are suspiciously close to or right at the significance threshold. **Correcting any one of the custom analysis' faulty assumptions discussed below could disclose new significant air quality impacts.** Because of the manner in which the air quality analyses are presented and the lack of information regarding all of the modeling assumptions, it is impossible for the public to know the scope of the impacts with corrected assumptions.

The City has failed to accurately disclose the air quality impacts. The true scope of the Project's air quality impacts should have been disclosed and the EIR recirculated for public review and comment. Specifically:

- The VOC emissions from material movement are understated. The EIR states that the Project may generate 60,000 cubic yards of hazardous soil materials¹⁹ and Mitigation Measure HAZ-MM-1 was revised to say that "it is anticipated that all soil will be immediately loaded onto trucks for disposal and stockpiling on-site would not be necessary..."²⁰ The CalEEMod methodology in the new analysis assumes that the daily excavation amount for contaminated soil will be only 322 cubic yards.²¹ That would require over 180 days of hauling, with about 30 trucks a day. Given the priority to remove contaminated soils offsite quickly (and the assumption in the Project's Health Risk Assessment that will be done) it is unlikely that only 322 cubic yards will be removed daily.²² Thus, this assumption appears designed to achieve a desired modeling result and understates the VOC emissions from material movement. And the EIR is unclear if any demolition debris is included in the hauling figures, including potentially hazardous demolition debris. The CalEEMod methodology also assumes that the

¹⁸ See FEIR, Appendix FEIR-9.

¹⁹ DEIR, p. IV.F-40

²⁰ FEIR, p. III-41. As discussed in the hazards discussion below this volume of impacted soil may be underestimated. And a mitigation measure should not "anticipate" it should require. The measure should be revised accordingly.

²¹ FEIR, Appendix FEIR-9, p. 867 (p. 905 of PDF).

²² By comparison, while unclear, the EIR seems to assume that 4,443 cubic yards of non-hazardous soil will be handled per day. FEIR, Appendix FEIR-9, p. 882 of PDF.

contaminants are gasoline range organics with concentration levels that are not supported in the Final EIR.²³

- On-site truck/vehicle activity is artificially reduced. There is no support for the assumption that construction trucks will travel predominantly on paved surfaces on site.²⁴ The Final EIR includes a new “Project Design Feature” that specifies how much of the unpaved areas will be controlled by soil stabilizers and watering, but does not restrict the amount of haul truck travel on unpaved areas on the site overall.²⁵ And how the contrived flow of travel distances, paving conditions and vehicle speeds is going to be enforced and documented is unclear and indicates that these assumptions will only exist on paper.

The Final EIR assumes onsite construction vehicle travel distances based on the distance to parking areas and staging areas from specific project driveways,²⁶ but there is no corresponding requirement for the vehicles to enter the Project site from those locations. Those entry locations must be specified in the MMP.

Further, this Project Design Feature is clearly a Mitigation Measure and designed to artificially reduce the stated construction emissions to just below the threshold (e.g., PM₁₀ of 14 pounds per day (ppd) with a significance threshold of 16 ppd). The EIR should disclose the impacts of the Project without this Mitigation Measure masked as a Project Design Feature.

The Final EIR also assumed that only a small portion – 25 percent- of the staged trucks would be idling at any one time.²⁷ As explained in the Ramboll Report, this assumption has no support and is unlikely given all the orchestration necessary to move cars and trucks around the construction site with excavations of larger than 5 acres, truck staging, employee parking, etc.²⁸ Again, how this will be enforced and documented is a mystery.

The construction employee on-site speed was assumed to be 10 mph, but the Project Design Feature only limits it to 15 mph.²⁹ And the new emissions estimates assume that construction workers will not idle their cars on site at all.

²³ The environmental analysis is attached as Exhibit A. Review of the Final Environmental Impact Report for the TVC 2050 Project, Ramboll Americas Engineering Solutions, Inc., pp. 4-5 (“Ramboll Report”).

²⁴ FEIR, Appendix FEIR-9, p. 907 of PDF.

²⁵ FEIR, p. III-23

²⁶ FEIR, Appendix FEIR-9, p. 879 (p. 917 of PDF).

²⁷ FEIR, Appendix FEIR-8; FEIR pp. II-562-564; Ramboll Report, pp. 8-9.

²⁸ Ramboll Report, pp. 8-9.

²⁹ FEIR, p. II-757.

Zero idling. Given the logistics of construction at this Project site with onsite staging and excavation, this is an unrealistic and unsupported assumption.

- The new analysis also understates onsite operational mobile emissions. The truck mobile emissions in the air quality modeling are based on the Project's Truck Trip Memorandum,³⁰ but that forecast is inaccurate. The Truck Trip Memorandum bases the estimate on Project site driveway counts of existing truck trips conducted over three days in September 2019.³¹ The City does not substantiate that these days are representative of historical Project site conditions. And the reported truck counts are not even inclusive of all truck trips on those three days. The Truck Trip Memorandum reports only truck trips from the Beverly Boulevard/Genesee Avenue driveway although there are three existing driveways³² at the Project site. The Truck Trip Memorandum acknowledges that not all trucks access the site from the Beverly Boulevard/Genesee Avenue gate and notes that the largest trucks use the Fairfax Avenue gates.³³ The City provides no justification for not conducting or disclosing the truck trip counts from the other gates. Based on the EIR's stated distribution of trips at the existing Project driveways, the truck trips could be understated by at least 25 percent. The Truck Trip Memorandum assumes the makeup of the trucks (heavy and light duty, 5-ton and 10-ton) based on data from another studio rather than Project site information.³⁴ The Truck Trip Memorandum then assumes without explanation or support that with the Project the light duty trucks would double and heavy-duty trucks would triple.³⁵ There does not appear to be any correlation between the projected truck trip increase and the Project's increase in square footage.

Further, the Project's increase in square footage does not account for Basecamp and Mobility Hub area. There is no limitation on the amount of Basecamp or Mobility Hub area permitted at the Project site and these areas are excluded from the Specific Plan definition of Floor Area.³⁶ Erratum No. 1 to the Final EIR now claims that Basecamp areas will be reduced from existing conditions.³⁷ It defies logic that, compared to existing conditions, Sound Stage floor area will increase by up to 150 percent (and up to 371 percent with the land use exchange) yet Production Support will decrease by up to 175 percent and Basecamp area will

³⁰ FEIR, Appendix FEIR-6.

³¹ FEIR, Appendix FEIR-6, pp. 5-10.

³² DEIR, p. II-8.

³³ FEIR, Appendix FEIR-6, p. 1

³⁴ FEIR, Appendix FEIR-6, p. 1.

³⁵ FEIR, Appendix FEIR-6, p. 2.

³⁶ TVC 2050 Modified Draft Specific Plan (April 2024), p. 7.

³⁷ Erratum No. 1, p. 61.

also decrease.³⁸ It is easy to assume reductions for purposes of impact analyses when the Project is not held to those numbers. The square footage of Basecamp and Mobility Hub areas should be capped in the Specific Plan to support the analyses in the EIR.

As discussed in more detail in the traffic discussion below the total daily vehicle trips and VMT also are understated. And, as with construction emissions, the new analysis assumes zero idling time for non-truck vehicles. Even the Project's questionable queuing analysis shows that there will be idling from all project vehicles. The Mobility Hub assumptions only include idle time for shuttles but assume that Uber/Lyft and other pick-up/drop-off will have no idling time. That is unsupported and inconsistent with real world experience.

- Emissions estimates from utility usage are inconsistent with the Project site's existing energy usage information. The EIR also contradicts itself as to what energy usage rates were used to estimate the Project's electricity assumptions, stating both that the electricity usage rate for the proposed sound stages was calculated based on the electricity bill for Manhattan Beach Studios,³⁹ and also that the EIR utilized CalEEMod default energy usage rates for electricity usage assumptions.⁴⁰ Which is it?
- The air quality analysis assumes that the Project will not have permanent dewatering. Contrary to statements in the Final EIR, there is no restriction on permanent dewatering.⁴¹ As discussed further in the hydrology discussion of this letter and the Ramboll Report, the Final EIR references Project Design Feature GEO-PDF-1, but that PDF does not restrict permanent dewatering. Lack of a permanent dewatering system is inconsistent with the Draft EIR discussion of the methane hazard mitigation and the City's Methane Code. The Draft EIR acknowledges that "the Project's methane controls would include a dewatering system..."⁴² The Final EIR states that the Project would comply with the City Methane Code and that a Site Design Level V methane system will be proposed for any new construction at the Project site.⁴³ The Project site data confirmed that Level V, the most extensive mitigation required by the Methane Code, is required for the Project.⁴⁴ City Methane Code Table 71, Minimum Methane Mitigation Requirements, specifies that a dewatering system is required for all Site Design Levels, including Level V. Based on Project site groundwater levels, a dewatering

³⁸ Erratum No. 1, p. 61.

³⁹ FEIR, p. II-888.

⁴⁰ FEIR, p. II-896.

⁴¹ See Ramboll Report, p. 14.

⁴² DEIR, p. IV.F-47.

⁴³ See, e.g., FEIR, p. II-360.

⁴⁴ FEIR, Appendix FEIR-9, p. 1067 of PDF.

system would be required for subsurface structures (may not be required for slab-on-grade structures). The permitted exemptions do not apply to the Project site.

The Final EIR claims that because “the proposed structures will be designed for hydrostatic pressure the temporary construction dewatering system will be terminated at the completion of construction, allowing the groundwater to return to its pre-construction levels.”⁴⁵ That does not address the removal of groundwater that may enter the methane vent pipes that are below the building slab consistent with the City’s Methane Code.⁴⁶ The Final EIR includes a one paragraph description of an “Alternate Design for Below Grade-Parking structure” buried in an appendix to an appendix of the Final EIR that, which while trying to support that there will be no permanent dewatering, confirms that dewatering is required and should have been assessed in the EIR. The alternate design description says that to try and avoid having a dewatering system, the methane system design will have to exclude sub-slab venting and mechanical extraction components and that the Los Angeles Department of Building and Safety (LADBS) would have to approve the alternate design through a modification request. There is no indication that LADBS has or will approve the modification. There is also no analysis of how the modification will impact the mitigation of the known methane hazards. The EIR conclusions in the Hazards section of the DEIR assume compliance with Level V methane building standards. This “alternate design” is a failed attempt to support the assumption that there will be no permanent dewatering because the related impacts were not assessed in the EIR and would be significant. Thus, the dewatering assumptions in the Project’s air emissions estimate (and throughout the EIR) are unsupported and inaccurate.

- For the reasons explained above, the emissions from Basecamp and Mobility Hub operations are understated.
- The reasoning for the assumption that paint/solvent/adhesive usage would be the same as existing usage is questionable. The new analysis claims that assumption is conservative because modern studios “no longer offer the full-service range of production support” as owner-user full-service facilities did. And “in some instances, traditional set making and processes like fabrication and painting have shifted to digital production and virtual environment reducing the needs for physical construction techniques.”⁴⁷ However, the existing paint/solvent/adhesive usage data for the Project is not based on assumptions from old world, owner-user

⁴⁵ FEIR, p. II-442.

⁴⁶ Ramboll Report, p. 14.

⁴⁷ FEIR, Appendix FEIR-9, p. 889 (p. 927 of PDF).

full-service studio operations⁴⁸ - it is from actual Project site 2019 data. There is no indication that substantially increased production activity at the Project site will not increase such usage that has been occurring in the last few years. The historical usage at MBS studios is just that, historical usage at MBS. It does not support that the types of end users of the TVC studio will have the same needs – which are different from the exiting users of Television City.

- The Final EIR's claim that the use of the 5-acre SCAQMD Local Significance Threshold (LST) is correct based on its likely excavation areas is also unsupported.⁴⁹ To attempt to support this position, the Final EIR includes a figure that conveniently divides the site into 4 excavation areas of just over 5 acres (5.1, 5.2, 5.2 and 5.3).⁵⁰ There is, however, no Project requirement that excavation occur in the manner reflected in the figure. Absent such requirement, there is no substantial evidence to support the assumption in the LST analysis. Also, the Erratum includes further revised initial development plans and no information is provided regarding the anticipated excavation for the revised initial development plans. The Final EIR acknowledges that if the development area is smaller the localized risks would be greater because there would be more pollutant emissions per square meter.⁵¹ Therefore, artificially assuming construction areas of just over 5-acres understates the LST risks.

The erroneous assumptions noted above also affect the conclusions of the Health Risk Assessment (HRA) and result in health risks likely being understated in the Final EIR, which could result in significant impacts not previously identified.⁵² For example, the HRA assumes that existing and future emergency generator usage will follow the historical operating hours at the Project Site, however the Final EIR entirely fails to adequately justify why this approach should be applied here. Given the proximity of sensitive receptors to the Project Site, even a modest increase in assumed hours of operation could result in a significant health impact. Ramboll found that even with generator operation as low as approximately 55 hours per year, cancer risk at the maximally exposed residential receptors would be above 10 in a million – and, assuming 200 hours of operation a year, incremental cancer risk would be as high as 19.2 in a million.⁵³ Further, as discussed in the Ramboll Report, there appears to be an error in the

⁴⁸ Interestingly, for some analyses the EIR liken the Project to owner-user full-service studio operations, such as NBCUniversal and Paramount, yet here it tries to distinguish itself. Which is it?

⁴⁹ FEIR, p. II-877.

⁵⁰ FEIR, Appendix FEIR-8, p. 11.

⁵¹ FEIR, p. II-877.

⁵² FEIR, Appendix FEIR-10; *see* Ramboll Report, pp. 2-3.

⁵³ Ramboll Report, p. 2.

emission factors used for the seven new generators resulting in underestimated emissions and related health risk.⁵⁴

The errors and faulty assumptions in the air emissions calculations discussed above also affect the calculation of GHG emissions.

There is No Support for Conclusion that Impacts from Hazards and Hazardous Materials will be Mitigated. The Project proposes to excavate and transport 772,000 cubic yards of soil and extract groundwater during construction immediately adjacent to residences and schools.⁵⁵ The EIR documents that soil and groundwater at the Project site are already contaminated.⁵⁶ The EIR concludes that impacts from contaminated soil and groundwater during construction will be mitigated through implementation of plans prepared and to be prepared by the Project Applicant and enforced by LADBS per Mitigation Measures HAZ-MM-1 and HAZ-MM-2.⁵⁷ This conclusion is unsupported and inaccurate.

Mitigation Measure HAZ-MM-1 requires that the Project Applicant implement the Soil Management Plan prepared by Geosyntec in 2021,⁵⁸ “which shall be submitted to the City of Los Angeles Department of Building and Safety for review and approval prior to the commencement of excavation and grading activities.”⁵⁹ The proposed Soil Management Plan (SMP) includes a summary of environmental conditions, protocols for managing soil with “Chemicals of Concern above screening levels” during development, and construction worker protection measures.⁶⁰ The technical environmental health and safety issues addressed by HAZ-MM-1 are not within LADBS’s expertise.

Similarly, Mitigation Measure HAZ-MM-2, would have LADBS oversee a requirement to monitor soil gases during soil excavation, and preparation of a Health and Safety Plan to limit construction worker risks.⁶¹ The EIR claims that implementation of HAZ-MM-2 would ensure potential impacts related to subsurface gases and associated potential contamination impacts to soil and groundwater would be less than significant.⁶² The health and safety of construction

⁵⁴ *Id.*, p. 3.

⁵⁵ DEIR, pp. IV.F-39-40.

⁵⁶ DEIR, p. IV.F-25. It is unclear if these figure account for removal of demolition debris, including potentially hazardous materials.

⁵⁷ DEIR, pp. IV.F-50-54.

⁵⁸ DEIR, pp. IV.F-50-53; *see* DEIR, Appendix G – Site Summary Report and Soil Management Plan.

⁵⁹ DEIR, p. IV.F-50.

⁶⁰ DEIR, Appendix G – Site Summary Report and Soil Management Plan.

⁶¹ DEIR, pp. IV.F-53-54.

⁶² FEIR, p. II-949.

workers and the public that HAZ-MM-2 is supposedly designed to address is also not within LADBS's expertise.

Given the extent of contaminated soil and groundwater disturbance at the Project site and immediate adjacency of residences, the Regional Water Quality Control Board or Department of Toxic Substances Control (DTSC) should take the lead on assessing the nature and extent of the site contamination and appropriateness of the mitigation measures. While DTSC is listed as an Enforcement Agency for HAZ-MM-1, there is no oversight required of DTSC by the Mitigation Measure. Further, because the Regional Board oversaw the response to the release of hazardous substances at the former Texaco station located within the Project site, the City should consider having the Regional Board review and comment on the SMP before it certifies the EIR and adopts the MMP.

In addition, the SMP itself lacks measures to support that potential impacts from soil and groundwater contamination will be less than significant, so Mitigation Measure HAZ-MM-1 does not reduce impacts to less than significant. Regarding impacts from volatile organic compounds in groundwater, the SMP states that “[i]f soil vapor is found to be present at concentrations that pose a threat to human health, such conditions would be addressed by existing regulatory control measures and building code requirements.”⁶³ However, the SMP provides no explanation or support for this conclusion. Under the SMP the employees of the General Contractor will identify suspect soil by sight and smell.⁶⁴ Only if a construction worker sees or smell something suspicious will a “professional trained in the practice of the evaluation and screening of soil for potential impacts” be called in.⁶⁵ However, soils with harmful soil vapors cannot always be identified by sight and smell.⁶⁶ Given the known conditions at this Project site and proximity of sensitive receptors a trained professional should be onsite to screen all soil. And even if harmful soils are identified, the SMP only provides protocols for the reuse or offsite disposal of excavated soils. It does nothing to address ongoing potential risks from contaminated groundwater and unexcavated soils at the site, including to the workers and the public, particularly the sensitive receptors immediately adjacent to the site including residences and a school. Thus, the SMP provides no assurance that the potential risks from onsite soil and groundwater contamination will be mitigated.

Further, the SMP (prepared over three years ago) says that it was based on the Project Site's current redevelopment plan (which has changed many times since 2021), and states that it should periodically be reviewed and updated,⁶⁷ but there no indication it has been updated to date and there is no requirement or stated process to do so in the MMP.

⁶³ DEIR, Appendix G – Site Summary Report and Soil Management Plan, p. 7.

⁶⁴ *Id.*, p. 10.

⁶⁵ *Ibid.*

⁶⁶ Fact Sheet – What You Should Know about Vapor Intrusion, USEPA – Region 7 (Feb. 2010), https://archive.epa.gov/region07/factsheets/web/html/faq_about_vapor_intrusion_201002.html.

⁶⁷ *Id.*, p. 2.

For operational impacts from hazards and hazardous materials, the EIR relies on various Applicant plans identified in the hazards and hazardous materials Project Design Features that are not included with the EIR.⁶⁸ There is no evidence that these plans address the potential impacts of the Project or have been or will be assessed by any regulatory body for their adequacy. Therefore, there is no support that with implementation of Project Design Features HAZ-PDF-1 through HAZ-PDF-6 Project operational impacts from hazardous materials would be less than significant.

The EIR states that “[i]n installation of the methane mitigation system will have the added benefit of addressing potential vapor intrusion from residual fuel hydrocarbons from the former Texaco station, and naturally occurring hydrogen sulfide.”⁶⁹ The EIR includes no analysis of the potential for vapor intrusion and how the methane mitigation systems will provide adequate protection. As discussed further in the air quality discussion in this letter, there also is no analysis of the air emissions and related health risks from venting these contaminants through the methane mitigation vents, especially immediately adjacent to sensitive receptors including residences with outdoor balconies at the property line.

LADBS does not review methane mitigation systems for their efficacy mitigating contamination such as residual fuel hydrocarbons. LADBS’s review of methane systems is for compliance with the Building Code’s building protection systems for potential methane gas intrusion, not contaminated site mitigation and related vapor intrusion.

Further, as noted in the air quality and hydrology discussions in this letter, the EIR does not assess the risks of failing to include permanent dewatering and subsurface gas venting.

Project May Have Significant Undisclosed Impacts from Dewatering. The Final EIR asserts that the Project’s temporary construction dewatering is anticipated to “not materially impact the Hollywood Subbasin and is considered less than significant.”⁷⁰ To support its conclusion, the Final EIR presents faulty reasoning and relies on an equally flawed Dewatering Report.⁷¹ The Final EIR and the Dewatering Report assert that the Project’s dewatering activities are expected to extract 26.4 million gallons, or 81 acre-feet from the Hollywood Subbasin.⁷² The Final EIR and Dewatering Report then compare the 81 acre-feet to the 200,000 acre-feet groundwater storage “capacity” of the Hollywood Subbasin to find that the dewatering is less

⁶⁸ DEIR, p. IV.F-38-39 (discussing Consolidated Contingency Plan, Television Studios Emergency Action Plan, Television Studios Safety Manual, Television Studios Injury and Illness prevention Program, Hazardous Building Materials Demolition Assessment and Management Plan).

⁶⁹ DEIR, p. IV.F.-47; FEIR, p. II-360.

⁷⁰ FEIR, pp. II-699, II-632.

⁷¹ See FEIR, Appendix FEIR-13.

⁷² FEIR, Appendix FEIR-13, pp. 18-19; FEIR, p. II-632.

than 0.05 percent of the Subbasin's capacity.⁷³ Based on this comparison, the Final EIR and Dewatering Report conclude that impacts are less than significant.

On its face, the Final EIR's conclusion is faulty and not based on substantial evidence. Ramboll's technical report evaluated the accuracy of the Final EIR's Dewatering Report and determined that the Final EIR's Dewatering Report does not support the conclusion that impacts from dewatering will be less than significant.⁷⁴ Ramboll determined that the Final EIR's Dewatering Report underestimated dewatering extraction by focusing its analysis on Area 2, which fails to account for the broader impacts across the entire site. The extrapolation of dewatering estimates from this limited area to the whole site is fundamentally flawed, as it overlooks the complex interactions between multiple wells. Contrary to the Dewatering Report's assumptions, overlapping cones of depression can exacerbate drawdowns, significantly impacting groundwater elevations and potentially leading to severe issues such as subsidence. Ramboll explains that a holistic modeling is a more accurate approach because it considers the cumulative impacts of dewatering across all areas, incorporating diverse subsurface materials and a wide range of hydraulic conductivity, which were not considered by the Final EIR. Ramboll's preliminary calculations reveal that drawdown at a distance of 1,000 feet from the site boundary could be substantial, threatening groundwater stability and the integrity of nearby structures. The Final EIR conclusions are not supported by substantial evidence.

Further, comparing a basin's *storage capacity* with the *amount of water extracted* does not provide the public with any meaningful information or assessment of potential impacts. The safe yield or the present or expected future water level in a basin is the relevant measurement for comparison, not storage capacity. By the Final EIR's reasoning, impacts would be less than significant even if the Subbasin were empty. Yet, the Final EIR does not provide any meaningful information about the water levels, safe yield, or other means to evaluate how the extraction of 26.4 million gallons may impact the Subbasin.

A review of the City of Beverly Hills' Urban Water Management Plan ("UWMP"), which was not considered in the Draft EIR or Final EIR, reveals that the Project's dewatering program will have far greater impacts than disclosed in the Final EIR. The City of Beverly Hills' UWMP confirms that the storage capacity of the Subbasin is about 200,000 acre-feet but the UWMP also explains that "the natural perennial yield is estimated to be about 3,000 AFY. As the Basin does not receive artificial recharge, the actual annual pumping limits are equal to the natural yield of 3,000 AFY."⁷⁵ Natural yield or "safe yield" is the maximum amount of water that can be withdrawn from a groundwater basin annually without causing an undesirable result such as a decline in water quality or a lowering of groundwater levels.⁷⁶ Because safe yield is a more realistic measurement of a basin's water levels than mere storage capacity, a comparison of the Project's dewatering program to the documented safe yield provides a much more accurate

⁷³ FEIR, Appendix FEIR-13, pp. 18-19; FEIR, pp. II-340, II-632, II-699, II-2814.

⁷⁴ Ramboll Report, pp. 12-17.

⁷⁵ City of Beverly Hills 2020 Urban Water Management Plan, Psomas, pp. 6-8, <https://www.beverlyhills.org/DocumentCenter/View/5432/2020-UWMP---Final-PDF>.

⁷⁶ *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199, 278, 281.

picture than the analysis provided in the Final EIR.⁷⁷ The Project's dewatering program would have a greater impact on the Subbasin, than the 0.05 percent discussed in the Final EIR. Thus, the Final EIR understates how the Project's construction dewatering program may impact the Subbasin.

In addition, the Final EIR completely fails to assess potential impacts from operational (permanent) dewatering.⁷⁸ The Final EIR asserts that an analysis of impacts from operational dewatering was not required because "the Project would not include permanent dewatering post-construction."⁷⁹ Contrary to statements in the Final EIR, there is no restriction on permanent dewatering. The Final EIR references Project Design Feature GEO-PDF-1, but that PDF does not restrict permanent dewatering. It states that development activities will incorporate the professional recommendations in the Project's Preliminary Geotechnical Engineering Investigation "*and/or alternative recommendations set forth in a site-specific, design level geologic and geotechnical investigation* approved by the City Engineer, provided such recommendations meet and/or surpass relevant state and City laws, ordinances, and Code requirements, including California Geological Survey's Special Publications 117A and the City's Building Code. Such professional recommendations will include, but will not be limited to, the following *and may be revised or superseded in accordance with any approved final geotechnical investigation(s)*: ... Permanent structures will be designed for hydrostatic pressure such that the temporary construction dewatering system will be terminated at the completion of construction." (Emphasis added.) There is nothing in the state or City laws on geotechnical requirements that would prevent a future recommendation for permanent dewatering at the Project site, thus the PDF does not restrict permanent dewatering.⁸⁰

Conversely, the City's Methane Code would require dewatering. The Draft EIR acknowledges that "the Project's methane controls would include a dewatering system..."⁸¹ The Final EIR states that the Project would comply with the City Methane Code and that a Site Design Level V methane system will be proposed for any new construction at the Project site.⁸² City Methane Code Table 71, Minimum Methane Mitigation Requirements, specifies that a dewatering system is required for all Site Design Levels, including Level V.⁸³ The exemptions to

⁷⁷ Ramboll Report, p. 14; Best Management Practices for the Sustainable Management of Groundwater, Cal. Dept of Water Resources, p. 49 (2016), https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Sustainable-Groundwater-Management/Best-Management-Practices-and-Guidance-Documents/Files/BMP-4-Water-Budget_ay_19.pdf (explaining that storage capacity is used to measure the volume of a void space that can be used to store water, while safe yield "refers to the maximum quantity of water that can be continuously withdrawn from a groundwater basin without adverse effect.")

⁷⁸ Ramboll Report, p. 14.

⁷⁹ See, e.g., FEIR, pp. II-442, II-628.

⁸⁰ FEIR, pp. IV-12-13.

⁸¹ DEIR, IV.F-47.

⁸² See, e.g., FEIR, p. II-360.

⁸³ LAMC, § 91.7109.2, Table 71.

the dewatering system requirement include (a) that the groundwater level is deeper than 10 feet below the perforated horizontal pipes of the methane system or (b) that the approved soil investigation or analysis reveals that the groundwater level is more than 12 inches below the bottom of the perforated horizontal pipe.⁸⁴ The Final EIR provides no evidence that an exception is applicable and the Project site data does not support a claim of an exception. Without support, the Final EIR claims that because “the proposed structures will be designed for hydrostatic pressure the temporary construction dewatering system will be terminated at the completion of construction, allowing the groundwater to return to its pre-construction levels.”⁸⁵ That does not address the removal of groundwater that may enter the methane vent pipes that are below the building slab consistent with the requirements of the City’s Methane Code (sections 7104.2.1.1 and 7104.3.7).⁸⁶

The Final EIR includes a one paragraph description of an “Alternate Design for Below Grade-Parking structure” buried in an appendix to an appendix of the Final EIR that, which while trying to support that there will be no permanent dewatering, confirms that dewatering is required and should have been assessed in the EIR. The alternate design description says that to try and avoid having a dewatering system, the methane system design will have to exclude sub-slab venting and mechanical extraction components and that the Los Angeles Department of Building and Safety (LADBS) would have to approve the alternate design through a modification request. There is no indication that LADBS has or will approve the modification. This “alternate design” is a failed attempt to support the assumption that there will be no permanent dewatering because the related impacts were not assessed in the EIR and would be significant. Thus, subsurface structures may require a dewatering system and the Final EIR failed to disclose the impacts of permanent dewatering on the Subbasin and other impacts.

The Final EIR also tries to justify its understated dewatering assumption by assuming that a cut-off wall “and other control methods will be considered” to provide infiltration control.⁸⁷ However, there is no requirement for a cut-off wall. The Final EIR itself acknowledges that the feasibility and efficacy of a cut-off wall has not been confirmed, and there is no assessment of the potential impacts from installing a cut-off wall. The Final EIR merely says that minimizing the effects on neighboring properties will be a consideration in a future analysis.⁸⁸ This is unacceptable under CEQA.

The EIR’s failure to evaluate potential impacts from operational dewatering appears to be a systematic error stemming from the Project’s Initial Study. The Initial Study found that “temporary dewatering may be required during the construction of the proposed subterranean parking levels.”⁸⁹ As a result, the Initial Study recommended further analysis of the Project’s

⁸⁴ LAMC, § 91.7104.3.7.

⁸⁵ FEIR, p. II-442.

⁸⁶ Ramboll Report, p. 22.

⁸⁷ FEIR p. II-630-633; *see* Appendix FEIR-19.

⁸⁸ FEIR, Appendix FEIR-19.

⁸⁹ DEIR, Appendix A.1 - Initial Study, p. 60.

potential to substantially decrease groundwater supplies or impede sustainable groundwater management. Subsequently, the Initial Study considered whether the project would conflict with a water quality control plan or sustainable groundwater management plan. Under this threshold, the Initial Study found that impacts would be less than significant and that no further evaluation of the topic was required in the EIR.⁹⁰ However, the Initial Study did not consider potential impacts from the Project's temporary dewatering, much less the Project's permanent dewatering activities.

The Draft EIR states that the safe yield of the Subbasin is "undetermined" while also noting that an estimated safe yield for the Subbasin is 4,400 AFY.⁹¹ However, the safe yield has been established and evaluated by multiple government agencies including the City of Beverly Hills, the Los Angeles Department of Water and Power ("LADWP") and the California Department of Water Resources ("DWR").⁹² In 2011, LADWP evaluated the safe yield of the Hollywood Subbasin and concluded that its safe yield ranges from 3,000 to 4,400 AFY.⁹³ LADWP also found that "[t]he City of Beverly Hills produces about 800 to 1,400 AF/yr. Therefore, there is potential capacity of 1,600 to 3,600 AF/yr remaining in the Hollywood Basin."⁹⁴ Given the documented safe yield, the EIR must evaluate the Project's dewatering program in terms of how those activities will impact the safe yield of the basin. The EIR has failed to do so.

As stated above, in 2011, LADWP documented that the City of Beverly Hills uses 27 to 31 percent of the available safe yield in the Subbasin. The EIR does not provide updated usage information for the City of Beverly Hills, nor does the EIR provide any information on other existing uses of the Subbasin making it impossible to know if the Project's dewatering program would damage the basin. Is the safe yield of the Subbasin fully subscribed? Can the added water use be absorbed by the Subbasin without any detrimental effect? These questions cannot be answered without consideration of updated information. Failure to conduct this analysis violates CEQA mandate to evaluate and disclose environmental impacts.

The Hollywood Subbasin is an essential water source for the City of Beverly Hills and the City is the only municipal-supply producer of groundwater from the Subbasin.⁹⁵ The City of

⁹⁰ DEIR, Appendix A.1 - Initial Study, pp. 62-63.

⁹¹ DEIR, p. IV.G-23.

⁹² California's Groundwater Bulletin 118, Cal. Dept. Water Res., p. 3 (2004), https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2003-Basin-Descriptions/4_011_02_HollywoodSubbasin.pdf (stating that the City of Beverly Hills operates the Hollywood Subbasin "on a maximum safe yield of 4,400 af/year.").

⁹³ Feasibility Report for Development of Groundwater Resources in the Santa Monica and Hollywood Basins, LADWP, p. EX-III (2011) <https://planning.lacity.gov/eir/CrossroadsHwd/deir/files/references/G13.pdf>.

⁹⁴ *Ibid.*

⁹⁵ City of Beverly Hills 2020 Urban Water Management Plan, *supra*, pp. 6-7.

Beverly Hills maintains six municipal supply wells in the Subbasin and receives ten percent of its drinking water from the Subbasin.⁹⁶ Moreover, the City “manages the Basin through municipal ordinances that regulate the production of groundwater, prohibit waste, protect water quality, and require dewatering activities to mitigate adverse impacts on the Hollywood GWB.”⁹⁷ As requested by LADWP in its comment letter on the Project, at a minimum the Project should put the extracted water to beneficial use.⁹⁸ However, the Final EIR rejected this suggestion as infeasible without any evaluation of justification. The L.A. CEQA Threshold Guide identifies several criteria that the EIR is required to consider when evaluating impacts to groundwater. Significantly, an EIR is required to consider if a project will change potable water levels sufficiently to “adversely change the rate or direction of flow of groundwater.”⁹⁹ Instead, the Final EIR ignored that dewatering activities may result in a potentially significant impact and failed to disclose the potential impact to the public.

By underestimating the extent of construction dewatering and completely ignoring the Project’s required permanent dewatering, the EIR also fails to disclose the Project’s potential to affect the rate or change direction of movement of existing contaminants, expand the area affected by contaminants or result in an increased level of groundwater contamination.¹⁰⁰ These groundwater quality impacts are completely ignored in the EIR. The EIR’s analysis of construction dewatering impacts on groundwater solely focused on compliance with regulatory requirements for the discharge of the extracted water, nothing about the impacts from artificially changing the rate and direction of flow of the groundwater and the associated changes to the area and extent of contamination. The Final EIR states that some “contamination likely comes from off-site sources (e.g., chlorinated VOCs from off-site properties)”¹⁰¹ The EIR identifies gasoline fueling stations and dry-cleaning facilities across from the Project site.¹⁰² But to justify its failure to assess the impacts of moving around the groundwater contamination, it says that “there is no evidence of a defined offsite contaminant plume that would be affected by temporary dewatering.”¹⁰³ The evidence is in the Project’s own data that shows existing groundwater contamination that the Project consultant opines is from off-site sources. (And as noted in the hazards discussion in this letter, it is unclear if the extent of the contamination on-site has been assessed fully.)

⁹⁶ City of Beverly Hills 2020 Urban Water Management Plan, *supra*, pp. 6-8.; Chapter 5 – City of Beverly Hills General Plan Update Technical Background Report, pp. 5-15 (2005), <https://www.beverlyhills.org/DocumentCenter/View/5522/General-Plan-Technical-Background-Report-Chapter-5-PDF?bidId=>.

⁹⁷ City of Beverly Hills 2020 Urban Water Management Plan, *supra*, pp. 6-8.

⁹⁸ FEIR, pp. II-235, II-336.

⁹⁹ DEIR, p. IV.G-26.

¹⁰⁰ DEIR, p. IV.G-26.

¹⁰¹ FEIR, p. II-677.

¹⁰² FEIR, Appendix FEIR-13, p. 4; DEIR, p. IV.F-28.

¹⁰³ FEIR, p. II-678.

The EIRs analysis of potential subsidence from dewatering is also understated. Ramboll's evaluation of subsidence due to groundwater dewatering highlights several critical concerns. The Final EIR Dewatering Report includes a limited qualitative assessment based on dewatering calculations for Area 2, suggesting that an additional 10-foot drawdown would have less than a significant subsidence effect, but it lacks a solid basis for this claim.¹⁰⁴ The analysis references Section 1812 of the California Building Code, which mandates halting excavation if subsidence reaches ½ inch, yet it does not confirm whether a 10-foot drawdown could cause such subsidence, especially given the regions' clayey soils. These soils are highly susceptible to subsidence due to their compressibility when water is removed, and the Project's prolonged dewatering could exacerbate this issue. Ramboll's report underscores the need for sophisticated modeling to accurately estimate subsidence, given the clayey soil's low hydraulic conductivity and the variability in aquifer thickness. Preliminary calculations indicate that subsidence could exceed the ½ inch threshold for a 10-foot drawdown, suggesting significant variability based on site-specific conditions.¹⁰⁵ Additionally, existing subsidence studies, including data from a nearby Continuous Global Positioning System station, reveal historical and ongoing subsidence trends, emphasizing the importance of understanding these patterns to assess the potential impacts of planned dewatering activities.

The EIR's conclusion that the Project's impacts on groundwater quality and subsidence would be less than significant are unsupported.

Project is Inconsistent with Growth Projections and Related EIR Air Quality, Greenhouse Gas and Water Supply Analyses are Inaccurate. The EIR fails in several areas of analysis because the methodology for the analysis is based on an erroneous determination that the Project is within the growth projections in the Southern California Association of Governments ("SCAG") Regional Comprehensive Plan ("RCP") also called Connect SOCAL, which informs other regional planning documents used in the EIR such as the 2020 Regional Transportation Plan / Sustainable Communities Strategy ("RTP/SCS") and the Air Quality Management Plan ("AQMP"). Throughout, the EIR makes determinations like the "Project would be consistent with the relevant SCAG growth projections in the SCAG 2016-2040 RTP/SCS which are used in preparing the 2016 AQMP;"¹⁰⁶ and that "The Planning Department has also determined that the Project is consistent with the demographic projections for the City from the 2020 RTP." However, as shown in the analysis below, these statements are incorrect, as the Project will far exceed the growth projections for employment used to develop the SCAG Regional Comprehensive Plan.

As noted on SCAG's RCP webpage, "SCAG develops, refines and maintains SCAG's regional and small area socio-economic forecasting/allocation models. The socio-economic estimates and projections are used for federal and state mandated long-range planning efforts such as the Regional Transportation Plan /Sustainable Communities Strategy (RTP/SCS), the Air Quality Management Plan (AQMP), the Federal Transportation Improvement Program (FTIP),

¹⁰⁴ Ramboll Report, pp. 15-17.

¹⁰⁵ *Ibid.*

¹⁰⁶ *See, e.g.,* DEIR, p. IV.A-55.

and the Regional Housing Needs Assessment (RHNA).”¹⁰⁷ The subarea planning section of the same website goes on to state that, “SCAG develops socioeconomic estimates and growth projections including population, households, and employment for cities and transportation analysis zones in the SCAG region through enhanced forecasting methods and interactive public outreach. These estimates and projections provide the analytical foundations for SCAG’s transportation planning and other programs.

The transportation planning area covers 191 jurisdictions and six unincorporated communities in Southern California. This region is divided into over 11,000 small areas. These small areas are known as the Tier 2 Transportation Analysis Zone (TAZ) system. This zone system is uniquely designed to allow highly detailed traffic analysis and predictions through the use of SCAG’s sophisticated transportation model.

Population, household and employment estimates, and forecasts are maintained at the jurisdictional and county unincorporated level. Secondary variables including population, household and employment characteristics, single and multiple households, or employment by sectors, are further estimated and projected at the Tier 2 level.

This provides SCAG, in great geographical detail, current and future demographic profiles of the region. These profiles are key inputs to SCAG’s transportation model, which uses them to help estimate current and future transportation conditions.”¹⁰⁸

Through the use of SCAG’s Geographic Information System (GIS) tool¹⁰⁹, users can look at the growth projections for specific geographic areas known as Tier 2 Traffic Area Zones (“TAZ”) as noted in the discussion from the SCAG website above. The Project is located in Tier 2 TAZ 0374400020926100, which is approximately 106.92 acres, covering an area greater than the Project area, and shown in the screen shot from the SCAG website below.

¹⁰⁷ Growth Forecasting, SCAG, <https://scag.ca.gov/growth-forecasting>.

¹⁰⁸ Subarea Forecasting, SCAG, <https://scag.ca.gov/subarea-forecasting>.

¹⁰⁹ Adopted Connect SoCal 2024 – Household and Employment Growth Interactive Map (search “Los Angeles” in City search bar then zoom in to project area located between Beverly Blvd and Third Street, east of Fairfax Avenue), <https://maps.scag.ca.gov/portal/apps/experiencebuilder/experience/?id=d99203e1c85040649e539ac1272dd8b1>.



The SCAG growth projections for employment in the Project TAZ is minimal. The GIS tool shows that the total existing jobs in the year 2019 was 7908 and jobs projected in the year 2050 to be only 149 more jobs at 8057 total employees, less than a 2% increase in jobs over the current level.

However, the EIR projects significantly more employment growth with the Project stating that “the Project would generate an estimated total of 7,832 employees at buildout, for a net increase of 5,702 employees over existing conditions.”¹¹⁰ This is more than a 70 percent increase in jobs over the current level for the TAZ. Therefore, assertions throughout the EIR that the Project is consistent with SCAG regional growth projections is incorrect, and the analysis of the Project’s consistency with plans and policies that use these demographic projections is also incorrect, where consistency is assumed with those projections.

Initial Study and Population and Housing Impacts: The errors in analysis begin in the Initial Study (Appendix A) and cascade throughout the EIR document. The Initial Study at page 66 asks if the Project would “induce substantial unplanned population growth in an area directly (for example, by proposing new homes and businesses) or indirectly (for example through extension of roads or other infrastructure.” The Initial Study finds a less than significant impact. The analysis on page 67 acknowledges that the proposed new business will add 5,702 employees over existing conditions. A numerically significant number of new jobs. The analysis then proceeds to compare the job growth from the Project to the job growth projected for the entire City of Los Angeles to support its conclusion. However, if the Project area is used as a point of comparison, the TAZ data from SCAG shows that the employment growth in the TAZ would be 3,836 percent more than projected by SCAG and would therefore be a substantial unplanned growth in the Project area caused by proposing a new business. This is precisely what the Initial Study question is asking to be disclosed, but the EIR obscures this finding and by doing so declares that “no further evaluation of this topic in an EIR is required.”

Air Quality: The Project air quality analysis evaluates the Project based on its consistency with the SCAQMD’s Air Quality Management Plan (“AQMP”), which “incorporates regional demographic projections and integrated regional land use and

¹¹⁰ DEIR, p. VI-15.

transportation strategies from SCAG's Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS)."¹¹¹ Therefore, the foundation for the AQMP is the regional growth projections used in the RTP/SCS which also uses demographic data from the Regional Comprehensive Plan.

As noted in Draft EIR and shown below, the Draft EIR analyzes whether the Project would conflict or obstruct implementation of an applicable air quality plan.¹¹² To do this the Draft EIR states that the "analysis evaluates the Project's consistency with SCAQMD's AQMP and SCAG's RTP/SCS." Criterion 2 asks: "would the Project exceed the assumptions utilized in preparing the AQMP?" To determine the answer, the Draft EIR asks: "Is the Project consistent with the population and employment growth projections upon which the AQMP forecasted emission levels are based?"

The answer, as shown in the information above from Tier 2 TAZ 0374400020926100, is clearly, no. The Project is not consistent with the employment growth projections.

The Draft EIR goes on to state that "[a] project is consistent with the AQMP, in part, if it is consistent with the population, housing, and employment assumptions that were used in the development of the AQMP. In the case of the 2016 AQMP, two sources of data form the basis for the projections of air pollutant emissions: the City's General Plan and SCAG's 2016-2040 RTP/SCS. As noted above, the 2020-2045 RTP/SCS is now available. However, because the 2016 AQMP is based on the previous RTP/SCS, a comparison with employment growth projections from the 2016-2040 RTP/SCS is provided below."¹¹³

The Draft EIR fails to present the comparison of employment growth in the Project area TAZ, and instead presents the employment growth against the entirety of the City's employment growth projections. The Draft EIR states that "the Project's net increase in employment would represent approximately 0.12 percent of the total number of employees in the City in 2026 and approximately 3.3 percent of the growth between 2021 and 2026."¹¹⁴ However, as shown in the TAZ data from SCAG, the employment growth in the TAZ would be **3,836 percent more** than projected by SCAG.¹¹⁵

The Draft EIR makes the finding that "because the 2016 RTP/SCS projections form the basis of the 2016 AQMP, the Project would be consistent with the projections in the AQMP."¹¹⁶ However, the finding is erroneous, because the employment growth projections are not within the growth projections for the TAZ where the Project is located. As noted above the analysis of

¹¹¹ DEIR, p. IV.A-2.

¹¹² DEIR, pp. IV.A-48-50.

¹¹³ DEIR, p. IV.A-51.

¹¹⁴ DEIR, p. IV.A-51.

¹¹⁵ Adopted Connect SoCal 2024 – Household and Employment Growth Interactive Map, *supra*, <https://maps.scag.ca.gov/portal/apps/experiencebuilder/experience/?id=d99203e1c85040649e539ac1272dd8b1> (5702 net new jobs / 149 SCAG projected jobs = 38.26 x 100 = 3,826%).

¹¹⁶ DEIR, p. IV.A-51.

consistency with the AQMP also uses an analysis of a Project's consistency with City's General Plan policies. However, in Draft EIR Table IV.A-5, the analysis finds that there is "no conflict" with General Plan objective 1.1 specifically because the "Project would be consistent with the relevant SCAG growth projections in the SCAG 2016-2040 RTP/SCS which are used in preparing the 2016 AQMP. Furthermore, the Project would be consistent with the relevant SCAG growth projections in the SCAG 2020-2045 RTP/SC." ¹¹⁷ As shown above, these statements are incorrect.

In addition, the consistency analysis for General Plan Goal 4 makes the same erroneous finding of "no conflict," because the Draft EIR states that "the Project is also consistent with the 2016 AQMP and both the 2016-2040 and 2020-2045 RTP/SCS." ¹¹⁸ These statements are clearly incorrect and therefore, the analysis upon which the Draft EIR makes the finding that the Project would not exceed the assumptions utilized in preparing the AQMP are also incorrect.

The Erratum repeats this error. It states that "because the Original Project is consistent with the growth projections that form the basis of the 2016 AQMP, the Original Project would be consistent with the emissions forecast in the AQMP." ¹¹⁹ The AQMP is tied to the SCAG RTP/SCS and the data shows that the Project is inconsistent with those projections.

GHG Emissions Analysis: The Draft EIR's GHG section analyzes consistency with applicable plans and policies ¹²⁰ and specifically analyzes consistency with the Integrated Growth Forecast. ¹²¹ The section notes that, "[t]he 2020-2045 RTP/SCS provides socioeconomic forecast projections of regional population growth. The population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on the local plans and policies applicable to the specific area and are used by SCAG in all phases of implementation and review." ¹²² As in the Draft EIR's air quality analysis, the GHG analysis states that "the Project would result in approximately 5,702 net new employment positions on the Project site," but compares the employment growth to the total employment growth projection for the City of Los Angeles, "an estimated 1,947,472 employees" which would "represent approximately 0.29 percent of the total number of employees in the City in 2026," which does not account for the Project's inconsistency with the projections in the Project TAZ used to develop the Integrated Growth Forecast. ¹²³ Basing the GHG analysis on incorrect growth projections does not provide an accurate analysis of Project impacts.

In addition, the EIR attempts to have it both ways in its discussion of growth and VMT impacts. The VMT analysis states that, "the Project would expand employment opportunities in

¹¹⁷ DEIR, p. IV.A-55.

¹¹⁸ *Id.*, p. IV.A-57.

¹¹⁹ Erratum No. 1, p. 31.

¹²⁰ DEIR, p. IV.E-52.

¹²¹ *Id.*, p. IV.E-61.

¹²² *Id.*, p. IV.E.-61.

¹²³ *Ibid.*

proximity to residential areas, destinations, and local-serving retail and restaurants in an urbanized area. The surrounding mix of land uses would offer convenient non-commute opportunities for project employees and visitors to help minimize vehicle trips.”¹²⁴ However, the Initial Study notes that “while some new Project employees may be anticipated to relocate to the Project vicinity, many would not, nor would existing employees be expected to move as a result of redevelopment of the Project site...Specifically, some employment opportunities may be filled by people already residing in the vicinity of the Project site, and other employees would be expected to commute to the Project Site from other communities both in and outside of the City, as occurs under existing conditions.”¹²⁵ It cannot be reasonably determined that the majority of the 5,702 jobs created by the Project would be filled by people who already live in the vicinity of the Project. The Initial Study asserts that the commute patterns of the area will not change substantially, which means that more people will commute further distances to fill the new jobs that were not planned for in the area. Therefore, the policy based and real VMT reduction ascribed to this Project is incorrect. If the location of this infill Project were to actually reduce VMT in the area as the EIR claims, then the Project would be growth inducing, because it would induce the development of more housing in the Project area due to the job creation over and above what was planned for in the SCAG growth projections. The EIR cannot have it both ways.

Water Supply: The Water Supply Assessment (WSA) for the Project also relies on the LADWP Urban Water Management Plan (UWMP).¹²⁶ As noted in the WSA, “[t]he City’s water demand projection in the LADWP’s 2020 UWMP was developed based on the 2020 Regional Transportation Plan (RTP) demographic projection by the Southern California Association of Governments (SCAG).”¹²⁷ The WSA goes on to note that, “the Planning Department has also determined that the Project is consistent with the demographic projections for the City from the 2020 RTP.”¹²⁸ However, as discussed herein, the Project is not consistent with the demographic projection for the area, and the determination in the WSA that, “the project is within LADWP’s 2020 UWMP projected water supplies,” is incorrect. Therefore, the WSA is based on incorrect assumptions and must be revised to show the incremental increase in water use by the Project and how the water supply for the Project will be obtained by LADWP, MWD and other water suppliers.

The EIR Traffic Analysis is Inadequate. The EIR remains inadequate regarding its analysis of traffic and transportation. Rather than grapple with the traffic comments the public submitted and respond with analysis and data, the Final EIR largely deflects and reiterates the

¹²⁴ DEIR, p. IV.K-51.

¹²⁵ DEIR, Appendix A.1 Initial Study, p. 67.

¹²⁶ DEIR, Appendix N – Water Supply Assessment, p. 2.

¹²⁷ *Id.*, p. 5.

¹²⁸ *Id.*, p. 4.

Draft EIR’s conclusions. The following comments are illustrative of the type of defects that run throughout the responses to traffic comments.¹²⁹

The EIR does not properly analyze Mobility Hub trips or the Mobility Hub itself. Comments on the Draft EIR pointed out that the Mobility Hub could have its own impact and could generate vehicle trips. Instead of quantifying trips to and from the Mobility Hub, the Final EIR brushes this comment aside, saying in a conclusory fashion “rather than increasing the number of Project vehicle trips . . . the Mobility Hub would reduce the number of Project trips.”¹³⁰ The Final EIR explains that the Mobility Hub would “encourage employee and visitor use of public transit through the provision of a shuttle service, carpooling, vanpooling, and biking/scooter to work.”¹³¹ But wouldn’t some people traveling to and from the Mobility Hub take hired cars? Those trips should be quantified. This is particularly relevant given the rapid uptake of autonomous vehicles discussed below. Also, those would result in twice the trips for the same person as the hired car would have to come to and from the Project site twice.

The Final EIR states that the Mobility Hub will only be accessible by Project employees and guests but that is an unsupported assumption.¹³² The proposed Specific Plan Definitions (Section 3) does not include a definition of Mobility Hub. The Specific Plan regulations of the Mobility Hub (Section 6.1.C) describe the Mobility Hub as “an off-street area within the Specific Plan area for the temporary parking of bicycles, buses, carpools, vanpools, shuttles, ride-share, taxi and/or other alternate modes of commercial and non-commercial transit utilized for the loading and unloading of employees, passengers, and staff by means other than single-occupancy vehicles. A Mobility Hub includes the support, storage, maintenance, staging, security facilities, and ridership amenities which are related to these uses. The location of loading areas and proposed Mobility Hub shall also be clearly identified.” There is nothing in the regulations that limits the users of the Mobility Hub.

The EIR needs to analyze trips to and from the Mobility Hub and analyze the Mobility Hub as a “transportation project” under the City’s Transportation Assessment Guidelines.¹³³

The EIR Improperly dismisses safety concerns. The EIR does not adequately analyze safety concerns.¹³⁴ As one example, multiple commentators addressed cut-through trips impacting the immediately adjacent residential community. Instead of analyzing this issue and identifying

¹²⁹ The traffic study attached as Exhibit B is incorporated by reference. LLG, Comments to the Final Environmental Impact Report TVC 2050 Project at 7716-7860 West Beverly Boulevard (Dec. 2, 2024) (“LLG FEIR Memo”).

¹³⁰ FEIR, p. II-882.

¹³¹ FEIR, p. II-108.

¹³² FEIR, p. II-112.

¹³³ Transportation Assessment Guidelines, LADOT, pp. 2-13 (2022), https://ladot.lacity.org/sites/default/files/documents/2020-transportation-assessment-guidelines_final_2020.07.27_0.pdf.

¹³⁴ LLG FEIR Memo, pp. 4-5, 11-18.

mitigation, the City waives it off as not a CEQA issue.¹³⁵ As a result of misclassifying this as a non-CEQA issue, the City’s analysis was truncated and inadequate. Cut-through trips are a significant safety hazard, which is a CEQA issue. For example, a recent technical analysis for the City of Alexandria identifies that “[c]ut-through traffic, and notably cut-through traffic on neighborhood streets by regional drivers avoiding highway congestion, has become a concern across the country.”¹³⁶ The study identified “aggressive driving . . . and increased volumes and speeds on streets that weren’t designed for them” as impacts of cut-through trips. Under the CEQA Appendix G thresholds, a project can have a significant impact if it “substantially increase[s] hazards” or conflicts with an applicable program, plan, ordinance, or policy.¹³⁷ Numerous applicable policies require the City to promote pedestrian safety.¹³⁸ Policy 2.4 of the Mobility Plan (neighborhood enhancement) also requires the City to “Provide a slow speed network of locally serving streets.” Encouraging cut-through traffic speeding through local neighborhoods conflicts with this policy. The City should redo its analysis of cut-through-trips, identify the potential CEQA impact and mitigation to reduce this potentially significant CEQA impact.

The Changes to Grove Drive Increase Hazards and are Inconsistent with the Mobility Plan. The Project design and analysis completely ignores the hazards created by the proposed access and circulation for the Project, which is inconsistent with the City’s Mobility Element, Department of Transportation policies, and the EIR itself—and constitutes a significant impact under thresholds a and c.¹³⁹

The Project site currently has no access off of The Grove Drive and has its most limited frontage on The Grove Drive. The Grove Drive is a Collector Street and part of the Neighborhood Enhance Network and Bicycled Enhanced Network. Yet, the Project now proposes 4 vehicular entrances to the Project site from The Grove Drive – two directly on The Grove Drive and 2 from an alley with its driveway on The Grove Drive. The EIR analyses assume little to no truck access at these driveways,¹⁴⁰ but there are no corresponding limitations in the Specific Plan or MMP. The EIR assumes that audience participants will be limited in number and mainly access the Project site from Fairfax Avenue,¹⁴¹ but again there is no corresponding limitation in the Specific Plan or MMP. The EIR also assumes employees will

¹³⁵ FEIR, p. II-130 (“Cut-through trips are not environmental impacts under CEQA”).

¹³⁶ Technical Memorandum re: Cut-Through Traffic Mitigation Research from Drew Ackermann et al to City of Alexandria, p. 1 (May 7, 2020), <https://media.alexandriava.gov/docs-archives/tes/info/city-of-alexandria-cut-through-research---report-5.7.2020=final.pdf>.

¹³⁷ CEQA Guidelines, Appendix G, XVII.a., c.

¹³⁸ See, e.g., DEIR, p. IV.K-10 (discussing Objective 11-2 of the Wilshire Community Plan, “Promote pedestrian mobility, safety, amenities, and access . . .”).

¹³⁹ LLG FEIR Memo, pp. 2-5, 11-18.

¹⁴⁰ FEIR, Appendix FEIR-9, p. 941 (p. 979 of PDF).

¹⁴¹ FEIR, Topical Response Nos. 12, 13; FEIR, p. II-2359.

have key cards to limit their queue time at Project driveways¹⁴² with no corresponding requirement in the Specific Plan or MMP. As noted in the LLG analyses of truck maneuvering, Project trucks cannot turn onto The Grove Drive or into the proposed Grove Drive gates without causing a road hazard.¹⁴³ And an unlimited number of Project trucks and vehicles will cause additional queuing and a road hazard. The design of the northernmost proposed Grove Drive gate is designed as a T-intersection with a bus drop-off zone and the second gate is inconsistent with Los Angeles Department of Transportation (LADOT) policies and does not appear to have been disclosed to LADOT.¹⁴⁴ There is no analysis in the EIR of how trucks and cars can safely navigate the southern alley, particularly since the Project can only access the alley from The Grove Drive (the western half of the alley is private property not accessible to the Project). The EIR just states that the number of vehicles using the alley will be limited, but there is no limitation in the Specific Plan or MMP. To ensure that the impacts of all of these new entrances and traffic on The Grove Drive are less than significant, the assumed limitations must be included in Specific Plan or MMP.

One of the noted hazard conditions that increased Project traffic will cause is the operation of the intersection at Beverly Boulevard/Stanley Avenue/The Grove Drive. Indeed, the Project will cause numerous hazards at the Beverly Boulevard/Stanley Avenue/The Grove Drive intersection, including production truck turning movements that cannot be accommodated safely,¹⁴⁵ and queuing backups from Project driveways and on The Grove Drive and Beverly Boulevard (which is a designated Disaster Route and is frequently used by emergency vehicles traveling to and from nearby Cedars-Sinai Medical Center).¹⁴⁶ These hazards conflict with multiple policies in the Mobility Plan, including Policy 1.1, Roadway User Vulnerability (by introducing hazards to vulnerable roadway users--pedestrians including children, the elderly, and mobility-impaired) and Policy 1.8, Goods Movement Safety (because the site's truck traffic is directed towards The Grove Drive, a designated Collector Street, and not an arterial such as Beverly Boulevard or Fairfax Avenue).¹⁴⁷ To conclude that the Project does not increase hazards, the Project must make physical changes to this intersection to improve the safety of turn movements and not increase queues that block driveways and pedestrian crossings.

Similarly, comments on the Draft EIR explained in detail why the Project is inconsistent with the Mobility Plan, and that the inconsistencies could cause a significant safety issue because the Project fails to include adequate sidewalks.¹⁴⁸ The waiver of dedication along The Grove Drive is inconsistent with the Mobility Plan requirements. Instead of revising the Project, the

¹⁴² FEIR, Appendix FEIR-7, p. 2.

¹⁴³ LLG FEIR Memo, pp. 11-18.

¹⁴⁴ There is no evidence of an LADOT assessment letter for the Modified Project.

¹⁴⁵ LLG FEIR Memo, pp. 11-18; FEIR, p. II-152.

¹⁴⁶ *Id.*, p. 15, 16.

¹⁴⁷ *Id.*, p. 2-4.

¹⁴⁸ *See, e.g.*, FEIR, p. II-732.

City gives a non-responsive answer that essentially admits the Project is inconsistent with the Mobility Plan,¹⁴⁹ but then refuses to acknowledge the inconsistency.

The EIR transportation analysis is also inaccurate because it undercounts trips. The analysis in the EIR regarding visitor trips from studio audience visitors is fundamentally flawed and underestimates the potential number of audience members and their associated trips. This oversight results in an incomplete and inadequate assessment of the Project's environmental impacts. According to the Applicant's own data that was available online, the current stage area of 95,540 square feet supports almost 2,400 audience members per day when fully utilized (assuming one taping per stage per day). With the proposed expansion to up to 450,000 square feet of sound stage floor area, the capacity could realistically increase to around 11,115 audience members per day¹⁵⁰—a 363 percent increase—or more than three times the increase that the EIR assumes.¹⁵¹ This significant discrepancy indicates that the EIR's assumptions are wrong. As noted above, there are no constraints in place to limit the number of audience members or the type of visitors/attendees in the future buildout of 450,000 square feet of sound stage floor area. The Specific Plan includes no limits on the amount of seating in stages, the number of audiences shows permitted, or the number of audience vehicle trips permitted. Additionally, the EIR relies on a limited number of current shows at the Project site and purports to validate traffic based on existing uses.¹⁵² But the Final EIR provides no evidence that the days the Project site were monitored to validate trip generation were typical studio days or were from days the Project site was operating at full capacity. In fact, the Final EIR repeatedly states that the Project site is underutilized, and a purpose of the Project is to increase utilization (and therefore trips).¹⁵³ The Final EIR's estimate of trips from the Project is not supported by substantial evidence.

And as the City admits, the stages can be used as venues for other events¹⁵⁴ that are not television audience participation (e.g., E-sport tournaments).¹⁵⁵ Thus, the EIR fails to account for

¹⁴⁹ See, e.g., FEIR, p. II-733 (admitting the sidewalk on Grove Drive will remain substandard).

¹⁵⁰ This conservatively assumes that the quantity of audience seats per stage would be similar in the future, which is not a current limitation on the Project.

¹⁵¹ See Exhibit C (screenshots from the Applicant's website, downloaded on August 14, 2022, that show all of the stages have seating for audiences, and photo of signage at Project Site taken November 2024).

¹⁵² FEIR, pp. II-138-144; FEIR, Appendix FEIR-6.

¹⁵³ DEIR, p. II-11 (Project Objective V; "Optimize the currently underutilized Project Site to address post ad hoc building additions and meet the existing unmet and anticipated future demands of the entertainment industry . . ."); FEIR, pp. 1619-20 ("The objectives of the proposed Project are closely tied to the need to improve existing operations on a currently underutilized Project Site by creating a cohesive and integrated studio campus environment with new technologically advanced facilities."); see FEIR, pp. II-206, 208, 280, 325, 539 ("inefficient and underutilized studio campus"), 1718, 2266.

¹⁵⁴ See e.g., FEIR, p. II-776 ("Project does not include any auditorium uses (apart from sound stages with audience seating)")

¹⁵⁵ See, e.g., FEIR, pp. II-531, II-788.

the full range of impacts from audience trips, including traffic, GHGs, air quality degradation, and noise pollution. The City must revisit these assumptions and conduct a thorough analysis that accurately reflects the Project's potential audience capacity or revise the Specific Plan to limit audience members consistent with the analysis in the FEIR. This is essential to ensure that all environmental impacts are properly assessed and addressed.

The data cited in the Final EIR only confirms that the EIR understates trips from audience members and visitors. The Final EIR states that the trip generation rates for the Project relied on the rates developed from trip generation data collected for the NBC Universal Vision Plan.¹⁵⁶ The Final EIR purports to validate these trip generation rates by comparing actual measured trips at the existing Project site on September 10, 11 and 12, 2019, to trips derived from the trip-generation rates.¹⁵⁷ There is no indication those three days are representative of average historical conditions at the Project site. Further, the Final EIR "validation" data fails to account for the audience members that park at The Grove as directed by the Applicant. Data for the week of September 9, 2019, when the driveway counts were taken, shows that 1,317 cars from guests at Television City parked at The Grove.¹⁵⁸ In other words, the driveway counts in the Final EIR that were supposed to validate the trip generation rates exclude hundreds of trips to the Project site—visitors that parked at The Grove instead of the Project site. Over the course of a year this equates to thousands of visitors and trips. $1,317 \text{ cars} * 2 \text{ trips per car} = 2,634 \text{ trips} * 52 \text{ weeks} = \underline{\text{trips per year}}$; $1,317 \text{ cars} * 2.2 \text{ visitors (assumption from EIR)} * 52 \text{ weeks} = \underline{150,664.8 \text{ visitors per year}}$. That compares to the EIR's assumption that there are only 59,100 audience visitors per year.¹⁵⁹ In other words, just this one error in the EIR results in a huge undercounting of audience members.

The EIR also completely ignores special event visitor trips. The EIR asserts without substantiation that "[b]ecause there would be no change compared to existing conditions, no additional analysis is required as part of this EIR."¹⁶⁰ The proposed Specific Plan would permit special events but does not regulate them to be consistent with the existing special events conditions described in the EIR. The City must conduct a thorough analysis of the impacts of the Project's potential special events or revise the Specific Plan to regulate special events consistent with the analysis in the FEIR.

The EIR also excludes trips from Basecamp uses. Rather than correct this fundamental error, the Final EIR states that Basecamp trips are "ancillary" to other uses.¹⁶¹ But this is unsupported. The Specific Plan does not require Basecamp uses to be ancillary to stage use and does not limit their square footage. In fact, the Specific Plan excludes Basecamp from the definition of Floor Area even though Basecamp is described as a potential broad range of

¹⁵⁶ FEIR, p. II-1138.

¹⁵⁷ FEIR, pp. II-1138, II-141.

¹⁵⁸ See Exhibit D (screenshot of parking report for week of September 9, 2019).

¹⁵⁹ FEIR, p. II-145.

¹⁶⁰ FEIR Topical Response No. 10. Trip Generation, p. II-149

¹⁶¹ FEIR, p. II-150.

independent active uses.¹⁶² As drafted, the Specific Plan would permit mobile facility storage at the Project site without a corresponding onsite use. And that use would not require further review by the City. Therefore, the City needs to revise the EIR to include Basecamp trips. Relatedly, the Erratum identifies 36,800 square feet of base camp below grade. There is no prohibition, however, on using the below grade parking areas for basecamp uses. Absent a prohibition on using parking areas for basecamp, the EIR's assumptions that there are no impacts from basecamp uses are unsupported and the EIR fails as an informational document.

The Final EIR undercounts truck trips. The Project's Truck Trip Memorandum bases the estimate on actual counts of existing truck trips conducted over three days in September 2019.¹⁶³ The Truck Trip Memorandum states that "most" trucks access the Project site via the driveway located at Beverly Boulevard/Genesee Avenue and that the largest trucks use the driveway at Fairfax Avenue at the southwest corner of the Project site.¹⁶⁴ However, the Truck Trip Memorandum reports only truck trips at the Beverly/Genesee gate.¹⁶⁵ Therefore, truck trips are underestimated. Based on the distribution of trips at the existing Project driveways, the truck trips could be understated by at least 25 percent.¹⁶⁶

The Truck Trip Memorandum then assumes without explanation or support that with the Project the light duty trucks would double and heavy-duty trucks would triple.¹⁶⁷ There does not appear to be any correlation between the projected truck trip increase and the Project's increase in square footage.

The Final EIR fails to substantiate that the City's VMT can be used for the Project. It cannot. Commenters on the Draft EIR pointed out that (1) under the Transportation Assessment Guidelines, the use of the VMT calculator is inappropriate because the Project is an event center and regional-serving entertainment venue, and (2) under the VMT calculator's usage guide specifically states it is not to be used for specific plans. The Final EIR was non-responsive and essentially states that the City can ignore the specific-plan limitation in the Transportation Assessment Guidelines.¹⁶⁸ It also fails to grapple with the fact that the proposed Specific Plan allows uses outside of a normal production studio—including, for example, esports, and "experiential entertainment venue."¹⁶⁹ The Final EIR's conclusion that the Project will not attract substantial levels of discretionary trips and is therefore not a regional-serving entertainment

¹⁶² TVC 2050 Modified Draft Specific Plan, p. 7 (April 2024).

¹⁶³ FEIR, Appendix FEIR-6, pp. 5-10.

¹⁶⁴ *Id.*, p. 1; *see also* FEIR, p. II-150-151. Also, as noted earlier, the EIR assumes that future Project operational trucks will only access the site from Beverly Boulevard and Fairfax Avenue.

¹⁶⁵ FEIR, Appendix FEIR-6, p. 1; FEIR, pp. II-150-51.

¹⁶⁶ *See* FEIR, Appendix FEIR-5 (measured trips at Fairfax were approximately 25 percent of measured trips at Beverly/Genesee).

¹⁶⁷ FEIR, Appendix FEIR-6, p. 2.

¹⁶⁸ FEIR, p. II-115.

¹⁶⁹ FEIR, pp. II-786-787.

venue is not supported. And common sense would indicate that allowed uses like unlimited audience shows, esports and experiential entertainment venues would draw people from across the County and beyond. The Project should be analyzed as a regional-serving entertainment venue.

The VMT model also estimated an unsubstantiated short trip length. In doing so, the City fails to acknowledge and mitigate significant impacts under threshold b. Substantial evidence was provided in comments to the Draft EIR that shows that the trip lengths of existing employees at the Project site are much longer than the VMT estimated trip length. Contrary to the statements in the Final EIR, the information provided by commenters does demonstrate employee trip lengths, not just one-time visitors.¹⁷⁰ The City dismisses the information from the U.S. Census Bureau, Streetlight Data, and Placer as “non-representative.”¹⁷¹ But these data sources are literally based on trips from the Project site—they are much *more* representative than the VMT Calculator and the City implicitly acknowledges that the data from Placer was limited to employees.¹⁷² CEQA does not allow the City to willfully ignore these data sources that show VMT from the Project will be higher than reported in the EIR.

The City fails to provide any data that indicates that existing employee trip lengths are consistent with the VMT estimate. Even though the EIR states that employee zip code data was used to inform trip distribution, the EIR does not use employee data to support trip lengths. The other data provided shows a much longer trip length than the VMT model assumes.

The Final EIR states that “[t]he distribution of employee work trips is based on arrangement of land use and population assumed in [the City’s] long-range model and, therefore, does not depend on the current trip patterns of existing on-site employees...”¹⁷³ The Final EIR provides no explanation of these assumptions in the City’s model and whether they correlate with the Project site’s existing or proposed use. The City basically says the VMT will not be significant because its model and its unstated assumptions, which are devoid of any relationship to the Project says it won’t be significant.

The City consistently misuses its methodology and significance thresholds in the transportation analysis. Under CEQA, a lead agency can use a significance threshold to determine when a project will *usually* have a significant impact. But it may not rely solely on the threshold and ignore evidence that a project will have significant impacts, even when impacts are below a threshold. *See, e.g.*, 14 Cal. Code Regs. § 15064.7(a) (“A threshold of significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will **normally** be determined to be significant by the agency and compliance with which means the effect **normally** will be determined to be less than significant.”) (emphasis added); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 (“[T]he fact that a particular environmental effect

¹⁷⁰ LLG FEIR Memo, pp. 4-8.

¹⁷¹ FEIR, pp. II-786-787.

¹⁷² *Ibid.*

¹⁷³ FEIR, p. II-794.

meets a particular threshold cannot be used as an automatic determinant that the effect is or is not significant. To paraphrase our decision in *Communities for a Better Environment* [*v. California Resources Agency* (2002) 103 Cal.App.4th 98, 107], a threshold of significance cannot be applied in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant.”). This legal concept applies specifically to thresholds of significance regarding VMT.¹⁷⁴

The Draft EIR acknowledges that the City uses its Transportation Assessment Guidelines for its traffic significance thresholds,¹⁷⁵ and the Transportation Assessment Guidelines in turn point to the City’s VMT calculator.¹⁷⁶ Here the City has treated its VMT calculator and the Transportation Assessment Guidelines as definitive. A VMT calculator or model, if used appropriately, can be a useful tool. But commenters on the Draft EIR, including experts, pointed out that that VMT calculator and the transportation study results were flawed and counter to empirical evidence that is available. In responses to comments, the City confirms that it is using the VMT calculator “in a way that would foreclose the consideration of other substantial evidence tending to show the environmental effect to which the threshold relates might be significant.”¹⁷⁷ Indeed, the Final EIR explicitly acknowledges that the City ignored evidence that the VMT calculator has problems when applied to the Project—and the City’s basis for rejecting the critique of the VMT calculator was that the cited sources were not from the VMT:¹⁷⁸

None of the three data sources identified in the comments are approved sources of data for VMT analysis in the City, as LADOT utilizes the City of Los Angeles VMT Calculator or the City of Los Angeles Travel Demand Forecast model . . .

Obviously, this reasoning is circular and does nothing to address the actual evidence that the Project has significant impacts. The entire transportation section suffers from this defect of treating the significance thresholds—including the result of the VMT calculator—as definitive.

The City must revisit its traffic analysis and apply the CEQA thresholds correctly—CEQA does not allow the City to treat its thresholds as infallible or to apply them in a one-size-fits-all manner. If the City properly analyzes VMT, and applies the information that numerous commentors submitted, it is clear that the Project has a significant VMT impact.

In addition, the EIR should consider the effects of autonomous vehicles. Autonomous vehicles are not something in the distant future—they are here now. A passenger can hire a self-

¹⁷⁴ See, e.g., Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA 7 (2018), available at https://lci.ca.gov/docs/20190122-743_technical_advisory.pdf.

¹⁷⁵ DEIR, p. IV.K-14.

¹⁷⁶ Transportation Assessment Guidelines, LADOT, *supra*, pp. 2-8.

¹⁷⁷ *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109.

¹⁷⁸ FEIR, p. II-127.

driving car today to take a trip to the Project site.¹⁷⁹ Projections are that this technology will scale very quickly, and by the time the Project is constructed a sizeable percentage of vehicle trips could be autonomous.¹⁸⁰

According to the City's traffic engineer that developed the VMT model, Fehr and Peers, autonomous vehicles are likely to increase VMT and decrease transit ridership.¹⁸¹ According to Fehr and Peers, use of autonomous vehicles could increase VMT and vehicle trips by over 20 percent and decrease use of transit by over 20 percent.¹⁸² Other researchers have found that even partially automated features in automobiles—the kind that are readily available today like adaptive cruise control and automatic breaking—can cause a 10 percent increase in VMT.¹⁸³ Recent press reports indicate that the Federal Government is likely to adopt rules to accelerate broad use of autonomous vehicles.¹⁸⁴ These are critically important findings that the EIR does not address. Virtually every conclusion in the EIR's transportation section is affected by this new development that the EIR did not consider. For example, the following responses in the final EIR do not account for autonomous vehicles:

- Topical Response No. 8. Vehicle Miles Traveled. Mostly this discussion is non-responsive and relies on improperly applying the City's significance thresholds as discussed above. Regardless, it does not account for the effects of autonomous vehicles or quantify the VMT impacts of autonomous vehicles. According to the City's own traffic engineer, failing to account for autonomous vehicles could understate VMT by over 20 percent.
- Topical Response No. 9. Neighborhood Traffic Management Plan. The topical response downplays the importance of cut-through traffic trips, and says they are

¹⁷⁹ See, e.g., *Expanding destinations for San Francisco and Los Angeles riders*, WAYMO (Aug. 6, 2024), <https://waymo.com/blog/2024/08/expanding-destinations-for-san-francisco-and-los-angeles-riders>.

¹⁸⁰ See, e.g., *Partially autonomous cars forecast to comprise 10% of new vehicle sales by 2030*, GOLDMAN SACHS (Aug. 19, 2024), <https://www.goldmansachs.com/insights/articles/partially-autonomous-cars-forecast-to-comprise-10-percent-of-new-vehicle-sales-by-2030>.

¹⁸¹ Ronald T. Milam et al., *Using Current Practice Regional Models To Test Autonomous Vehicle Effects On Travel Demand And Public Agency Policy Responses*, FEHR AND PEERS (Jan. 2020) https://www.fehrandpeers.com/wp-content/uploads/2020/01/AVModeling_RMilam_TRB2020PosterSession.pdf.

¹⁸² *Ibid.*

¹⁸³ Chris McCahill, *Partially automated vehicles increase VMT*, STATE SMART TRANSPORTATION INITIATIVE (Apr. 4, 2022), <https://ssti.us/2022/04/04/partially-automated-vehicles-increase-vmt>.

¹⁸⁴ Zachary Visconti, *Trump Aims to Create Framework for Self-Driving Vehicles: Report*, TESLARATI (Nov. 17, 2024), <https://www.teslarati.com/trump-framework-self-driving-vehicles> (“A report shared over the weekend claims that the transition team for President-elect Donald Trump is looking to create a federal framework for self-driving vehicles—and to make the sector a top priority in the upcoming term.”).

not a CEQA issue. But safety is a CEQA issue and cut-through trips can create a significant safety issue, as other commenters have explained. Because trips and VMT from the project could be understated by 20 percent or more by failing to account for autonomous vehicles, the EIR likely understates the impacts of cut-through trips. Has the City looked at whether cut-through trips grow non-linearly as traffic increases? I.e., could 20% more daily trips to and from the project mean that dangerous cut-through trips increase much more?

- Topical Response No. 10. Trip Generation. The topical response tries to justify relying on data from other sites instead of data from the project for trip generation. Regardless, the EIR does not account for the 20 percent or more increase of trips that the City's traffic engineer found could result from adoption of autonomous vehicles.
- Topical Response No. 11. Transportation Demand Management. The topical response again improperly treats the City's VMT calculator and the City's prior practice as being definitive as to whether the project may have significant impacts, even when data shows the VMT calculator data is inaccurate. Additionally, the EIR does not account for the 20 percent or more increase of trips and VMT and the 20 percent reduction of transit use that the City's traffic engineer found could result from adoption of autonomous vehicles.
- Topical Response No. 12. Safety and Congestion. Here again, the City uses data that undercounts VMT and trips, as identified in LLG's analysis. Additionally, the EIR does not account for the 20% or more increase of trips and VMT and the 20 percent reduction of transit use that the City's traffic engineer found could result from adoption of autonomous vehicles. Again, would the impacts here be non-linear? If VMT and trips are undercounted by 20 percent each, could that result in a more than 20 percent increase in accidents and severe congestion?

Numerous commentors also submitted evidence showing that the assumption that the Project's Transportation Demand Management Program will reduce trips by 15 percent is not realistic. Instead of grappling with that data, the City cites the VMT Calculator and various policies, and the City has to allow a 15 percent adjustment.¹⁸⁵ But the question is not whether the VMT calculator, prior City precedent, or various City policies allow a 15 percent reduction in trips. The question under CEQA is whether there is substantial evidence to support the City's analysis. Here, the empirical evidence commentors submitted show that transit use is very low and is headed lower. The Fehr and Peers analysis above shows that adoption of autonomous vehicles could drive it even lower. The City's conclusion is not supported by substantial evidence, and the City should revise its analysis to account for public comments on the Transportation Demand Management Program.

The EIR also failed to adequately account for cumulative impacts. As pointed out in comments on the Draft EIR, the City applies a growth factor of one percent per year for traffic to

¹⁸⁵ FEIR, p. II-153.

account for cumulative traffic impacts not included in the VMT model. But the City improperly limits this annual growth factor to years through 2026, instead of through 2043, when project build-out may complete.¹⁸⁶ Instead of correcting this error, the City states the growth factor applies only to the non-CEQA analysis. However, this is inaccurate and inconstant with other portions of the City's response. The City acknowledges that the VMT Calculator relies on long-range cumulative travel demand.¹⁸⁷ So if the VMT Calculator underestimates long range cumulative travel because it does not include a growth factor of 1 percent through the buildout of the Project (potentially in 2043), it may under report VMT. The City should correct this. Additionally, the FEIR acknowledges that the growth factor is important for the "freeway safety analysis" in the EIR, but then instead of conducting a freeway safety analysis with a 1 percent growth factor, it concludes without analysis that "even if traffic were to increase substantially by year 2043" there would be no impact because the Project adds only a small number of trips to freeway ramps.¹⁸⁸ But the City cannot ignore cumulative impacts just because the Project makes a small contribution to the impact.¹⁸⁹ The City should correct the analysis and apply a 1 percent growth factor through 2043—the potential buildout date of the Project.

The failure to include a growth factor beyond 2026 is even more egregious because it is impossible for the Project to be operational by 2026. Under the EIR's best case projections, single-phase construction will take 32 months. This makes it impossible for the Project to be built and operational by 2026. The analysis, therefore, fails to inform the public of the Project's true transportation impacts. The analysis that relies on the transportation figures, such as noise and air quality, is similarly deficient because it is based on an undercounting of trips and vehicles on the roads.

Comments on the draft EIR identified that The Grove Drive has no more capacity and the Project will extend queues to 1,020 feet (even using the incorrect assumptions in the EIR that minimize the impacts).¹⁹⁰ The long queues will block intersections, and present a clear safety hazard, and the Project's addition to the queues and the safety hazards are likely understated—because Project trip counts are understated, the effectiveness of Transportation Demand Management Program is overstated, and cumulative impacts are not properly accounted for, among other reasons.¹⁹¹ But instead of addressing this impacts under threshold c and identifying mitigation or alternatives to mitigate or avoid the impact, the City improperly waives it off as not a CEQA impact.¹⁹²

¹⁸⁶ FEIR, p. II-798.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

¹⁸⁹ *See, e.g., Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.

¹⁹⁰ FEIR, p. II-1144.

¹⁹¹ FEIR, pp. II-814.

¹⁹² FEIR, pp. II-814, 1145.

Further the queuing analysis was based on data from just one day at three different studios.¹⁹³ Incredibly, instead of validating the queuing analysis with actual data from Television City during representative times, the data was from pandemic (June 2022), when traffic was greatly reduced from normal.¹⁹⁴ The City does not substantiate that this data is representative of typically Project site conditions. The analysis also assumes an onsite vehicle storage depth that is not required in the Specific Plan. Additionally, the queuing analysis uses a Poisson Distribution and assumes visitors to the Project arrive at random intervals.¹⁹⁵ What evidence does the City have that this is a realistic assumption? Researchers have found that the Poisson distribution is appropriate for modeling arrivals at a location when there is “free flowing traffic”.¹⁹⁶ “However, high volumes, and also the proximity of intersections and traffic control devices, will alter the concept of free flow, thus causing the Poisson approximation to be invalid.”¹⁹⁷ The City’s use of the Poisson distribution is not supported by substantial evidence—the FEIR just says it is “the industry standard for testing queue requirements” without discussing why its limitations or why its use is appropriate here.¹⁹⁸

The EIR fails as an informational document. The document does not contain sufficient information to allow for informed public participation or allow the City to consider the environmental impacts to make an informed and reasoned decision. The EIR omits information and provides patently inadequate analysis based on improper assumptions. For example: (i) a Specific Plan was not included with the Draft EIR and its later publication did not cure this failing; (ii) the Project has changed numerous times in scope and uses in a way that it is impossible for the public to follow; (iii) the Final EIR is impossible to follow, requiring the reader to consult multiple documents in response to comments and questions raised; (iv) the Final EIR adds dozens of studies not included in the Draft EIR that provide significant new information; and (v) the construction assumptions state that construction would start in 2023 and finish in 2026, which is impossible.

What the Project is remains unknown. The Planning Commission staff report included site plans that differ from those in the EIR. What is the project that will be built? Specific Plan

¹⁹³ FEIR, p. II-167.

¹⁹⁴ E.g., NPR News (January 11, 2023) (“[T]raffic congestion across the country is still only about half of what it was before the Covid-19 pandemic.”); available at: <https://www.ideastream.org/npr-news/2023-01-11/traffic-congestion-got-much-worse-in-2022-but-is-still-below-pre-pandemic-levels>.

¹⁹⁵ FEIR, p. II-167.

¹⁹⁶ P.G. Pack-Poy, The Use and Limitation of the Poisson Distribution in Road Traffic (1964), available at <https://www.railknowledgebank.com/Presto/content/Detail.aspx?ctID=MjE1ZTI4YzctZjc1YS00MzQ4LTkyY2UtMDJmNTgxYjg2ZDA5&rID=MzMwNg==&qrs=RmFsc2U=&q=IIRIRSBVU0UgQU5EIEJmJTUIUQVRJT04gT0YgVEhFIFBPSVNTT04gIERJU1RSSUJVVElPTiBJTiBST0FEIFRSOUZGSUMi&ph=VHJ1ZO==&bckToL=VHJ1ZO==&rrtc=VHJ1ZO==>

197 *Ibid.*

¹⁹⁸ FEIR, p. II-167.

text introduces further uncertainty. The Specific Plan allows the “Initial Development Plans” to be approved administratively by Director. But the Specific Plan also allows for administrative review if the floor area is the same and it complies with the Specific Plan’s “applicable regulations.” So, what can actually be built and how it will be built is completely unknown and will never undergo public review because the Director’s determination of consistency is not subject to CEQA nor further administrative review.

CEQA provides no procedure for an Erratum. The City published a Draft EIR, then published a Final EIR, changed the Project and tried to paper the changes in an erratum. This was improper. This is particularly true here where the Erratum is much more than a few minor corrections. Rather, it’s a modification of the Project and introduction of at least eight new appendices. The City was required to recirculate the EIR because the new information provided has rendered the Draft EIR so fundamentally inadequate that the public was denied an opportunity to review. The nature and scope of the Erratum further confirms that the Draft EIR fails as an informational document.

There is no basis to assume a 30 percent trip reduction. There is no evidence that the TDM program will reduce trips. The Mobility Hub is not required to be built. And while the Final EIR notes that it would be beneficial to locate the Mobility Hub along Fairfax Avenue and assumes it will be accessed from Fairfax,¹⁹⁹ that is not required in the Specific Plan. This requirement should be added to the Specific Plan.

Pointing to NBC Universal’s efforts to reduce trips makes no sense. NBC Universal is across the street from a long-existing subway portal. NBC Universal has a theme park and CityWalk (with movie theaters, retail, and restaurants). There is no evidence that Project employees working in offices or productions at this Project site will take transit. What percentage of existing Project site employees or production staff take transit to the Project site? NBC Universal’s trip reduction numbers are irrelevant for this Project site. That workers at NBC Universal’s range of land uses, including theme park and CityWalk with movie theaters, retail and restaurants may take transit has no bearing on whether workers at the Project site, much of whom may work on productions that occur from early morning into the late night, or office employees will take transit. There is no evidence in the record that the Project’s TDM program will reduce trips by 15 or 30%. As discussed in the traffic discussion in this letter, there is evidence to indicate it will not. And based on the conclusions by the City’s own traffic engineer, TDM is expected to decline. The air quality analysis that relies on this assumption understates emissions and understates the number of vehicles coming to the Project site. The result is an inaccurate forecast of air quality, noise, and hazard impacts as a result of substantial queuing on public streets, to name a few.

The description of uses is a shell game. There is no meaningful difference between the defined land uses in the Specific Plan. All can essentially be built out as office, potentially the most intense use. The EIR did not evaluate impacts from an all-office project. Therefore, it has understated the project’s impacts.

¹⁹⁹ FEIR, p. II-109-112.

For example, what the specific plan defines as sound stage can be office. Sound Stage is defined as a “Studio Land Use that includes permanent buildings for Production Activities and which may contain Sets/Facades.”²⁰⁰ Production Activities are defined to include “Indoor and/or outdoor activities in conjunction with the creation, **development**, production (on Sound Stages or any other indoor and outdoor location), **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, including without limitation sound and lighting effects associated with such activities and the use of any and all vehicles, aircraft, and watercraft; equipment; machinery (temporary or permanent); materials (including pyrotechnic and other special effects materials); and animals.”²⁰¹ All of the highlighted uses occur in offices. They do not occur in a sound stage. The definition of sound stage, therefore, includes office uses and would allow the development of offices to accommodate these uses. (And as explained earlier, sound stages also could be used as event venues with no limits on attendance.)

Similarly, the definition of Production Office includes all offices uses that may be “associated with or in furtherance of” Production Activity, “including but not limited to” a series of uses that include legal, marketing, sales, leasing, and accounting, among others.²⁰² These office uses are indistinguishable from the defined term General Office, which include the same types of office uses – legal, marketing, sales, leasing, etc.

Another example is the shift of 111,440 square feet of Sound Stage to 111,440 square feet to Production Support.²⁰³ Production Support is defined as “A Studio Land Use primarily used for the support of Production Activities and employee services, which includes, but is not limited to, equipment facilities, wardrobe, storage (indoor and outdoor), Sets/Façades manufacturing, mill shop, equipment maintenance and repair, transportation maintenance and repair, commissary, **gym**, audience security and processing, IT infrastructure, financial services, museum storage and display, archives, 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.”²⁰⁴ There is no requirement that these high intensity uses actually occur in concert with onsite production. For example, a major gym, like an Equinox, is a permitted use under Production Support. There is no limitation that the gym’s users be limited to onsite employees. The Specific Plan just says that “Recreational and Fitness Facilities” will be permitted for “on-site user.” That can be anyone that comes onsite, including someone with a gym membership.

The only explanation provided in the Final EIR for substituting Production Support for Sound Stages is as follows.

²⁰⁰ TVC 2050 Modified Draft Specific Plan, p. 9 (Apr. 2024).

²⁰¹ *Id.*, p. 7.

²⁰² *Id.*, p. 8.

²⁰³ Erratum No. 1, p. 2.

²⁰⁴ TVC 2050 Modified Draft Specific Plan, p. 8 (Apr. 2024).

The existing Project Site has a large amount of production support uses relative to the mix of sound stage and production office space on-site. Modern studios, such as the Project, no longer offer the full-service gamut of production support but more so to function in a manner that provides each individual production with the flexibility to choose how to use their space to meet their specific needs. Traditional set making and processes, such as fabrication and painting, have shifted to digital production and virtual environments, reducing the needs for physical construction techniques.²⁰⁵

If this is the case, then why is an additional 111,440 square feet of Production Support needed in lieu of Sound Stage space? How the change truly impacts the Project's impacts is not explained because the Erratum does not accurately assess impacts from the increase in Production Support. The Erratum says that there will be a reduced electricity and natural gas usage, but that is only because the analysis characterizes the Production Support use as "Strip Mall" under CalEEMod. There is no evidence, let alone substantial evidence, supporting characterizing Production Support, which includes everything from a mill to office (i.e., financial services) to cafeteria to gym and retail, is akin to a "Strip Mall." It is not. Given the broad range of uses permitted, the analysis should have used the most intensive of the permitted uses and modeled the impacts from that. Because the City has not done so, the impacts are not overstated, as the Final EIR states,²⁰⁶ but understated and the EIR fails as an informational document.

The EIR is also inconsistent. The Erratum states that "the exchange of 150,000 square feet of sound stages to production support under the Modified Project would reduce the demand for electricity and natural gas."²⁰⁷ But in other places it says that there is an exchange of 111,440 square feet of sound stages to production support.²⁰⁸ Is the Erratum's analysis based on a 150,000 square foot exchange or a 111,440 square foot exchange? The document is uncertain and fails as an informational document.

The EIR failed to evaluate Housing as a permitted use. The Specific Plan states that residential is a permitted use. The EIR did not evaluate the impact of housing on the site. It should have. While the Specific Plan says that any such residential project shall be subject to receiving all needed government approvals and CEQA compliance, it does not say what these approvals are. The Specific Plan is clear that it supersedes the Municipal Code in many respects, including Project Review under Code Section 16.05. Does this mean that residential uses will not be subject to review under section 16.05? The City has engaged in improper piecemealing by allowing residential as part of the Specific Plan but saying that review, if there is any, may happen later. The City cannot chop up a large project into parts to understate its impacts. That has happened here by approving residential as part of the Specific Plan but by failing to analyze

²⁰⁵ FEIR, Appendix FEIR-9, p. 7.

²⁰⁶ FEIR, Appendix FEIR-9, p. 51 of PDF.

²⁰⁷ Erratum No. 1, p. 33.

²⁰⁸ *Id.*, p. 2.

its impacts. Due to the City’s failure to evaluate residential development in the EIR and improper deferral of analysis, should residential be proposed later, it must be analyzed in a subsequent environmental document. (*Stanislaus Natural Heritage v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199 [invalidating EIR that deferred analysis of environmental impacts of supplying water to residential project until the source of water supply was selected in the future, finding “tiering” is not a device for deferring identification of significant environmental impacts that adoption of a specific plan can be expected to cause].)

The Director is required to ministerially approve a project that meets broad and undefined “Design Standards.” The Specific Plan requires the Director of Planning to approve development on the site if it meets the “Design Standards” in Appendix D to the Specific Plan. These design standards address architecture, parking design, fences, landscaping, and site access.

The Specific Plan states that “Projects (as defined in Section 3 of this Specific Plan) in substantial conformance with Appendix A (Initial Development Plans) and/or in compliance with Appendix D (Design Standards); Cellular Facilities in substantial conformance with Appendix D (Design Standards); and any alcohol use that complies with Section 9 (Alcohol Consumption Regulations) of this Specific Plan shall be eligible for Administrative Review.”²⁰⁹ Thus, a “Project” that complies with the Design Standards shall receive Administrative Review. “The Director shall approve an Administrative Review if the Project complies with the applicable Specific Plan regulations” and the Director’s decision is not subject to review and not subject to CEQA.²¹⁰ This means that so long as the design standards are met, anything in any configuration can be built on the site. The EIR did not assess impacts from a development scheme that could vary so wildly. The EIR therefore fails as an informational document.

The Design Standards themselves are illusory. For example, the Design Standards provide that the ground-floor of above-grade parking structures shall include “non-parking uses” like “Basecamp uses” for the first 20 feet in depth of the ground floor or use screening. Basecamp is effectively parking. It is where “where mobile facilities such as trucks and support vehicles related to production are temporarily staged...” (Specific Plan, Sec. 3.) Thus, the Design Standards allow parking where there is parking. The parking structures screening is to use the same architectural materials as elsewhere in the Specific Plan, but it is unstated what these materials will be. And the Design Standards include provision for Cellular Facilities but are completely silent about Communications Facilities, which can include large satellite dishes. The screening of satellite dishes from view from the park and other pedestrian locations should be included in the Design Standards as well.

Conclusions regarding reduction in imperviousness is unsupported. The Erratum states that the amount of landscaping would increase from 10% to 17%.²¹¹ There is no support for this conclusion. The Specific Plan does not require an increase in landscaping. While the Viewshed Restoration Area is currently imagined with landscaping, there is no requirement that it be landscaping. Buildings up to 58 feet in height can be built in the Viewshed Restoration

²⁰⁹ TVC 2050 Modified Draft Specific Plan, p. 10 (Apr. 2024).

²¹⁰ *Ibid.*

²¹¹ Erratum No. 1, Appendix F – Utilities Technical Memorandum, p. 3.

Area. The Erratum's assumption that there will be an increase in landscaping and, therefore, a decrease in runoff is unsupported and presents a distorted statement of the Project's impacts. In fact, there is no requirement that any new landscaping be planted onsite. The only landscaping provided is the modest streetscape improvement that may replace the existing landscaped frontages along Fairfax Avenue, Beverly Boulevard, and The Grove Drive. The site plan attached to Appendix F showing large swaths of pervious landscaped areas along Beverly Boulevard is misleading. There is no requirement in the Specific Plan that this area be landscaped. The Erratum's assumption that there will be 180,000 of pervious surfaces is wrong and unsupported by any evidence.

The Erratum's conclusions regarding water and wastewater use are unsupported and don't account for all proposed uses. The Erratum purports to evaluate impacts from increasing new production support areas by 186,154 square feet and projects an increase of 9,308 gpd as a result. However, the Erratum does not and cannot account for the full potential impact of this change because of the wide range of uses allowed under the defined use "Production Support." For example, Production Support uses include retail, a commissary, and a gym. All of these uses are high intensity water users and no limit on the amount of square footage each can occupy is set. As a result, the Erratum does not assess the full water usage from the square footage permitted under the Specific Plan. The Erratum, therefore, understates water demand and the entire EIR fails as an informational document because it is so lacking in information that the decisionmakers are unable to make an informed decision on the Project. The Erratum's conclusion that there is sufficient water is based on these unsupported assumptions and not supported by substantial evidence. Further, LADWP's WSA is based on the incorrect assumption that the Project is consistent with SCAG's growth projections. The Erratum repeats LADWP's error in relying on the faulty WSA. The wastewater analysis in the Erratum is similarly deficient because the square footages assumed do not correlate to what is permitted under the Specific Plan. Lastly, neither the water use or wastewater analysis account for residential development on the site, which is a permitted use and appears capable of being constructed and operated without further approvals or environmental review.

The Erratum's analysis of trips is wrong. For all the reasons the EIR's analysis of trips is understated so too is the Erratum's analysis of the Modified Project's trip generation. The Supplemental Transportation Assessment shows a reduction in trips. There is no support for this conclusion. The Supplemental Transportation Assessment uses assumed trip rates based on incomplete data, ignores trips generated by audience members, and ignores the full number of truck trips. The Erratum further understates the number of trips by relying on unproven assumptions regarding the TDM's ability to reduce trips by 30 percent.

The Erratum's VMT analysis wrongly excludes residential uses and takes credit for a 40 percent VMT reduction without any support. The Erratum's VMT analysis states that the project does not include residential uses. This is wrong. Residential uses are permitted by the Specific Plan. Under the Specific Plan, residential projects can be permitted without any further analysis or CEQA review. Therefore, the EIR, the Erratum, and the VMT assessment should have looked at VMT from a residential population. The failure to do so violates CEQA. The Erratum also wrongly takes the maximum 40 percent VMT reduction. There is no evidence in the record supporting the application of this reduction. Absent this reduction it appears that there would be a significant VMT impact requiring mitigation.

Access to the Mobility Hub is uncertain. Queuing around the project site presents a hazard. It is unclear where the mobility hub will be located. In a multiphase development option, the Specific Plan states that the Mobility Hub can be located anywhere on the site. The EIR also says that the access may be from the southwest, but where that is unclear. Is access required to come from Fairfax? What about egress? There is no analysis of access to the Mobility Hub from The Grove Drive or Beverly Boulevard. The Supplemental Transit Analysis states that queuing impacts would be reduced by a right turn in from Fairfax Avenue and a left out using a signalized intersection. While the Supplemental Transit Analysis made this assumption, there is no requirement that this be the case. The conclusions regarding hazards and impacts to emergency services as a result of queuing have, therefore, not been evaluated fully. The EIR fails as an informational document.

The Supplemental Transit Analysis fails to account for growth in evaluating hazards and emergency access. Congestion increases overtime. Yet the Erratum's analysis did not account for more cars on the road leading to greater impacts from queuing and interference with emergency access. The Erratum errs when it fails to factor in the Project's proposed 20-year development agreement into this analysis. Failing to do so results in an incomplete statement of impacts and the EIR fails as an informational document.

Impacts to the Historic CBS Studio are understated. The Technical Report accompanying the Erratum makes the following statement regarding the "new" project: "Any single-story bungalows constructed between Beverly Boulevard and the Primary Studio Complex have been relocated to the lower plaza level north of the Primary Studio Complex to ensure they remain below the sightline to the Primary Studio Complex from Beverly Boulevard."²¹² The Report further states that "The Modified Project also includes the construction of small one-story structures within the Viewshed Restoration Area, which would be located in the lower plaza level north of the Primary Studio Complex so that it sits below the site line from Beverly Boulevard to the Primary Studio Complex."²¹³ The Report proceeds to conclude that the Project would restore views of the Primary Studio Complex and would have a less than significant impact. But, again, there is nothing in the Specific Plan or the Mitigation Measures that limits buildings in the Viewshed Restoration Area to one story. Buildings can be up to 58 feet in height across the entirety of the Viewshed Restoration Area. Buildings are not limited to the lower plaza level. Buildings 25 feet or less do not require any public review or further CEQA review. There only needs to be a singular view of a corner of the Service Building, the central entryway bridge, a sign, and the connection between the Service and Studio Buildings.

The Technical Report's conclusions that there would be no impacts because there would be unobstructed views and a lone bungalow in the lower plaza level is unsupported. In fact, there is no requirement that there be "continuous views of the exterior viewshed features along Beverly Boulevard for the entire width of the Viewshed Restoration Area. Because the Technical Report is based on incorrect assumptions there is no substantial evidence supporting the EIR's or

²¹² Erratum No. 1, Appendix B – HRG Technical Memorandum, p. 3.

²¹³ *Id.*, p. 18.

Erratum's conclusion that there would be a less than significant impact on a historic cultural resource. The City cannot certify the EIR.

The belated Health Risk Assessment lacks key impact analysis and the EIR fails as an informational document. The City erred in not providing a health risk assessment with the Draft EIR. Providing one with the Final EIR did not cure this defect. The health risk assessment that has been provided is deficient for multiple reasons. In particular, the health risk assessment fails to evaluate impacts to onsite users during construction. This was in error. The City was required to and did not assess impacts to onsite workers during construction of a single-phase project. There is nothing in the Specific Plan or the regulations that prevents workers from utilizing the site during a single-phase construction effort. Similarly, if the project is phased, the City was required to assess health risks of workers and occupants onsite during the phased construction. OEHHA provides that impacts to onsite workers should be assessed where, as here, "a facility (e.g., airport) has multiple businesses owned by different entities within the facility/property (e.g., rental car agencies, restaurants, etc.). In these situations, the evaluation of onsite cancer risks, and/or acute, 8-hour, and chronic noncancer hazard indices is appropriate under the Hot Spots program."²¹⁴ The project proposes multiple uses that will be occupied by businesses owned by different entities. This includes, for example, the 20,000 square feet of retail. It may also include the childcare facility, which was analyzed for operational impacts but not construction impacts. This was in error. The Final EIR states that there will be a restriction on outdoor play areas²¹⁵ but that is not supported by the Specific Plan or MMP. The project is exacerbating existing conditions by introducing new sources of air pollution. Because the EIR does not assess health risk to onsite workers during construction, whether it be a single-phase or multi-phase effort, and there is evidence that such health risks may be significant due to the known methane hazards at the Project site and other potential risks discussed herein, the EIR fails as an informational document. There is no substantial evidence supporting the EIR's conclusion that health risks will be less than significant. This additional analysis must be done to inform the public and the decisionmakers.

The Project's approval violates the Housing Element's requirement to maintain adequate Housing Element Sites. The Project site is identified as accommodating 1,027 housing units under the City's Housing Element.²¹⁶ The Project contains no housing units. While the Specific Plan purports to allow residential uses, none are stated or analyzed. The Project has none of the shown as realistic capacity in the Housing Element.

Final EIR Appendix 3 does not confirm the EIR looked at a "maximum impact" scenario. The Specific Plan defines three of the permitted uses as "Sound Stage," "Production Support," and "Production Office." On their face, the uses are narrow, but when the Specific

²¹⁴ Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, CalEPA Office of Environmental Health Hazard Assessment, p. 8-25 (2015), <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.

²¹⁵ FEIR, p. III-13.

²¹⁶ See City of Los Angeles 2021-2029 Housing Element, Chapter 4, Appendix 4.1 - Inventory of Adequate Sites for Housing (2022), <https://planning.lacity.gov/plans-policies/housing-element>.

Plan's definitions are reviewed, it becomes clear that these uses encompass everything from viewing movies (i.e., a movie theater), to retail space, to gyms, to restaurants. The only purported constraint is a total maximum square footage figure for each of these broadly defined uses. The problem is that embedded within each use are a series of uses with varying impact intensities. Whether it be trip generation, energy and water consumption, noise generation, or emissions, these uses have widely varying impacts. Because the Specific Plan does not put minimums or maximums on these embedded uses, the EIR cannot possibly define the "maximum impact" scenario without identifying the most impactful use within the defined terms and then assuming that it occupies the entirety of the allowed square footage. Appendix 3 does not do that. All Appendix 3 does is conclude that Production Support is more intense a use than Sound Stage. But the definitions show that this makes no sense. Sound Stages permit Production Activities, and Production Support is a hodgepodge of uses that supports Production Activities. The uses are one and the same. There is no meaningful distinction among the uses and there is no meaningful analysis.

The Project Fails to Adequately Address Significant Noise Impacts. The EIR acknowledges that the Project will have a significant and unavoidable construction noise impact. The City acknowledges that "automobile and truck traffic is a leading source of noise in the urban environment, increasing stress levels and reducing quality of life."²¹⁷ The Broadcast Center Apartments immediately adjacent to the Project site will experience consistently significant levels of noise during Project construction. The Project should direct construction truck traffic away from the apartments to aid in reducing some of the Project noise. This is consistent with existing conditions (trucks enter via Beverly Blvd/Genesee Avenue and Fairfax Avenue gates) and consistent with the EIR assumptions.²¹⁸ Thus, the Project's construction management plan should include requirements that construction trucks utilize Fairfax Avenue and exit Beverly Boulevard/Genesee Avenue.

The EIR understates operational noise impacts. The Final EIR acknowledges that the "noise analysis presented in Section IV.I [of the TVC EIR] accounts for peak-hour trip generation estimates using the NBCU Trip Model rates."²¹⁹ But as explained in the NBCU transportation study, "the trip generation rates of the studio-related uses is such that these trips arrive well before the morning peak hour and depart after the evening peak hour. Studio employees include those who time their arrivals well before the production call time (typically early in the mornings) and work late until the job is complete for the day."²²⁰ This travel pattern may not apply to the TVC Project. As explained above, given the broad uses allowed under the Sound Stage, Production Office and Production Support definitions of the proposed Specific Plan, the related trips may have nothing to do with a production or production call. Further, as discussed in the traffic discussion in this letter, the overall Project trips are underestimated.

²¹⁷ City of Los Angeles General Plan, Mobility Element, p 123.

²¹⁸ FEIR, Appendix FEIR-9; DEIR, Appendix B.

²¹⁹ FEIR, p. II-143

²²⁰ Gibson Transportation Consulting and Raju Associates, Transportation Study for the NBC Universal Evolution Plan Environmental Impact Report, March 2010, Exhibit I, Project Trip Generation, p. I-5.

Thus, the peak hour traffic and related noise level may be significantly higher than calculated in the Final EIR. The peak hour traffic trips should be corrected and the related noise impacts reassessed.

The EIR improperly defers analysis and mitigation. As one example, the Final EIR states that a future crane safety plan will address any risks associated with use of cranes during construction.²²¹ No further information is provided. The MMP should require the approval of adjacent neighbors for any cranes that extend over their properties before such cranes can be used.

The FEIR explains its parking requirements by, in part, noting that “[a] key reason for the increase in the parking ratio is the increase in employee density.”²²² However, the impact of the densification of employees at the Project site was not assessed in the relevant impact analyses, including transportation, air quality, and noise.

The EIR’s lack of information regarding the intensity of existing operations leads to the EIR understating the Project’s impacts. Much of the EIR’s analysis comes from applicant-provided information regarding current operations. The problem is that the applicant cherry picked data from when the site was operating well below capacity. The result is that when this artificially deflated numbers are extrapolated to a much larger facility with multiple time the amount of office and soundstages, the true impacts of the expanded operations are also understated. The EIR admits that the data on which analysis was based came at a time the facility was underutilized. "The objectives of the proposed Project are closely tied to the need to improve existing operations on a currently underutilized Project Site by creating a cohesive and integrated studio campus environment with new technologically advanced facilities." (RTC 9903.) For example, there is no evidence supporting the days on which truck trip data was collected represent typical days. When there are fluctuations in operations on a site, historical ranges should be used, or multiple days of data should be collected. Here, there is no evidence that the conditions assumed to extrapolate truck trips, audience trips and attendance, and helicopter flights, to name a few activities analyzed by on existing data, that the data reflects what is occurring at the site. Understating the current activities and then basing the new analysis on this data deprived the public and decisionmakers of the complete picture and extent of the project’s impacts. The EIR failed as an informational document by omitting data that accurately captures current onsite activities.

²²¹ FEIR, p. II-693.

²²² FEIR, p. II-795

EXHIBIT A



REVIEW OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR

THE TVC 2050 PROJECT LOS ANGELES, CALIFORNIA

Prepared By:
Ramboll Americas Engineering Solutions, Inc.
Irvine, California

Date Issued:
November 26, 2024

Project Number:
1940108573

**REVIEW OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR
THE TVC 2050 PROJECT
LOS ANGELES, CALIFORNIA**

Ramboll Americas Engineering Solutions, Inc. (Ramboll) has reviewed the Final Environmental Impact Report (FEIR) for the TVC 2050 Project on behalf of our client. Our findings reflect the conclusions reached given the time available for our review and information provided. These findings supplement the findings provided in our Report *Review of the Draft Environmental Impact Report for the TVC 2050 Project* dated September 13, 2022. To the extent that additional information or time is provided, our findings may change.

AIR QUALITY

In our review of the FEIR, including the Response to Comments (RTCs), Health Risk Assessment (HRA) and other air quality technical reports, we identified various issues that individually and collectively indicate that the air emissions and related health risks are likely understated in the FEIR and could result in significant impacts not previously identified. The FEIR air quality analyses utilize assumptions that result in lower project emissions without support or project commitments, include erroneous assumptions and modeling inputs, modify modeling default assumptions inaccurately or without support, include internally conflicting information, exclude modeling outputs in the appendices, and do not provide complete technical documentation. The missing information prevents the reviewer from verifying the methodology and results of the technical analyses. Given that with all of these unsupported assumptions and errors the FEIR concludes that the project is at or near significance thresholds, the assumptions and errors may mask significant impacts.

- 1) **Usage Assumptions:** The FEIR makes assumptions that future operations will remain the same as historical operations to reduce the air quality and health risk impacts from the project without any corresponding project design features (PDFs) or mitigation measures (MMs) to ensure impacts will be within those assumptions, resulting in potentially understated air emissions and health risks and potentially undisclosed significant impacts.

- a) In Appendix FEIR-10, (Health Risk Assessment), the HRA assumes that the existing and future emergency generator usage would follow the historical operating hours at the Project Site. While this is a relatively common approach for assessing emissions from emergency generators in environmental impact reports (EIRs), the FEIR fails to adequately justify why that approach should be applied here. Given the proximity of sensitive receptors at the Project Site, even a modest increase in the assumed hours of operation would result in a significant impact.

To illustrate the higher potential health risk impacts, Ramboll estimated the health risks associated with emergency generators using the model inputs, exposure assumptions, and reported emissions used in the EIR. (Ramboll has noted other issues with these inputs and assumptions which would further increase the risk, but for purposes of illustrating the generator hours of usage assumption, we have held the other EIR assumptions constant.) Results show that even with generator operation as low as approximately 55 hours per year, the cancer risk at the maximally exposed residential receptor would be above 10 in a million. Assuming the maximum permitted hours of operation of 200 hours per year, the incremental cancer risk would be as high as 19.2 in a million.

For comparison purposes, the modified version of Table 6 included with these comments shows the cancer risks associated with maximum permitted emergency generator operation ([refer to Ramboll edits in blue font](#)).

- b) Per FEIR-10, the HRA assumes for future operations the same level of paint/solvent/adhesive usages reported to the South Coast Air Quality Management District (SCAQMD) in TVC's 2019 AER. The FEIR asserts this is conservative since many operations have shifted to digital production and virtual environments and any new spray paint booths would include the most up-to-date techniques and equipment. However, we did not see a requirement in any PDF or MM to maintain the same levels of materials usage. The Project would increase sound stage space by 150% (and up to a 371% increase with land use exchange). With that much increase in production space, it cannot be certain that the existing usage (from 2019) would not increase at all. Additionally, an increase in

the paint/solvent/adhesive usage would increase the risks of exposure to volatile organic compounds (VOCs) and other emissions that would need to be accounted for in the HRA.

- c) In addition to the comment above related to the hours of operation for the generators, there appears to be an error in the emission factors for the seven new generators resulting in underestimated emissions and related health risk. Specifically, the lb/hr emission rate for the seven new generators appear to be underestimated based on the g/bhp-hr emission factors and bhp rating for the generators reported in Project Conditions—Internal Combustion Process List (Stationary Diesel I.C. Engines, 4 Stroke-Lean Burn) in Appendix 5 of Appendix FEIR-10.
 - i) For example, the PM10 emission factor is listed as 0.02 g/bhp-hr and the bhp is listed as 762. The resulting emission rate would be calculated as follows: $(0.02 \times 762)/453.592 = 0.034 \text{ lb/hr}$, where 453.592 is a conversion from grams to lbs. In the FEIR, the emission rate is reported as 0.02 lb/hr, underestimating emissions from each generator. See screenshot below.
 - ii) Using the corrected emission factor would increase emissions and health risk impacts from the generators under the current project assumptions and under any revised scenario increasing generators operating hours per year.
 - iii) Other pollutants appear to have similar issues in the calculation of lb/hr emission rates from g/bhp-hr emission factors although such issues are not discussed here in the context of health risk impacts from diesel particulate matter (DPM).

Project Conditions—Internal Combustion Process List (Stationary Diesel I.C.Engines, 4 Stroke-Lean Burn)													
All generators with the exception of Big Blue would be decommissioned. In addition, Big Blue would be the largest generator and represent the maximum daily emissions during a generator test day.													
Device Description	Application Number	Make and Operating Hours	Organic Gases		Nitrogen Oxides		Sulfur Oxides		Carbon Monoxide		Particulate Matter (PM10)		
			Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	
Emergency Generator (Big Blue)	040763 630430	Cat 3516 (Tier 2) 50 hr/yr maintenance and 200 hours operated in any one year	2837	0.25	1.62	3.89	25.45	0.0048	0.00	0.49	3.17	0.06	0.33
		Make and Operating Hours	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	Hourly Emission Factor (g/bhp-hr)	Emissions (lb/hr)	
7 new 100 kw generators (replaced by 362 kw)	NA	SCAGMD Rule 1472 50 hr/yr maintenance and 200 hours operated in any one year (EPA Tier 4 emission factors); SDX and CDS4 are CALMDM default	762	0.14	0.17	0.50	0.61	0.0048	0.01	2.60	3.19	0.02	0.02

- 2) **Spray Booths:** In addition to the comment above related to the assumed paint/solvent/adhesive usage, Table IV.A-7 of the Draft Environmental Impact Report (DEIR) Section IV. Environmental Impact Analysis states that existing spray paint booths will be removed as part of the Project. However, the FEIR does not require the removal of the existing spray booths. Similarly, there is not a PDF or MM that requires new spray paint booths be constructed with the most up-to-date equipment to achieve the control efficiency assumed in the FEIR's emission calculations. Without a requirement to remove and replace existing spray booths, which have a lower particulate matter (PM) control efficiency, PM emissions associated with the project may be underestimated. The following tables shows the extent of emissions that could be understated without such a requirement. (This does not account for the potential increase in usage noted above.)

Spray Booth - Project (FEIR-10, PDF Page 164)

	Usage (gal)	TOG (lbs/year)	PM (lbs/year)
Coatings-Solvent Based	197.3	132.7	0.1
Coatings-Water Based	3091.0	1461.0	1.0
Spray 77	1.6	6.7	0.0

Spray Booth - Existing (FEIR-10, PDF Page 161)

	Usage (gal)	TOG (lbs/year)	PM (lbs/year)
Coatings-Solvent Based	197.3	132.7	20.7
Coatings-Water Based	3091.0	1461.0	324.6
Spray 77	1.6	6.7	0.2

- 3) **Mobility Hub:** Per FEIR-10, the HRA assumes that the Mobility Hub would have shuttles powered by gasoline as a conservative assumption since the FEIR states they could be natural gas, gasoline, or electric powered. However, it is not clear if there is a MM or PDF that requires all Mobility Hub shuttles be non-diesel powered. There is no mention of a MM or PDF on this in FEIR Section III (Revisions, Clarifications, and Corrections to the Draft EIR).
- 4) **Phased construction and Long-Term Buildout Scenario:** The City represents that it provides "conservative" assumptions regarding the construction intensity of the long-term buildout scenario. The FEIR's analysis of concurrent construction and operational activities assumes that construction activities would occur at approximately 50% of the maximum daily intensity that would occur during the 32-month buildout scenario. The City provides limited justification for the assumption and does not reasonably explain how total construction emissions (i.e., from all phases) would be reduced by 50% under the long-term buildout scenario. (See, FEIR, Appendix FEIR-8) Similarly, there is no project commitment to limit construction activities to 50% intensity during the long-term buildout scenario. Without such a reduction in long-term buildout emissions, there would be a significant undisclosed impact for VOC emissions. Additionally, critical information necessary to evaluate the validity of the assumption and corresponding reduction in emissions is missing from the CalEEMod™ outputs in the appendix.
 - a) As stated in Section 3.1.3 of FEIR Appendix 9, the Applicant is seeking a development agreement with a term of 20 years, which could extend the full buildout year to approximately 2043. The FEIR

states that “With a long-term buildout and operation of some facilities on-site while construction is occurring, only a single excavation operation could be accommodated on-site, thus reducing excavation activities and associated haul truck trips by half”. The applicant claims that the long-term buildout would also likely further reduce “other construction activities such as building construction and finishing”. In Appendix A-1 of FEIR Appendix 9, a summary of maximum “Regional Construction Emissions (Mitigated)” from CalEEMod™ at 100% construction intensity for both summer and winter are shown for each milestone year. The footnote to the table states that “ROG represents architectural Coating/Finishing Phase; All other pollutants represent overlap of excavation and demolition”. Based on this information, it is not clear how a reduction in excavation activities and associated haul truck trips would reduce ROG emissions from the architectural coatings/finishing phases by approximately 50% under the long-term buildout scenario.

- b) Ramboll reviewed the CalEEMod outputs and summary tables presented in FEIR Appendix 9 to evaluate emissions under the long-term buildout scenario under different intensities based on the assumptions in the FEIR. Using the available information, an updated version of Table 7 from FEIR Appendix 9 which presents “Estimated Maximum Daily Regional Emissions from Project Concurrent Construction and Operation” with emissions at “50% construction intensity” is included with these comments ([refer to Ramboll edits in blue font](#)). This table shows VOC emissions at 100% construction intensity using the maximum of summer and winter ROG emissions at 100% construction intensity extracted from Appendix A-1 of FEIR Appendix 9. If VOC emissions from construction activities occur at 100% intensity during the long-term buildout scenario, total VOC emissions would exceed the SCAQMD significance threshold in years 2035 and 2040. In fact, if VOC emissions occur at any intensity greater than approximately 76%, VOC emissions would exceed the significance threshold, resulting in a new significant impact for VOC.
- c) The FEIR does not provide complete technical documentation in the appendices for the air quality and GHG analyses as it omits Section 3 “Construction Emission Details” from the “Long-Term Buildout, TVC-Construction Impacts with Mitigation Measures 2026, 2030, 2035, 2040, and 2043” CalEEMod runs. These CalEEMod outputs would show detailed emissions split out by construction phase. The missing data prevents the reviewer from verifying the methodology and results of the technical analyses.
 - i) Without these sections in the CalEEMod runs, it is unclear where maximum emissions are occurring with respect to construction phase. The reviewer is unable to verify if maximum ROG emissions are occurring because of excavation and hauling and could reasonably be reduced as a result of a single excavation and reduction in haul truck trips as stated in Section 3.1.3 in FEIR Appendix 9, or if ROG emissions are primarily due to other construction phases such as building finishing and architectural coating as indicated in the footnote to the regional construction emissions summary table. This information is critical to evaluate the validity of the FEIR’s assumption that a long-term buildout scenario would reduce total construction emissions by approximately 50%.
 - ii) Additionally, due to the missing data and a general lack of information in the FEIR on emission reductions in the long-term buildout scenario, it’s not clear which phases/emission sources were reduced and by how much under the assumption of 50% construction intensity.

- 5) **Modified or erroneous assumptions from “defaults”:** The FEIR uses non-default assumptions in the health risk analysis that reduce impacts without justification and/or project commitment.
 - a) Per FEIR-10, the HRA assumes that on-site childcare has a 5-year duration period since the childcare assumes a start of 0 (newborn) to 5 years old (kindergarten start age). However, there is no PDF or MM that indicates the on-site childcare is limited to a maximum of 5 years of age.
 - b) A 7-year exposure duration is assumed for elementary schools (Kindergarten to 6th grade). Information regarding the nearest school indicates that it is a 12 year school.¹ A 7-year exposure duration underestimates the health risk to the students. Also, the exposure duration of 7-year or 12-year may underestimate health risk impacts for workers at schools.
- 6) **Basecamp, Mobility Hub, and outdoor production activities:** A significant amount of “potential outdoor production activity” and activities associated with the Basecamp and Mobility Hub are not accounted for in the air quality analysis of the FEIR.
 - a) Erratum No.1 to the Environmental Impact Report states there will be 506,850 square feet of “potential outdoor production activity” as well as 74,260 square feet of uncovered basecamp area, 50,750 square feet of covered basecamp area, 36,800 square feet of below grade basecamp area, and 36,000 square feet of Mobility Hub area. FEIR Section II-Response to Comment 26-E.1-28 states that electricity usage and GHG emissions from the Basecamp and Mobility Hub areas are accounted for in the additional amount of enclosed parking included in CalEEMod. However, based on the project land use definitions, both the Basecamp and Mobility Hub include several activities that have the potential to generate emissions that would not be accurately represented or captured by additional square footage of enclosed parking.

For example, the Mobility Hub land use definition includes “support, storage, maintenance, staging, security facilities, and ridership amenities” and temporary parking of vehicles. Similarly, the basecamp includes “temporary production activities” and temporary staging of “mobile facilities such as trucks and support vehicles.” The Mobility Hub was also considered in the water and wastewater analyses (but not the air emissions). In CalEEMod, additional parking leads to additional operational emissions from energy usage and area sources (e.g., architectural coatings). However, there are no operational emissions from mobile sources, water, or waste associated with the parking land uses in CalEEMod. Thus, the activities and corresponding air quality impact of the Basecamp and Mobility Hub are not adequately analyzed in the FEIR. Furthermore, the FEIR does not consider any emissions from the over 500,000 square feet of “potential outdoor production activity,” further underestimating air quality impacts.
 - b) FEIR Section II - Response to Comment 26-26 states that the Project used SCAQMD LST methodology to analyze localized impacts, including for on-site receptors. While the SCAQMD LST methodology acknowledges that the 25-meter receptor distance may be used to analyze receptors closer than 25 meters from the project boundary, it does not specify that the use of the 25-meter receptor distance is appropriate for on-site receptors as claimed in the RTCs. Additionally, the SCAQMD guidance recommends “that lead agencies perform project-specific modeling for larger projects in determining localized air quality impacts”. Due to the close proximity of sensitive receptors to a large project, it is reasonable to expect that an actual air dispersion modeling

¹ <https://www.niche.com/k12/morasha-hebrew-academy-los-angeles-ca/>

analysis be conducted to demonstrate that the impacts from a large project to receptors in such close proximity are not being impacted.

- 7) **Missing TAC Emission Sources:** The FEIR is missing toxic air contaminant (TAC) emission sources in its HRA, underestimating project risk.
 - a) RTC 13-6 states that "Installation of a methane mitigation system will have the added benefit of addressing potential vapor intrusion from residual fuel hydrocarbons from the former Texaco station, and naturally occurring hydrogen sulfide." The methane controls are described as including an impervious membrane, ventilation systems, and methane detection and alarm systems. While the methane mitigation system may address the vapor intrusion of residual hydrocarbons and hydrogen sulfide for buildings located on the Project Site, there is no evidence presented in the FEIR that the system will reduce or eliminate the release of these emissions to the atmosphere or otherwise prevent them from impacting nearby receptors. The HRA fails to consider this source of TAC emissions, underestimating health risks impacts. In addition to being a TAC, hydrogen sulfide presents odor and nuisance concerns, and there is no analysis of odors in the FEIR. Hydrogen sulfide also has a California Ambient Air Quality Standard of 0.03 ppm² that was not assessed.
 - b) The FEIR incorrectly asserts that soil samples with detected arsenic below 12 mg/kg can be excluded from the HRA. Appendix FEIR-10 Section 3.3.1.1.4.1 cites to a 2008 document from the Department of Toxic Substances Control (DTSC), claiming that the document concludes that "12mg/kg is a useful screening number for evaluating arsenic as a chemical of potential concern in Southern California." However, a more recent Human Health Risk Assessment (HHRA) note from the DTSC states that while mitigation or remediation is usually not undertaken to reduce the concentration of contaminants below ambient levels, background and ambient concentrations can exceed risk-based concentrations.³ Per the DTSC note, "this includes arsenic, where background as well as ambient concentrations exceed the risk-based soil concentration of 0.11 mg/kg." Thus, while the DTSC establishes an upper-bound arsenic background screening concentration of 12 mg/kg, this screening concentration is intended to be applied to assess remediation efforts. Further, the arsenic levels may not be naturally occurring background levels. Given that the project activity would include extensive soil excavation and movement next to residential receptors, creating additional exposure that would not otherwise occur, it would be reasonable for the HRA to include such sources of emissions from soils.
- 8) **Underestimated Emissions from Truck Staging:** As stated in RTC 26-24 and described in Appendix FEIR-8, the two off-site staging locations described in the DEIR are no longer proposed and all haul truck staging for the project would now occur on-site. Two staging areas are proposed, with each staging area providing the capacity to accommodate up to 30 trucks. However, the analysis assumes that only 25% of the 30 trucks (eight trucks) would be idling at the same time, citing to the California Air Resources Board (CARB) regulatory requirements that limits each truck to a maximum of 5 minutes of idling. While the CARB regulation limits each truck to a maximum of 5 minutes of idling, it establishes no requirements or limitations on the number of simultaneous idling trucks. As such, there is no basis for the assumption that only eight of the 30 trucks would be idling at the same time. Thus, without substantiation, the FEIR assumption that only 25% of the trucks would idle at any one time appears to

² <https://ww2.arb.ca.gov/resources/hydrogen-sulfide-and-health>

³ <https://dtsc.ca.gov/wp-content/uploads/sites/31/2020/12/HHRA-11-Ambient-Arsenic-levels-in-SoCal-Final-A.pdf>

artificially reduce the reported peak emissions and related impacts. The FEIR must consider and analyze the health risk impacts of 30 trucks idling or include a project requirement limiting the number of trucks in each staging area.

- 9) **Inconsistent Construction and Operational Hours:** The FEIR provides conflicting information on hours of operation and construction activities as compared to what is assumed in the modeling.
 - a) According to Page 31 of Appendix FEIR-10, the HRA assumed operational exhaust emissions take place “six days per week between 7 A.M. to 6 P.M.” This is inconsistent with RTC 253-3, which states that “trips in and out of the Project Site would occur throughout the day and the studio would operate 24 hours per day”. The modeling and HRA must be updated to reflect actual hours of operation. Emissions at different hours may result in increased impacts due to varying meteorological conditions. For example, lower wind speeds and increased periods of calm during nighttime hours can reduce dispersion and may increase pollutant concentrations and health risk impacts at nearby receptors.
 - b) According to Page 31 of Appendix FEIR-10, all construction exhaust emissions were assumed to take place on weekdays between 7 A.M. and 3 P.M. This is inconsistent with RTC 161-2 and Section II of the DEIR, which states that construction activities generally would be permitted to occur Monday through Friday from 7 A.M. to 9 P.M. and between 8:00 A.M. and 6:00 P.M. on Saturday or national holidays. As described previously, emissions at different hours may result in increased impacts due to varying meteorological conditions. The modeling and HRA must be updated to reflect permitted construction hours or the project must commit to the reduced operating hours assumed in the modeling, including no weekend construction truck activity.
- 10) **Truck Trips:** The FEIR’s operational HRA underestimates risk from diesel trucks due to potentially underestimated truck trips and unsubstantiated assumptions on the location of truck idling and travel routes.
 - a) Diesel truck trips used in the HRA may be underestimated due to missing food truck trips. Section 2.4.3 On-Site Operational Truck/Vehicle Activity on Page 11 of Appendix FEIR-9 states that “diesel trucks including food trucks accessing basecamp areas would travel on-site for short distances and would plug into electric power when parked.” The FEIR assumes there are an average of 10 food trucks with char broilers per day for the purposes of estimating char broiler emissions (Pages 28 and 69 of Appendix FEIR-10), but Page 169 indicates that the actual number of food trucks may be higher. Specifically, the Char Broiler Emissions Calculations table shows 20 average daily food trucks and up to 24 peak daily food trucks, with half of the trucks equipped with char broilers or griddles. The Char Broiler Emissions Calculations tables and Section 3.3.1.3.6 Food Truck Operations of Appendix FEIR-10 only discusses char broiler emissions from food trucks; exhaust emissions from food truck trips is not included.

In the calculation of DPM emissions from diesel trucks, the FEIR assumes the project will generate a total of 114 diesel truck trips, comprised of 20 light-heavy, 58 medium-heavy, and 36 heavy-duty truck trips (FEIR-10, Page 173). However, it’s not clear if these truck trip counts include trips from food trucks as food trucks are not listed as a separate truck type in the mobile emissions calculation tables, their vehicle class is not specified in the FEIR, nor are they described in the Truck Trips Memo (Appendix FEIR-6) used to estimate the number of truck trips for the Project. Based on Footnote c of the Char Broiler Emissions Calculations table, this information was estimated based on

a memo prepared by MBS Group, which is included as Appendix A-6 to Appendix FEIR-9. The number of food trucks was based on the assumption that each production could require up to two catering trucks per day. The number of food trucks was not based on the truck counts in the Truck Trips Memo. Given the food trucks are diesel-fueled and travel on-site, they must be considered in the analysis and included in the HRA. If these 20-24 food trucks (40-48 diesel truck trips) are not included in the 114 truck trips used in the HRA, DPM emissions and thus health risks are underestimated in the FEIR.

- b) Further, it is not clear that the total of 114 diesel truck trips was based on an accurate estimation of existing truck trips, as it was based on three days of driveway counts at only one of the existing Project Site driveways.⁴ An increase in truck trips in the HRA would further increase DPM emissions and health risks and the FEIR emissions and health risks would be further underreported.
- c) Finally, the HRA assumes that only "idling" emissions and not "travel" emissions from diesel trucks occur at the "BCAMPE" source directly adjacent to the Broadcast Center Apartments, underestimating health risk impacts at this receptor. DPM emissions from the 114 diesel truck trips are presented in the Future Project Operations – Mobile Emissions table on Page 178 of FEIR-10. This table shows that the HRA assumes 1.17 lbs/year of DPM emissions from truck travel occur at the "Offsite" and "ROAD" sources, and 0.33 lbs/year of DPM emissions from truck idling occur at the "BCAMPE" source. RTC 35-31 states that only approximately 4 trucks per day would use the Beverly Boulevard driveway immediately to the west of the Broadcast Center Apartments. RTC 26-141 further states that Project-related trucks would normally access the Project Site via the Fairfax Ave and Beverly Blvd gates (50% per gate). However, to our knowledge there is no restriction on truck travel on the internal roadway in front of the Broadcast Center Apartments nor is there a reasoning given for the assumption that trucks only idle and do not travel on this roadway. Additionally, this assumption is at odds with Section 3.3.2.4.1.2 of Appendix FEIR-10, which states that "while truck activity would occur across the Project Site, this HRA proportioned the majority of activity in close proximity to multifamily residential uses located directly east of the Project Site as a worst-case assumption." The DPM Emissions from truck idling are only 0.33 lb/yr as compared to 1.17 lb/year from truck travel. Thus, the assumptions used in the modeling underestimate risk at the Broadcast Center Apartments.

11) Unmitigated Emissions are Not Reported: Page 14 of Appendix FEIR-9 presents a summary of air quality, GHG, and energy impacts, but does not present tables showing updated unmitigated impacts despite numerous updates to account for "regulatory changes and modeling software updates subsequent to the completion of the Draft EIR, public comments on the DEIR, and the introduction of additional PDFs and MMs committed to in the Final EIR." Section 3 states that "the analyses focus on mitigated impacts since they are used to determine significance" and "unmitigated analyses are also

⁴ In comparison, Appendix FEIR-5 to the FEIR provides the total driveway counts for the Beverly/Genesee driveway and one of the two Fairfax driveways (although it does not specify which one). The average total inbound/outbound trips at the Beverly/Genesee driveway is 3,048 and the Fairfax driveway is 868, or roughly 78%/22% of the total trips, respectively. Figure 2A in Appendix FEIR-16 shows a roughly similar split, with the Beverly/Genesee driveway providing access for 76% of the total trips, the northern driveway on Fairfax Avenue providing access for 24% of the total trip, and less than 1% of the total trips at the southern driveway on Fairfax Avenue. (FEIR, Appendix FEIR-16, p. 48). If truck trips at the Fairfax driveway are proportional to the number of total trips, then roughly one-quarter of existing truck trips were excluded in the FEIR analysis.

presented in Appendix A of this Confirmatory Analysis”. However, the presentation of mitigated and unmitigated emissions in Appendix A is not clear. Unmitigated impacts should be presented and compared to emissions thresholds alongside mitigated impacts.

- 12) **Missing Information for Modeled Construction Sources:** The FEIR does not provide complete technical documentation in the appendices for the construction modeling. Section 3.3.1.1.2 states that the Health Risk Assessment (Appendix FEIR-10) included on-site construction truck emissions associated with staging, accounted for by 15 minutes of idling emissions per trip. Pages 116 and 117 of Appendix FEIR-10 include calculations of emissions from on-site truck travel, on-site truck idling, and off-site truck travel. Section 3.b.4.a of Appendix A of Appendix FEIR-10 references diesel exhaust emissions from truck travel and states that these exhaust emissions were modeled as a set of adjacent volume sources, along with construction equipment. Pages 907-909 of FEIR-9 provide additional information on on-site truck/vehicle activity, including description of travel to and idling at the staging areas. However, Appendix H of Appendix FEIR-10 does not include a source configuration figure of modeled construction sources, and Appendix I does not include stack parameters associated with modeled construction sources. The missing data prevents the reviewer from verifying the methodology and results of the technical analyses.

HYDROLOGY AND WATER SUPPLY

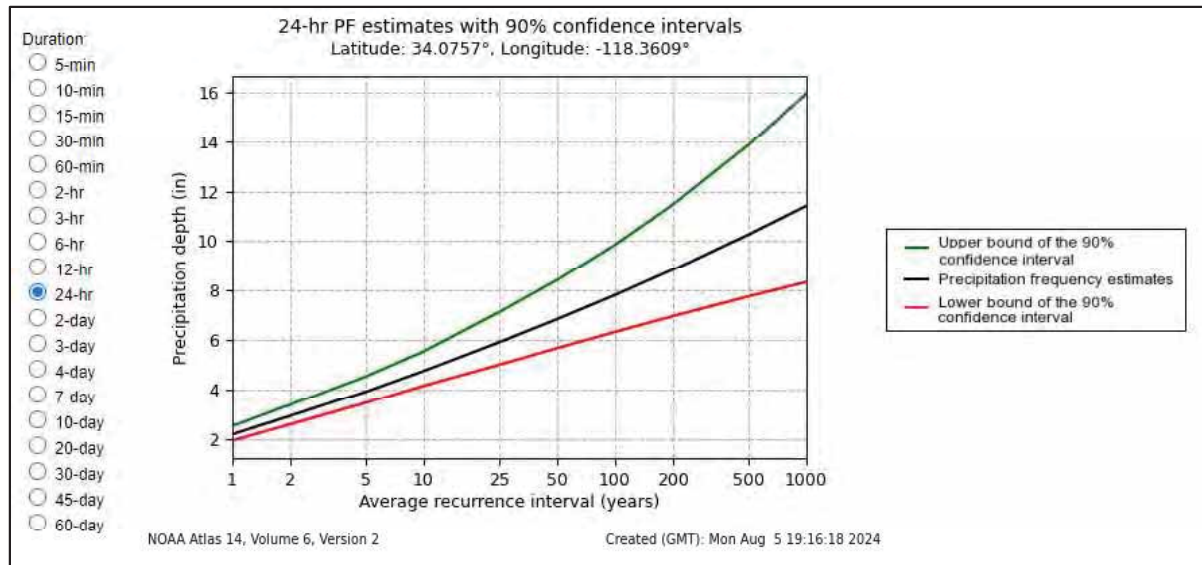
Stormwater Collection and Discharge

The FEIR lacks information to demonstrate that the proposed stormwater capture and reuse system is feasible and does not disclose potential impacts if the proposed system is infeasible.

- 1) The reported required volume of stormwater to be captured has been corrected (to 625,000 gallons) and we understand that the existing stormwater pipe (24-inch) will remain and continue to discharge the existing flow to Ballona Creek. However, the plans for stormwater management are still lacking clarity, as described below.
 - a) PDF Page 85 in Section III (Revisions, Clarifications, and Corrections to the Draft EIR) – Figure 3 – Proposed Drainage Exhibit: the planned “mitigated volume” should be put in terms of a volumetric rate, i.e., 625,000 gallons captured per what frequency. Also, more details should be provided about the proposed capture and use system, such as how many gallons the proposed cistern holds and whether the treatment system will have an adequate treatment rate to process the necessary volumetric flow, considering the proposed system has a booster pump operating at 25 gallons per minute (gpm). Without this information the FEIR does not demonstrate whether the proposed capture and reuse system accurately assess the potential risk of flooding caused by stormwater.
 - b) PDF Page 88 in Section III states that the project would not cause flooding during the 50-year developed storm event, however, there is no substantial evidence to support this statement. Per the National Oceanic and Atmospheric Administration Atlas 14, point precipitation frequency estimate for the project location, the 24-hour, 50-year flood event would lead to 7 inches per day of peak flow.⁵ Given the size of the impervious area in the proposed facility, it would lead to total stormwater runoff of 4,273,737 gallons per day (or 2,968 gpm), which is 1,000 times greater than the proposed capture system capacity. As a result, the excess runoff would far exceed the system's ability to

⁵ https://hdsc.nws.noaa.gov/pfds/pfds_map_cont.html?bkmrk=ca

manage the stormwater effectively, leading to significant flooding in and around the facility. The DEIR should address this discrepancy regarding the stormwater impact.



- c) PDF Pages 856 and 367 in the RTCs: Comment 26-E.1-6 (PDF Page 856) refers to the planned “installation of a capture and reuse system to be used for irrigation purposes” but the response to comment 13-8 (PDF Page 367) explains infiltration is not feasible, as the Project Site “is expected to remain approximately 90 percent impervious post-construction”. It follows that reuse of the captured stormwater for irrigation on a large scale could be infeasible. The response acknowledges if irrigation is determined to be infeasible, high efficiency biofiltration/bioretention systems would be installed. Depending on the volumetric rate in the bullet point above, the potential storage, treatment, and discharge/reuse of 625,000 gallons of captured stormwater is important to consider in greater detail. A biofiltration/bioretention system may require a larger pervious area than is available at the Site, which has limited space. The potential impacts of incorporating such a system are not assessed in the FEIR. These impacts could include alterations to the project design, increased water levels, potential migration of contaminants, or failure to effectively retain stormwater.
- d) PDF Page 935 in the RTCs: the response to comment 26-E.1-61 (and the other responses referred to therein) states that existing stormwater discharge will continue through the 24-inch pipe and the water quality will be improved through BMPs required by the City’s LID Ordinance. The DEIR (Appendix H, Pages 53-82) included a copy of these BMPs from the stormwater BMPs Handbook.⁶ However, it did not specify which BMPs would be used or if the BMPs could be successfully implemented. Specific BMPs that are feasible for the Project Site should be identified. The response further states the stormwater pipe will continue to perform as it does in the existing condition. This seems inconsistent with the plan to develop a capture system to reuse the water for irrigation. On one hand, the FEIR describes a capture and reuse system for stormwater (such as for irrigation),

⁶ https://pw.lacounty.gov/swq/files/BMP_Municipal_Complete.pdf

but on the other hand, it mentions that the stormwater will continue to be discharged into the City's stormwater pipes.

Dewatering Estimates

The Dewatering Report does not support conclusion that impacts from dewatering will be less than significant. The analysis is based on a limited area of the site and the extrapolation of those results is not assessed accurately,

- 2) The report now includes a Dewatering Report (Appendix FEIR-13), which addresses earlier concerns that dewatering impacts were not considered. The Dewatering Report specifically considers the impacts of temporary dewatering for a simulated period of 21 months, but it is limited in its scope and detail, as noted below.
 - a) PDF pages 6 and 25-27 in Appendix FEIR 13 (Dewatering Report) - Area 2 was the only extent modeled, resulting in 7.5 million gallons (MG) of groundwater being dewatered from Area 2. The report utilized the proportions of volumes from other areas to be excavated and calculated the overall dewatered volume to be 26.4 MG. The Dewatering Report states, "dewatering of adjacent excavations simultaneously [...] would likely reduce the estimated dewatering quantities in Table 1 due to the merging and overlap of excavation cones of depression" (PDF Page 25). However, this is not accurate; while the overlapping cones of depression from multiple wells may reduce the total area affected, often resulting in a cumulative drawdown that is greater than what a single well would produce alone.⁷ This increased drawdown can have significant impacts on groundwater elevations and potentially exacerbate subsidence and other related issues. The DEIR should update its analysis to address this potentially significant impact.
 - b) The Dewatering Report further compares the other areas and describes the anticipated cones of depression for each area relative to Area 2 (PDF Pages 26-27). Since there is no limitation on construction, the DEIR should model the entire Project Site to demonstrate the cumulative impacts of dewatering all six areas, including the resulting expected cone of depression of the water table. Additionally, the heterogeneity of the subsurface material should be considered, as the cone penetration test (CPT) data reported by the DEIR shows that hydraulic conductivity can vary from 0.1 feet per day (ft/d) to 50 ft/d below the site. Groundwater flow tends to follow pathways with higher permeability. Using the lowest value (0.1 ft/d) as a representative parameter in the model, overestimates the resistance to flow, potentially can distort the model's outcomes by misrepresenting groundwater flow paths and underestimating the extent and dynamics of the impacted area.
- 3) An estimate of the anticipated drawdown due to the combined (simultaneous) excavation of six areas is provided below. The results indicate that the drawdown at 1,000 feet away from the site boundary can be significant and may impact the groundwater in the vicinity of the site. The calculations highlight the importance of including all areas of dewatering because there are no requirements to limit construction dewatering to certain areas of the site at any one time, even for preliminary impact analysis. The Dewatering Report does not support the FEIR conclusions and a groundwater modeling with accurate inputs including and detailed heterogeneity of subsurface and hydraulic conditions at the site is warranted.

⁷ Todd, D. K., & Mays, L. W. (2005). Groundwater Hydrology (3rd ed.). Wiley.

We used an approach by Lembke (1886, 1887)⁸ with input data as shown below:

$$R = h_0 \times \sqrt{\frac{K}{2N}}$$

Where, R = Radius of Influence, h_0 = Saturated Thickness of an aquifer, K = Hydraulic conductivity, and N = recharge

Further, the resulting drawdown at the given distance (r) is estimated using the Thiem Equation for Steady-State Drawdown⁹ as provided below:

$$s(r) = \frac{Q}{2\pi T} \ln \left(\frac{R}{r} \right)$$

where: $s(r)$ = drawdown at distance r from the pumping well, Q = pumping rate (volume per time), T = transmissivity of the aquifer, R = radius of influence

For the calculations, a range of site-specific hydraulic conductivity values of 0.1 feet per day (ft/d) to 50 ft/d (as provided in the CPT data profiles, Figures 5A through 5D, pages 43-46) is used. The saturated thickness for the aquifer is assumed as 20 feet (ft). The 30-year normal precipitation in the project area is approximately 16 inches per year. A conservative estimate of groundwater recharge of 5% of rainfall, equivalent to 1.83×10^{-4} ft/d is used for the calculations. The pumping rates at the site are expected to be from 5 gallons per minute (gpm) to 50 gpm (Page 22).

The resulting estimates are provided in the Table below:

Scenario	Pumping Rate (Q)	Hydraulic Conductivity (K)	Saturated Thickness (b)	Recharge (N)	Radius of Influence (R)	R for Six excavation areas combined *	Drawdown at distance (r) = 1,000 ft
Units>>	gpm	ft/d	ft	ft/d	ft	ft	ft
1	5	0.1	20	1.83E-04	331	3,177	38.47
2	5	5	20	1.83E-04	2,340	22,463	2.07
3	5	10	20	1.83E-04	3,309	31,767	1.15
4	25	10	20	1.83E-04	3,309	31,767	5.75
5	25	20	20	1.83E-04	4,680	44,926	3.17
6	25	50	20	1.83E-04	7,399	71,034	1.42
7	50	10	20	1.83E-04	3,309	31,767	11.51
8	50	20	20	1.83E-04	4,680	44,926	6.33
9	50	50	20	1.83E-04	7,399	71,034	2.84

* Assuming a 20% overlap in the radius of the influence cone, two wells per excavation area

⁸ Lembke, K.E. (1886, 1887): Groundwater flow and the theory of water collectors (in Russian), The Engineer, J. of the Ministry of Communications, no.2, 1886 and nos. 17-19, 1887.

⁹ Fetter, C. W. (2001). Applied Hydrogeology (4th ed.). Prentice Hall.

The preliminary calculations presented above suggest that the radius of influence can vary by the orders of magnitude, depending on the pumping rates, the number of wells, and the site's hydraulic conditions. Further, the results indicate substantial variability in the drawdown estimates, with potential ranges from as little as 2 feet to 10s feet, depending on the specific hydraulic and site parameters. The simultaneous operation of multiple wells, each with variable pumping rates, can significantly impact groundwater elevations in the vicinity. The interaction between the wells can lead to compounded drawdown effects, potentially causing more substantial changes in groundwater levels than if the wells were operating independently. This can affect both the immediate area around the wells and the broader groundwater system, influencing factors such as the rate and direction of groundwater flow, movement of existing contaminants in groundwater, water availability, pressure dynamics, and the stability of nearby structures.

- a) PDF Page 856 in the RTCs – it is not clear that permanent dewatering would not be required. The plans mention that permanent structures will be designed to withstand hydrostatic pressure, and the temporary construction dewatering system will be terminated once construction is completed (PDF Page 856). However, as discussed below, methane mitigation systems require dewatering. There is no assessment in the FEIR of the impacts of long-term dewatering. Long-term dewatering could have significant impacts on the broader groundwater system influencing factors such as the rate and direction of groundwater flow, movement of existing contaminants in groundwater, water availability, pressure dynamics, and the stability of nearby structures.
- b) The FEIR fails to adequately address the potential impacts of long-term dewatering on the regional groundwater system, including the Hollywood Basin. According to the City of Beverly Hills' Urban Water Management Plan (UWMP), the natural safe yield of the Hollywood Basin is estimated to be approximately 3,000 acre-feet per year (AFY).¹⁰ The safe yield is the amount of groundwater that can be sustainably extracted without causing long-term declines in water levels. While this safe yield suggests that the short-term impact of dewatering from the proposed project might be relatively minor, the FEIR does not sufficiently demonstrate that continuous, long-term dewatering will not be required. Extended dewatering operations could result in localized drawdowns, negatively affecting recharge rates and potentially causing adverse effects such as land subsidence or reduced groundwater availability for other users. Over time, these cumulative impacts could compromise the safe yield of the basin, resulting in significant long-term effects on regional water resources.

Discharge of Dewatered Water and Water Quality

Information is lacking regarding management of groundwater from dewatering activities.

- 4) PDF Page 940 in the RTCs and PDF Pages 7 and 13 in Appendix FEIR 13 (Dewatering Report) – the response to comment 26-E.1-65 states "dewatering will be subject to either a separate National Pollutant Discharge Elimination System (NPDES) permit or an industrial sewer permit, depending on the point of discharge" (PDF Page 940). The Dewatering Report does not provide more specific plans for discharge and similarly refers to either a NPDES permit or an industrial sewer permit, as a generic statement (PDF Page 7). The Dewatering Report should describe:

¹⁰ City of Beverly Hills 2020 UWMP, p. 6-8 [available at: <https://www.beverlyhills.org/DocumentCenter/View/5432/2020-UWMP---Final-PDF>].

- a) The capacity required for discharge associated with dewatering and how the discharge relates to existing stormwater/wastewater management; and
- b) The Project Site-specific water quality concerns that might be anticipated considering the two former retail gasoline stations within the Project Site boundary (specifically, the former Texaco station which is located at the upgradient portion of the Project Site). The Dewatering Report describes that “elevated concentrations of residual fuel-related constituents and other contaminants were detected in isolated areas in the soil and groundwater downgradient of the former Texaco station” (PDF Page 13 and Figure 4), during an environmental investigation that was performed subsequent to the No Further Action received in 2012. The potential impacts of this detected contamination should be more thoroughly considered and described. This is especially important given the large volume of groundwater proposed to be extracted for dewatering and the potential need to treat the effluent prior to discharge. Where and how groundwater may be treated on-site prior to discharge, including during permanent dewatering, and associated risks, should be disclosed in the FEIR.

Subsidence due to Dewatering

Groundwater dewatering could induce subsidence.

- 5) PDF Pages 216-219 in Appendix FEIR 13 (Dewatering Report): A brief subsidence evaluation is included, but it is limited in its scope and detail, as noted below.
 - a) A qualitative subsidence evaluation is solely based on the dewatering calculations performed by Geosyntec for excavation Area 2. The report states that since the area in the vicinity has recorded long-term water level fluctuations ranging from 3 to 6.5 ft (due to seasonal changes and regulatory-approved activities), an additional drawdown of 10 ft will have less than a significant subsidence effect (PDF Page 217). However, no basis is provided for this evaluation.
 - b) The report mentions Section 1812 of the California Building Code (CBC), which states that “if a cumulative horizontal or vertical movement (from the start of construction) of the existing building reaches ½ inch, all excavation activities shall be suspended” (PDF Page 218). However, the analysis does not specify if a 10 ft drawdown could cause ½ inch subsidence, especially given that the soil in the region is predominately fine-grained clays and silt (Page 18 in Appendix FEIR 13) and the dewatering pumping may be prolonged, more than 21 months as specified in Appendix FEIR 13, Page 20. The clayey soils are highly susceptible to subsidence due to their composition, which allows for significant compression when water is removed. As groundwater dewatering continues over time, the clay layers compact further, exacerbating subsidence. This interplay of extensive and prolonged groundwater extraction and the presence of clayey soils underscores the critical impact of construction activities on land stability.
 - c) Land subsidence is closely related to soil type and groundwater drawdown. Clay and silt soils are more prone to subsidence when groundwater is extracted. The regional soil under the site is predominantly clayey, with a hydraulic conductivity of 0.1 ft/d (PDF Page 18). Accurately estimating subsidence in such soils requires sophisticated modeling and an extended dataset to capture the temporal and spatial variability of the subsidence process. A simplified analysis, assuming

one-dimensional consolidation in a homogeneous, isotropic, and normally consolidated aquifer, can be used to estimate the subsidence based on the following analytical equation (USGS 1972)¹¹:

$$\Delta s = S_s \cdot \Delta h \cdot H$$

Where, Δs = Land subsidence, S_s = Specific Storage Coefficient, H = Saturated Thickness of an aquifer, and Δh = drawdown

For the calculations, textbook values of the specific storage coefficient of clayey soil, ranging from 3.9×10^{-4} to 7.8×10^{-4} per ft have been used.¹² A drawdown of 10 ft is used as specified in Appendix FEIR 13, Page 217. The saturated thickness for the aquifer is assumed as 20 ft. This estimate is based on an average excavation depth of 30 ft and a groundwater depth of approximately 10 feet bgs in the vicinity of the site (as referenced in Table 1, PDF page 37 of Appendix FEIR 13). The resulting estimates of potential subsidence are provided in the Table below:

Scenario	Specific Storage coefficient	Drawdown	Aquifer Thickness	Subsidence
units>>	per ft	ft	ft	inches
1	7.80E-04	10	20	1.87
2	3.90E-04	10	20	0.94

The preliminary calculations presented above suggest that land subsidence can vary significantly depending on the drawdown and site-specific hydraulic properties. Additionally, the aquifer thickness is variable throughout the site, further contributing to the potential variability in subsidence. Our initial estimation indicates that subsidence could exceed ½ inch (as required by CBC, Section 1812) for a 10 ft drawdown at the site.

- d) A brief review of existing subsidence studies near the site suggests that land subsidence has been observed in the area. For example, the California Department of Water Resources Sustainable Groundwater Management Act portal includes data from a Continuous Global Positioning System (CGPS) station located approximately 100 feet north of the Project Site at Fairfax High School.¹³ These CGPS continuously record horizontal and vertical ground surface displacement over time. The data from this station provides valuable insights into the historical and ongoing subsidence trends in the vicinity of our project. Understanding these trends is crucial for assessing the potential impacts of our planned groundwater extraction and dewatering activities. The details of the station and the location map are provided below:

¹¹ <https://www.nrc.gov/docs/ML1735/ML1735A590.pdf>

¹² http://www.aqtesolv.com/aquifer-tests/aquifer_properties.html

¹³ <https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#landsub>



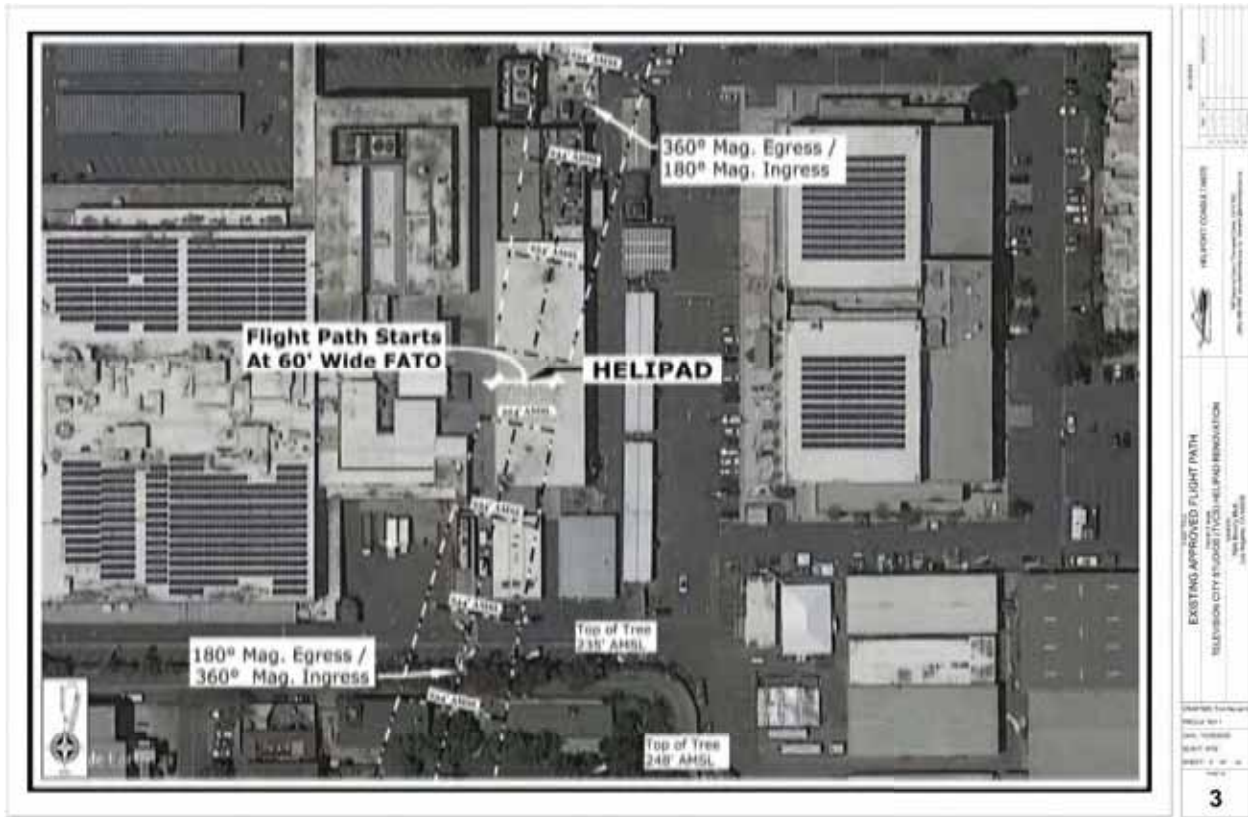
The vertical displacement data suggest a downward displacement of up to 1 foot at the location.

NOISE

HELIPAD NOISE

The FEIR states the future helipad under the Modified Project would remain within the central portion of the Project Site, but at a higher elevation. The potential new 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 is also approximately 45 feet higher than the location analyzed in the EIR for the Original Project. The existing and future helipad locations are shown below. Also shown below, is the existing approved flight path.





Appendix G - Noise Report (Supplemental Noise Impact Analysis for the Modified Project) concludes the future operation of the new helipad would be similar to existing conditions (operations). It is stated that historically the helipad is used approximately five (5) times per year primarily for the transportation of industry VIP executives and talent in and out of the studio for special events as well as for news/media events. Hours of operation are noted as primarily between 9:00 AM and 9:00 PM. However, it has not been substantiated what the existing baseline flight operations have been. In this case, the FEIR should conservatively assume that current flight operations associated with existing helipad may be zero. As such, environmental noise associated with current helipad operations may not be part of existing ambient conditions. And there are no project requirements that limit the number of flights per year or the hours of operation. As such, consideration has been given to potential changes/impacts to the existing environment if flight operations associated with the relocated helipad were to commence. This was accomplished by considering the potential sound levels at the nearest residences (Broadcast Center Apartments, identified as R1 in the EIR) during a single aircraft arrival. As explained below, our consideration of such an operation (aircraft flight arrival/departure) indicates the addition of the helipad operation would, under certain volumes of operations, exceed the CNEL significance threshold considered in the FEIR.

Significance Threshold Considerations per EIR

Per the EIR, which assumed helipad operations were part of the existing conditions and not associated with the new project. As shown below (from the EIR), the project created an increase in the future CNEL of 4.0 dBA, less than the 5.0 dBA significance threshold.

Location	Existing CNEL, dBA	Project CNEL, dBA	Future with Project CNEL, dBA	CNEL Increase due to Project, dBA	CNEL Significance Criteria (+ 5 dBA)	Significant Impact?
R1	62.3	64.1	66.3	4.0	67.3	No

Consideration of Helipad Operations as Part of the New Project (CNEL Threshold)

Our evaluation is based on an assumed aircraft type and flight operation typical of urban helipad operations. As shown below, there are potential scenarios where flight volumes could exceed the significance threshold. This assumes the other Project noise emissions remain constant as presented in the EIR, i.e. 64.1 dBA per the table above.

Flights Assumption	Existing CNEL, dBA	Project (with Helipad Ops) CNEL, dBA	Future with Project CNEL, dBA (Existing + Project)	CNEL Increase due to Project, dBA	CNEL Significance Criteria (+ 5 dBA) <i>Based on general flight assumptions outlined above</i>
13 Flights @ Daytime	62.3	66.0	67.3	5.0	<i>... more than approximately 13 flights in one day during daytime hours could exceed threshold.</i>
4 Flights @ Evening	62.3	66.0	67.3	5.0	<i>... more than approximately 4 flights in one day during evening hours could exceed threshold.</i>
1 Flight @ Nighttime	62.3	65.6	66.8	4.5	<i>... more than approximately 1 flight in one day during nighttime hours could exceed threshold.</i>

* Time of Day per CNEL (Daytime 7AM-7PM, Evening 7PM-10PM, Nighttime 10PM-7AM)

Additional Considerations

- Based on a brief review of previous California Environmental Quality Act submittals for other projects in the City of Los Angeles, an additional consideration relates to the potential annoyance associated with aircraft noise. While no specific thresholds on the impact of single-event aircraft noise have been established by agencies, single-event metrics can be considered for evaluation purposes. Available references (FICAN 1997), generally indicate an SEL (Single-Event Level) of ≤ 94 dBA minimizes sleep disturbance assuming common building construction with open windows (≤ 100 dBA while windows are closed). If a flight occurred during sleep hours, these guidelines provide insight into the levels that are likely to awaken 10% of the population. Based on the flight assumptions detailed above, we estimated a potential SEL level of 100 dBA at R1, which exceeds the windows open "threshold" and is equivalent to the windows-closed "thresholds".
- Other sound level metrics (thresholds) related to aircraft noise should be considered and evaluated to demonstrate appropriate determination of potential impacts.

CONSTRUCTION NOISE

Estimated sound levels at the Broadcast Center Apartments (Receptor Location R1) due to project construction activities are outlined in Table IV.I-10 on Page IV.I-39 of the DEIR. These sound levels represent Leq(1-hour) sound levels. The phases of construction are estimated to create Leq(1-hour) sound levels ranging from 82.9 dBA to 88.8 dBA at R1.

Based on the City's Construction Noise and Vibration Updates to Thresholds and Methodology dated August 2024, construction noise during daytime hours (7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. on Saturdays) is limited to a maximum 80 dBA Leq(8-hour) absolute threshold at sensitive uses at the property line or at the exterior of the building.

The updated absolute threshold limit (80 dBA) is based on the total sound energy over an 8-hour period. The estimated sound levels in the DEIR are based on the total sound energy over a 1-hour period. If the construction sound level estimates for R1 are assumed to be constant for an entire 8-hour period, they would exceed the absolute threshold [maximum 80 dBA Leq(8-hour)]. For example, one hour of demolition construction noise at 88.8 dBA would equate to an Leq(8-hour) sound level of 79.8 dBA. In this case, the demolition construction activity would exceed the threshold if it continued beyond the one hour period, or the demolition construction activity would have to cease for seven hours to not trigger the threshold.

The City should complete an analysis verifying compliance with the updated threshold which is based on an Leq (8-hour) sound level metric.

CONSTRUCTION NOISE MANAGEMENT PLAN

Other construction noise mitigation measures not considered in the FEIR include the implementation of a construction noise management plan. This commonly includes the following measures to reduce potential impacts on neighbors.

- *Neighbor Notification* - Notify neighboring residents and non-residential building managers of the project construction area of extreme noise generating activities at least 30 days before the activity is scheduled to begin. Provide estimated dates of the loud activities.
- *Complaint and Enforcement Manager* - Designate a point of contact to respond to noise complaints regarding project-related construction activities. This individual should have the authority to modify construction noise generating activities to ensure compliance with the applicable requirements.
- *Complaint Process* – Allow neighbors to register complaints by either contacting a Noise Complaint Hotline setup for the project or through a designated Noise Complaint email address. Post the hotline phone number and email address on signs around the perimeter of the project area, as well as on a project website.
- *Complaint Response* - Make every reasonable effort to respond to all noise complaints, whether found to be valid or not. Responses should occur within approximately 24 hours of receiving the complaint. Use all means necessary to investigate sources that may have resulted in a valid Noise Complaint, including but not limited to review of sound level data and audio recordings from noise monitors, construction activity logs, materials receiving logs, and interviews with construction personnel.
- *Reporting* - maintain a log of all noise complaints, including the complainant name and address, the date and time of the occurrence, the steps taken to investigate the complaint, whether or not the complaint was found to be valid, and action(s) taken to address the complainant, if necessary.

HAZARDS

General Findings

- Mitigation Measure HAZ-MM-1 states that the Soil Management Plan (SMP) will be submitted to the City of Los Angeles Department of Building and Safety (LADBS) for review and approval prior to the commencement of excavation and grading activities. Similarly, Mitigation Measure HAZ-MM-2 also indicates that the LADBS will be responsible for the oversight of the impact of subsurface gases and impacted soil and groundwater on workers and the public. The LADBS does not oversee soil or groundwater cleanup activities. Appropriate oversight agencies include the Los Angeles County Fire Department, Health Hazardous Materials Division, Site Mitigation Unit; the Regional Water Quality Control Board; or the DTSC.
- The EIR indicates that subterranean parking may be included with a parking structure and/or internal circulation routes may be subterranean. Groundwater is reportedly encountered as shallow as 5 feet below ground surface (bgs), and was generally encountered between 10 and 25 feet during previous investigations. The City of Los Angeles Methane Code (7104.2.1.1 and 7104.3.7) indicates that a dewatering system should maintain groundwater levels more than 12-inches below methane ventilation systems. Given the shallow groundwater levels and need for methane mitigation, it is expected that a permanent dewatering system will be required. However, the FEIR does not adequately address the possibility that a permanent dewatering system may be required. Conversely, the lack of permanent dewatering or subsurface venting was not assessed. This should be included in the Hazards and Hazardous Materials evaluation.

CLOSING

We appreciate the opportunity to perform this review. Please feel free to call Eric Lu at (949) 798-3650 if you have any comments or questions.

Very truly yours,



Eric C. Lu, MS, PE
Principal

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JH: ar

Attachment

TABLES

Table 7							
Estimated Maximum Daily Regional Emissions from Project Concurrent Construction (Mitigated) and Operations ^a							
Analysis Year	Emissions (pounds per day)						
	VOC		NOx	CO	SOx	PM10	PM2.5
	50% Construction Intensity	100% Construction Intensity ^d					
Year 2026 (20% Buildout of Proposed Development Program) (Final EIR CalEEMod 2022.1)							
Construction (2026-2029 Max Daily)	21	40	69	108	<1	25	7
Operation	9	9	2	20	<1	3	1
Total	30	49	71	129	1	28	9
Year 2030 (40% Buildout of Proposed Development Program) (Final EIR CalEEMod 2022.1)							
Construction (2030-2033 Max Daily)	20	38	67	103	<1	25	8
Operation	17	17	3	30	<1	7	1
Total	37	55	70	133	1	32	9
Year 2035 (60% Buildout of Proposed Development Program) (Final EIR CalEEMod 2022.1)							
Construction (2035-2038 Max Daily)	19	36	59	97	<1	25	8
Operation	24	24	3	34	<1	10	2
Total	43	60	62	131	1	35	10
Year 2040 (80% Buildout of Proposed Development Program) (Final EIR CalEEMod 2022.1)							
Construction (2040-2043 Max Daily)	18	34	55	94	<1	25	7
Operation	30	30	2	38	<1	14	3
Total	48	64	57	132	1	39	11
Year 2043 (100% Buildout of Proposed Development Program) (Final EIR CalEEMod 2022.1)							
Construction	0	0	0	0	0	0	0
Operation	38	38	2	52	<1	17	3
Total	38	38	2	52	<1	17	3
Max Daily Concurrent Emissions ^{a,b}	48	64	71	133	1	39	11
SCAQMD Significance Threshold	55	55	55	550	150	150	55
Over/(Under)	(7)	9	16	(417)	(149)	(111)	(44)
Exceed Threshold?	No	Yes	Yes	No	No	No	No
Comparison of Draft EIR to Final EIR Regional Operational Emissions							
Draft EIR ^c	71	71	120	224	1	59	17
Final EIR	48	64	71	133	1	39	11
Difference (Net) Emissions	(23)	(7)	(49)	(91)	-	(20)	(6)

Numbers may not add up exactly due to rounding.

^a The CalEEMod model printout sheets and/or calculation worksheets are presented in Appendix A-3 (CalEEMod Output) of this Confirmatory Analysis.

^b Emissions represent maximum daily emissions of summer/winter for each pollutant.

^c Table IV.A-12 on page IV.A-76 of the Draft EIR^c

^d Based on the maximum of summer and winter emissions at 100% construction intensity from the Construction Emissions Summary in Appendix A-1 (Summary of Air Pollutant Emissions) of the Confirmatory Analysis

Source: Eyestone Environmental, 2023, with Ramboll edits in blue font.

EXHIBIT B

MEMORANDUM

To: City of Los Angeles Date: December 2, 2024

From: David S. Shender, P.E.
Linscott, Law & Greenspan, Engineers LLG Ref: 1-22-4458-1

Subject: **Comments to the Final Environmental Impact Report
TVC 2050 Project at 7716-7860 West Beverly Boulevard**



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Irvine
San Diego

Linscott, Law and Greenspan, Engineers (LLG) is submitting these comments to the Final Environmental Impact Report¹ (the "Final EIR") prepared by the City of Los Angeles for the TVC 2050 Project (the "TVC Project") located at 7716-7860 West Beverly Boulevard (the "Project Site") in the City of Los Angeles. LLG previously submitted written comments² (the "LLG Comment Letter") related to the Draft Environmental Impact Report³ (the "Draft EIR"). The LLG Comment Letter focused to the Transportation section within Section K of the Draft EIR and underlying Transportation Assessment provided in Appendix M of the Draft EIR.

LLG has reviewed the responses to the LLG Comment Letter as contained in Section II. of the Final EIR. In addition, LLG has reviewed City documents such as the Erratum No. 1⁴ which was published subsequent to the release of the Final EIR. Briefly, LLG concludes that the responses provided in the Final EIR do not adequately address the issues and concerns identified in the LLG Comment Letter. Further, LLG concludes that both the responses to the Draft EIR comments contained in the Final EIR, as well as the Erratum No. 1 raise new or conflicting information regarding the TVC Project which require new analysis.

In addition, we conclude that the TVC Project's proposed Specific Plan⁵ (the "Specific Plan") allows for the development of land uses that will have potential environmental impacts that were not evaluated under the California Environmental Quality Act (CEQA) in the City's Final EIR. Among those unanalyzed impacts, the Specific Plan permits land uses under the TVC Project's Production Support land use category which were not evaluated for potential transportation impacts in the Final EIR or for possible safety issues involving the transportation impacts.

¹ *Final Environmental Impact Report – TVC 2050 Project*, Environmental Case: ENV-2021-4094-EIR and State Clearinghouse No. 2021070014, City of Los Angeles, November 2023.

² *Comments on Transportation Section and Transportation Assessment in Draft Environmental Impact Report for TVC 2050 Project at 7716-7860 West Beverly Boulevard*, Linscott, Law & Greenspan, Engineers, September 12, 2022.

³ *Draft Environmental Impact Report – TVC 2050 Project*, Environmental Case: ENV-2021-4094-EIR and State Clearinghouse No. 2021070014, City of Los Angeles, July 2022.

⁴ *Erratum No. 1 to the Environmental Impact Report – TVC 2050 Project*, City of Los Angeles, April 2024.

⁵ *Draft TVC 2050 Specific Plan for Modified Project*, City of Los Angeles, April 2024.



The LLG Comment Letter addresses whether the Draft EIR adequately evaluated potential significant impacts to transportation due to the TVC Project related to the four Thresholds listed in Pages IV.K-28 and IV.K-29 of the Draft EIR:

“Threshold (a): Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;

“Threshold (b): Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) [i.e., Vehicle Miles Traveled or VMT];

“Threshold (c): Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment); or

“Threshold (d): Result in inadequate emergency access.”

The Transportation section in the Draft EIR erroneously, inaccurately, and/or without substantiation concludes that the TVC Project would have less than significant impacts related to each of the four thresholds. The responses contained in the Final EIR (generally provided in the Final EIR as responses to Comment Nos. 26-E.4-1 through 26-E.4-20 and related Topical Responses and appendices) do not adequately address the issues and errors related to the Draft EIR as identified in the LLG Comment Letter.

Additional details are provided below.

Threshold (a): Conflict with programs, plans, policies, etc.

The issues with the Draft EIR related to addressing Threshold (a) as identified in the LLG Comment Letter are restated in the Final EIR as Comment Nos. 26-E.4-3 through 26-E.4-8. Comment No. 26-E.4-3 in the Final EIR focuses to the fact that the Draft EIR fails to adequately analyze Mobility Plan 2035 Policy 1.1, Roadway User Vulnerability. As noted in the comment, the TVC Project as analyzed in the Draft EIR proposed two new driveways on Beverly Boulevard, as well as a new signalized driveway on The Grove Drive, which would displace an existing pedestrian-only midblock traffic signal adjacent to the Holocaust Museum Los Angeles. Due to the likely significant impacts caused by the TVC Project to the vulnerable roadway users (pedestrians including children, the elderly, and mobility-impaired) cited in the Mobility Plan policy, the comment recommends that the TVC Project utilize the development site’s existing driveways on Beverly Boulevard and Fairfax Avenue.

In the Final EIR, not only does the corresponding Response to Comment No. 26-E.4-3 dismiss the concerns raised in the comment, but the now “Modified Project” described in the Erratum No. 1 proposes *a second new driveway* on The Grove Drive servicing the TVC Project, thereby introducing additional hazards for the vulnerable roadway users identified in the Mobility Plan policy. Thus, not only does the Final EIR ignore the TVC Project’s conflict with the Mobility Plan policy, but “doubles-down” by advocating the placement of additional hazards to vulnerable roadway users related to the Modified Project.



The Final EIR claims that the Modified Project is compliant with LADOT's Manual of Policies and Procedures Section 321 (MPP 321) which provides requirements for the number and location of driveways at development projects, but it is not. For example, Response to Comment No. 16-11 (pages II-388 and II-389 of the Final EIR) states "...the number of driveways is consistent with LADOT's Manual of Policies and Procedures Section 321." This assertion is inaccurate with the Modified Project because the Project Site would now have three driveways on The Grove Drive: the existing shared alley/driveway (which is co-owned by the TVC Project site owner) and would provide access to the TVC Project, as well as the two new proposed driveways. Per page 3 of LADOT's MPP 321, a development project with 200 to 400 feet of frontage would be permitted up to two site driveways. LLG understands the TVC Project Site frontage along The Grove Drive is less than 400 feet in length, so only two site driveways would be permitted. Thus, the Modified Project's additional third driveway on The Grove Drive directly conflicts with LADOT's MPP 321. A stated purpose of MPP 321 is to "minimize adverse effects on pedestrian safety and comfort and potential conflicts with bicycle facilities and roadway traffic."⁶ In LLG's professional opinion, the Project's proposed new driveways accessed from The Grove Drive conflict with MPP 321's requirements and will increase hazards to pedestrians, bicyclists, and motorists.

Comment No. 26-E.4-4 in the Final EIR states that the TVC Project is not consistent with Mobility Plan 2035 Policy 1.8, Goods Movement Safety because the site's truck traffic is directed towards The Grove Drive (a designated Collector Street), and not an arterial such as Beverly Boulevard or Fairfax Avenue. Currently, and appropriately, Beverly Boulevard and Fairfax Avenue accommodate the existing development site's truck traffic because of the relatively greater roadway width and ability of these arterials to facilitate the turning movements of larger vehicles as compared to The Grove Drive. The TVC Project – as now modified by the subsequent project changes – would be in direct conflict with the Mobility Plan 2035 Policy, and therefore result in a significant impact as further noted below.

The Response to Comment No. 26-E.4-4 inappropriately dismisses the concern about truck access via The Grove Drive by falsely claiming trips by trucks would be "infrequent" and that most trucks servicing the site are "smaller." This statement in the response is directly contradictory to the information provided in the Final EIR contained in Appendix FEIR-6 – Truck Trips Memorandum⁷. Within the Truck Trips Memorandum, it is forecast that a total of 166 trucks per day would visit the TVC Project site. Per the TVC Project site plan for the Modified Project contained in the Final EIR, nearly all of these truck trips would be concentrated to The Grove Drive, which currently experiences no truck trips related to the development site. Assuming the truck trips forecast in the Final EIR's Truck Trips Memorandum are concentrated during a 10-hour workday (e.g., from 7:00 AM to 5:00 PM), this would equal approximately 17 trucks per hour using the proposed TVC Project truck driveway on The Grove Drive (or approximately one new truck added to The Grove Drive every 3.5 minutes on average throughout typical daytime hours), which is hardly "infrequent" as asserted in the Final EIR's response to comment.

⁶ *Manual of Policies and Procedures 321*, LADOT, <https://ladot.lacity.gov/sites/default/files/2024-03/driveway-design-guide-march-2024.pdf>.

⁷ *Truck Trip Estimate for the TVC 2050 Project*, Gibson Transportation Consulting, Inc., March 8, 2023.



Likewise, most of the trucks will not be “small.” The Truck Trips Memorandum forecasts that following completion of the TVC Project, the site will generate 36 “heavy trucks” and 86 10-ton trucks each day on average. A heavy truck is typically a multiple axle tractor-trailer (e.g., 50 to 70 feet in length) while a 10-ton production truck is a vehicle that is approximately 36 to 39 feet in length⁸. Thus, based on the Truck Trips Memorandum, there will be 122 trucks per day ranging in size from 36 feet to 70 feet in length utilizing the TVC Project’s truck driveway on The Grove Drive.

Moreover, the Final EIR appears to significantly undercount truck trips. The Truck Trips Memorandum is based on driveway traffic counts of existing truck usage conducted at the Project Site in September 2019. The Truck Trips Memorandum states that the traffic counts were conducted only at the Project Site’s driveway on Beverly Boulevard opposite Genessee Avenue, yet the Truck Trips Memorandum acknowledges that “the largest trucks” currently enter and exit the Project Site via a driveway on Fairfax Avenue. The Truck Trips Memorandum provides no counts of the Fairfax Avenue driveways and, as such, under counts existing usage. As a result, the number of trucks to be generated by the TVC Project – particularly the larger trucks which utilize a greater proportion of roadway space and therefore contribute to traffic safety hazards – is understated in the Final EIR.

Figure 11 in the Final EIR’s Erratum No. 1 shows that the new truck access driveway on The Grove Drive would accommodate right-turn movements only (right-turns in and right-turns out). However, the larger trucks will not be able to turn right into or out of the TVC Project’s proposed driveway on The Grove Drive without causing significant safety impacts. LLG prepared a study of truck maneuvering using the nationally-accepted AutoTurn software package. The exhibits attached to this memorandum demonstrate that both the 10-ton production trucks (represented by a WB-40 truck in the AutoTurn library), as well as a “heavy” truck (represented by a WB-67 truck in the AutoTurn library) cannot complete the right-turns to or from the TVC Project driveway without significantly encroaching into oncoming travel lanes, creating substantial safety impacts to other current and future users of The Grove Drive. (Exhibits evidencing similar truck turning issues at the southern alley and other locations are also attached.) It is for this reason the TVC Project should comply with the Mobility Plan 2035 policy that directs truck trips to utilize arterial roadways such as Beverly Boulevard and Fairfax Avenue (which is the current condition at the development site) which are more appropriately designed to accommodate the greater maneuvering requirements of larger vehicles, and not direct trucks to utilize The Grove Drive, a designated Collector Street. Fairfax Avenue in particular is more appropriately designed to accommodate the larger trucks with an existing median. That is consistent with the information in the Truck Trip Memorandum that under current conditions the larger trucks access the site from Fairfax Avenue.

Figures II-11 and II-12 in the Final EIR are misleading. Both figures only depict trucks (WB-40 and WB-67, respectively) turning to and from the TVC Project’s proposed truck driveway via left-turns to and from The Grove Drive. If the figures had been properly prepared to show right-turns (instead of left-turns) to and from the new truck driveway, the results would have been similar to the analysis provided by LLG attached to this memorandum, which demonstrates that trucks

⁸ 10-ton truck dimensions from <https://www.dtcgrip.com/wp-content/uploads/2020/06/DTC-Truck-Dimensions.pdf>



related to the TVC Project will be required to turn into oncoming traffic, resulting in significant impacts to traffic safety—including increased likelihood of collisions between large trucks and automobiles, bicyclists, and pedestrians.

Threshold (b): Vehicle Miles Traveled

The issues with the Draft EIR in addressing Threshold (b) as identified in the LLG Comment Letter are restated in the Final EIR as Comment Nos. 26-E.4-9 through 26-E.4-11. Threshold (b) primarily relates to the analysis of Vehicle Miles Traveled (VMT).

Comment Nos. 26-E.4-9 through 26-E.4-11 focus to the fact the LADOT VMT Calculator was inappropriately used in analysis of VMT for the TVC Project in the Draft EIR and underlying Transportation Assessment. As stated in the comments, the Draft EIR's Transportation Assessment incorrectly relies only on an office building land use within the LADOT VMT Calculator. The assessment of VMT based solely on the office building land use was inappropriate because the TVC Project, as stated in the Project Description provided in the Draft EIR (Page II-15), contains a broad range of non-office and non-ancillary uses accommodating "...special events, audience and entertainment shows, museum exhibits and theaters...recreational facilities...and special event areas including the sale of alcoholic beverages..." The LLG Comment Letter states additional analysis of VMT outside of the LADOT VMT Calculator should have been prepared.

The responses provided to the comments regarding the VMT analysis refer to Topical Response No. 8 in the Final EIR. Topical Response No. 8 states, for example, "there is nothing in the VMT Calculator User Guide, the TAG, or the OPR Technical Advisory recommending the use of alternative VMT information to forecast future VMT for the purpose of the CEQA transportation analysis." This is a false statement. For example, page 2-11 of the TAG states: "Unique Land Uses. Some projects will not fit into one of the above [land use] categories. In such cases, with the concurrence of LADOT, a customized approach can be used to estimate daily trips and VMT. This can be done using the custom land use feature of the VMT Calculator or, if determined to be appropriate, independent of the VMT Calculator. The methodology and thresholds to be used in such cases should be developed in consultation with the approved by LADOT staff at the outset of the study." Accordingly, as stated in the comments (e.g., Comment No. 26-E.4-9), the Transportation Assessment used in preparing the Transportation section of the Draft EIR should have utilized the LADOT's Travel Demand Forecast (TDF) model in determining VMT for the TVC Project.

Moreover, Topical Response No. 8 in the Final EIR misleadingly references the Governor's Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, April 2018 (OPR Technical Advisory) regarding how to model "employment-based projects." As a basic point, the OPR Technical Advisory appears silent on the "employment-based project" term coined by the Final EIR. The response claims that the OPR Technical Advisory provides that "the focus can be on home-based work trips" for "employment-based projects." That is not a true statement. Instead, this is what page 4 of the OPR Technical Advisory actually states "when a trip-based method is used to analyze a residential project, the focus can be on home-based trips. Similarly, when a trip-based method is used to analyze an office project, the focus can be on home-



based work trips.” Here, the TVC Project is neither a residential project nor an office project. Thus, at least according to OPR, and our professional opinion, the home-based trip VMT methodology, as used in the Draft EIR, should not apply to the TVC Project because its proposed land uses are far more diverse and generate far more impactful VMT.

Topical Response No. 8 Vehicle Miles Traveled in the Final EIR incorrectly claims that empirical data, and verified data from several transportation data repositories, is not suitable for use in estimating VMT. The response instead claims that the LADOT VMT Calculator must be utilized, and be the sole source for estimating VMT. That position ignores sources of substantial evidence that provide a more realistic assessment of VMT trip length. Procedurally, the LADOT TAG does state, for example, that “Daily vehicle trips, daily VMT, and daily work VMT per employee for office projects should be estimated using the VMT Calculator tool.” The TVC Project is not an office project. Moreover, the VMT analysis provided in Final EIR repeatedly states that the studio land use components are unique (i.e., not office) and provides empirical trip generation data for purposes of evaluating VMT for these components of the TVC Project.

To this point, and contrary to the assertions in Topical Response No. 8, the LADOT TAG does state “Some project will not fit into one of the above categories [i.e., office]. In such cases, with the concurrence of LADOT, a customized approach can be used to estimate daily trips and VMT. This can be done using the custom land use feature of the VMT Calculator or, if determined to be appropriate, independent of the VMT Calculator. The methodology and thresholds to be used in such cases should be developed in consultation with and approved by LADOT staff at the outset of the study.” Accordingly, the independent data sources provided in public comments (Census, Placer, and StreetLight data) should have been used to more accurately represent the VMT trip lengths generated by the TVC Project. Those sources provide verified mobility and contextual data that tracks vehicular and personal movements in a manner that could validate VMT trip length from the Project Site. Topical Response No. 8 summarily dismisses all of the sources of evidence on the grounds that “none of the three data sources identified in the comments are approved sources of data for VMT analysis in the City.” That position is contrary to informed decision making, especially for a project that must include custom land use inputs to model VMT accurately.

Thus, Topical Response No. 8 falsely represents that only the LADOT VMT Calculator or the City of Los Angeles Travel Demand Forecast model are the only resources available to transportation consultants for purposes of estimating VMT for unique land uses, and vehicle travel lengths specifically. At a result, the VMT trip length assumptions, and ultimately the VMT impact conclusions, are substantively flawed. Similar to the effort described in the Final EIR in obtaining empirical trip generation data related to the studio land uses, a similar exhaustive effort should have been undertaken within the transportation study to document trip length data related to existing employees at the TVC Project Site. Such a data collection and documentation effort would certainly be within the scope of analysis permitted by the LADOT TAG.

Further, because the TVC Project features land uses which are existing and are not included within the VMT Calculator (studio office, sound stages, etc.), the Draft EIR should have utilized existing trip generation and trip length data at the existing site. The evidence provided, for example, in Comment No. 26-E.4-10 (e.g., more than 60% of the documented trips to the development site are between seven (7) and 30 miles in length) means that existing trip lengths exceed the TVC Project



VMT value reported in the Draft EIR (6.7 miles). The responses provided in the Final EIR do not explain why the preparers of the Transportation Assessment did not conduct surveys of readily available existing employees to document trip lengths, particularly when other data (such as counts of vehicles entering and exiting the existing site driveways and employee zip code data for trip distribution) were provided to confirm other assumptions within the analysis. The site-specific evidence we provided shows that there will be a significant VMT impact. In our professional opinion, it is not appropriate to rely on the general VMT calculator when that data shows it is incorrect here and the VMT Calculator User Guide and the TAG say not to use it in this circumstance. The 6.7 mile VMT per Employee value for the TVC Project presented in the Final EIR is incorrect based on the evidence produced through use of commercially available trip length data sources. The existing trip lengths to and from the TVC Project Site are so far in excess of the Final EIR's 6.7 VMT per Employee value that it warrants trip length surveys of existing employees at the TVC Project Site as was requested in numerous comments to the Draft EIR (e.g., Comment No. 295-2, 26-E.4-10, etc.). The Final EIR is completely non-responsive to the recommendation in these comments that the derived VMT per Employee value produced by the LADOT VMT Calculator be verified through surveys of existing employees at the TVC Project Site.

In summary, the trip generation assumptions utilized in the VMT analysis of the TVC Project as provided in the Final EIR have not been conclusively validated and therefore cannot be used to substantiate the finding of a less than significant transportation impact related to VMT. The Final EIR understates traffic counts.

In addition to the previously stated concerns regarding the inaccurate and unsubstantiated reporting of VMT for the TVC Project in the Draft EIR (reported as average VMT per employee), the Final EIR presents new information about forecasted live-audience attendance trips, which was previously not available, and more importantly, was not previously analyzed in the Draft EIR for potential VMT impacts under Threshold (b). Table II-7 on page II-148 of the Final EIR presents the forecast annual live-audience attendance on weekdays following completion of the TVC Project at 111,000 attendees per year. It is noted that the TVC Project does not propose any limitations related to live-audience attendance so the forecast annual number of attendees could well exceed the 111,000 annual attendance figures on weekdays provided in the Final EIR. Given the fact that there are no limitations on attendance to the TVC project (stages, special events, etc.), the number of trips associated with annual attendance could be several hundred thousand, all not analyzed. Also, Table II-7 only displays data for weekdays, and excludes weekend attendance. Therefore, the total annual attendance (weekdays and weekends) even assuming the TVC Project's forecast could well range from 125,000 to 150,000 attendees per year.

Of further concern is that it is stated in Topical Response No. 10: "While studio audience shows have been an important part of the existing studio operations for many years, the shows summarized in Table II-5 only use approximately half of the existing stage space at the Project Site, and much of that space is only used for such shows a portion of the year." Thus, with the proposed construction of new sound stages as part of the TVC Project, plus greater utilization of the current facilities, the estimate of annual attendees per year as provided in the Final EIR understates actual attendance.

Based on LADOT policies, the audience/event attendee component of the TVC Project should have been evaluated for potential VMT impacts on a stand-alone basis according to the following direction provided in LADOT's *Transportation Assessment Guidelines* (TAG). As stated on page 2-10 of the TAG:

Event Centers and Regional-Serving Entertainment Venues. Event centers and regional-serving entertainment projects should be evaluated to determine whether the project would result in a net increase in total VMT. A project-specific customized approach will be required to estimate VMT for such projects. The methodology should be developed in consultation with and approved by LADOT staff at the outset of the study.

To put the forecast annual live-audience attendance provided in the Final EIR into context (111,000 per Table II-7, but likely 125,000 to 150,000 annual attendees if weekend attendance is included), the following venues in Los Angeles experience comparable annual attendance figures:

- Petersen Automotive Museum – 138,000⁹
- Hammer Museum – 200,000¹⁰

Each of these venues – if proposed for construction today and required to undergo CEQA review – would be considered a regional-serving entertainment venue by LADOT and therefore would be required to conduct a customized approach to evaluating VMT, and not through use of the VMT Calculator which is not designed to evaluate VMT for these unique land uses. Each of the venues listed above – like the audience/event attendance component of the TVC Project – is a regional-serving entertainment venue. The opportunity to attend a taping of television show is unique to the Los Angeles area and beyond, and therefore is likely to draw attendees from throughout the region. Therefore, the Draft EIR prepared for the TVC Project requires revision to include a separate evaluation of VMT related to attendees of live-audience tapings.

Furthermore, based on LADOT policies, the TVC Project could be considered a multiple-phased project. As stated on page 2-11 of the TAG, multiple phased projects should apply the VMT methodology that aligns with the land use components; and the VMT analysis must evaluate the project impact of all project phases if there are reasonable assumptions. The Draft EIR states that “buildout under the Specific Plan could take place in one phase over a 32-month period or could occur in phases over multiple years.” As noted above, live-audiences are part of the baseline condition and are clear components of the TVC Project that will expand substantially upon buildout. In other words, live audience expansion is a reasonable assumption and the VMT analysis in the Final EIR must quantitatively evaluate it to comply with the TAG. As this letter demonstrates, that has not been done in a manner that adequately informs the decision makers regarding the VMT impacts of the TVC Project.

⁹ Petersen Automotive Museum attendance from <https://www.latimes.com/entertainment/arts/la-et-cm-petersen-automotive-redesign-20151121-story.html>

¹⁰ Hammer Museum attendance from <https://www.latimes.com/entertainment/arts/culture/la-et-cm-knight-hammer-notebook-20131007-story.html>

The Final EIR fails to evaluate VMT from the TCV Project's other unique land uses, including a regional shopping mall and/or a studio tour operation similar to the back lot tour at Warner Brothers Studios—all of which would pull trips from the broader region.

Page 8 of the Specific Plan defines a permitted land use under the Production Support category "...which includes, but is not limited to...retail associated with studio/production uses where goods are displayed, sold and/or services including studio tours and related activities, and other similar uses." Table 5.2.B on page 14 of the Specific Plan states that up to 215,440 square feet of floor area may be developed within the TVC Project's Production Support category. This is in addition to 20,000 square feet of floor area in the Retail land use category. Thus, the Specific Plan would permit at the Project Site the development of up to 235,440 square feet of retail space. That is comparable to the nearby Beverly Connection regional commercial center (approximately 296,000 square feet of floor area¹¹) located on La Cienega Boulevard between Beverly Boulevard and Third Street.

The Draft EIR and Final EIR purport to provide an evaluation of the potential VMT transportation impacts of the TVC Project, including the Modified Project. See, for example, the *Supplemental Transportation Assessment for the TVC 2050 Project*¹² which evaluates the potential VMT impacts of the TVC Project, including the Production Support floor area using the LADOT VMT Calculator and its Work VMT per Employee metric and related threshold of significance. However, this analysis methodology fails to adequately evaluate the potential VMT impacts per the LADOT TAG if some or all of the allocated floor area in the 215,440 square-foot Production Support category is developed as retail space.

Furthermore, we note that the Final EIR provided a new, and more impactful, VMT analysis summary in Response to Comment 35-137. As we identified above, the threshold of significance for a significant VMT impact is 6.7 work VMT per employee. The evidence in the record shows that the VMT from the Project has consistently increased from the time the City published the Draft EIR until now. For example, as shown in Table 5 – VMT Analysis Summary and Comparison, of the *Supplemental Transportation Assessment for the TVC 2050 Project*, the Original Project produced 6.7 work VMT per employee and the Modified Project produced 6.9 work VMT per employee. Then, in the Final EIR, Table II-32 – VMT Analysis Summary, provides a new "maximum transportation impact" scenario where the Project now produces 7.6 work VMT per employee, which is the precise VMT level that results in a significant VMT impact. Viewed holistically, the record shows the VMT impact of the Project has incrementally increased from 6.7 to 6.9 to 7.6 work VMT per employee. Importantly, those increases do not account for, or otherwise remedy, the other faulty modeling assumptions raised in our letters and other public comments. It is not an acceptable industry standard methodology to assume that the VMT modeling has zero margin of error. That is especially true for such a large project without a finite project description. Therefore, our professional opinion is that the VMT impacts of the Project would exceed the applicable threshold of significance if all components of the Project were properly modeled.

¹¹ Beverly Connection floor area estimate from https://en.wikipedia.org/wiki/Beverly_Connection

¹² *Supplemental Transportation Assessment for the TVC 2050 Project*, Gibson Transportation Consulting, Inc., February 2024.

Returning to the retail issue, as stated on page 2-9 of the LADOT TAG, a significant retail use (e.g., potentially any development in excess of 50,000 square feet of retail) at the Project Site is required to be evaluated as a Regional Serving Retail Project. As further stated in the LADOT TAG: "Regional Serving Retail Projects are generally defined as retail projects where any single retail use exceeds 50,000 square feet in floor area. However, an accumulation of retail uses that are individually under 50,000 square feet may still be considered regional serving in circumstances that the individual retail uses are part of a project that is considered a regional attracting destination."

Like Universal CityWalk adjacent to Universal Studios Hollywood, that amount of retail development at the Project Site would attract visitors on a regional basis. Per the LADOT TAG, the VMT analysis of regional serving retail cannot be completed through use of LADOT VMT Calculator. Instead, the LADOT TAG provides the steps for preparing the analysis of VMT, including preparation of a market study to evaluate the origins and destinations of potential patrons of the retail use, as well as use of the City's Travel Demand Forecasting Model to evaluate changes to regional VMT. The Final EIR is inadequate as it did not evaluate the VMT impacts related to regional serving retail (potentially 50,000 square feet or greater, up to 235,440 square feet in floor area) that is permitted to be developed at the Project Site based on the provisions of the TVC Project's proposed Specific Plan.

The Governor's Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, April 2018 (OPR Technical Advisory) provides a clear statement of when regional-serving retail has significant impacts. It states on page 14 that "if the project consists of regionally-serving retail, and increases overall VMT compared to with the existing uses, then the project would lead to a significant transportation impact." Here, the TVC Project is redeveloping the Project Site with a multitude of uses including retail that could rival other regional-serving retail facilities in the area. And, the Draft EIR and Final EIR conclude that the TVC Project would increase VMT compared with the existing condition. Therefore, the TVC Project facially "would lead to a significant transportation impact" according to the OPR Technical Advisory.

In addition to a regional serving retail development, the TVC Project's Specific Plan, through the Production Support land use category, also allows for the development of "studio tours and related activities" which could be similar to the back lot tour provided at Warner Brothers Studios. As stated above related to the regional serving nature of the TVC Project's live studio audience feature (which could attract between 125,000 and 150,000 attendees per year), a studio tour operation at the Project Site could generate a significant number of regional vehicle trips which have not been evaluated for transportation impacts in the Final EIR. For context, the studio tour at Warner Brothers is estimated to attract approximately 300,000 visitors per year.¹³

Per the LADOT TAG, the Final EIR should have included an evaluation of VMT impacts related to a potential studio tour operation at the Project Site which would be permitted based on the TVC Project's Specific Plan. Like the live audience component of the TVC Project, the opportunity to

¹³ Warner Brother studio tour annual attendance from <https://www.latimes.com/entertainment/envelope/cotown/la-et-cl-warner-bros-backlot-tour-expansion-20150626-story.html>



tour the back lot operations of a television studio is highly unique to the Los Angeles area and beyond, and therefore would likely draw attendees from throughout the region. Therefore, the Final EIR prepared for the TVC Project should have provided a separate evaluation of VMT related to regional visitors generated by the studio tour operation permitted by the Specific Plan.

Threshold (c): Substantially increases hazards due to a geometric design

The Final EIR addresses LLG's initial comments related to Threshold (c) as Comment Nos. 26-E.4-12 through 26-E.4-18. Primary issues raised in the LLG Comment letter related to Threshold (c) include the proposed new signalized driveway on The Grove Drive, as well as the hazards created by the TVC Project due to the inability of trucks to safely maneuver to and from the development site.

This memorandum already provides data and evidence to demonstrate that trucks movements associated with the TVC Project will result in significant impacts to safety to current and future users of The Grove Drive (motorists, pedestrians, bicyclists, etc.). Further, as demonstrated using the forecasts provided in the Final EIR, the truck activity is frequent: dozens of trips a day of large trucks. Final EIR's claim to the contrary is incorrect (e.g., Response to Comment No. 26-E.4-15), and therefore truck movements associated with the TVC Project would cause a significant impact to the safety of motorists, pedestrians, and bicyclists.

Further, as previously noted, Figures II-11 and II-12 provided in the Final EIR (related to Response to Comment No. 26-E.4-15) are highly misleading and incomplete because they show trucks turning left to and from the TVC Project driveways on The Grove Drive. By contrast, Figure 11 in the Final EIR's Erratum No. 1 shows that the new TVC Project truck access driveway on The Grove Drive would accommodate right-turn movements only (right-turns in and right-turns out), which require a great amount of roadway space to complete as compared to the misleading left-turn only movements shown in Figures II-11 and II-12.

The responses contained in the Final EIR also fail to adequately address the traffic safety impacts associated with the proposed new signalized driveway for the TVC Project proposed on The Grove Drive. Of further concern is the Modified Project proposes to construct the new signalized driveway even closer to the existing Broadcast Center residential driveway located on the west side of The Grove Drive north of the development site as compared to the development evaluated in the Draft EIR.

The only statement in Response to Comment No. 26-E.4-14 provided in the Final EIR on the issue related to the proposed placement of a major signalized intersection serving the TVC Project and its impact to the adjacent Broadcast Center residential driveway is that the Broadcast Center driveway "...is blocked at certain peak times under existing conditions." Lacking from the Final EIR is any acknowledgment that the TVC Project's signalized intersection will cause even greater and more frequent congestion on The Grove Drive, increasing the impact to the Broadcast Center residential driveway as compared to existing conditions, in addition to impacts to other existing driveways on The Grove Drive. Accordingly, a significant impact to traffic safety due to the TVC Project must be acknowledged in the Final EIR.

In December 2023, LLG documented traffic hazards associated with a southbound lane closure on The Grove Drive related to the construction of the expansion of the Holocaust Museum LA. The lane closure The Grove Drive in the same location of the TVC Project's proposed signalized driveway (i.e., immediately south of the Broadcast Center). This temporary lane closure on The Grove Drive provided a "preview" of the dangerous conditions the TCV Project would cause. But impacts to traffic safety from the TVC Project's traffic signal will be far worse—because instead of one lane of travel blocked by construction, all southbound lanes would be stopped throughout the day due to a red traffic signal give to traffic on The Grove Drive.

As shown in the snippets from video provided below, the primary traffic safety issue caused by the southbound lane closure (which will be repeated with the introduction of a traffic signal at the proposed TVC Project driveway) is vehicle traffic queuing into the Beverly Boulevard intersection, with vehicles becoming trapped and conflicting other vehicles, as well as pedestrians and bicyclists.

The introduction of a new traffic signal on The Grove Drive will affect the two lanes of left-turning traffic from westbound Beverly Boulevard to southbound Grove Drive. As a result of the recurring congestion and queuing that will occur due to the new traffic signal, vehicles turning left from Beverly Boulevard will inevitably become "trapped" within the intersection and subsequently block the eastbound Beverly Boulevard traffic flow, which receives a green indication after the westbound left-turn phase turns to red. Further, the vehicles that remain trapped within the intersection will then conflict with pedestrians in the crosswalk on the south leg of the intersection who are crossing Grove Drive coinciding with the green phase for eastbound Beverly Boulevard traffic.

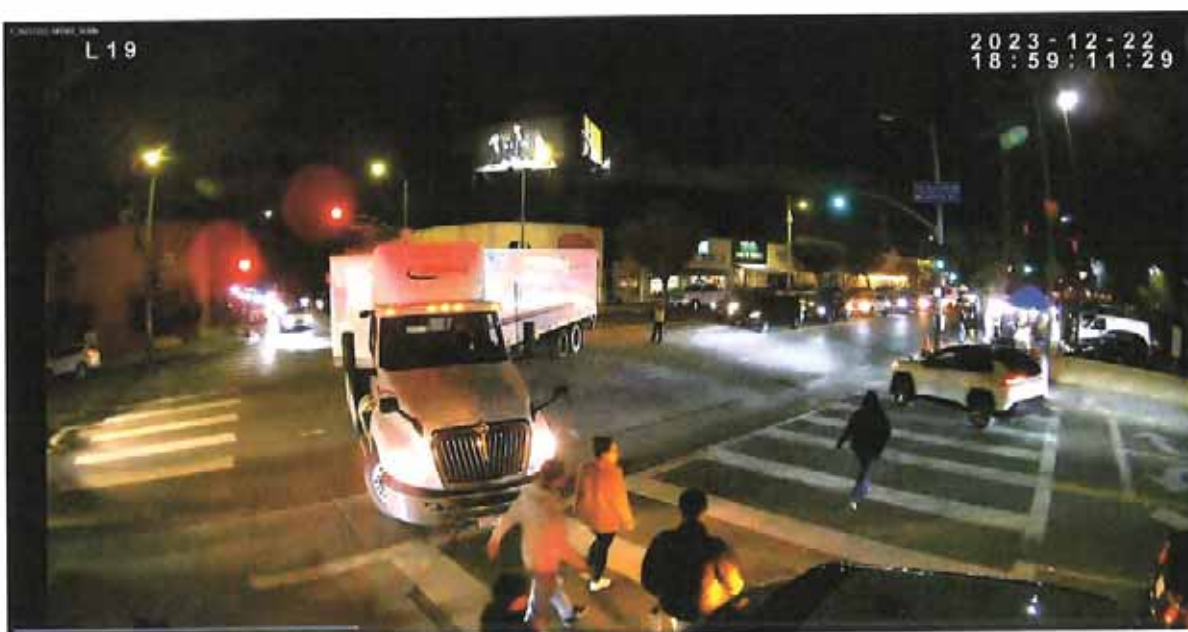
As documented in video recordings conducted in December 2023 related to the closure of one of the two southbound lanes on The Grove Drive, it was frequently observed that left-turning vehicles from westbound Beverly Boulevard attempting to access southbound Grove Drive would become trapped within the intersection. *Figure 1* and *Figure 2* show two examples of trapped vehicles within the intersection. Note that the images from the video recordings show vehicles attempting to complete the left-turn from Beverly Boulevard to Grove Drive but cannot continue due to the queue of vehicles on southbound Grove Drive. In addition, as noted in both *Figure 1* and *Figure 2*, the eastbound green indication is provided for eastbound Beverly Boulevard traffic flow, but eastbound vehicles are not able to proceed due to the trapped left-turning vehicles. Additionally, and coinciding with the eastbound green indication, pedestrians on the south leg of the intersection who have a "walk" indication are attempting to navigate through the trapped left-turning vehicles. Also of note is that in these images, LADOT traffic control officers were present at the intersection but were unable to prevent left-turning vehicles from becoming trapped within the intersection, and therefore create potentially adverse safety conflicts with opposing vehicles and pedestrians.



**Figure 1 – Example of Left-Turning Vehicles Trapped in Intersection
And Conflicting with Pedestrians
2:37 PM on December 22, 2023**



**Figure 2 – Example of Left-Turning Vehicles Trapped in Intersection
And Conflicting with Pedestrians (with Traffic Control Officer)
2:42 PM on December 22, 2023**



**Figure 3 – Example of Left-Turning Truck Trapped in Intersection for Extended Period
And Conflicting with Pedestrians (with Traffic Control Officer)
6:57 through 6:59 PM on December 22, 2023**

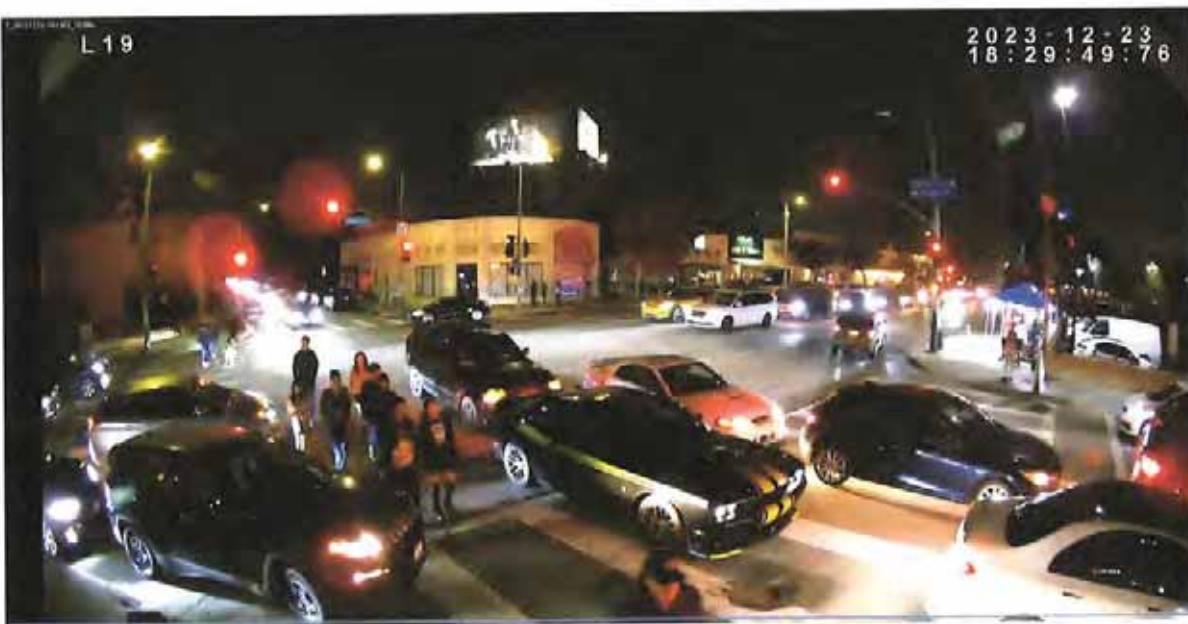
Figure 3 above comprises two images from the video recordings captured on December 22, 2023, at 6:57 p.m. and 6:59 p.m. **Figure 3** shows a hazardous condition of a left-turning truck trapped in the Grove Drive / Beverly Boulevard intersection caused by the temporary reduction of travel lanes on The Grove Drive. The installation of a new traffic signal at the TVC Project driveway will cause this same unsafe traffic hazard. In addition to illustrating the same issues highlighted in **Figure 1** and **Figure 2** (i.e., a left-turning vehicle trapped in the intersection blocking eastbound Beverly Boulevard traffic and resulting in hazardous conflicts with pedestrians in the crosswalk, which an LADOT traffic control officer is unable to prevent), **Figure 3** highlights a recurring observation that vehicles trapped within the intersection did so over an extended length of time (in this case, at least two minutes), and was not a momentary inconvenience or cause for delay.

Figure 4 below shows that the congestion observed in the December 2023 video recordings on southbound Grove Drive due to the temporary lane closure not only adversely impacted vehicles turning left from westbound Beverly Boulevard, but also vehicles turning right from eastbound Boulevard, as well as southbound through vehicles from Stanely Avenue. **Figure 4** shows all traffic movements – left-turns, right-turns and through traffic – trapped within the intersection and impacting pedestrians crossing Grove Drive. These same hazardous conditions will be repeated with the installation of a traffic signal on The Grove Drive at the TVC Project driveway.



**Figure 4 – Example of Left-Turn, Through, and Right-Turning Vehicles Trapped in Intersection and Conflicting with Pedestrians
4:15 PM on December 23, 2023**

Finally, **Figure 5** below documents another hazardous condition frequently observed at the Grove Drive / Beverly Boulevard intersection in December 2023 created by the temporary lane closure. As seen in the image from the video recordings, the high number of vehicles trapped within the intersection caused by the lane drop condition on Grove Drive occasionally forced pedestrians to cross outside of the marked crosswalks. Specifically, **Figure 5** shows approximately eight pedestrians attempting to cross the west leg of Beverly Boulevard, but outside of the marked crosswalk and forced to navigate through the trapped vehicles as they are attempting to access southbound Grove Drive. These motorists were likely not aware of the pedestrians walking outside of the crosswalk, with the hazards further exacerbated in this image by the nighttime conditions and therefore reduced visibility. A new full-time traffic signal on The Grove Drive at the TVC Project driveway, with red traffic signal indications repeatedly stopping southbound traffic on The Grove Drive throughout daytime and nighttime conditions, will replicate these documented hazards caused by the TVC Project which have not be analyzed or disclosed in the Final EIR.



**Figure 5 – Example of Pedestrians Forced to Walk Outside of Crosswalk
Due to Vehicles Trapped in Intersection
6:29 PM on December 23, 2023**

It is of note that the intersection of The Grove Drive and Beverly Boulevard – which already experiences significant vehicle queuing under current conditions that create significant traffic safety hazards that will be exacerbated by the TVC Project – would see no improvement measures per the Final EIR to offset the significant impacts. The response in the Final EIR to LLG's comment regarding the hazards caused by queuing at this intersection (Comment No. 26-E.4-14 on page II-1144 of the Final EIR) dismisses the concern without sufficient analysis or evidence.

The forecasts of vehicle queuing in the Final EIR may be significantly understated because the underlying Transportation Assessment provided in Appendix M of the Draft EIR only estimated future traffic growth to an assumed TVC Project buildout year of 2026 even though the TVC Project developer seeks approval for construction up until 2043 (Page II-12 of the Draft EIR). The LADOT TAG specifically says that future traffic forecasts must be made in transportation studies to the expected completion year by stating “The horizon year should align with the development project’s expected completion year. For development project constructed in phases over several years, the Transportation Assessment should analyze intermediary milestones before the buildout and completion year of the project.”

The responses in the Final EIR fail to address the issues cited in the LLG Comment Letter regarding the fact that the signalization of the intersection serving the TVC Project does not satisfy standard warrants used by LADOT to justify the installation of a traffic signal. Nor do the responses address the safety issues raised in the LLG Comment Letter regarding the geometric hazards created by the signalized driveway, including the conflict with the existing passenger loading zone on the east side of The Grove Drive adjacent to the Holocaust Museum LA. Figure II-14 in the Final EIR provides a concept plan for the TVC Project’s proposed signalized intersection on The Grove Drive, but the plan does not reflect the configuration of the signalized intersection as presented in the Erratum No. 1 for the Modified Project. Further, the Figure II-14 in the Final EIR does not address or alleviate any of the safety and operational issues raised in the LLG Comment Letter such as the conflicts with the Holocaust Museum LA’s passenger loading zone, substandard travel lane widths, and removal of existing street parking adjacent to the Broadcast Center. Finally, the responses in the Final EIR to the LLG Comment Letter do not address the likely safety impacts to pedestrians who currently cross The Grove Drive with the existing pedestrian-only signal. As proposed by the TVC Project, these pedestrians will now need to cross The Grove Drive with vehicles related to the TVC Project encroaching into the crosswalk during a Walk phase.

Overall, the TVC Project would substantially increase safety hazards at several surrounding intersections and access points to the Project Site. This letter, our prior comments, and other evidence in the record demonstrates that the Project risks exacerbating the safety hazards and congested conditions that already exist. There was no legitimate or evidentiary basis for the Initial Study to determine that impacts due to safety hazards were clearly insignificant and unlikely to occur. The evidence demonstrates otherwise. Moreover, neither the Draft EIR nor Final EIR adequately evaluated the potential impacts of such hazards on the existing environment or the future users of the Project Site. Accordingly, the significant traffic safety hazard posed by the TVC Project has not been adequately analyzed.

Finally, the responses (e.g., Response to Comment No. 26-E.4-16) acknowledge that no thorough review of the geometric hazards related to the proposed signalized intersection design has been completed. Further, there is no documentation presented in the Final EIR submitted by City of Los Angeles agencies (Department of Transportation, Bureau of Engineering, etc.) affirming that the intersection can be designed to facilitate the safe movement of motorists, pedestrians, bicyclists, etc. Without that critical analysis, there is no substantial evidence supporting the Final EIR’s conclusion on Threshold (c). To the contrary, the analysis above shows that the Project will have a significant impact because it “substantially increases hazards due to a geometric design.”



Threshold (d): Inadequate emergency access

The issues with the Draft EIR related to addressing Threshold (d) as identified in the LLG Comment Letter are restated in the Final EIR as Comment No. 26-E.4-19. A primary issue raised in the LLG Comment letter related to Threshold (d) is the impact of the proposed new driveway on The Grove Drive and the resulting vehicle queuing into Beverly Boulevard. As noted in the comment, Beverly Boulevard is a designated Disaster Route and is frequently used by emergency vehicles traveling to and from nearby Cedars-Sinai Medical Center, one of the few Level I Trauma Centers in Los Angeles County. The Response to Comment No. 26-E.4-19 is non-responsive to the issues raised in the comment. It is further noted that the relocation of the proposed signalized driveway on The Grove Drive closer to Beverly Boulevard as described in Erratum No. 1 will further exacerbate vehicle queueing and congestion on Beverly Boulevard. Therefore, a significant impact to emergency access must be concluded, particularly in consideration of the new information provided in the Final EIR.

Attachments

cc: File

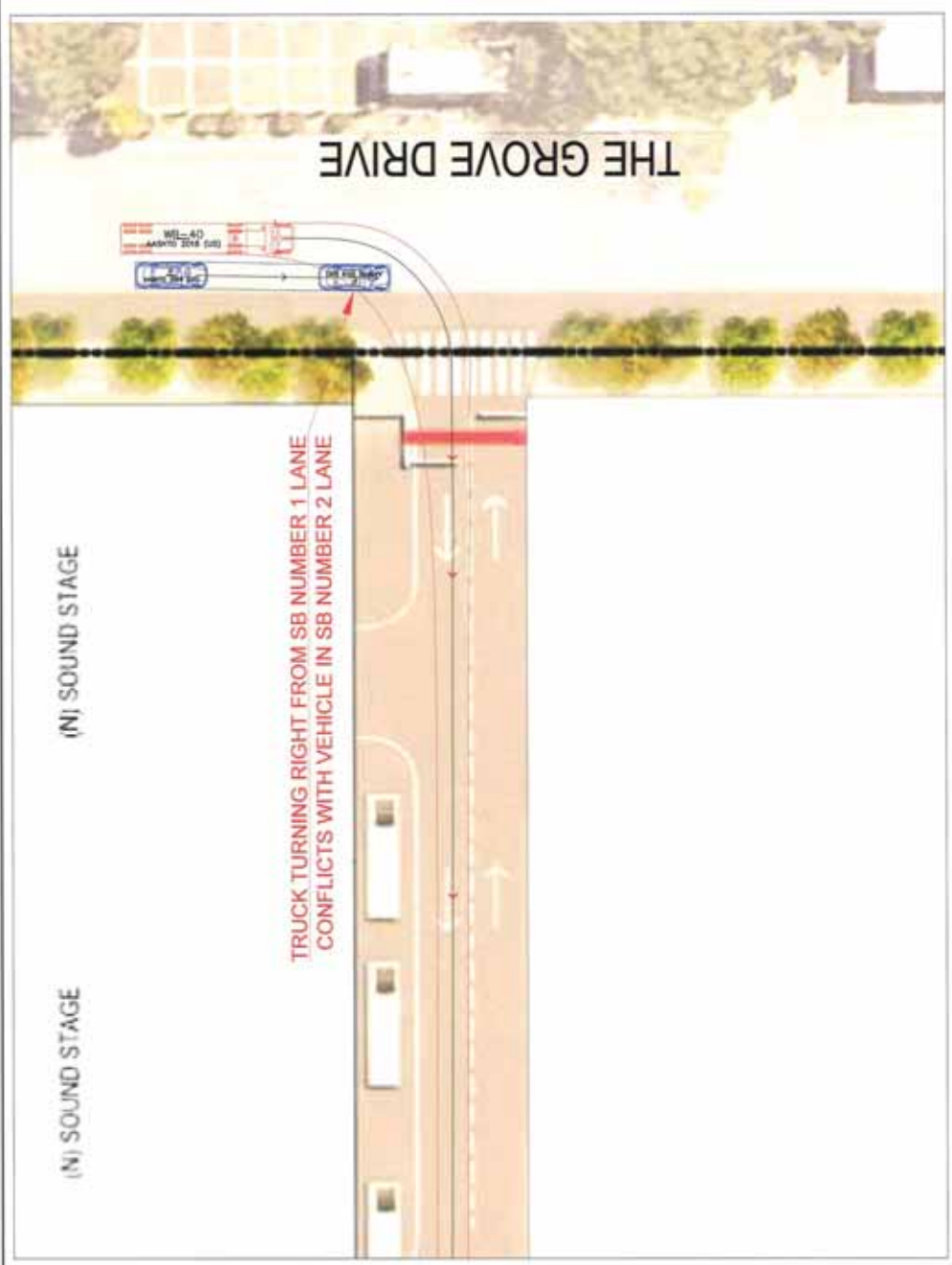
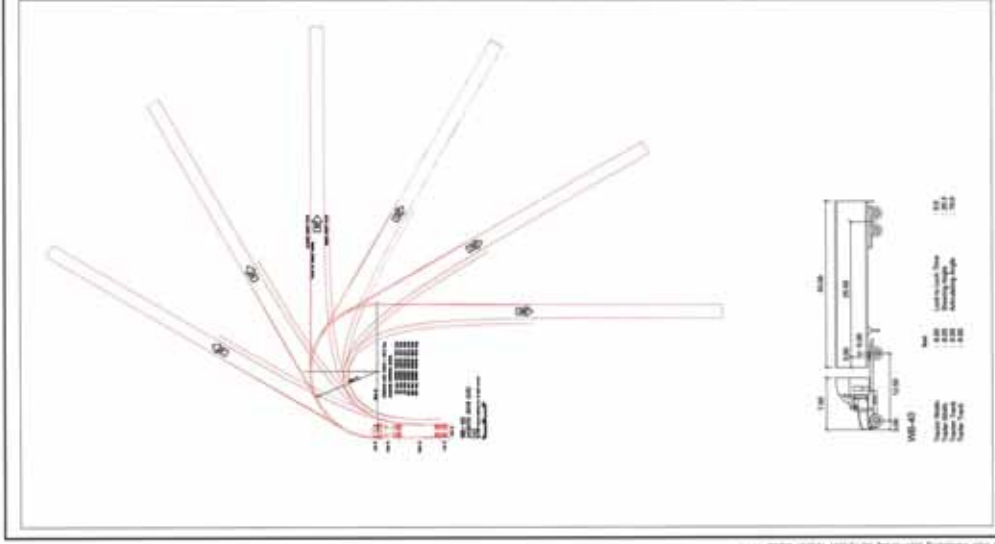


FIGURE 6A-1
TRUCK MANEUVERING ANALYSIS - INBOUND
AASHTO (US) WB-40
TVC 2050 Project

MAP SOURCE: FOSTER + PARTNERS



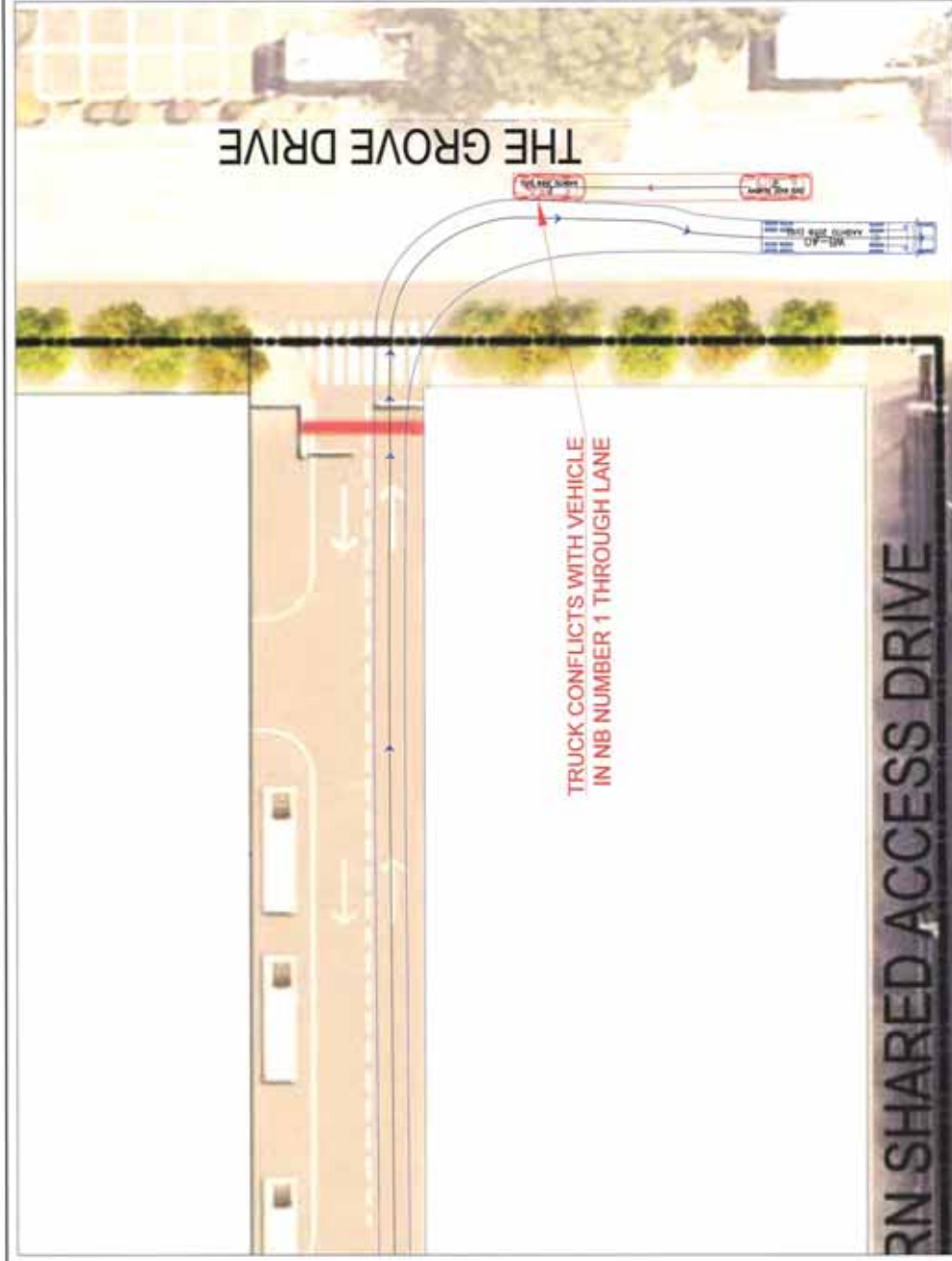
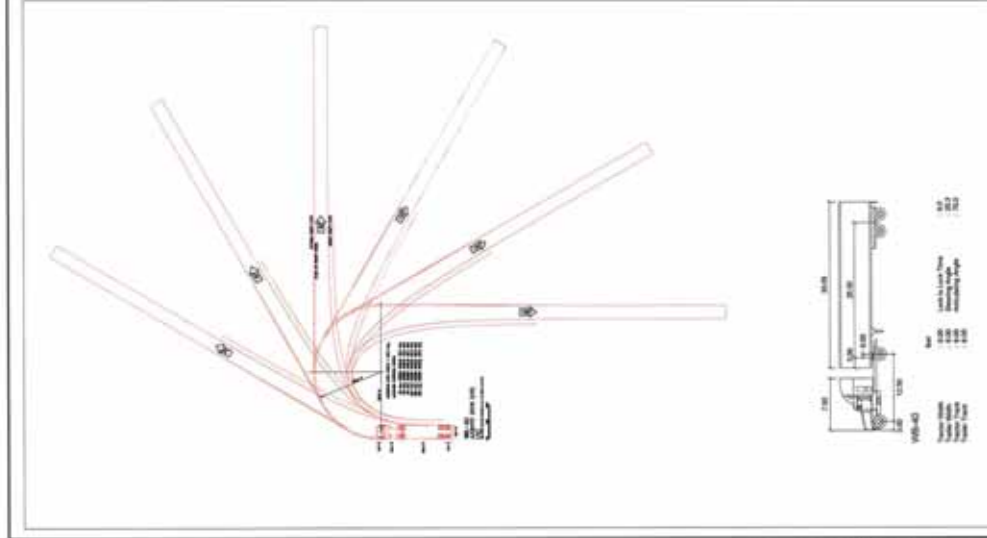
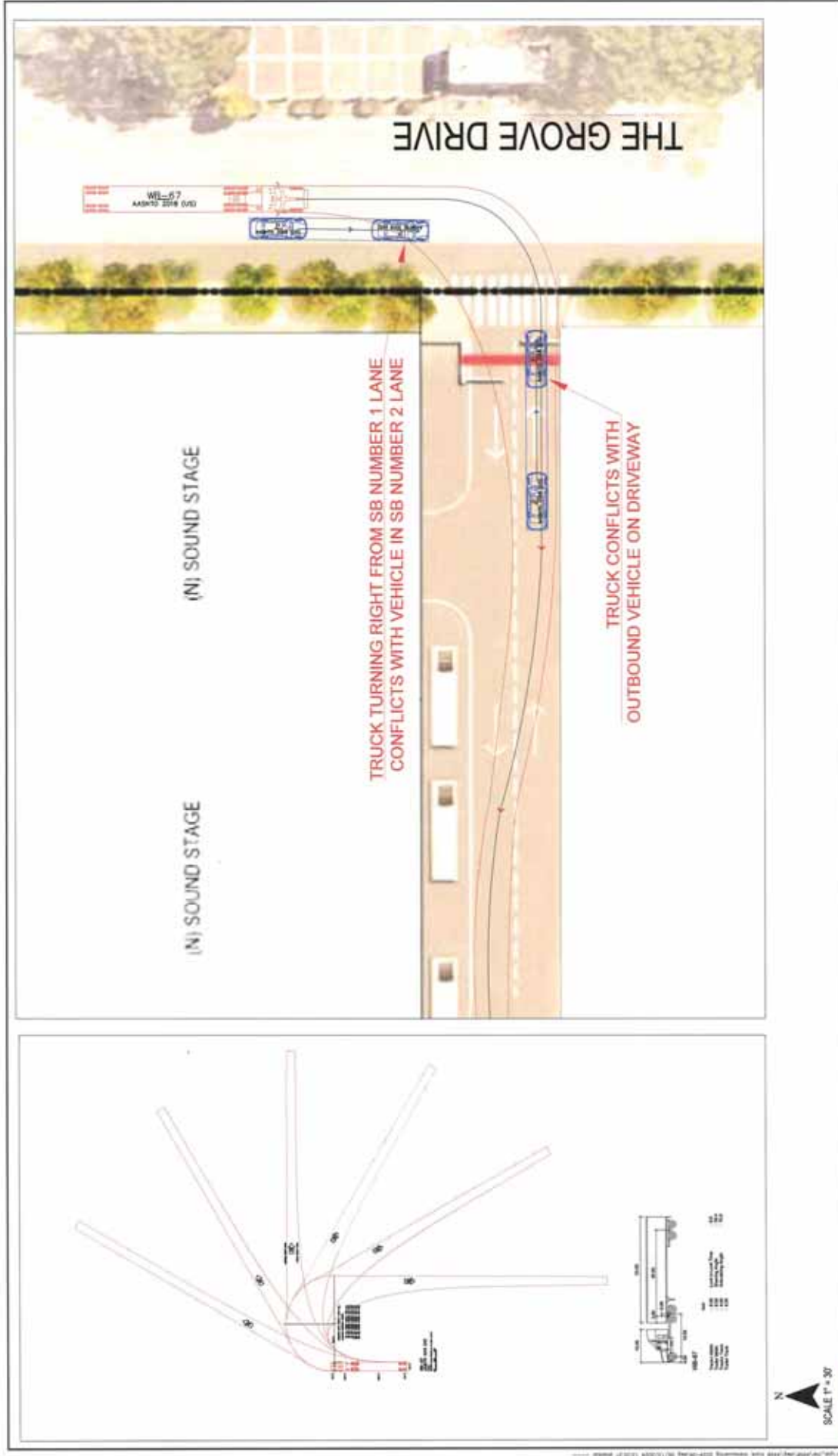


FIGURE 6A-2
TRUCK MANEUVERING ANALYSIS - OUTBOUND
AASHTO (US) WB-40
TVC 2050 Project



MAP SOURCE: FOSTER + PARTNERS



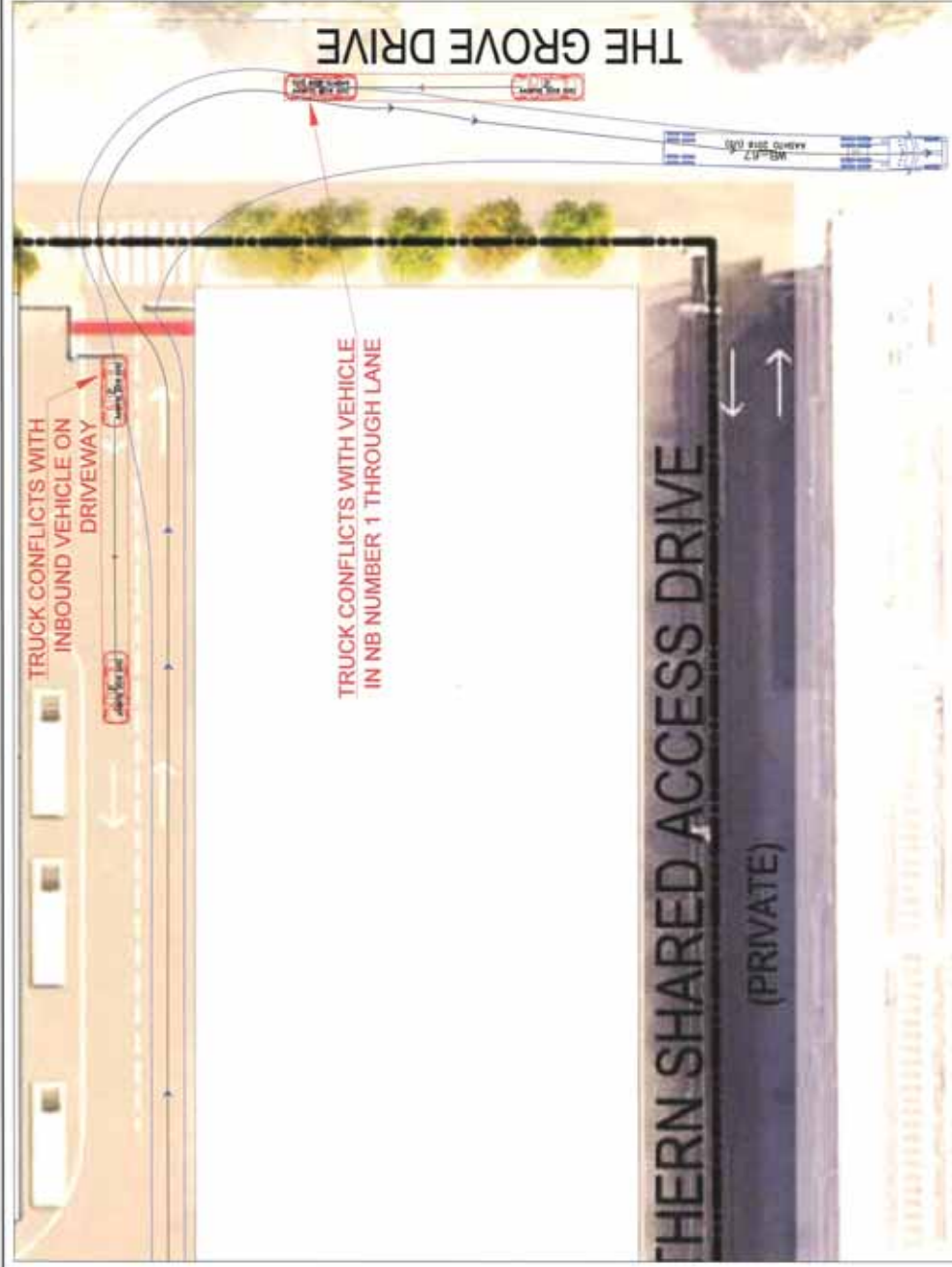
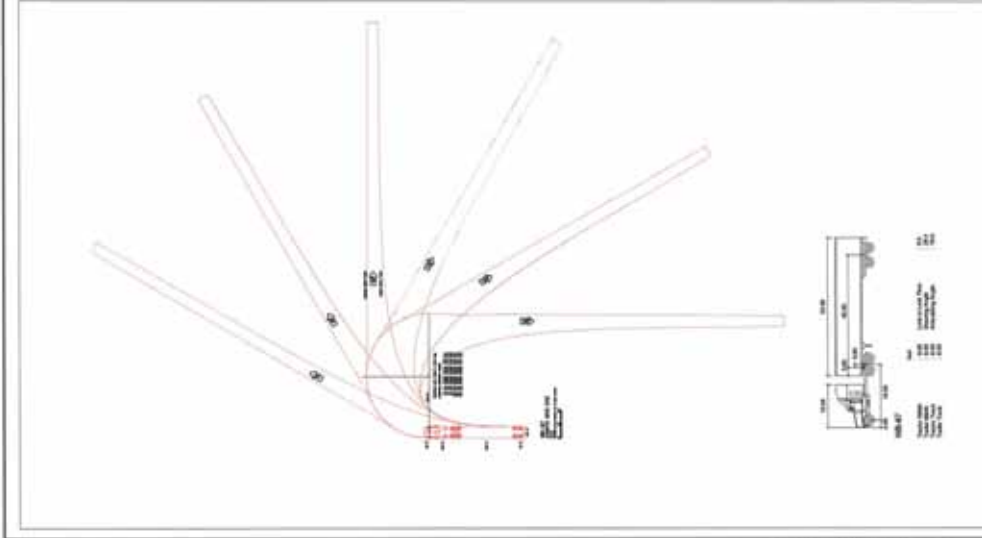


FIGURE 6B-2
TRUCK MANEUVERING ANALYSIS - OUTBOUND
AASHTO (US) WB-67
TVC 2050 Project

MAP SOURCE: FOSTER + PARTNERS



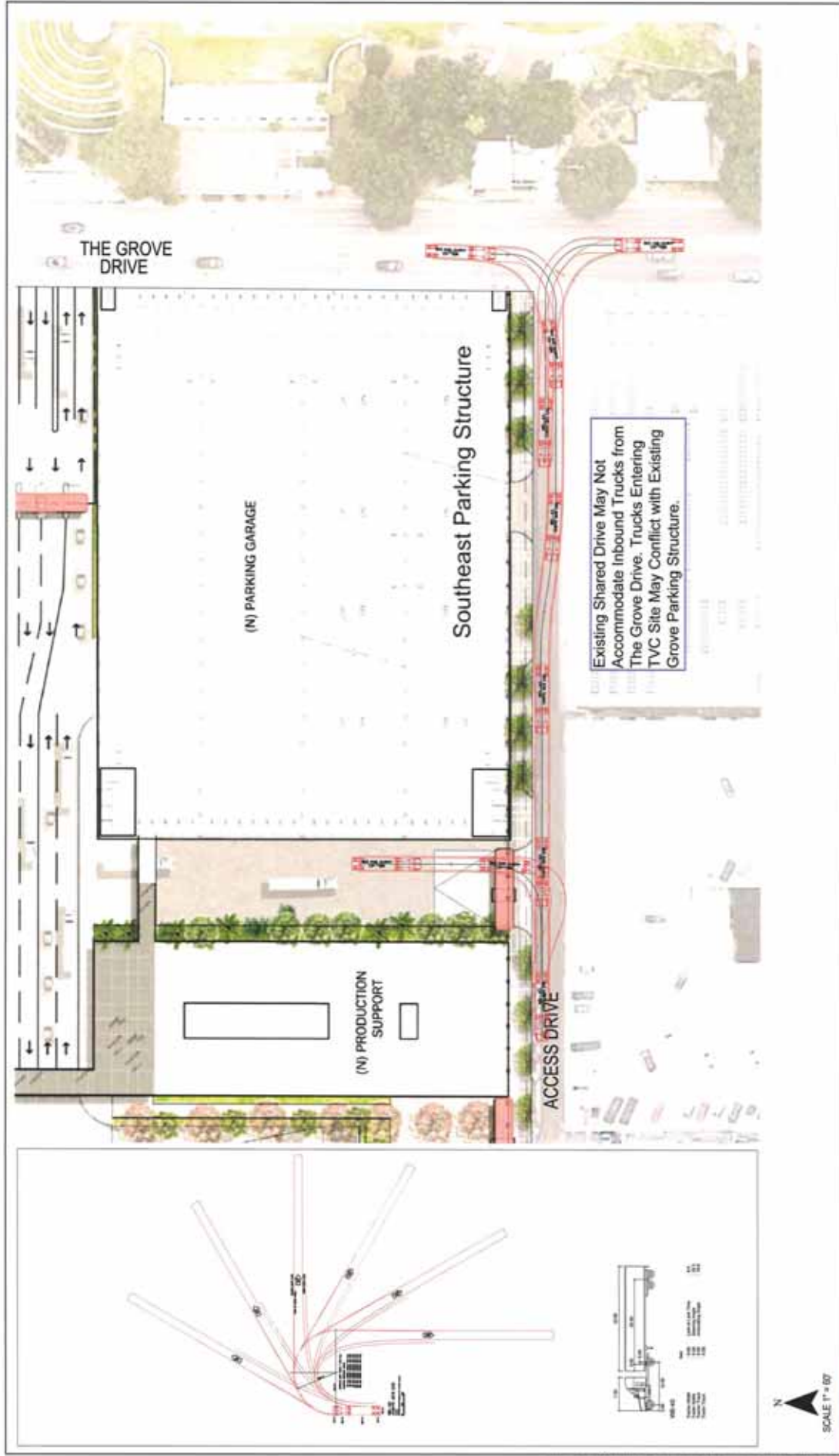
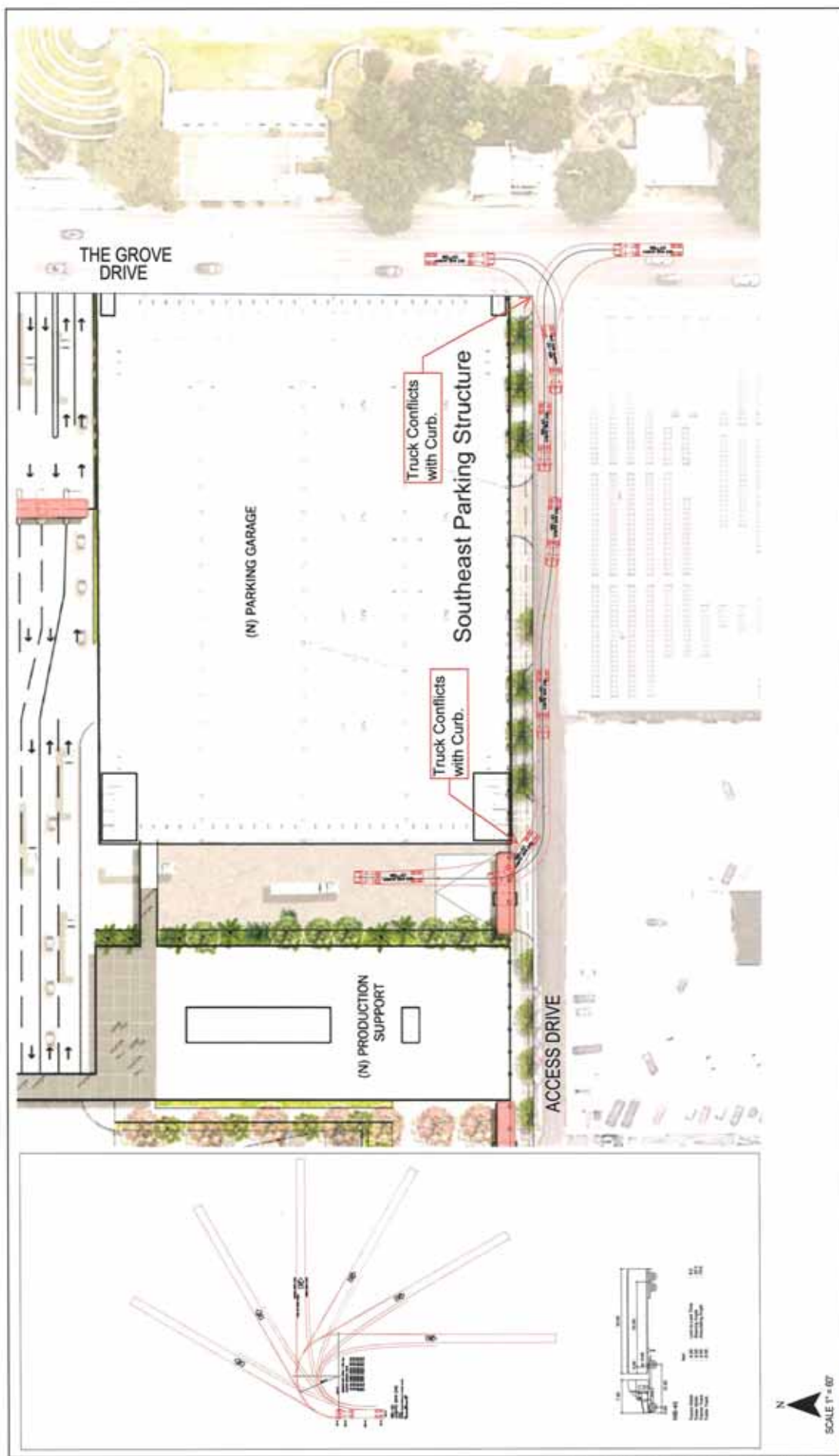


FIGURE 6A-1
TRUCK MANEUVERING ANALYSIS - INBOUND REVERSE IN
AASHTO (US) WB-40
TVC 2050 Project

MAP SOURCE: GOOGLE EARTH





MAP SOURCE: GOOGLE EARTH

FIGURE 6A-2
TRUCK MANEUVERING ANALYSIS - INBOUND FORWARD IN
AASHTO (US) WB-40
TIC 2050 Project

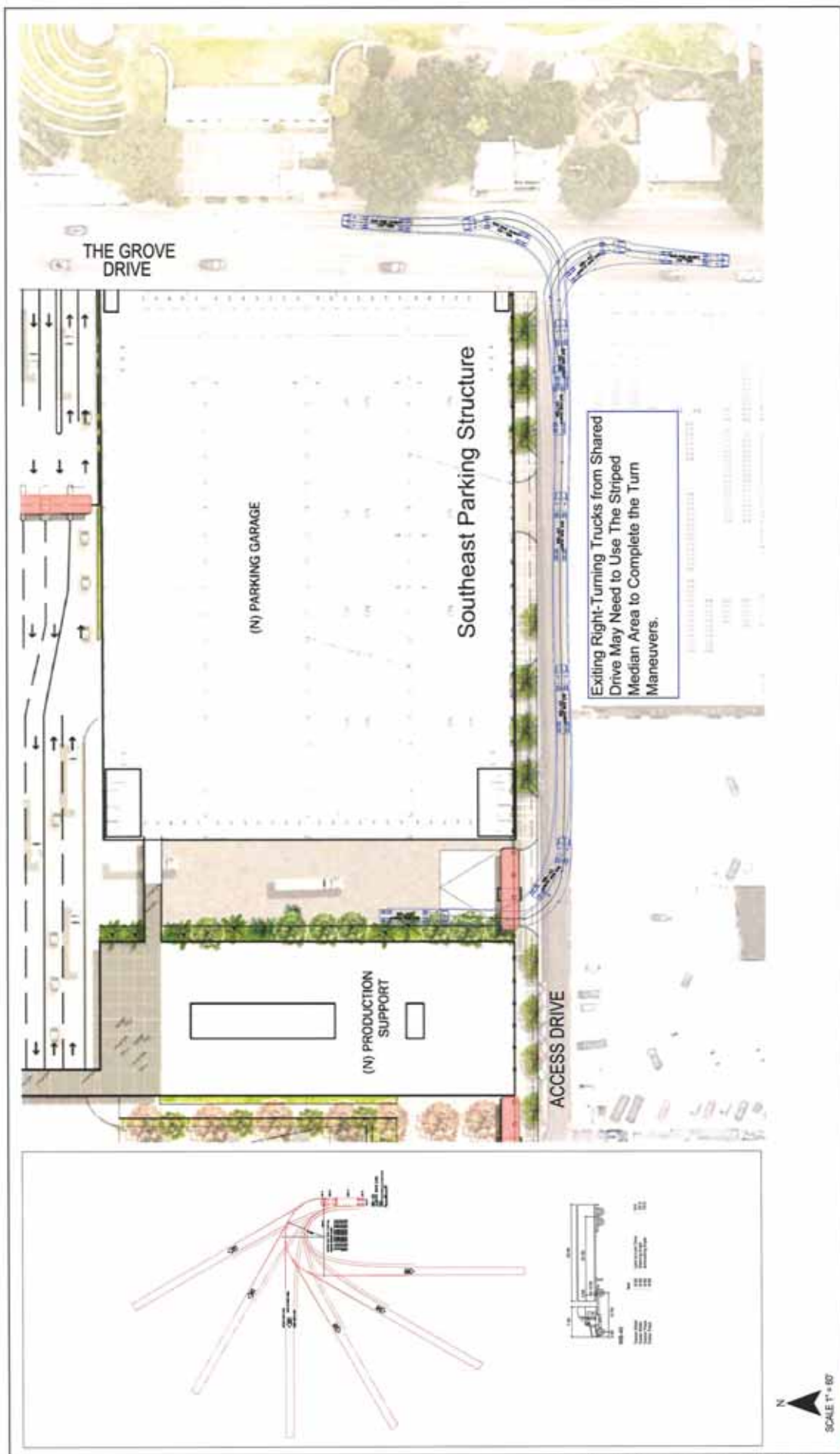


FIGURE 6B
TRUCK MANEUVERING ANALYSIS - OUTBOUND
AASHTO (US) WB-40
TVC 2050 Project

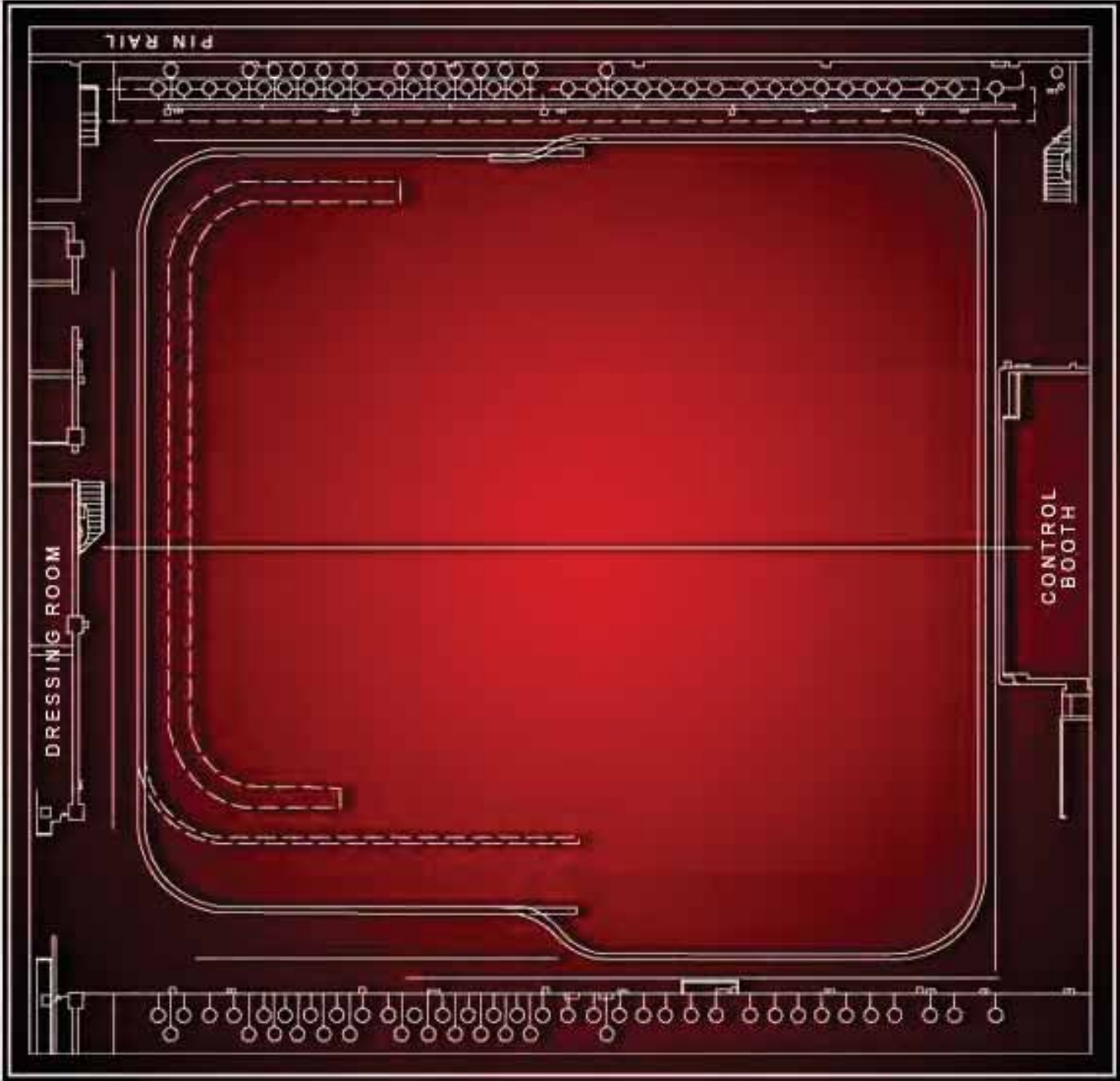
MAP SOURCE: GOOGLE EARTH



EXHIBIT C

Stage Information

- Load-In Door
- Dimensions:
14' 9" H X
14' 7" W
- Dimensions:
130' X 110'
- Square Feet:
13,977
- Height to the Grid:
30' to I-Beam
Pipe Travel = 26'
- Carpenter Sets:
16
- Electrical Pipes:
37 Sets
- Number of
Dressing Rooms:
7
- Air Conditioning:
Yes
- Audience Rated:
Yes, 300 Plus
- Bleacher Seating:



Stage Information

16

Electrical Pipes:
37 Sets

Number of
Dressing Rooms:
7

Air Conditioning:
Yes

Audience Rated:
Yes, 300 Plus

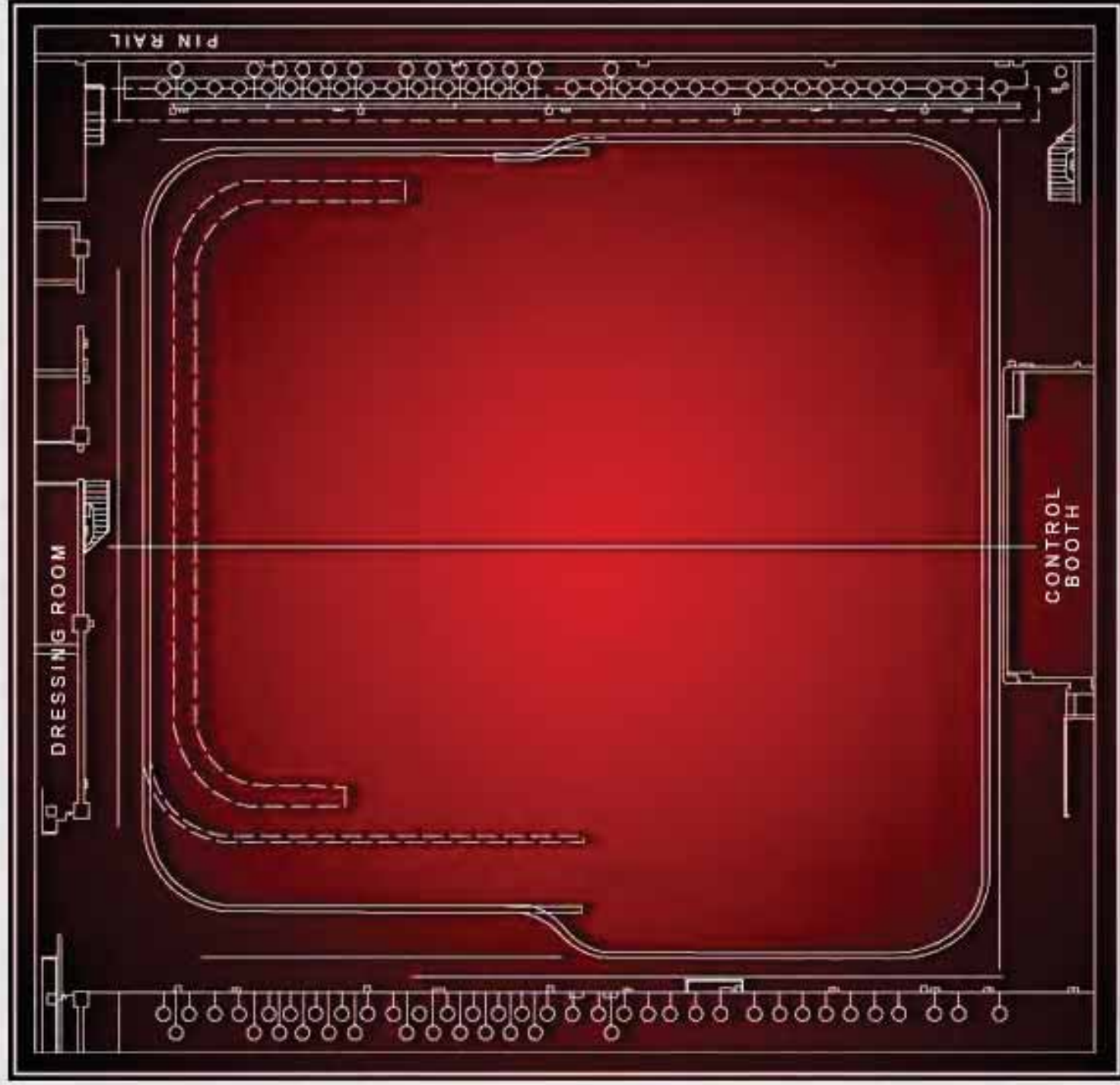
Bleacher Seating:
Various
Configurations

Power
Distribution:
3 200-AMP
Single-Phase
Box, 1 100-AMP
3-Phase Box

180° Cyc Track:
28'

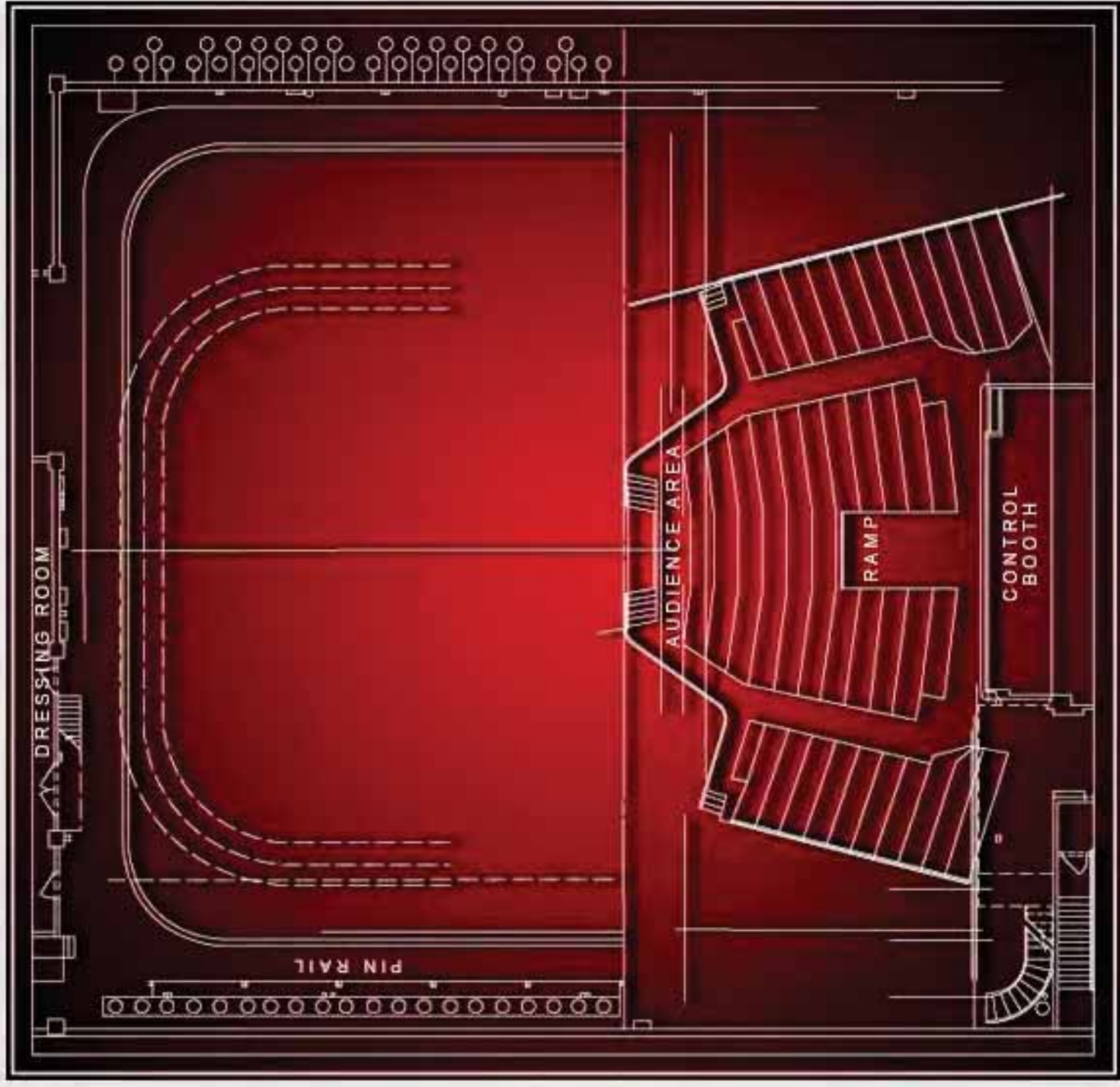
Dimmers: 253

Patch Pins: 583



Stage Information

- Load-In Door
- Dimensions:
14' 9" H X
14' 5" W
- Dimensions:
110' X 66'
- Square Feet:
7,260
- Height to the Grid:
30' to I-Beam
Pipe Travel
Center (1-9) 24',
(all others) 26'
- Carpenter Sets:
14
- Number of
Dressing Rooms:
9
- Green Room: 1
- Air Conditioning:
Yes
- Audience Rated:
Yes, 300 Plus



Stage Information

Carpenter Sets:
14

Number of
Dressing Rooms:
9

Green Room: 1

Air Conditioning:
Yes

Audience Rated:
Yes, 300 Plus

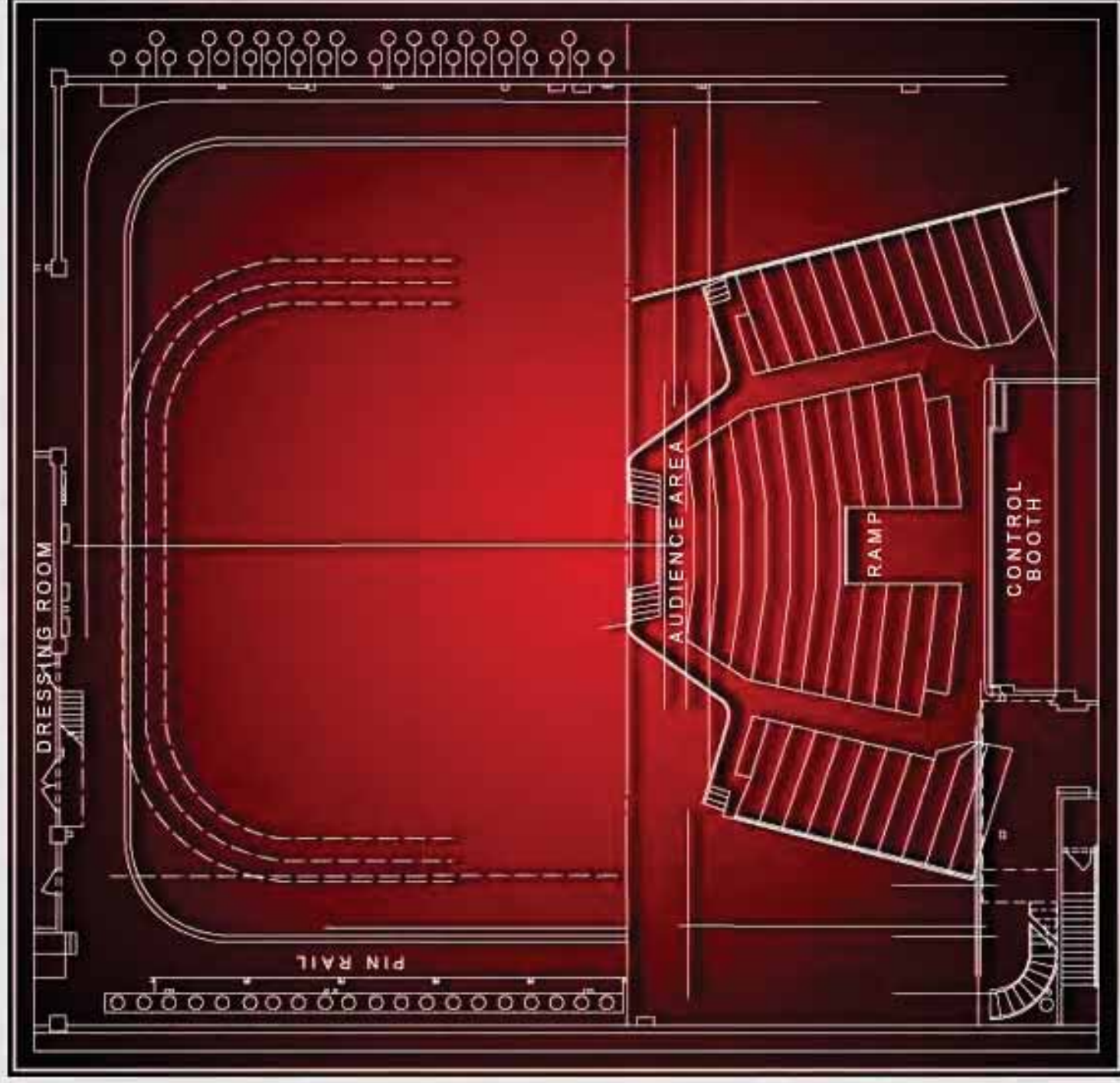
Theater Seating:
300

Power
Distribution:
3 200-AMP
Single-Phase
Box, 1 400-AMP
3-Phase Box

180° Cyc Track:
28'

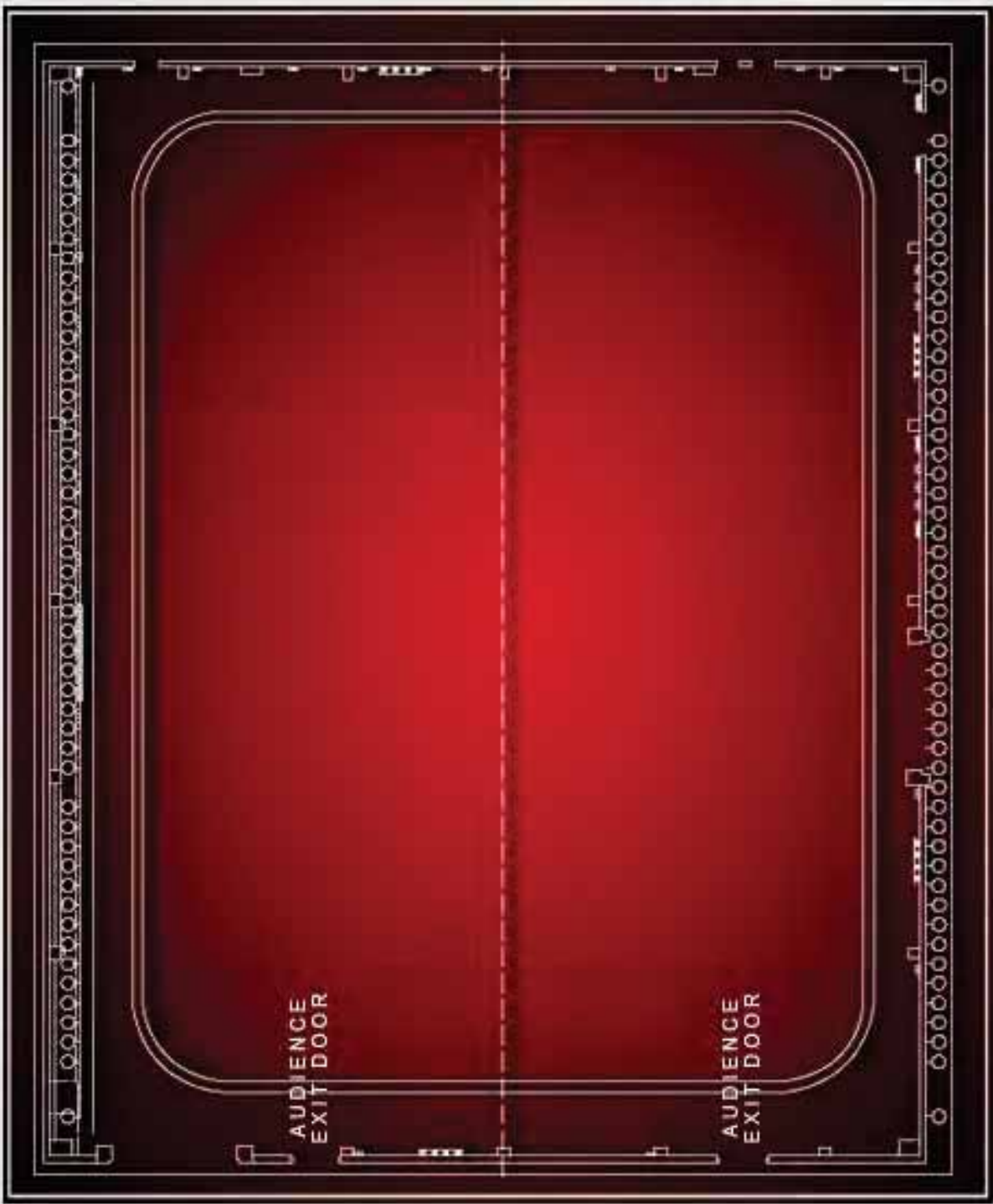
Dimmers: 219

Patch Pins: 420



Stage Information

- Load-In Door
- Dimensions:
 - 2 Doors.
 - 16' H X 16' W -
 - 18' H X 16' W
- Dimensions:
 - 111'4" X 139'8"
- Square Feet:
 - 15,549
- Height to the Grid:
 - 42' to Catwalk
- Carpenter Sets:
 - 69, Pipe Travel
 - 40'
- Electrical Pipes:
 - 75 Electrical
 - Pipes, 39', 7
 - Circuits Each, 50-
 - AMP
- Number of Dressing Rooms:
 - 10
- Air Conditioning:
 - Yes



Stage Information

by Pipe Travel
40'

Electrical Pipes:
75 Electrical
Pipes, 39', 7
Circuits Each, 50-
AMP

Number of
Dressing Rooms:
10

Air Conditioning:
Yes

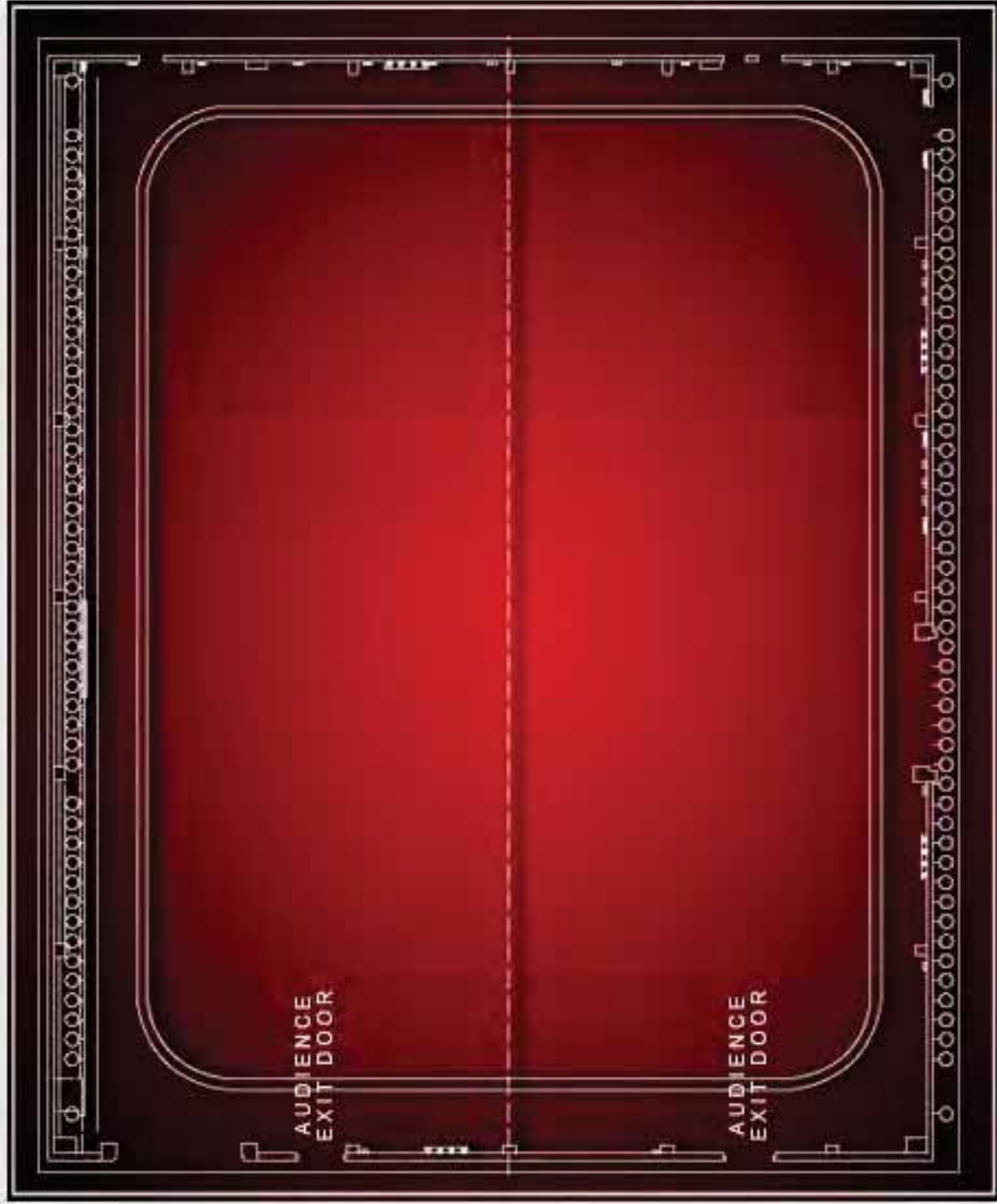
Audience Rated:
Yes

Bleacher Seating:
300 Plus

Power
Distribution:
3 600-AMP 3-
Phase Boxes

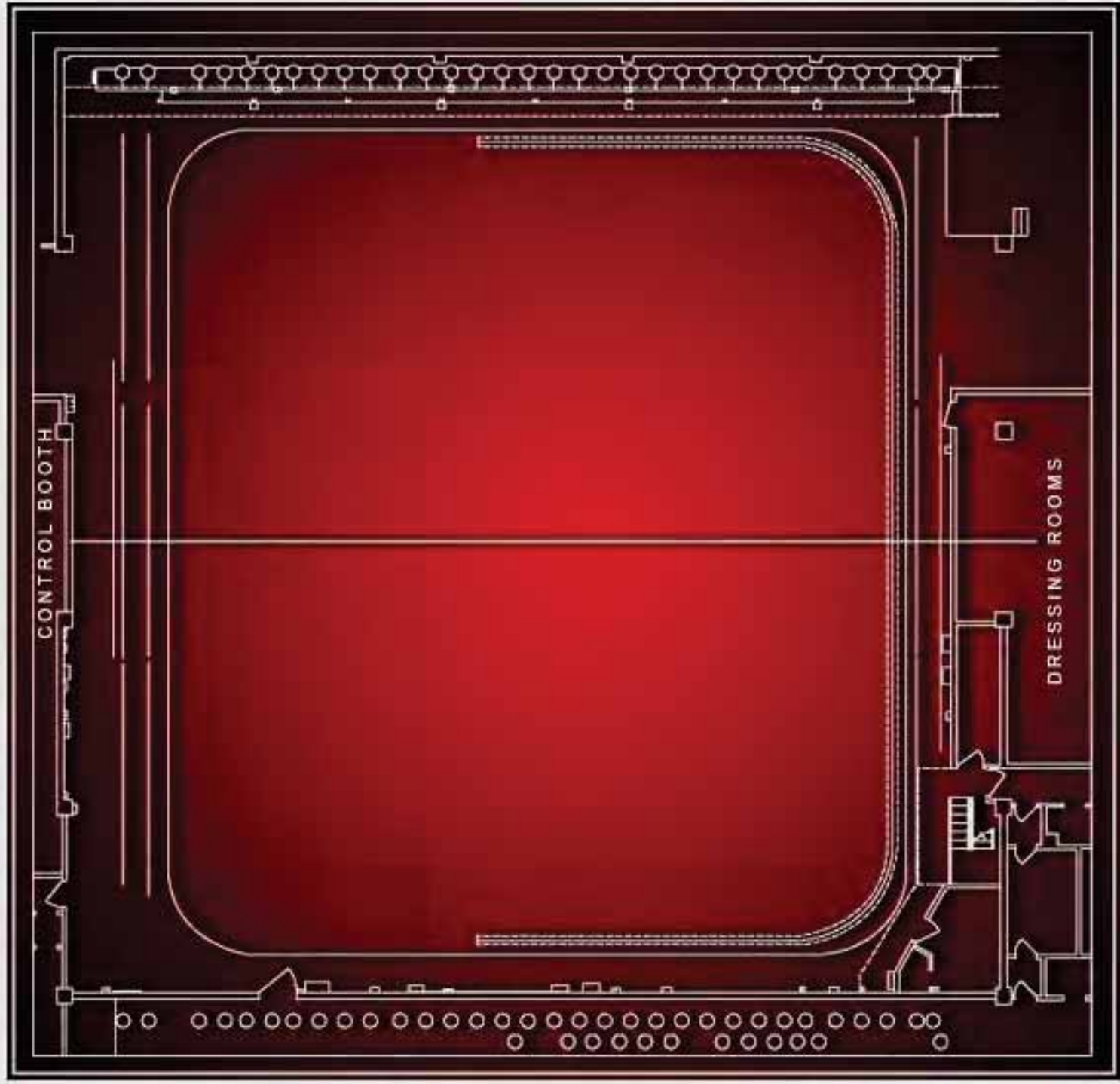
360° Cyc Track:
38'

Dimmers: 760



Stage Information

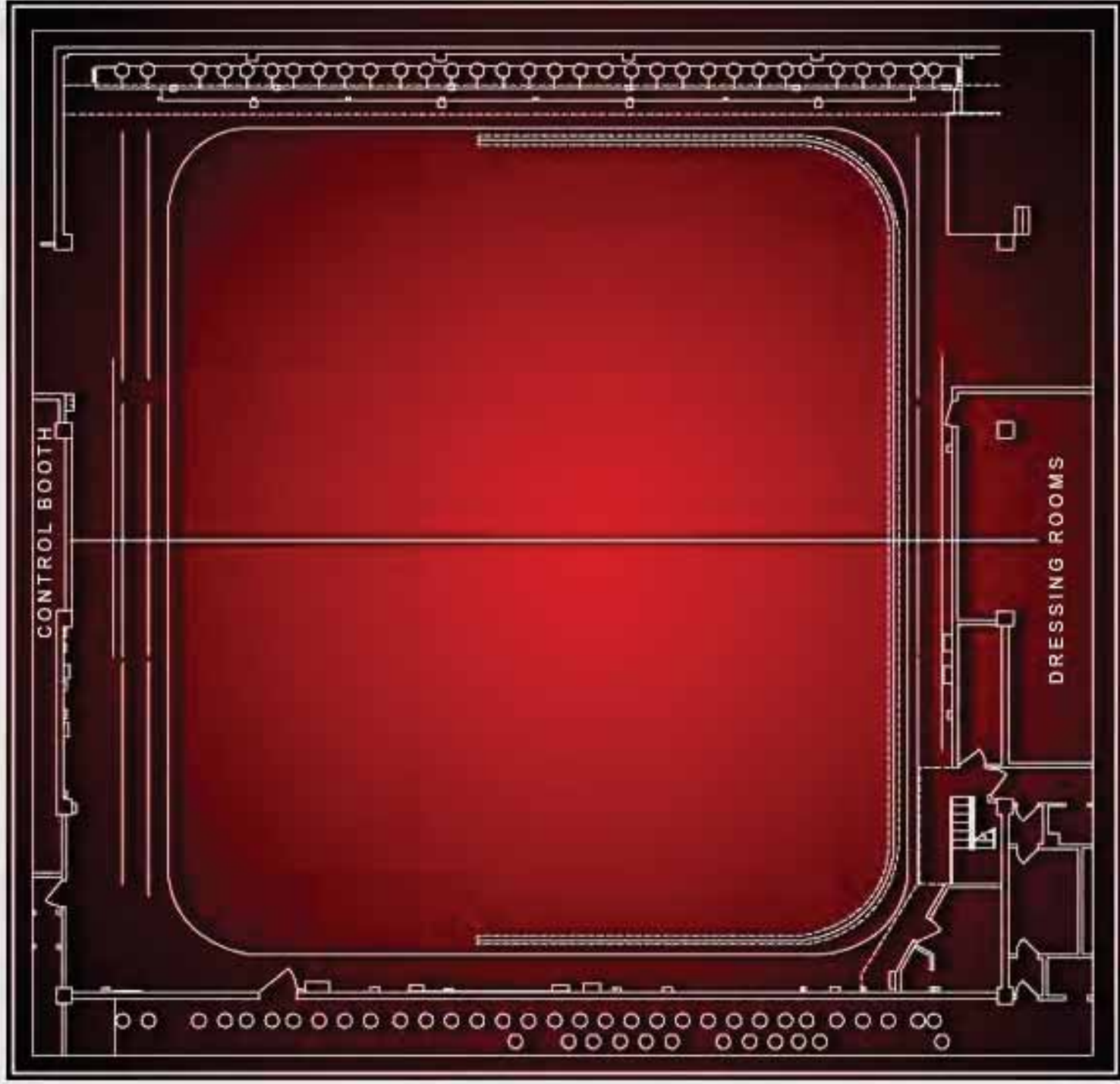
- Load-In Door Dimensions:
14' 10" H X
14' 4" W
- Dimensions:
110' X 108'-10"
- Square Feet:
11,972
- Height to the Grid:
30' to I-Beam
- Carpenter Sets:
11, 26'
- Electrical Pipes:
81, 26'
- Number of Dressing Rooms:
9
- Air Conditioning:
Yes
- Audience Rated:
Yes
- Bleacher Seating:
300



Printable
Floor Plan

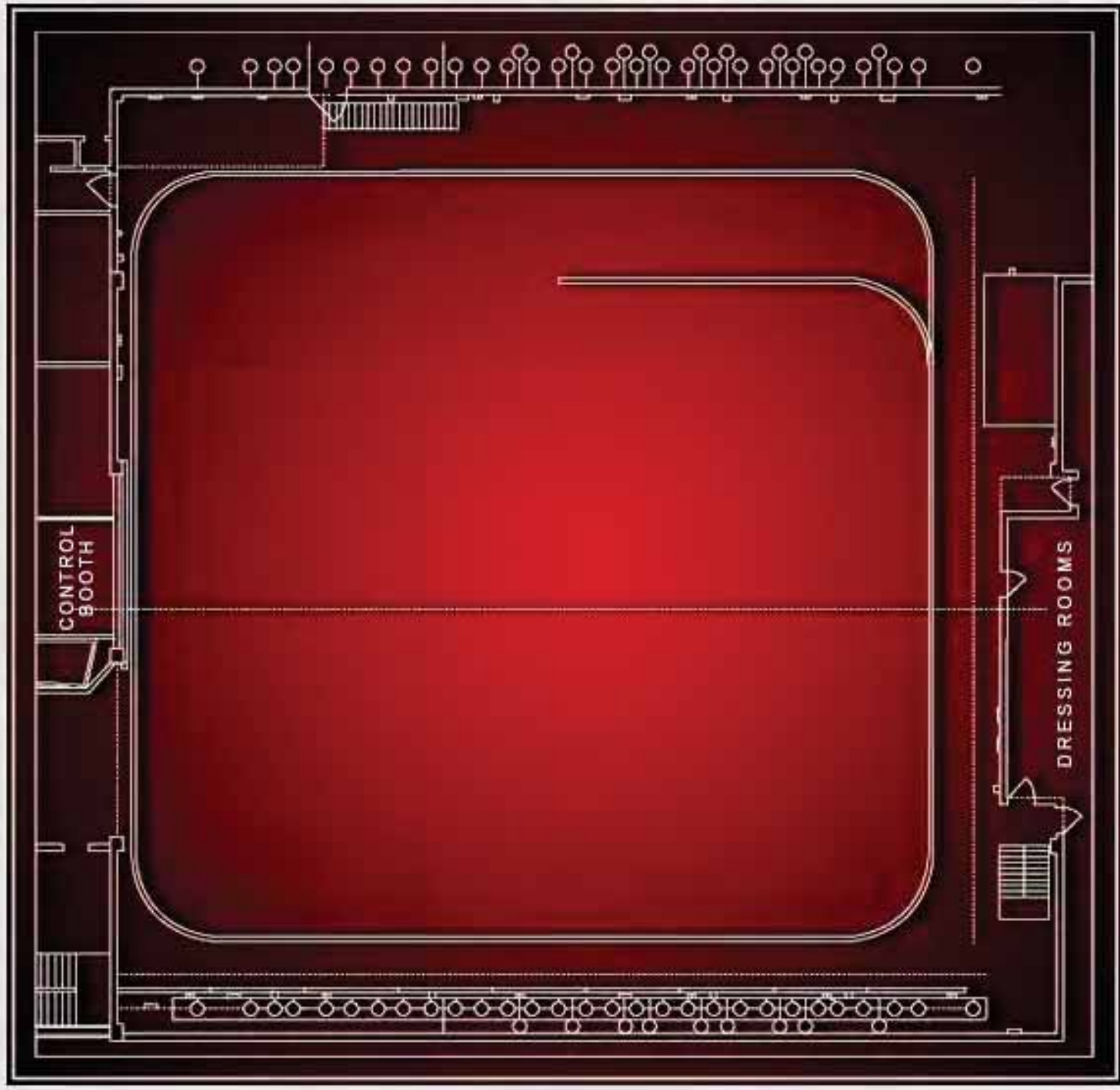
Stage Information

Carpenter Sets:	11, 26'
Electrical Pipes:	81, 26'
Number of Dressing Rooms:	9
Air Conditioning:	Yes
Audience Rated:	Yes
Bleacher Seating:	300
Power Distribution:	3 200-AMP Single-Phase Boxes
360° Cyc Track:	28'
Dimmers:	168
Patch Pins:	490



Stage Information

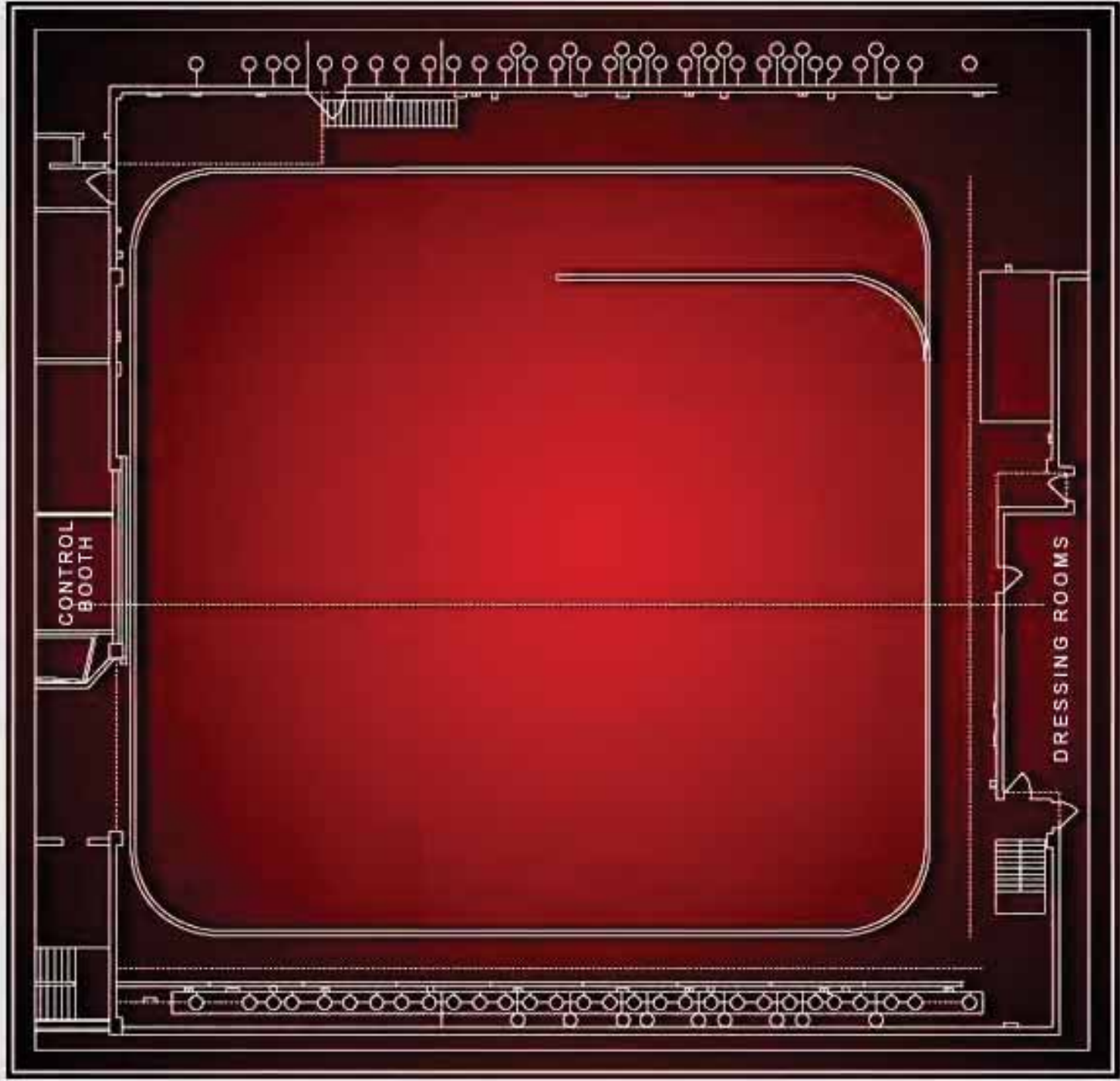
- Load-In Door Dimensions:
14' 10" H X
14' 4" W
- Dimensions:
110' X 108'-10"
- Square Feet:
11,972
- Height to the Grid:
30' to I-Beam
- Carpenter Sets:
11, 26'
- Electrical Pipes:
81, 26'
- Number of Dressing Rooms:
9
- Air Conditioning:
Yes
- Audience Rated:
Yes
- Bleacher Seating:
300



Printable
Floor Plan

Stage Information

- Carpenter Sets: 11, 26'
- Electrical Pipes: 81, 26'
- Number of Dressing Rooms: 9
- Air Conditioning: Yes
- Audience Rated: Yes
- Bleacher Seating: 300
- Power Distribution: 3 200-AMP Single-Phase Boxes
- 360° Cyc Track: 28'
- Dimmers: 168
- Patch Pins: 490



Stage Information

Load-In Door
Dimensions:

2 Doors,

16' H X 16' W -

18' H X 16' W

Dimensions:

111'-4" X 139'-8"

Square Feet

15,549

Height to the Grid:

42' to Catwalks

Carpenter Sets:

69

Electrical Pipes:

75 Electrical

Pipes, Pipe Travel

40'

Number of

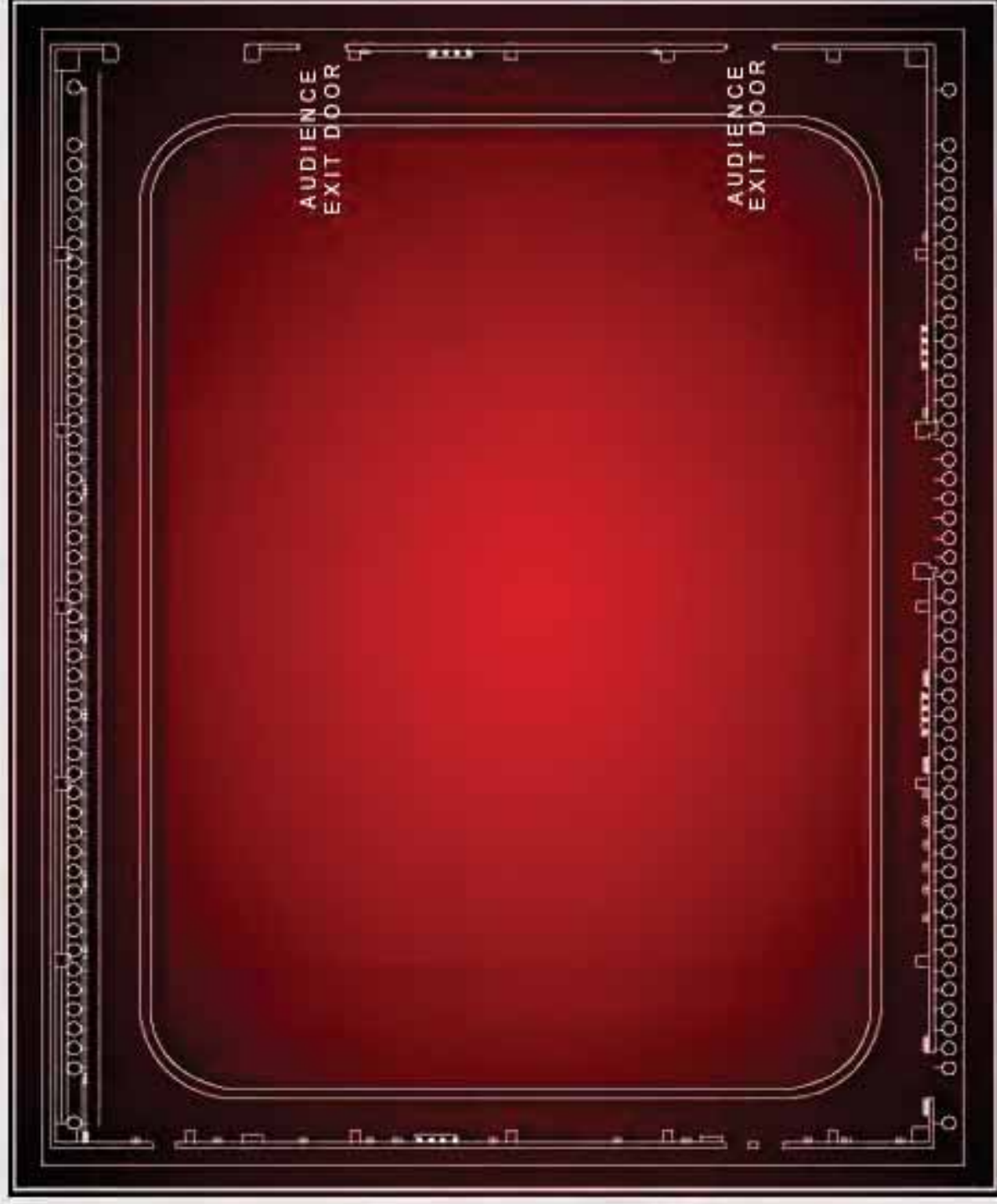
Dressing Rooms:

10

Green Room: 1

Rehearsal Hall: 1

Air Conditioning:



Stage Information

Pipes, Pipe Travel:
40'

Number of
Dressing Rooms:
10

Green Room: 1

Rehearsal Hall: 1

Air Conditioning:
Yes

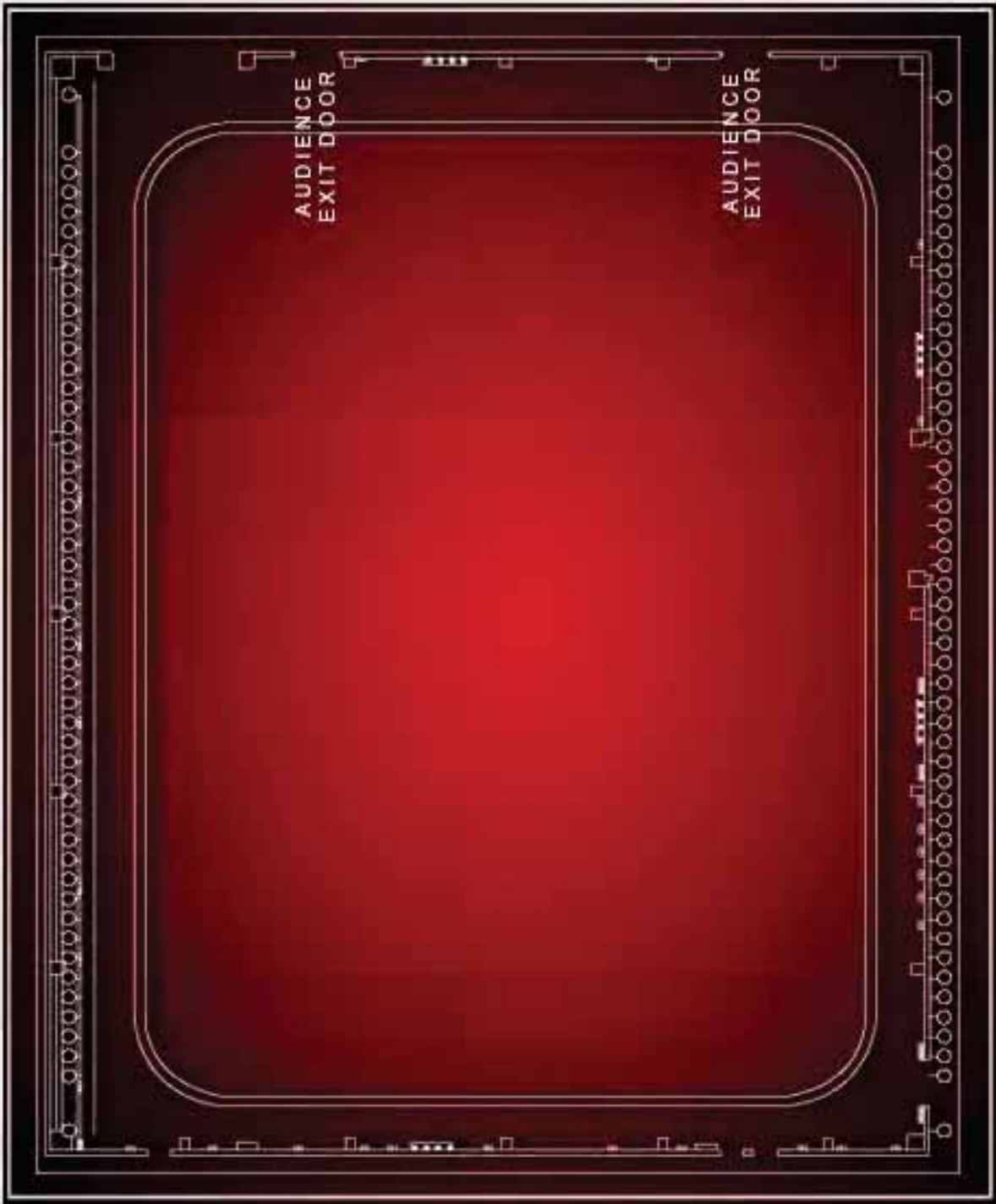
Audience Rated:
Yes

Bleacher Seating:
300 Plus

Power
Distribution:
3 600-AMP 3-
Phase Boxes, 12
10K Drops

360° Cyc Track:
38'

Dimmers: 760,
Dimmer Per
Outlet



Stage Information

Load-In Door

Dimensions:
12' W X 12' H

Dimensions:
89' X 67'

Square Feet:
5,963

Height to the Grid:
Clear Height 15'

Number of
Dressing Rooms:
6

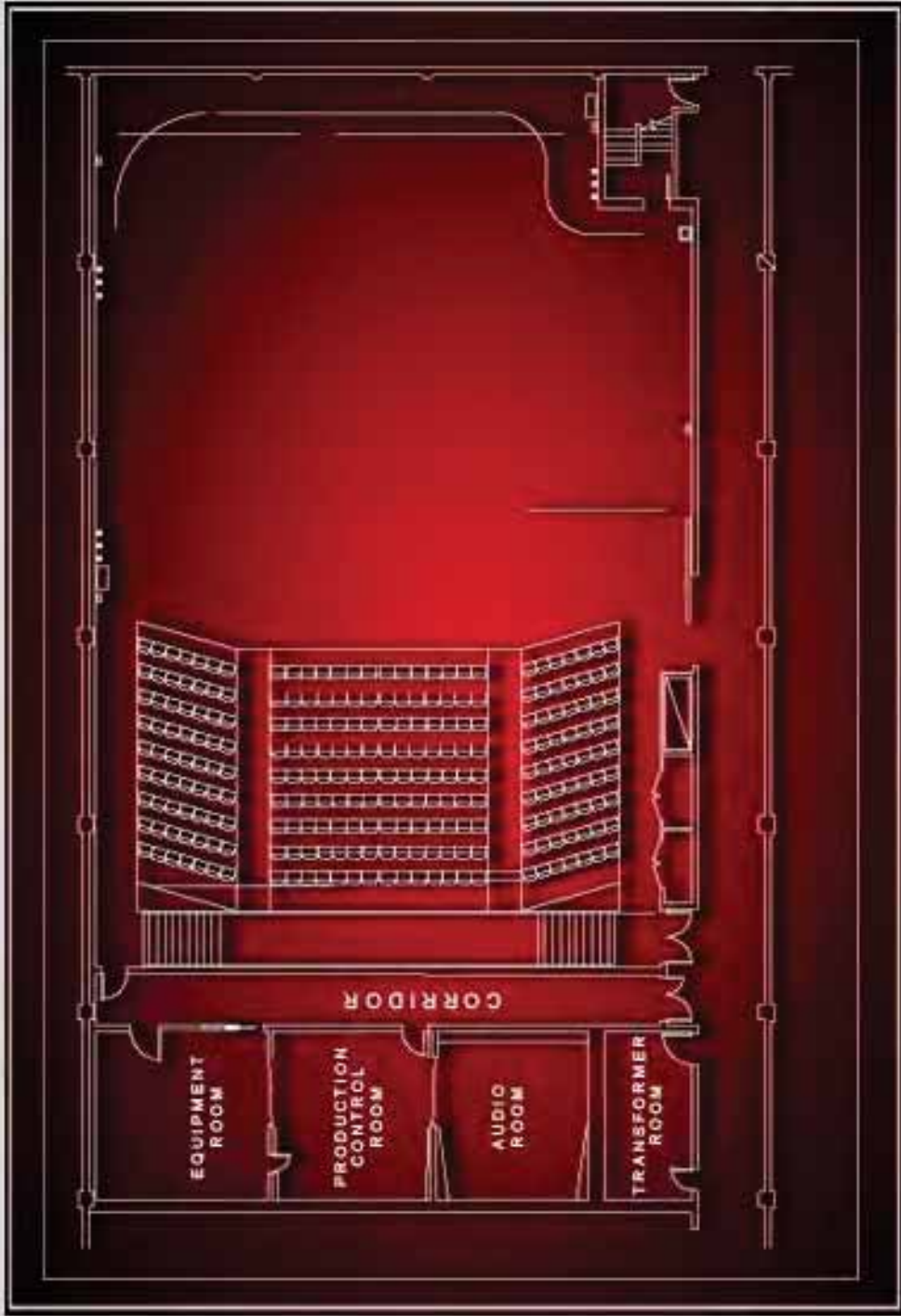
Green Room: 1

Air Conditioning:
Yes

Audience Rated:
Yes

Bleacher Seating:
260

Power
Distribution:
2 400-AMP 3-
Phase Rboxes



Stage Information

Square Feet:
5,963

Height to the Grid:
Clear Height 15'

Number of
Dressing Rooms:
6

Green Room: 1

Air Conditioning:
Yes

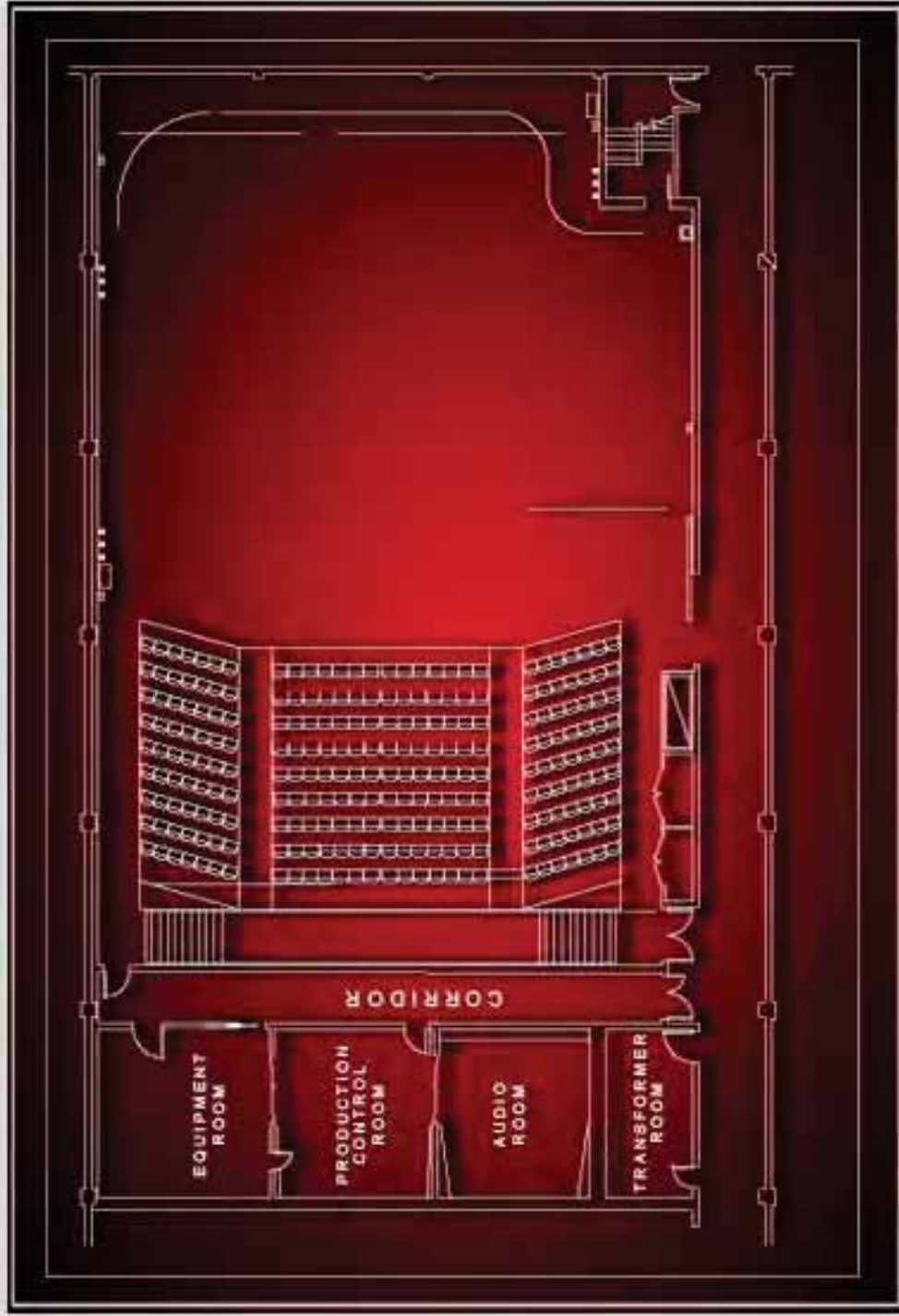
Audience Rated:
Yes

Bleacher Seating:
260

Power
Distribution:
2 400-AMP 3-
Phase Boxes

180° Cyc Track:
No

Dimmers: 240,
Dimmer Per
Outlet



Stage Information

Load-In Door

Dimensions:
12' W X 12' H

Dimensions:
52' X 39'

Square Feet:
3,419

Height to the Grid:
15'

Number of
Dressing Rooms:
4

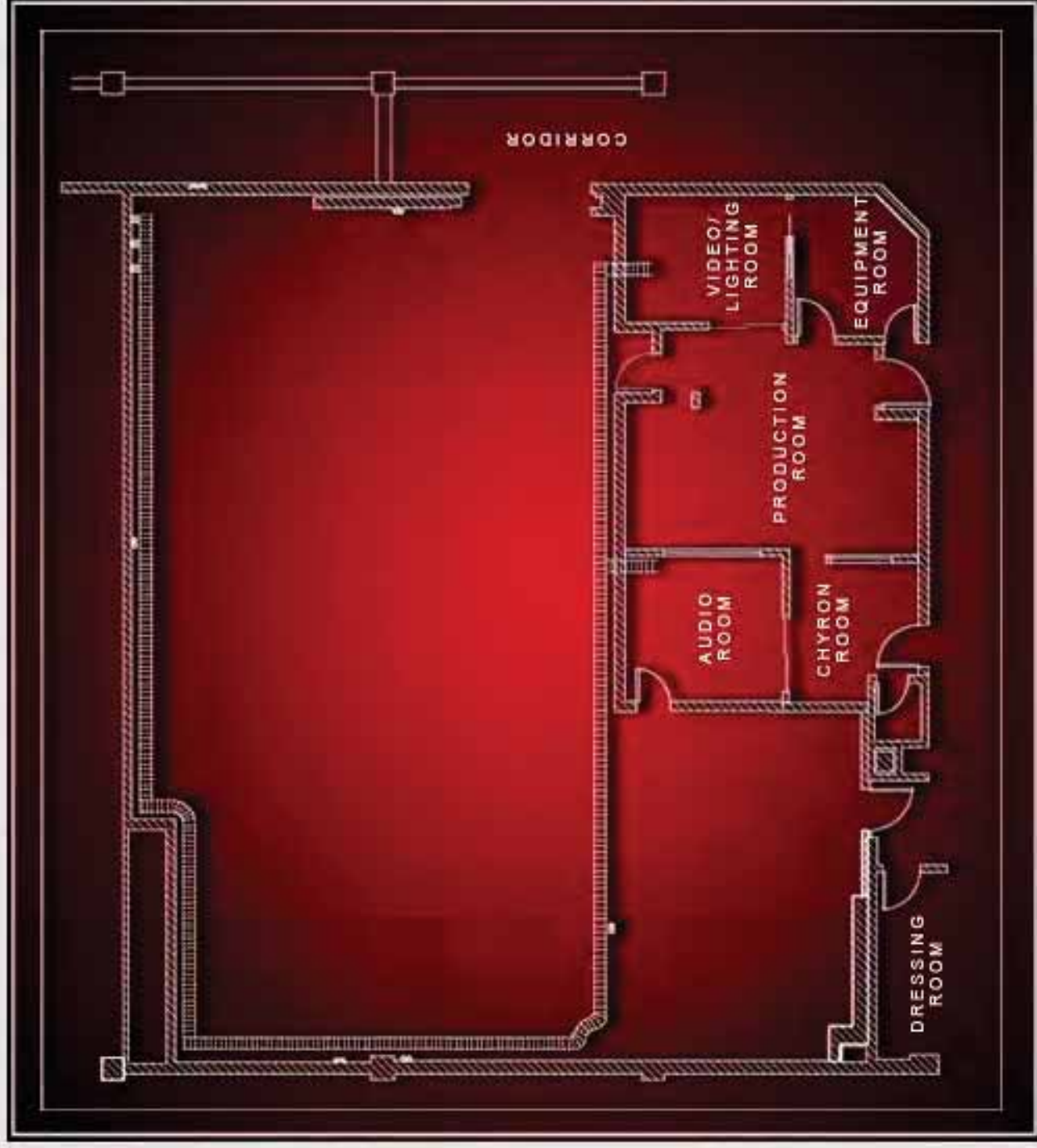
Air Conditioning:
Yes

Audience Rated:
Yes

Bleacher Seating:
100

Power
Distribution:
1 200-AMP 3-
Phase Boxes

180° Cvc. Track



Stage Information

52' X 39'

Square Feet:
3,419

Height to the Grid:
15'

Number of
Dressing Rooms:
4

Air Conditioning:
Yes

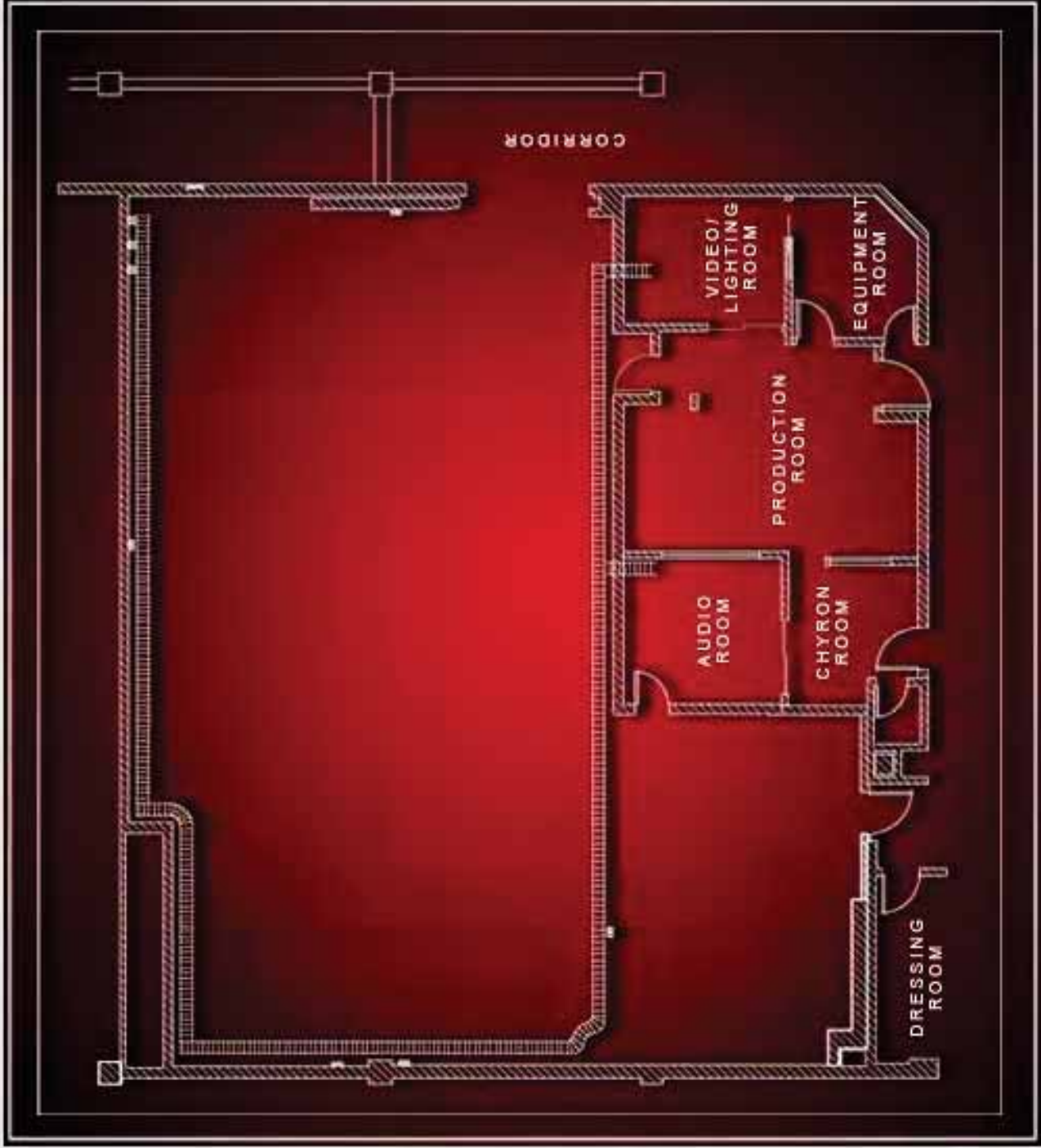
Audience Rated:
Yes

Bleacher Seating:
100

Power
Distribution:
1 200-AMP 3-
Phase Boxes

180° Cyc Track:
No

Dimmers: 156,
Dimmer Per
Outlet



TELEVISION CITY
STUDIOS

**SOUTH DRIVE
GATE**

GATE 3

**SOUTH DRIVE
GATE**

STOP-READ

THIS GATE MAY NOT BE USED BY EMPLOYEES,
AGENTS, VISITORS AND SUPPLIERS RELATING
TO THE PRODUCERS/PRODUCTIONS
LISTED BELOW

- CBS
- Real Time with Bill Maher
- The Late Late Show
with James Corden
- Hacks
- The Bold and The Beautiful
- The Young and the Restless

THEY MUST USE THE GENESEE GATE (GATE 1)

EMPLOYEES, AGENTS, VISITORS
AND SUPPLIERS OF TELEVISION CITY STUDIOS,
TELEVISION CITY SERVICES, LLC, AND UCLA
MUST USE THE FAIRFAX GATE (GATE 2)

ALL OTHERS MUST USE THE
SOUTH DRIVE GATE (GATE 3) UNLESS
OTHERWISE INSTRUCTED



WARNING:

Entering this area can expose you to
chemicals known to the State of California
to cause cancer and birth defects or other
reproductive harm, including carbon

EXHIBIT D

Betancourth Karen

Filtered Report: 09/09/19 03:21 - 09/15/19 03:20

03/18/20 13:29

Filtered

Validation Report: Total

Validation Stamp/Ticket	Quantity	Amount
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Betancourth Karen

Filtered Report: 09/09/19 03:21 - 09/15/19 03:20

03/18/20 13:29

Filtered

Validation Report: Total

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Total		